

# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The Courts  
Department of Agriculture  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Commission on Crime and Delinquency  
Environmental Quality Board  
Historical and Museum Commission  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Milk Marketing Board  
Office of General Counsel  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public School Employees' Retirement Board  
State Board of Nursing  
State Board of Vehicle Manufacturers, Dealers  
and Salespersons  
State Ethics Commission  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 315, February 2001**

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**PENNSYLVANIA**



**BULLETIN**

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# Contents

## THE COURTS

### LOCAL COURT RULES

#### Beaver County

Local rules of civil procedure; no. 10130 of 2001 . . . . . 780

#### Bradford County

Rules of criminal procedure no. 303 . . . . . 785

#### Clinton County

Rules of miscellaneous procedures and rules of civil procedure; no. 29 January term 1976 . . . . . 786

#### Northampton County

Administrative order 2001-1—alternative sentencing program for D.U.I. second offenders; misc. 7-2001 . . . . . 786

## EXECUTIVE AGENCIES

### DEPARTMENT OF AGRICULTURE

#### Notices

Repeal of quarantine . . . . . 825

### DEPARTMENT OF BANKING

#### Notices

Action on applications . . . . . 825

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices . . . . . 829

Coastal Zone Management Program . . . . . 886

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Contract awards . . . . . 914

State contracts information . . . . . 904

### DEPARTMENT OF HEALTH

#### Notices

Organ Donation Advisory Committee meeting . . . . . 887

Pennsylvania Cancer Control Prevention and Research Advisory Board . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

Preventive Health and Health Services Block Grant Advisory Committee meeting . . . . . 887

### COMMISSION ON CRIME AND DELINQUENCY

#### Proposed Rulemaking

Deputy Sheriffs' Education and Training Board . . . . . 788

### ENVIRONMENTAL QUALITY BOARD

#### Proposed Rulemaking

Household hazardous waste . . . . . 796

Radiological health . . . . . 792

### HISTORICAL AND MUSEUM COMMISSION

#### Notices

National Register nominations to be considered by the Historic Preservation Board . . . . . 893

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of filing of final rulemakings . . . . . 894

### INSURANCE DEPARTMENT

#### Notices

Amendments to Insurance Holding Companies Law; notice no. 2001-01 . . . . . 894

Amendments to Insurance Holding Companies Law (PPOs); notice no. 2001-02 . . . . . 895

Application for approval to acquire control of Reliant Insurance Company . . . . . 895

Dolores Roach; hearing . . . . . 895

Highmark Blue Cross Blue Shield filing; requesting approval to increase rates for COMPLETEcare Plan . . . . . 896

Progressive Northern Insurance Company; private passenger automobile rate revision . . . . . 896

Three Rivers Health Plans, Inc.; HCFA UB-92 claim form . . . . . 896

### LIQUOR CONTROL BOARD

#### Notices

Expiration of leases . . . . . 897

### MILK MARKETING BOARD

#### Notices

Hearing and presubmission schedule for all milk marketing areas . . . . . 897

### OFFICE OF GENERAL COUNSEL

#### Notices

Bond counsel invitation to qualify . . . . . 898

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Proposed Rulemaking

Natural gas emergency plans and emergency actions . . . . . 805

Rulemaking re generic competitive safeguards; doc. no. L-00990141 . . . . . 809

#### Notices

Pennsylvania Public Utilities Commission, Law Bureau Prosecuting Staff v. QUEST Telecommunications, Inc.; doc. no. C-00004124; A-310181 . . . . . 898

Railroad (3 documents) . . . . . 899

Service of notice of motor carrier . . . . . 899

Sewer service . . . . . 900

Telecommunications . . . . . 900

**Now Available Online at <http://www.pabulletin.com>**

**PHILADELPHIA REGIONAL PORT AUTHORITY**  
**Notices**  
Request for bids (2 documents) .....900, 901

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD**  
**Notices**  
Hearings scheduled ..... 901

**STATE BOARD OF NURSING**  
**Proposed Rulemaking**  
General revisions of the professional nursing provisions..... 809

**STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**  
**Proposed Rulemaking**  
Consignment sales ..... 822

**STATE ETHICS COMMISSION**  
**Notices**  
Public meeting ..... 901

**TURNPIKE COMMISSION**  
**Notices**  
Retention of engineering firm ..... 901

# 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.

**SUBSCRIPTION INFORMATION: (717) 766-0211  
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### **Printing Format**

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

### **Fiscal Notes**

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2001.

<b>4 Pa. Code (Administration)</b>		<b>Proposed Rules</b>	
<b>Statements of Policy</b>		19 .....	822
9 .....	11, 648	21 .....	809
<b>17 Pa. Code (Conservation and Natural Resources)</b>		<b>52 Pa. Code (Public Utilities)</b>	
44 .....	650	<b>Adopted Rules</b>	
<b>25 Pa. Code (Environmental Protection)</b>		64 .....	641
<b>Adopted Rules</b>		<b>Proposed Rules</b>	
86 .....	145	59 .....	805
250 .....	235	63 .....	809
287 .....	235	<b>210 Pa. Code (Appellate Procedure)</b>	
288 .....	235	<b>Adopted Rules</b>	
289 .....	235	3 .....	7
291 .....	235	25 .....	627
293 .....	235	<b>225 Pa. Code (Rules of Evidence)</b>	
295 .....	235	<b>Proposed Rulemaking</b>	
297 .....	235	Article I .....	405
299 .....	235	Article VII .....	406
1021 .....	438	Article VIII .....	406
<b>Proposed Rulemaking</b>		Article IX .....	407
221 .....	792	<b>231 Pa. Code (Rules of Civil Procedure)</b>	
227 .....	792	<b>Adopted Rules</b>	
228 .....	792	100 .....	137
261a .....	796	200 .....	410, 627
271 .....	796	1500 .....	629
272 .....	796	2120 .....	137
977 (correction) .....	158	2150 .....	137
<b>31 Pa. Code (Insurance)</b>		2170 .....	137
<b>Adopted Rules</b>		Part II .....	7
89 (correction) .....	145	<b>Proposed Rulemaking</b>	
<b>37 Pa. Code (Law)</b>		200 .....	411, 415
<b>Proposed Rulemaking</b>		1000 .....	411, 415
421 .....	788	3000 .....	416
<b>40 Pa. Code (Liquor)</b>		<b>237 Pa. Code (Juvenile Rules)</b>	
<b>Adopted Rules</b>		Unclassified .....	630
5 .....	430	<b>249 Pa. Code (Philadelphia Rules)</b>	
7 .....	430	Unclassified .....	534
9 .....	430	<b>252 Pa. Code (Allegheny County Rules)</b>	
11 .....	430	Unclassified .....	630
13 .....	430	<b>255 Pa. Code (Local Court Rules)</b>	
<b>49 Pa. Code (Professional and Vocational Standards)</b>		Unclassified .....	9, 139, 418, 423, 424, 534, 535, 536, 638, 639, 640, 780, 785, 786
<b>Adopted Rules</b>			
11 .....	147, 151		
40 .....	537		

# THE COURTS

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Rules of Civil Procedure; No. 10130 of 2001

##### Order

And Now, this 24th day of January, 2001, The Beaver County Local Rules of Civil Procedure are amended as follows;

1. L. R. No. 211 C, L. R. No. 212.1(B)(2), L. R. No. 229 A and 229 B are amended to read as hereinafter set forth.

2. New Rules L. R. 213, L. R. 213A, L. R. 213B, L. R. 223, L. R. 1308, L. R. 4011, L. R. 4017 and L. R. 4020 are promulgated to read as hereinafter set forth.

3. This Order and the amended and new rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall submit seven (7) certified copies of this Order and the attachments to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court and one (1) with the Prothonotary of Beaver County to be kept for public inspection and copying.

By the Court

ROBERT C. REED,  
*President Judge*

#### RULE L211C—Briefing Schedule.

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

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

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

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

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

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

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

**Note:** This provision is intended to constitute the Notice Required by Pa. R.C.P. No. 212.1(a).

B. (1) A civil action shall be certified for trial by filing with the Prothonotary of Beaver County a Certificate of Readiness for Trial. A copy of the Certificate of Readiness

for Trial shall likewise be transmitted by the moving party to the Court Administrator of Beaver County.

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

The notice of intent to certify for trial shall be given to counsel for all parties in all companion cases. Thereafter, the filing of a certificate of readiness for trial shall operate as the certification for trial of all companion cases unless exceptions thereto are filed pursuant to subdivision five (5) hereof.

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

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

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

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

#### L.R. 229A. Sanctions for Failure to Deliver Settlement Funds.

(A) As used in this rule, the following words shall have the following meaning:

"Released Party." A party released from a claim or claims of liability by a release executed pursuant to an agreement of settlement.

"Releasing Party." A party who, by execution of a release pursuant to an agreement of settlement, has agreed to forego a claim or claims of liability against a Released Party.

"Settlement Funds." Payment, by a Released Party in any form of monetary exchange, to a Releasing Party pursuant to an agreement of settlement.

(B) The provisions of this rule shall not apply to the annuity or future installment portion of a structured settlement agreement.

(C) The Releasing Party and Released Party may agree in writing to modify or waive any of the provisions of this rule.

(D) A Released Party shall have twenty (20) calendar days from receipt of an executed release or, if appropriate, an order of court approving settlement, within which to deliver the settlement funds to the Releasing Party or its counsel.

(E) If settlement funds are not delivered to the Releasing Party or its counsel within aforesaid twenty-day period, the Releasing Party may:



(1) invalidate the settlement; or

(2) present to the Court a Petition for Sanctions which shall include: (a) an affidavit attesting to nonpayment; (b) a copy of any document evidencing the terms of the settlement agreement; (c) a copy of the executed release; (d) a copy of a receipt reflecting delivery of the executed release more than twenty (20) days prior to the date of filing of the Petition; and (e) the form of Order specified in paragraph (G) below. The attorney shall certify to the Court the applicable interest rate specified in paragraph (F) below and shall certify that the Petition and its accompanying documents have been served on all interested counsel.

(F) Upon receipt of the Rule to Show Cause, the Petition and its supporting documentation required by paragraph (E)(2) above, the Released Party shall have twenty (20) days to file an Answer to the Rule and thereafter shall conduct discovery and appear for a hearing, if the Court deems it necessary. If the Court finds that the Released Party has violated this local rule and that there is no material dispute as to the terms of the settlement or the terms of the release, the Court shall impose sanctions in the form of simple interest at a rate equal to the coupon yield equivalent (as determined by the Secretary of the U.S. Department of Treasury) of the average accepted auction price for 52-week U.S. Treasury Bills at the auction last preceding the date on which the Petition was filed, running from the twenty-first day to the date of delivery of the settlement funds; reasonable attorneys' fees incurred in the preparation and presentation of the Petition and any subsequent action related thereto; and such other sanction as the Court deems necessary, including liquidated damages not in excess of 10% of the settlement funds.

(G) The Petition shall be accompanied by two Orders in substantially the following form:

*ORDER*

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a Rule is issued upon \_\_\_\_\_ to show cause why sanctions should not be imposed for failure to deliver settlement funds to \_\_\_\_\_ or \_\_\_\_\_ within twenty (20) days after receipt of an executed release. Rule returnable twenty (20) days hereafter, or \_\_\_\_\_, 20\_\_\_\_, by which time an Answer shall be filed. If necessary, a hearing or discovery on this matter will be held following the return of the Rule at a time or in a manner to be designated by the Court. Thereafter, an appropriate Order shall be entered.

BY THE COURT

\_\_\_\_\_ J.

*ORDER*

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the Petition for Sanctions and its attachments, the Answer thereto, and upon a finding that payment was not made to \_\_\_\_\_ or \_\_\_\_\_ within twenty days of receipt of the executed release in the above captioned action, and \_\_\_\_\_ conduct in failing to deliver the settlement funds is dilatory, obdurate and vexatious, it is hereby ORDERED and DECREED that in addition to the settlement funds of \$(\_\_\_\_), is

ordered to pay forthwith simple interest thereon at the rate of \_\_\_\_\_ from \_\_\_\_\_ to the date of delivery of the settlement funds, together with \$ \_\_\_\_\_ in attorneys' fees, and \$ \_\_\_\_\_ in liquidated damages, pursuant to Beaver County Local Rule 229A.

BY THE COURT

\_\_\_\_\_ J.

**L.R.229B. Sanctions For Failure to Pay an Award From an Arbitration or Dispute Resolution From Which No Appeal Has Been Taken.**

(A) As used in this rule, the following words shall have the following meaning:

"Award." The finding of a Board of Arbitration, an arbitrator(s), or a dispute resolution proceeding which compels payment, in any form of monetary exchange, to a prevailing party from a non-prevailing party.

(B) The provisions of this rule shall not apply to the annuity or future installment portion of a structured settlement award.

(C) The Prevailing Party and Non-prevailing Party may agree in writing to modify or waive any of the provisions of this rule.

(D) A Non-prevailing Party shall have thirty-five (35) calendar days from receipt of an award within which to deliver the award to the prevailing Party or its counsel.

(E) If awarded funds are not delivered to the Prevailing Party or its counsel within aforesaid thirty-five day period, the Prevailing Party may present to the Court a Petition for Sanctions which shall include: (a) an affidavit attesting to nonpayment; (b) a copy of any document evidencing the procedural history of the matter; (c) a copy of the award; (d) a copy of a receipt reflecting delivery of the award more than thirty-five (35) days prior to the date of filing of the Petition; and (e) the form of Order specified in paragraph (G) below. The attorney shall certify to the Court the applicable interest rate specified in paragraph (F) below and shall certify that the Petition and its accompanying documents have been served on all interested counsel.

(F) Upon receipt of the Rule to Show Cause, the Petition and its supporting documentation required by paragraph (E) above, the Non-prevailing Party shall have twenty (20) days to file an Answer to the Rule and thereafter shall conduct discovery and appear for a hearing, if the Court deems necessary. If the Court finds that the Non-prevailing Party has violated this local rule and that there is no material dispute as to the terms of the award, the Court shall impose sanctions in the form of simple interest at a rate equal to the coupon yield equivalent (as determined by the Secretary of the U.S. Department of Treasury) of the average accepted auction price for 52-week U.S. Treasury Bills at the auction last preceding the date on which the Petition was filed, running from the thirty-fifth day to the date of delivery of the award; reasonable attorneys' fees incurred in the preparation and presentation of the Petition and any subsequent action related thereto; and such other sanction as the Court deems necessary, including liquidated damages not in excess of 10% of the award.

(G) The Petition shall be accompanied by two Orders in substantially the following form:

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, a Rule is issued upon \_\_\_\_\_ to show cause why sanctions should not be imposed for failure to deliver awarded funds to \_\_\_\_\_ or \_\_\_\_\_ within thirty-five (35) days after receipt of an award. Rule returnable twenty (20) days hereafter, or \_\_\_\_\_, 20 \_\_\_\_, by which time an Answer shall be filed. If necessary, a hearing or discovery on this matter will be held following the return of the Rule at a time or in a manner to be designated by the Court. Thereafter, an appropriate Order shall be entered.

BY THE COURT

J.

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, upon consideration of the Petition for Sanctions and its attachments, the Answer thereto, and upon a finding that payment was not made to \_\_\_\_\_ or \_\_\_\_\_ within thirty-five days of receipt of the award in the above captioned action, and \_\_\_\_\_ conduct in failing to deliver the awarded funds is dilatory, obdurate and vexatious, it is hereby ORDERED and DECREED that in addition to the award of \$(\_\_\_\_\_), \_\_\_\_\_ is ordered to pay forthwith simple interest thereon at the rate of \_\_\_\_\_ on \$(\_\_\_\_\_) from \_\_\_\_\_ to the date of delivery of the awarded funds, together with \$(\_\_\_\_\_) in attorneys' fees, and \$ \_\_\_\_\_ in liquidated damages, pursuant to Beaver County Local Rule 229B.

BY THE COURT

J.

**L.R. 213. Joinder of Cases.**

All Orders which join separately filed actions shall specify whether the joinder is intended to provide for a joint trial or hearing, or is intended to consolidate the actions for all purposes. The Order shall further specify the caption(s) and court number(s) to be utilized thereafter.

**L.R. 213A. Motion for Joint Hearing or Trial.**

All Motions for a Joint Hearing or Trial shall contain a Proposed Order of Court in substantially the following form:

(Caption)

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, upon consideration of the foregoing Motion for Joint Hearing or Trial, it is hereby ORDERED and DECREED that a joint hearing or trial shall be held in the cases of \_\_\_\_\_, \_\_\_\_\_ filed at No. \_\_\_\_\_, and \_\_\_\_\_, filed at No. \_\_\_\_\_. Each case shall maintain its separate caption and case number. The Prothonotary shall docket this Order at both case numbers and shall place a duplicate copy of same in the file at No. \_\_\_\_\_. All future filings shall be docketed and maintained separately at the case number they relate to.

BY THE COURT

J.

**L.R. 213B. Motion For Consolidation.**

All Motions to Consolidate shall contain a Proposed Order of Court in substantially the following form:

(Caption)

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, upon consideration of the foregoing Motion to Consolidate, it is hereby ORDERED and DECREED that the cases of \_\_\_\_\_ at No. \_\_\_\_\_, and \_\_\_\_\_ at No. \_\_\_\_\_, shall be consolidated for all purposes at No. \_\_\_\_\_. The Prothonotary shall transfer all previous filings at No. \_\_\_\_\_ to the consolidated case number at No. \_\_\_\_\_. All future filings shall be captioned and docketed as follows:

vs.

and

No. \_\_\_\_\_

vs.

BY THE COURT

J.

**Note:** Rules L.213, L.213A and L.213B are intended to clarify for the parties, Court, Prothonotary and Appellate Courts, the intended effect of a joinder and whether the cases are to have a separate or consolidated identity as discussed by the Pennsylvania Superior Court in *Keefe v. Keefe*, 741 A.2d 808 (Pa. Super. 1999).

**L.R. 223. Custody and Storage of Trial Exhibits.**

A. All non-documentary exhibits and documentary exhibits larger than 8.5 x 11 inches shall remain in the custody of the moving party and shall be removed from the courthouse at the conclusion of the trial. Such exhibits shall be produced upon order of the trial judge to do so.

B. Any party desiring to utilize a magnified copy of a document or photograph or image at trial shall first submit the original or a copy thereof to be marked as an exhibit for receipt into evidence.

**Note:** The purpose of this rule is to eliminate problems encountered by the court stenographers relating to custody and storage of large exhibits. The rule is not intended to limit the exhibits which are either shown to the jury or sent out with the jury during deliberation.

**L.R. 1308. Discovery.**

Discovery in cases subject to these rules shall be governed by L.R. 4011.

**L.R. 4011. Limitation of Scope of Discovery and Deposition.**

In order to avoid unreasonable annoyance or expense, all requests for discovery or depositions in cases governed by Rule L1301A et seq. (relating to compulsory arbitration) shall be limited in scope to the standard interrogatories, attached hereto as Form A and Form B, unless leave of court to seek additional discovery is first secured for cause shown.

FORM A
IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL ACTION

Plaintiff,
vs.
Defendant.

PLAINTIFF'S ARBITRATION DISCOVERY

REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to

Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party in this lawsuit.

IDENTITY OF DEFENDANT(S)

1. Set forth your full name and address.

INSURANCE

2. (a) Is there any insurance agreement that may provide coverage to you for this incident? Yes No

(b) If so, list the name of each company and the amount of protection that may be available.

WITNESSES

3. List the names, present addresses and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

4. (a) Do you have any written or oral statements from any witnesses, including the defendant? Yes No

(b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witnesses from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement made by a party to that party's attorney.)

I have have not fully complied with request 4(b).

(c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial? Yes No

(d) If you answered yes, attach each of these documents. I have have not fully complied with request 4(d).

MEDICAL DOCUMENTS

5. (a) Do you have any medical documents relating to the plaintiff? Yes No

(b) If you answered yes, attach each of these documents. I have have not fully complied with request 5(b).

CRIMINAL CHARGES

6. (a) Were any felony or misdemeanor criminal charges filed against you or any of your agents as a result of the incident that is the subject of this lawsuit? Yes No

(b) If you answered yes, list each felony or misdemeanor charge that is pending and each felony or misdemeanor conviction.

(c) Were you ever convicted of a crime that involved dishonesty or false statement, whether by verdict, or by plea of guilty or nolo contendere? Yes No

(d) If you answered yes, list the charge you were convicted of, the court where the conviction was entered and the date of the conviction.

Defendant verifies the statements made herein are true and correct. Defendant understands that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsifications to authorities.

Date: Defendant

FORM B
IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL ACTION

Plaintiff,
vs.
Defendant.

DEFENDANT'S ARBITRATION DISCOVERY

REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to

Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party in this lawsuit.

IDENTITY OF PLAINTIFF(S)

1. Set forth your full name and address.

WITNESSES

2. List the names, present addresses and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

3. (a) Do you have any written or oral statements from any witnesses, including the defendant? Yes No

(b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witnesses from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement made by a party to that party's attorney.)

I have have not fully complied with request 3(b).

(c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial? Yes \_\_\_\_\_ No \_\_\_\_\_.

(d) If you answered yes, attach each of these documents. I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 3(c).

#### MEDICAL INFORMATION CONCERNING PERSONAL INJURY CLAIM

4. (a) Have you received any inpatient or outpatient treatment from any hospital for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, list the names of the hospitals, the names and addresses of the attending physicians, and the dates of hospitalization.

(c) Have you received any chiropractic treatment for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_

(d) If you answered yes, list the name and address of each chiropractor and the dates of treatment.

(e) Have you received any other medical treatment not covered by the previous interrogatories for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_

(f) If you answered yes, list the names and addresses of each physician or other treatment provider and the dates of treatment.

(g) Attach complete hospital and office records covering the injuries or other medical conditions for which you seek damages for each hospital, chiropractor, and other medical provider identified in response to interrogatories 4(b), 4(d) and 4(f) or authorizations for these records.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 4(g).

#### OTHER MEDICAL INFORMATION

5. (a) List the name and address of your family physician for the period from five (5) years prior to the incident to the present date.

(b) Have you received inpatient or outpatient treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital or medical office within the period from five (5) years prior to the incident to the present date? Yes \_\_\_\_\_ No \_\_\_\_\_

(c) If you answered yes, attach a separate sheet which lists the name and address of the hospital or medical office, the date of each treatment, the reasons for the treatment, and the length of the hospitalization.

(d) Have you received chiropractic treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital within the period from five (5) years prior to the incident to the present date? Yes \_\_\_\_\_ No \_\_\_\_\_

(e) If you answered yes, attach a separate sheet which lists the chiropractor's name and address, the dates of the treatment, and the reasons for the treatment.

(f) Have you received any other medical treatment for injuries or physical problems that are not part of your claim in this lawsuit within the period from five (5) years prior to the incident to the present date? Yes \_\_\_\_\_ No \_\_\_\_\_

(g) If you answered yes, attach a separate sheet which lists the name and address of the medical treatment provider, the dates of the treatment, and the reasons for the treatment.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with requests 5(c), 5(e) and 5(g).

#### WORK LOSS

6. (a) Have you sustained any injuries which resulted in work loss within the period from five (5) years prior to the incident to the present date?

(b) If you answered yes, for each injury list the date of the injury, the nature of the injury, and the dates of the lost work.

7. If a claim is being made for lost income, state the following information:

(a) the name and address of your employer at the time of the incident;

(b) the name and address of your immediate supervisor at the time of the incident;

(c) your rate of pay;

(d) the dates of work loss due to the injuries from this alleged accident; and

(e) the total amount of your work loss claim.

#### OTHER BENEFITS

8. (a) If you are raising a claim for medical benefits or lost income, have you received or are you eligible to receive benefits from Workers' Compensation or any program, group contract, or other arrangement for payment of benefits as defined by Title 75 P. S. § 1719(b)? Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, set forth the type and amount of these benefits.

#### INSURANCE INFORMATION

9. (a) Are you subject to the "Limited Tort Option" or "Full Tort Option" as defined in Title 75 P. S. § 1705 (a) and (b)?

\_\_\_\_\_ Limited Tort Option (no claim is made for nonmonetary damages)

\_\_\_\_\_ Limited Tort Option (claim is made for nonmonetary damages because the injuries fall within the definition of serious injury or because one of the exceptions set forth in 75 P. S. § 1705(d)(1)-(3) applies).

\_\_\_\_\_ Full Tort Option

(b) (Applicable only if you checked "Full Tort Option".) Describe each vehicle (make, model and year) in your household.

(c) (Applicable only if you checked "Full Tort Option".) Attach a copy of the Declaration Sheet for the automobile insurance policy covering each automobile in your household.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 9(c).

Plaintiff verifies the statements made herein are true and correct. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsifications to authorities.

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

Plaintiff

#### L.R. 4017.1. Use of Videotape Depositions at Trial.

The trial judge may refuse permission to use a videotape deposition at trial if either the audio or video portions of the tape are of poor quality. Prior to offering a videotape deposition of a witness at trial, counsel for the proponent of the deposition shall file a certification that he or she has reviewed the videotape and that both the

audio and the video portions thereof are of good quality. Failure to comply with this rule may result in the refusal of permission to use the videotape at the time of trial.

Material to which objection has been sustained shall be excluded at trial by "fast forward" by the video machine operator so as to eliminate both the image and the sound of the objectionable material. A copy of the stenographic transcript of the deposition shall be delivered to the court stenographer with redacted portions, if any, clearly marked, before the close of the parties' case in which the deposition was utilized.

**Note:** The videotape should be marked as an exhibit and physical custody thereof remain with counsel for the proponent subject to surrender to the court upon order to do so pursuant to L.R. 223.

**L.R. 4020. Use of Depositions at Trial.**

Objections made during the taking of depositions or intended to be made at trial pursuant to Pa. R.C. P. No.

4020(c) shall be submitted to the court for ruling thereon prior to the first day of the trial term.

The proponent of the deposition shall petition the court to assign the case to a judge of the court for trial for the purpose of review and ruling on all objections.

**Note:** This rule is designed to make more efficient use of juror time by avoiding the need to preview depositions while venire persons are present and waiting to be selected. However, the rule is not intended to prevent the judge to whom the case is assigned for trial to elect to preview depositions immediately prior to jury selection or to elect to rule on objections as the testimony is being presented to the jury.

[Pa.B. Doc. No. 01-213. Filed for public inspection February 9, 2001, 9:00 a.m.]

**BRADFORD COUNTY  
Rule of Criminal Procedure No. 303**

**Order**

*And Now*, this 23rd day of January, 2001, the Court hereby adopts the following Bradford County Rule of Criminal Procedure, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Criminal Procedural Rules Committee and one (1) copy to the *Bradford County Law Journal* for publication in the next issue of the *Bradford County Law Journal*.

It is further ordered that this local rule shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

*By the Court*

JEFFREY A. SMITH,  
*President Judge*

**Rule 303. Arraignment**

(A) Arraignment for each court case shall be scheduled by the issuing authority at the time the defendant is bound over for court. Scheduling shall conform to the common pleas court calendar prepared annually by the Court Administrator. The issuing authority shall provide the defendant with (1) a completed copy of the written notice of arraignment and (2) a copy of the approved waiver form set forth in subsection (C) of this rule.

Waivers of arraignment must be submitted to the Clerk of Courts not later than the date and time arraignment is scheduled.

(B) Unless arraignment is waived in conformity with Rule 303(c) of the Pennsylvania Rules of Criminal Procedure, the defendant and counsel, if any, shall appear for arraignment.

(C) A waiver of arraignment in the following form shall be accepted by the Clerk of Courts:

COMMONWEALTH OF PENNSYLVANIA	:	IN THE COURT OF COMMON PLEAS
VS.	:	OF BRADFORD COUNTY, PENNSYLVANIA
	:	NO.

**WAIVER OF ARRAIGNMENT AND APPEARANCE OF COUNSEL**

**PART I**

(ACKNOWLEDGMENT OF DEFENDANT)

I, \_\_\_\_\_, hereby acknowledge the following:  
(Defendant's name)

- (1) I understand the nature of the charges against me;
- (2) I understand that I have the right to be represented by an attorney;
- (3) I understand that I have the right to file motions, which includes the right to file the following: (i) a Request for a Bill of Particulars, which may be filed within seven (7) days following the date arraignment is scheduled; (ii) a Motion for Pretrial Discovery and Inspection, which may be filed within fourteen (14) days following the date arraignment is scheduled; (iii) an Omnibus Pretrial Motion, which may be filed within thirty (30) days following the date arraignment is scheduled.

(4) I waive my right to appear for arraignment.

I hereby enter a plea of NOT GUILTY to any and all charges in this case.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's signature

**PART II**

(ACKNOWLEDGMENT OF COUNSEL AND ENTRY OF APPEARANCE)

I hereby acknowledge the following:

- (1) The defendant understands the nature of the charges;
- (2) The defendant understands the rights and requirements of Rule 303(B) of the Pennsylvania Rules of Criminal Procedure;
- (3) The defendant waives his right to appear for arraignment.

I hereby enter my appearance for the defendant.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Supreme Court ID #

[Pa.B. Doc. No. 01-214. Filed for public inspection February 9, 2001, 9:00 a.m.]

**CLINTON COUNTY**

**Rules of Miscellaneous Procedures and Rules of Civil Procedure; No. 29 January Term 1976**

**Order**

Now, January 25, 2001, *It Is Hereby Ordered* that the Local Rules of Court of Clinton County, Pennsylvania be amended as follows:

1. New Rule: **Clinton. R.M.P. 103. Form of Papers.**

(a) No paper or other document may be filed in the Court of Common Pleas on any paper other than paper approximately 8-1/2" x 11" in size. Any paper or other document filed in the Court of Common Pleas of Clinton County shall be sufficient as to format and other physical characteristics if it substantially complies with the following requirements:

1. Prepared on white paper (except for covers, dividers and similar sheets) of good quality with typed or printed matter 6-1/2" x 9-1/2".

2. The first sheet (except for the cover of paper books) shall contain a 3" space from the top of the paper for all court samplings, filing notices, etc.

3. Lettering shall be clearly legible and shall not be smaller than typewriting pica with line spacing (except for quotations) not closer than typewriting double spacing.

4. The lettering shall be only on one side of a page, except that exhibits and similar supporting documents and paper books may be lettered on both sides of the page.

5. No backers shall be filed with the original document.

6. Only one staple shall be placed in the upper left-hand corner of the original filing.

7. Black ink shall be used for all hand written information, signatures, etc. and typewritten information shall also be in black ink.

(b) *Non-Conforming Papers.* The Prothonotary may reject any non-conforming papers or documents except those documents filed pro se which shall be immediately accepted for filing and forwarded to the assigned judge for action.

2. New Rule: **Clinton R.C.P. 4002.1. Filing Discovery Marterial.**

(a) The Prothonotary shall not accept discovery material for filing unless relevant to a motion or other pre-trial proceeding, ordered by the Court, or required by statute. Depositions taken for use at trial are not within the scope of this rule.

(b) The Court shall impose appropriate sanctions on counsel upon being made aware that discovery material has been filed in violation of this rule.

*It Is Further Ordered* that the Prothonotary forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts; two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy to the Civil Procedure Rules Committee.

These amendments shall take effect on March 1, 2001, or thirty (30) days after the date of publication in the *Pennsylvania Bulletin*, whichever shall occur last.

*By the Court*

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

[Pa.B. Doc. No. 01-215. Filed for public inspection February 9, 2001, 9:00 a.m.]

**NORTHAMPTON COUNTY**

**Administrative Order 2001-1—Alternative Sentencing Program for D.U.I. Second Offenders; Misc. 7-2001**

**Order of Court**

*And Now* this 19<sup>th</sup> day of January, 2001, it is hereby Ordered:

1. The D.U.I. Program Director for Northampton County shall contact all defendants charged with D.U.I. as a second offense, as defined in 75 Pa.C.S.A. 3731(e)(l)(ii), within ten days of the filing of the criminal

complaint to provide information about the availability of the Alternative Sentencing Program for Second Offenders.

2. Application for admission to the Alternative Sentencing Program for Second Offenders shall be filed with the D.U.I. Program Director no later than thirty days after the preliminary hearing is held or after a waiver of the preliminary hearing.

3. Upon receipt of an application, the D.U.I. Program Director shall review the case. The D.U.I. Program Director shall list those cases which qualify for the hearing before the Court.

4. The hearing before the Court shall be scheduled at 1:15 P.M. on regularly scheduled summary appeal/A.R.D. days on the court calendar.

5. The Judge assigned to the Summary Appeals/A.R.D. list shall be authorized to accept the guilty plea and sentence the defendant even if the file contains an order assigning the case to another judge for guilty plea.

6. Administrative Order 1995-1 is hereby vacated.

7. The effective date of this order is March 1, 2001.

*By the Court*

ROBERT A. FREEDBERG,  
*President Judge*

[Pa.B. Doc. No. 01-216. Filed for public inspection February 9, 2001, 9:00 a.m.]

\_\_\_\_\_

# PROPOSED RULEMAKING

## COMMISSION ON CRIME AND DELINQUENCY

[37 PA. CODE CH. 421]

### Deputy Sheriff's Education and Training Board

The Commission on Crime and Delinquency (Commission) and its Deputy Sheriffs' Education and Training Board (Board) are publishing this proposed rulemaking that would amend Chapter 421 (relating to Deputy Sheriffs' Education and Training Board). The proposal is made under the authority of sections 5—7 of the Deputy Sheriffs' Education and Training Act (act) (71 P. S. §§ 2105—2107). The most significant aspect of the proposal is an expansion of the curriculum of basic training that a deputy sheriff is required to undergo within 1 year of the deputy's hiring. The proposed regulation is set forth in Annex A.

#### A. Effective Date

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

#### B. Statutory Authority

The regulations are proposed under the authority of sections 5 and 6 of the act.

#### C. Background and Purpose

Legislation enacted in 1984 established the Board as an advisory board to the Commission. See section 3(a) of the act (71 P. S. § 2103(a)). Among other things, the act directed that a deputy sheriff may not receive compensation for the performance of duties as a deputy sheriff unless the officer is certified by the Board as having completed an initial basic training course of up to 160 hours and biennial continuing education of up to 20 hours. See section 7 of the act. During its 16-year history, the Board has trained and certified approximately 3,000 deputy sheriffs.

Deputy sheriffs perform a variety of duties, the extent of which varies among the 67 counties. These duties include serving complaints, summons, subpoenas, Protection from Abuse (PFA) orders and other legal documents in civil matters, levying on goods and performing other duties related to execution proceedings, providing courtroom security and transporting prisoners, executing arrest warrants and performing other duties in criminal matters, conduct of background checks and issuance of licenses and permits in connection with State and Federal firearms acts, patrol, participating in multi-agency DUI and drug task forces, and community service efforts such as crime prevention initiatives, Drug Abuse Resistance Education (DARE) for youth and Pennsylvania Weed and Seed.

In 1994, the Pennsylvania Supreme Court issued the decision of *Commonwealth v. Leet*, 641 A2d 299 (Pa. 1994), which involved a deputy sheriff who had arrested a motorist after witnessing a moving violation. The motorist challenged the legality of the arrest on the grounds that the deputy sheriff was not a "police officer" as defined by the Vehicle Code. The county court and the Superior Court on appeal agreed that the arrest was illegal. The Supreme Court disagreed, declaring that

English common law traceable to the 11<sup>th</sup> Century bestows on modern Pennsylvania sheriffs and their deputies the power "to make arrests without warrant for felonies and for breaches of the peace committed in [their] presence." 641 A2d at 303. The Court stressed that no statute has ever taken away this common law power. *Id.*

The Court, however, attached a significant condition to the exercise by a deputy sheriff of this power of arrest. It acknowledged the argument "that to protect public safety, anyone who enforces the motor vehicle laws should be required to undergo training appropriate to the duties." *Id.* Noting that "[p]olicemen are required to undergo training appropriate to the duties," *id.* (citing the Municipal Police Officers' Education and Training Act, known as "Act 120"), the Court then stated:

We deem this requirement to apply equally to sheriffs who enforce motor vehicle laws. Thus a sheriff or deputy sheriff would be required to complete *the same type of training* that is required of police officers throughout the Commonwealth.

*Id.* (emphasis added).

In 1998, the General Assembly passed legislation that would enable the Board to expand its training program. Act 10 of 1998 provided the Board with substantially increased revenue by raising the surcharge rate that is assessed by the judicial system when a sheriff's office serves legal papers.

Act 10 of 1998 also amended the language relating to hours of basic training. Previously, the language directed the Board to conduct a basic training course of "up to 160 hours." Based on the 1998 amendment changing this language to "no less than 160 hours," the Board undertook extensive curriculum planning and solicited voluminous input from the regulated community as to the appropriate number of hours and substantive content of the Board's basic training course. As of 1998-1999, the curriculum for the course consisted of 160 hours' instruction in the topics set forth in § 421.11 (relating to operating procedures) of the Board regulations. These topics trained new deputies for their traditional roles of serving civil process, providing security in court facilities and transporting prisoners. In recent years, the Board sought to expand the number of hours allocated to these traditional topics, so as to better prepare new deputies for their traditional rules. Moreover, based largely on the input received from sheriffs and deputy sheriffs in 1999, the Board adopted a goal of augmenting the traditional curriculum with certain law enforcement topics, such as motor vehicle code enforcement, patrol procedures and investigative techniques.

The Board's introduction of law enforcement topics into its basic training curriculum would provide deputies who successfully complete the course with training similar to the training provided in those topics to municipal police officers under Act 120. In the view of the Board, and of many in the Board's regulated community, deputies who are trained in a basic training curriculum that is in parity with that of the Municipal Police Officers Education and Training Commission (MPOETC) will possess the capability of, among other things, making lawful arrests during vehicle stops. The Board's legal rationale derives from two decisions of the Pennsylvania Supreme Court: *Commonwealth v. Leet*, 641 A2d 299 (Pa. 1994), and *Commonwealth v. Kline*, 741 A2d 1281 (Pa. 1999). In *Kline*, the Court upheld the legality of an arrest made by



a deputy sheriff on a vehicle code charge. The Court held that, because the deputy had received training similar to that given by MPOETC, he was legally empowered to make an arrest.

In designing the expanded curriculum, the Board recognizes that training covering all topics considered important for law enforcement, in addition to those topics traditionally taught to new deputies, is needed to adequately prepare deputies for all of their potential roles. The initial development report of the Board's training development contractor, Temple University Department of Criminal Justice, identified a list of topics with a potential total length that approximated 760 hours. The Board in ensuing discussions chose to develop curriculum expansion in an incremental manner. An incremental approach would allow for a focused use of curriculum development resources, would provide the training resources needed to continue certification of deputies as the curriculum is developed, and would ultimately meet the judicial requirements for training parity in law enforcement functions.

The first step was to create a core curriculum of approximately 560 hours of entry-level topics. A 560-hour pilot course was conducted from July through October 2000 at Pennsylvania State University's Institute for Continuing Justice Education and Research, in State College. A second 560-hour course is currently underway.

Following pilot testing and production of final curriculum documentation of the 560-hour course, the development effort will focus on the remaining estimated 200 hours of law enforcement-related topics. Development of the additional 200 hours is projected to begin in early 2001, with implementation of the expanded curriculum upon final approval of a regulation in accordance with this rulemaking.

#### D. Description of Proposed Regulation.

##### § 421.1. Definitions

New definitions are added for the terms "basic training," "Commission," "continuing education" and "waiver." The definition of "school" is amended.

##### § 421.3. Training required.

The change in subsection (a) would eliminate citation to a specific portion of the act, replacing it with a generic reference that would remain valid even if the act were to be restructured. Language is proposed to clarify that the regulation itself, in addition to the act, dictates the substance of basic training, and that the Board will establish the number of hours of basic training within the requirements of the act.

Language is deleted in subsection (b) pertaining to special provisions needed when the Board was created in 1984 and that are now anachronistic. Language is proposed for continuing education requirements parallel to the basic training requirements in subparagraph (a).

A provision is added that sets forth that a deputy sheriff must pass each written test and demonstrate proficiency in all practical skills in order to successfully complete basic training or continuing education.

##### § 421.4. Waiver of training.

This provision currently consists of one sentence stating that a training waiver request shall be made on a form supplied by the Board. This sentence is proposed for deletion, because it sets forth a simple procedural requirement that does not need to be set forth in a regulation. Language is proposed that would describe the

two kinds of waivers of training granted by the Board: (a) the grant of additional time to complete a training requirement, given for cause; and (b) a reduction in the number of hours required generally, given in recognition of prior education, training or experience.

##### § 421.5. Code of conduct.

This new provision would authorize the Board or school to establish and enforce attendance and conduct rules.

##### § 421.11. Basic training.

The proposed amendment would replace nine listed basic training topics with 24 topics. The nine original topics are either incorporated verbatim into the new list ("Firearms" and "Related Social Sciences"), are renamed or are subsumed into new topics. Included in the new topics are law enforcement-related topics such as criminal investigation, motor vehicle code and enforcement and patrol procedures and operations. The amended paragraph will allow the Board to make future adjustments to the curriculum topics without having to amend the regulation.

##### § 421.12. Continuing education.

This new provision on continuing education curriculum is designed to complement the provision in § 421.11 for basic training. However, it is much simpler than the basic training's listing of 24 topics, to accommodate the Board's frequent changing of continuing education topics to keep the training varied and innovative.

##### § 421.31. Reimbursement to counties.

The proposed language would amend subsections (a) and (b) to clarify the reimbursement procedures currently practiced by the Commission. Specifically, counties may apply to the Commission for reimbursement of various items that the counties have paid to their deputies who attend training. Counties need not apply to the Commission for the tuition costs or room and board for those deputies who stay overnight during basic training sessions, as the Board provides these items directly to the deputies free of charge.

Minor language changes are proposed to subsections (c) and (d).

Subsections (e) and (g) are proposed for deletion because they address routine administrative matters that need not be part of an agency's regulations.

In subsection (f), language is proposed for deletion that covers routine administrative matters.

##### § 421.32. Restrictions on reimbursement.

In subsection (c), reference to reimbursement "for up to 20 hours of training" for continuing education would be deleted to reflect the 1998 statutory change authorizing the Board to set the hourly requirement for continuing education at "not less than 20 hours."

#### E. Affected Persons.

Those directly affected by the proposed rulemaking are the newly-hired deputy sheriffs who are required to undergo mandated training. As of November 1, 2000, approximately 3,000 deputies had been trained and certified by the Board. During the years 1995—2000, deputies seeking certification ranged from 150 to 210 each year. Also affected are the sheriffs' offices and county governments in each of the 67 counties, which send new deputies to Board training and which, under the act, shall be responsible for half of the salary of the applicable participants.

Those indirectly affected are participants in the Commonwealth's judicial system, including judges or other employees, those charged with criminal offenses, litigants in civil matters or witnesses in any judicial matter.

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

In designing the upgraded basic training program, the Commission staff on behalf of the Board conducted extensive public outreach to those likely to be affected. Approximately 1,700 job/task analysis surveys were distributed to sheriffs and deputy sheriffs, resulting in 680 responses from 57 of the State's 67 sheriffs' offices. The total of 680 responses were broken down as follows: 29 sheriffs (43.2% of all sheriffs), 41 chief deputies (61.2% of all chief deputies), and 610 deputy sheriffs (42.6% of all deputies). Subsequent to the initial analysis of survey responses, the Board and Temple University, the Board's training consultant, convened a series of focus group meetings to elicit input. All 67 sheriffs were invited to attend the meetings and send their chief deputies. In addition, each office was invited to send two deputy sheriffs to the meeting. A total of six groups met in August 1999, two each in Allentown, Harrisburg and Pittsburgh. A total of 25 departments participated in the focus groups, including 16 sheriffs, 18 chief deputies and 30 deputy sheriffs. Members of the Board and Commission staff attended all of the sessions. In addition, the Commission distributed deputy sheriffs training bulletins to sheriffs' offices, county governments and other interested parties. Quarterly Board meetings during the time the upgrade was being considered were synchronized with the meetings of the Pennsylvania Sheriffs' Association and the Deputy Sheriffs' Association of Pennsylvania, to maximize participation at the Board meetings.

Subsequent to the initial development of the programs, the Board has communicated extensively with its regulated community. Training bulletins are disseminated periodically to update sheriffs, deputy sheriffs, county and municipal officials, on any operational or curriculum changes. The Board conducts quarterly meetings, and it has been its custom to hold at least two of its four meetings a year in a location removed from Harrisburg. For example, the September 1999 meeting was held in Pittsburgh and the meetings of July 2000 and October 2000 were held in State College.

It should be noted that the composition of the 10-person Board as mandated by the act promotes effective development of public input and advocacy. Specifically, three members of the Board are required to be a current or former deputy sheriff, two are sheriffs, two are common pleas judges, one is an educator and one a county commissioner. Each of these members is appointed by the Governor. The tenth member is the Attorney General or designee. The Board currently includes the Executive Director of the Deputy Sheriffs' Association of Pennsylvania and the President of the Pennsylvania Sheriffs' Association.

*G. Fiscal Impact and Paperwork Requirements*

The proposed amendments will have no added paperwork requirements and minimal fiscal impact on the Commonwealth. Section 8 of the act (71 P.S. § 2108), provides that the various training programs shall be funded by a special restricted account within the General Fund known as the Deputy Sheriffs' Training Account. The fund accumulates through surcharges assessed on all sheriffs' fees for service of legal papers. Using proceeds from the account, the Board is able to provide training that is free of charge to deputy sheriffs. Despite added

costs to the Training Account from an expanded curriculum, the Board anticipates that revenues will continue to exceed expenses into the near future due to increased surcharge rates ordered by the General Assembly in 1998. The Board anticipates added fiscal impact for the 67 counties that will send their deputy sheriffs to expanded basic training. Because the curriculum as proposed will require deputies to attend school longer, counties may experience increased overtime expenses to cover for the officers who are away at school. The act requires counties to pay the full salary of a deputy sheriff while attending school, the Commission reimbursing the county for 50% of the salary costs.

*H. Sunset Date*

The Board will review the effectiveness of its regulations on an ongoing basis. 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 January 25, 2001, the Commission submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Judiciary Committee and the Senate Judiciary Committee. In addition to submitting this proposed rulemaking, the Commission 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." A copy of this material is available to the public upon request.

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

The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by IRRC, the General Assembly and the Governor of objections raised.

*J. Public Comment and Questions*

Interested persons are invited to submit written questions or comments regarding the proposed rulemaking to Gerard M. Mackarevich, Chief Counsel, Commission on Crime and Delinquency, P. O. Box 1167, Harrisburg, PA 17108-1167, within 30 days of publication of this proposed rulemaking. Questions and comments may also be sent via electronic mail to [gmackarevi@state.pa.us](mailto:gmackarevi@state.pa.us), or by facsimile to Gerard Mackarevich's attention at PCCD's Civil and Criminal Training Division (717) 783-7139.

THOMAS W. CORBETT, Jr., Esq.,  
Chairperson  
Pennsylvania Commission on  
Crime and Delinquency

COMMANDER CARMEN DELUCA,  
Chairperson  
Deputy Sheriffs' Education and  
Training Board

**Fiscal Note:** 35-28. (1) General Fund; (2) Implementing Year 2000-01 is \$0; (3) 1st Succeeding Year 2001-02 is \$552,622; 2nd Succeeding Year 2002-03 is \$642,622; 3rd Succeeding Year 2003-04 is \$642,622; 4th Succeeding Year 2004-05 is \$733,622; 5th Succeeding Year 2005-06 is \$750,000; (4) Fiscal Year 1999-00 \$1,176,836; Fiscal Year 1998-99 \$624,979; Fiscal Year 1997-98 \$640,366; (7) Deputy Sheriffs' Education and Training Account; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART VI. COMMISSION ON CRIME AND DELINQUENCY

CHAPTER 421. DEPUTY SHERIFFS' EDUCATION AND TRAINING BOARD

GENERAL PROVISIONS

§ 421.1. Definitions.

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

\* \* \* \* \*

**Basic training**—A course of training administered by the Deputy Sheriffs' Education and Training Board that the act requires for newly-hired deputy sheriffs.

\* \* \* \* \*

**Continuing education**—A course of training administered by the Board that the act requires previously-certified deputy sheriffs to complete periodically to maintain certification.

\* \* \* \* \*

**School**—A [ school operated ] facility approved by the Board to [ teach basic or inservice deputy sheriff training courses ] conduct training on the Board's behalf pursuant to a contract between the facility and the Commission.

**Waiver**—The Board's grant of approval for a deputy sheriff for reduced training hours in recognition of the deputy sheriff's prior education, training or experience or for additional time to complete a training requirement.

§ 421.3. Training required.

(a) A newly-hired deputy sheriff is required to undergo basic training as [ set forth in sections 5—7 of the act (71 P. S. §§ 2105—2107) ] required by the act and by this chapter in the amount of hours established by the Board.

(b) [ A deputy with less than 5 years of experience shall complete 160 hours of basic training, as established by the Board, by August 9, 1986. A deputy hired after July 1, 1985 shall complete the 160 hours of basic training within 1 year of the date-of-hire. ] A deputy sheriff holding Board certification is required to undergo continuing education as required by the act and by this chapter in the amount of hours established by the Board.

(c) To successfully complete basic training or continuing education, a deputy sheriff shall attain at least a minimum score established by the Board on each written test and shall demonstrate proficiency in all practical skills.

§ 421.4. Waiver of training.

[ When a deputy sheriff requests a waiver of training under section 7(b) of the act (71 P. S. § 2107(b)), the request shall be made on a form supplied by the Board. ]

(a) The Board upon request and for cause shown may grant additional time for a newly-hired deputy sheriff to fulfill the basic training requirements of the act.

(b) The Board upon request may grant a deputy sheriff a reduction in the hours of training generally required. The waiver determination will be based upon the Board's evaluation of the prior education, training or experience of the deputy sheriff pursuant to criteria set forth by the Board.

§ 421.5. Code of conduct.

(a) The Board or school may establish reasonable rules governing attendance and conduct expected of a deputy sheriff who is attending training required under the act.

(b) Violations of attendance policy or departures from the expected standards of conduct may result in the Board's imposition of disciplinary sanctions, which may include expulsion from the training or denying or withdrawing certification.

CURRICULUM

§ 421.11. Basic training [ course ].

[ The Deputy Sheriffs' Basic Training Course shall be presented as established by the Board and shall consist of ] The Board will determine the curriculum for basic training, which will include at least the following topics:

- (1) [ Introduction to the powers and duties of sheriffs and deputy sheriffs.
- (2) Firearms.
- (3) Prisoner control.
- (4) Emergencies and civil disorders.
- (5) Courtroom security.
- (6) Emergency medical care.
- (7) Civil process and law.
- (8) Criminal law.
- (9) Related social sciences. ]
- Civil law and procedure.
- (2) Communications.
- (3) Control and defensive tactics.
- (4) Courtroom security.
- (5) Crimes Code and criminal procedure.
- (6) Criminal investigation.
- (7) Criminal justice system and law enforcement.
- (8) Crisis intervention.
- (9) Cultural diversity and ethnic intimidation.
- (10) Emergency management.
- (11) Emergency vehicle operation.
- (12) Ethics and professional development.
- (13) Families in crisis and domestic violence.
- (14) Firearms.
- (15) First aid and cardio-pulmonary resuscitation.
- (16) Motor vehicle code and enforcement.
- (17) Patrol procedures and operations.
- (18) Physical conditioning.

- (19) Physical and judicial security.
- (20) Prisoner transportation.
- (21) Related social sciences.
- (22) Related legal issues.
- (23) Special needs groups.
- (24) Unified court system.

§ 421.12. Continuing education.

Continuing education will consist of topics to be determined periodically by the Board.

REIMBURSEMENT OF EXPENSES

§ 421.31. Reimbursement to counties.

(a) [ A ] Except for those items that the Board provides directly to a deputy sheriff, a county shall initially pay the deputy sheriff's ordinary and necessary living and travel expenses [ of a deputy sheriff while the deputy is attending a school operated by the Board ] in connection with training.

(b) [ The ] Upon application by a county, the Commission will provide reimbursement as set forth in section 9 of the act (71 P. S. § 2109) for items paid by the county.

(c) Reimbursement will be given only for attendance at a school as defined in [ § 421.1 (relating to definitions) ] this chapter.

(d) The county may apply to the Commission for reimbursement, on a form to be supplied by the Commission, at the conclusion of the required [ basic ] training [ or continuing education course, ] for each deputy sheriff who has attended the course.

(e) [ Requests shall be submitted by the county to the Commission within 30 days after the training is completed. A separate form shall be submitted for each deputy sheriff who attends the training course under the act.

(f) ] Reimbursement will be limited to the following:

\* \* \* \* \*

[ (g) If the Commission determines that the applicant and request for reimbursement meet the requirements of the act and this part, the Executive Director will issue written approval.

(h) ] (f) If the Commission determines that the application and request for reimbursement do not meet the requirements of the act and this part, the Executive Director will [ specify in writing and forward to the applicant, by certified mail, return receipt requested, ] notify the county and specify the reasons upon which the adverse determination is based.

§ 421.32. Restrictions on reimbursement.

\* \* \* \* \*

(c) A county will be reimbursed once, [ for up to 20 hours of training, ] for each deputy sheriff attending a certified continuing education course within a 2-year period.

\* \* \* \* \*

[Pa.B. Doc. No. 01-217. Filed for public inspection February 9, 2001. 9:00 a.m.]

# ENVIRONMENTAL QUALITY BOARD

## [25 PA. CODE CHS. 221, 227 AND 228] Radiological Health

The Environmental Quality Board (Board) proposes to amend Chapters 221, 227 and 228 (relating to X-rays in the healing arts; radiation safety requirements for analytical X-ray equipment, X-ray gauging equipment and electron microscopes; and radiation safety requirements for particle accelerators). The proposed amendments update the standards for protection against radiation.

This proposal was adopted by the Board at its meeting on October 17, 2000.

A. *Effective Date*

These proposed amendments will become effective immediately upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. *Contact Persons*

For further information, the contact persons are William Kirk, Chief, Radiation Control Division, Bureau of Radiation Protection, 13th Floor, Rachel Carson State Office Building, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-2480; and Marylou Barton, Assistant Counsel, Bureau of Regulatory Counsel, RCSOB, 9th Floor, 400 Market Street, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section I of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

These amendments are proposed under the authority of the following statutes:

Sections 301 and 302 of the Radiation Protection Act (act) (35 P. S. §§ 7110.301 and 7110.302) which, respectively, direct the Department to develop and conduct comprehensive programs for the registration, licensing, control, regulation and inspection of radiation sources and radiation source users, and delegates to the Board the power to adopt the regulations of the Department to implement the act.

Section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes and directs the Board to adopt regulations necessary for the proper performance of the work of the Department.

#### D. Background and Purpose

The proposed amendments, for the most part, correct printing errors, clarify existing wording or modify existing wording to accommodate changes in equipment since the last amendments.

The only major change is the addition of four new sections in Chapter 227 for the purpose of specifically extending X-ray protection requirements to X-ray calibration systems. Accompanying changes in the chapter title, contents, general provisions and definitions are also recommended. These sections were originally proposed and approved by the Radiation Protection Advisory Committee (RPAC) in 1998 as part of Chapter 225 (relating to radiation safety requirements for industrial radiographic operations) which pertains to industrial radiography. The Department decided, however, that these regulations would be more appropriately placed in Chapter 227, which deals with miscellaneous X-ray equipment.

As required by section 301(c)(14) of the act, the Department provided the RPAC with an opportunity to review the proposed amendments and to advise the Department prior to submittal to the Board. On May 10, 2000, the RPAC met and reviewed the proposed amendments. The Chairperson announced by letter dated May 17, 2000, the committee's concurrence to forward the proposed regulations to the Board.

#### E. Summary of Regulatory Requirements

A description of the proposed amendments is provided as follows:

##### *Chapter 221, X-Rays in the Healing Arts*

##### *§ 221.11. Registrant responsibilities.*

Subsection (h)(4) is being deleted. Similar language exists in § 221.56, which is being relocated to this section and renumbered as subsections (m)—(p). This consolidation of requirements was inadvertently omitted in the previous revisions to this chapter.

Subsection (k) is being modified to provide some regulatory flexibility. The proposal changes "shall" to "should" to make using spectrally compatible film and screen system a recommendation rather than a mandatory requirement. This change is necessary due to the wide range of spectral characteristics of X-ray films on the market today, which makes it difficult for practitioners to maintain an exact match.

Subsection (l) is being modified to allow the Department to establish guidelines for quality assurance programs rather than adopting guidelines from specified "accredited" organizations. This change will make it easier for the Department to add and change guidelines as needed without specifically acknowledging each new quality assurance guideline issued by medical specialty organizations.

##### *§ 221.13. Information to be submitted by persons proposing to conduct healing arts screening.*

Paragraph (14) is being modified to clarify that mammography facilities must comply with 21 CFR Part 900 (relating to mammography).

##### *§ 221.29. Kilovoltage accuracy.*

Section 221.29 is being modified to clarify that the 10% variation permitted under the existing language applies only to the range of technique factors used.

##### *§ 221.32a. Beam limitation.*

Subsection (d)(1) is being modified to state that the requirement for an indicator only applies to machines having a variable angle between the X-ray beam axis and the image receptor plane and to exempt portable and mobile X-ray units from the requirement. Typically, these units do not have this type of indicator.

##### *§ 221.33a. Radiation from capacitor energy storage equipment in standby status.*

Section 221.33a is being modified to correct a typographical error in the published text. The unit should be 0.516  $\mu\text{C}/\text{kg}$  rather than 0.516  $\mu\text{mC}/\text{kg}$ . The unit as currently published is a factor of 1,000 lower than intended.

##### *§ 221.36a. Limitation of useful beam of fluoroscopic equipment.*

Subsection (d) is being modified to adopt the wording used by the Food and Drug Administration in 21 CFR 1020.32(b) (relating to fluoroscopic equipment). This eliminates confusion regarding the permissible size and shape of the useful beam.

##### *§ 221.56. Administrative controls.*

This section is deleted and moved to § 221.11 as new subsections (m)—(p). No changes in the text are proposed.

##### *§ 221.202. Equipment requirements.*

Subsection (c) is being modified to delete paragraph (2), relating to an audible signal indicating termination of exposure. This change is recommended because many units do not have such a feature which is not required by the Food and Drug Administration.

##### *Chapter 227. Radiation Safety Requirements for Analytical X-ray Equipment, X-ray Gauging Equipment and Electron Microscopes.*

This chapter is being modified to add four new sections under the heading titled X-ray Calibration Systems. These sections were originally proposed and approved by the RPAC in 1998 as part of Chapter 225 which pertains to industrial radiography. The Department decided, however, that the content would be more appropriately placed in Chapter 227, which deals with miscellaneous X-ray equipment. These sections are needed to specifically extend X-ray protection requirements to this type of operation, which is becoming more common. The chapter title, contents, general provisions and definitions were also changed to reflect the new sections.

##### *Chapter 228. Radiation Safety Requirements for Particle Accelerators.*

Changes to §§ 228.22a and 228.36 are being recommended for purposes of clarification.

##### *§ 228.22a. Issuance of specific licenses.*

Section 228.22a contains a minor revision recommended by the RPAC. The RPAC felt that, by definition, if an application met the requirements of the act and article, the operation would not be "inimical to the safety of the public" as indicated in subsection (a). As such, it recommended that the phrase be removed from subsection (a).

##### *§ 228.36. Radiation monitoring requirements.*

This section is modified to provide that: (1) an independent radiation monitoring system be provided so that the individuals entering or present become aware of the existence of the hazard; and (2) that the system be tested for response, rather than calibrated, at least annually and after servicing or repair. The Department and the RPAC

agree that calibration, which implies that the response be accurate within a specified limit, is not necessary for this function.

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

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

##### *Benefits*

As set forth in this proposal, users of X-ray machines and particle accelerators will benefit from the regulations being clarified to conform better to present equipment and installations and elimination of a 1,000-fold error in units in § 221.33a. The additions to Chapter 227 specifically extend the safety requirements set forth for other types of X-ray installation to X-ray calibration systems.

##### *Compliance Costs*

The compliance costs under the proposed amendments should not differ appreciably from the costs presently incurred.

##### *Compliance Assistance Plan*

Compliance assistance requirements are expected to be negligible. Outreach and assistance will be provided by regional inspectors and technical staff in the Radiation Control Division.

##### *Paperwork Requirements*

No additional paperwork will be required under these proposals.

#### G. *Sunset Review*

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

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed amendments on January 29, 2001, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

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

#### I. *Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by March 12, 2001 (within 30 days following publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to

the Board. The summary may not exceed one page in length and must be received by Marcy 12, 2001 (within 30 days following publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us and must also be received by the Board by March 12, 2001. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-360. No fiscal impact; (8) recommends adoption.

### Annex A

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

### Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

#### ARTICLE V. RADIOLOGICAL HEALTH

#### CHAPTER 221. X-RAYS IN THE HEALING ARTS

##### ADMINISTRATIVE CONTROLS

#### § 221.11. Registrant responsibilities.

\* \* \* \* \*

(h) If a patient or film requires auxiliary support during a radiation exposure the following apply:

\* \* \* \* \*

**[ (4) For intraoral dental radiography, neither the tube housing nor the cone shall be held during an exposure. ]**

\* \* \* \* \*

(k) The screen and film system used **[ shall ] should** be spectrally compatible and evaluated with respect to screen condition to assure proper system speed. Film cassettes without intensifying screens may not be used for any routine diagnostic radiological imaging, with the exception of standard dental radiography film packets.

(l) The registrant shall have a quality assurance program. This quality assurance program shall be in accordance with guidelines **[ promulgated by the ACR, the AAPM or another accredited organization ] established by the department.**

**(m) A dentist or an assistant may not hold patients or film during exposures.**

**(n) Only the patient shall be in the useful beam.**

**(o) Neither the tube housing nor the cone may be hand-held during the exposure.**

**(p) Intraoral fluoroscopy may not be used in dental examinations.**

#### § 221.13. Information to be submitted by persons proposing to conduct healing arts screening.

A person requesting that the Department approve a healing arts screening program shall submit in writing

the following information and evaluation. If information submitted to the Department becomes invalid or outdated, the registrant shall immediately notify the Department.

\* \* \* \* \*

(14) [ This section does not apply to operations conducted by registrants under ] mammography facilities shall comply with 21 CFR Part 900 (relating to mammography).

DIAGNOSTIC INSTALLATIONS GENERAL REQUIREMENTS

§ 221.29. Kilovoltage (kV) accuracy.

The kV output may not vary from the set-indicated value by more than 10% over the range of technique factors normally used. Discrepancies of more than 10% between set-indicated [ - ] and measured kV values shall be investigated by a qualified expert or service engineer and appropriate action taken.

§ 221.32a. Beam limitation.

\* \* \* \* \*

(d) A means shall be provided to:

(1) Indicate when the axis of the X-ray beam is perpendicular to the plane of the image receptor if the angle between the axis of the X-ray beam and the plane of the image receptor is variable. This paragraph does not apply to portable and mobile units.

\* \* \* \* \*

§ 221.33a. Radiation from capacitor energy storage equipment in standby status.

Radiation emitted from an X-ray tube when the exposure switch or timer is not activated may not exceed a rate of 2 milliroentgens (0.516 μ [ m ]C/kg) per hour at 5 centimeters from an accessible surface of the diagnostic source assembly, with the beam-limiting device fully open.

§ 221.36a. Limitation of useful beam of fluoroscopic equipment.

\* \* \* \* \*

(d) The minimum field size at the greatest source to image receptor distance shall be [ equal to or less than 25 square centimeters ] containable in a square of 5 centimeters by 5 centimeters unless otherwise provided in 21 CFR 1020.32(b) (relating to fluoroscopic equipment).

\* \* \* \* \*

§ 221.56. [ Administrative controls ] (Reserved).

[ (a) A dentist or an assistant may not hold patients or film during exposures.

(b) Only the patient shall be in the useful beam.

(c) Neither the tube housing nor the cone may be hand-held during the exposure.

(d) Intraoral fluoroscopy may not be used in dental examinations. ]

§ 221.202. Equipment requirements.

\* \* \* \* \*

(c) Status indicators and control switches.

\* \* \* \* \*

(2) [ A signal, audible to the operator, shall indicate that the exposure has terminated.

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

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

\* \* \* \* \*

CHAPTER 227. RADIATION SAFETY REQUIREMENTS FOR ANALYTICAL X-RAY EQUIPMENT, X-RAY GAUGING EQUIPMENT [ AND ], ELECTRON MICROSCOPES AND X-RAY CALIBRATION SYSTEMS

GENERAL PROVISIONS

§ 227.1. Purpose and scope.

This chapter establishes the requirements for the use of analytical X-ray equipment, X-ray gauging equipment [ and ], electron microscopes and X-ray calibration systems. Registrants who use analytical X-ray equipment, X-ray gauging equipment [ or ], electron microscopes or X-ray calibration systems shall comply with this chapter. The requirements of this chapter are in addition to, and not in substitution for, other applicable provisions of this article.

§ 227.2. Definitions.

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

\* \* \* \* \*

X-ray calibration systems—Radiation-producing machines and equipment used to calibrate radiation detection or measuring devices.

\* \* \* \* \*

X-RAY CALIBRATION SYSTEMS

§ 227.101. Scope.

This section and §§ 227.102—227.104 apply to registrants who calibrate equipment used to measure the output of radiation for medical diagnosis and therapy, or for radiation survey meters and similar instrumentation.

§ 227.102. Area Requirements.

A room or enclosure used for calibration shall be shielded so that every location on the exterior meets conditions for an unrestricted area, and the only access to the room or enclosure is through openings which are interlocked so that the radiation source will not operate unless all openings are securely closed and meet the requirements of 10 CFR 20.1601 (relating to control of access to high radiation areas).

§ 227.103. Operating requirements.

(a) The operator shall conduct a physical radiation survey to determine that the radiation machine X-ray tube is de-energized prior to each entry of any body part into the radiographic exposure area.

(b) As an alternative to subsection (a), the registrant may use an independent radiation monitoring system that displays the radiation intensity or displays when radiation levels have returned to their pre-irradiation levels.

**§ 227.104. Personnel Requirements.**

A registrant may not permit an individual to operate or conduct maintenance on any X-ray calibration system until the individual has received a copy of, instruction in, and demonstrated an understanding of, the operating procedures necessary to ensure radiation safety.

**CHAPTER 228. RADIATION SAFETY  
REQUIREMENTS FOR PARTICLE ACCELERATORS  
NOTIFICATION AND LICENSING PROCEDURES**

**§ 228.22a. Issuance of specific licenses.**

(a) Upon determination that an application meets the requirements of the act [ , ] and this article, [ and the operation of the facility will not be inimical to the safety of the public, ] the Department will issue a specific license authorizing the proposed activity and containing conditions and limitations as it deems appropriate or necessary.

\* \* \* \* \*

**§ 228.36. Radiation monitoring requirements.**

[ (a) In addition to the requirements of §§ 219.91 and 219.154 (relating to control of access to high radiation areas; and posting of high radiation areas) an ] LAN independent radiation monitoring system shall be provided so that the individuals entering or present become aware of the existence of the hazard. Independent radiation monitors shall be [ calibrated ] tested for response at least annually and after each servicing or repair.

[ (b) The calibration of the independent radiation monitoring system described in subsection (b) shall verify the response of the instrument to radiation fields of different intensity, and does not require complete accuracy with respect to radiation energy if the accelerator produces radiations greater than 3.0 MeV. ]

[Pa.B. Doc. No. 01-218. Filed for public inspection February 9, 2001, 9:00 a.m.]

**[25 PA. CODE CHS. 261a, 271 AND 272]  
Household Hazardous Waste**

The Environmental Quality Board (Board) proposes to amend Chapters 261a, 271 and 272 (relating to identification and listing of hazardous waste; municipal waste management—general provisions; and municipal waste planning, recycling and waste reduction).

These proposed amendments include regulations governing household hazardous waste collection events, grants, and transportation and management. The proposed changes clarify the regulations to make them consistent with the Small Business and Household Pollution Prevention Program Act (act) (35 P. S. §§ 6029.201—6029.209) (Act 190), which was passed after most of the existing household hazardous waste regulations were written. The proposed changes to Article VII (relating to hazardous waste management) correct the inadvertent 1999 incorporation by reference in Article VII of Environmental Protection Agency's (EPAs) regulatory exemption of household hazardous waste from regulation as hazardous waste. The proposed changes to Article VIII (relating

to municipal waste) are designed to ensure that waste collected as part of an organized household hazardous waste collection continues to be properly transported and managed as hazardous waste rather than as part of the municipal waste stream. This is true for household hazardous waste collected as part of an organized household hazardous waste collection in another state, once the waste enters this Commonwealth, if the waste is to be managed in this Commonwealth, and for household hazardous waste collected as part of a collection event in this Commonwealth. Household hazardous waste not collected as part of an organized collection will continue to be managed as municipal waste in this Commonwealth.

These proposed amendments are intended to supplement, not duplicate, the act.

**A. Effective Date**

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

**B. Contact Persons**

For further information contact Tom Hyatt, Division of Waste Minimization and Planning, P. O. Box 8472, Rachel Carson State Office Building, Harrisburg, PA 17105-8472, (717) 787-7382; or Kristen Campfield, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department's website (<http://www.dep.state.pa.us>).

**C. Statutory Authority**

The proposed rulemaking is being made under the authority of the following:

Act 190 which in section 207(a) (35 P. S. § 6029.207(a)) grants the Board the authority to promulgate regulations as needed to implement the act.

The Solid Waste Management Act (SWMA) (35 P. S. §§ 6018.101—6018.1003) which in section 105(a) of the SWMA (35 P. S. § 6018.105(a)) grants the Board the power and the duty to adopt the rules and regulations of the Department to carry out the provisions of the SWMA.

The Household Hazardous Waste Funding Act (HHWFA) (35 P. S. §§ 6025.1—6025.5), as amended, which in section 4(a) of the HHWFA (35 P. S. § 6025.4(a)) created a restricted revenue account in the Recycling Fund to be used to fund household hazardous waste collection programs.

The Clean Streams Law (CSL) (35 P. S. §§ 691.1—691.1001), which in section 5(b) of the CSL (35 P. S. § 691.5(b)) grants the Board the authority to formulate, adopt, promulgate and repeal the rules and regulations as are necessary to implement the provisions of the act, which in section 304 of the CSL (35 P. S. § 691.304) grants the Board the authority to adopt, prescribe and enforce rules and regulations not consistent with the act as may be deemed necessary for the protection of the purity of the waters of this Commonwealth, or parts thereof, and to purify those now polluted and which in section 402 of the CSL (35 P. S. § 691.402) grants the Board the authority to adopt rules and regulations establishing conditions under which an activity shall be conducted for any activity that creates a danger of pollution of the waters of this Commonwealth or that regulation of the activity is necessary to avoid this pollution.



The Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. §§ 4000.101—4000.1904), which in section 302 of Act 101 (53 P. S. § 4000.302) gives the Board the power and duty to adopt the regulations of the Department to accomplish the purposes and carry out the provisions of Act 101.

The Administrative Code of 1929 (Administrative Code) (71 P. S. §§ 510-17 and 510-20) which in section 1917-A of the Administrative Code (71 P. S. § 510-17) authorizes and requires the Department to protect the people of this Commonwealth from unsanitary conditions and other nuisances and in section 1920-A of the Administrative Code (71 P. S. § 510-20) grants the Board the power and the duty to formulate, adopt and promulgate the rules and regulations as may be determined by the Board for the proper performance of the work of the Department.

#### D. Background and Purpose

The Commonwealth has operated a household hazardous waste program since 1992. Under this program, grants have been and continue to be available to eligible municipalities and other legal entities that register to conduct a household hazardous waste collection event. While household hazardous waste generated by an individual household and sent directly to a processing or disposal facility along with the household's municipal waste has not been regulated as hazardous waste, household hazardous waste collected at household hazardous waste collection events has been and continues to be managed as hazardous waste once it is collected. This ensures the proper level of environmental protection and is consistent with EPA recommendations. Until 1996, this Commonwealth's program was operated largely under the authority of section 1512 of Act 101 and the HHWFA; relevant regulations were found in the hazardous and municipal waste regulations. However, in 1996, Act 190 repealed section 1512 and portions of the HHWFA and replaced them with newer provisions jointly addressing small business and household hazardous waste collection events. This proposed rulemaking is designed to update the hazardous and municipal waste regulations according to Act 190 as it applies to household hazardous waste collections.

The proposed regulatory amendments cover the registration, review and approval of collection programs, the operation of collection programs and the requirements of collection contractors and transporters of household hazardous waste. The regulations specify entities that are eligible to bring waste to collection events. The regulations also cover grant requirements that apply to eligible collection sponsors.

The proposed regulatory amendments serve a number of purposes. They will make it easier for collection sponsors, collection contractors and transporters to understand the requirements that apply to their activities, without making major changes to the existing regulations. The amendments also make the language in the regulations consistent with Act 190 and the way the household hazardous waste program is currently implemented. The amendments correct the inadvertent incorporation by reference of EPA's regulatory exemption of household hazardous waste from regulation as hazardous waste. The Federal regulations exempt hazardous waste derived from households from being regulated as hazardous waste, even when collected as part of a household hazardous waste collection. The 1999 amendments to the hazardous waste regulations inadvertently incorporated this provision by reference in § 261a.1 (relating to incorporation by reference, purpose and scope). The proposed

changes clarify that once household hazardous waste is collected as part of a household hazardous waste collection, it must be managed as a hazardous waste. Finally, the amendments are intended to dispel confusion expressed by some contractors as to how household hazardous waste is to be managed after it is collected. The amendments will ensure that all household hazardous waste that is collected as part of a household hazardous waste collection, no matter in which state the waste originates, is to be managed as hazardous waste if managed in this Commonwealth.

#### E. Summary of Regulatory Requirements

##### Chapter 261a

##### IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

Chapter 261a contains the provisions for the identification and listing of hazardous waste.

##### Section 261a.4. Exclusions.

The Board proposes to revise § 261a.4 (relating to exclusions) by removing the exclusion for hazardous waste that is derived from households. The Federal regulations contain an exclusion for hazardous waste derived from households, including household waste that is "collected, transported, stored, treated, disposed, recovered (for example, refuse-derived fuel) or reused" in 40 CFR 261.4(b)(1).

The Federal provision was inadvertently incorporated by reference in § 261a.4 in 1999. The proposed revisions are intended to correct this error. Furthermore, the statutory requirements of Act 190 override this regulatory provision. In accordance with statutory requirements of Act 190, the changes to the regulation will ensure that when household hazardous waste has been collected as part of a household hazardous waste collection program, it will continue to be managed and transported as a hazardous waste rather than as part of the municipal waste stream. This includes all household hazardous waste collected as part of an in-State household hazardous waste collection and waste collected as part of an out-of-State household hazardous waste collection and brought into this Commonwealth for management. The revision will ensure that the environment and the public health and safety will continue to be adequately protected.

The proposed revisions to § 261a.4 will be more stringent than the Federal regulation, but the proposed revision will make the State regulation consistent with Pennsylvania's Act 190 of 1996, which currently governs State procedures.

There should be no economic impact as a result of this regulatory revision because it simply reflects a continuation of the program as it is currently being operated. This Commonwealth has always regulated household hazardous waste that is collected as part of a household hazardous waste collection program as hazardous waste.

##### Chapter 271

##### MUNICIPAL WASTE MANAGEMENT—GENERAL PROVISIONS

##### Subchapter A. GENERAL

Chapter 271 contains the general provisions for the municipal waste program, including definitions for Article VIII (relating to municipal waste).

##### Section 271.1. Definitions.

The Board proposes to revise § 271.1 (relating to definitions) by deleting the definition of "collection con-

tractor” and modifying the definition of “household hazardous waste.” The term “collection contractor” is deleted because the term is now defined by Act 190. The term “household hazardous waste” is modified to explain more clearly that household hazardous waste is to be managed as hazardous waste if it is collected as part of an organized household hazardous waste collection. The term treats waste collected within or outside this Commonwealth the same once it is within this Commonwealth’s borders for disposal or other management. The definition also lists locations that are considered “households” for the purpose of this definition.

*Chapter 272*

*MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION*

Chapter 272 contains the municipal waste planning, recycling and waste reduction requirements, including regulations governing grants and household hazardous waste collections.

*Subchapter D. GRANTS*

*Section 272.301. Scope.*

The Board proposes to revise § 272.301 (relating to scope) to indicate that persons other than municipalities are eligible to apply for grants under Act 190 and must comply with this subchapter when doing so.

*GENERAL PROVISIONS FOR AWARDING GRANTS*

*Section 272.313. General requirements for grant applications. Section 272.314. Limits on Department’s authority to award grants. Section 272.317. Grant review.*

The Board proposes to revise §§ 272.313 (relating to general requirements for grant applications), 272.314 (relating to limits on Department’s authority to award grant) and 272.317 (relating to grant review) to indicate that grants are available under Act 190.

*GRANTS FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENTS*

*Section 272.381. Scope of grant.*

The Board proposes to revise § 272.381 (relating to scope of grant) to be consistent with Act 190 by using the term “collection event,” by indicating that persons other than municipalities can apply for grant funding and to reflect the title change of Subchapter F (relating to household hazardous waste collection, transportation and management). Subsection (b) is deleted because the funding sources for household hazardous waste program grants are set forth in Act 190.

*§ 272.382. Eligible costs.*

The Board proposes to delete subsection (a) because grant amounts will now be addressed in subsection (b). A new subsection (a) lists costs that are considered to be eligible costs for a household hazardous waste collection event grant. This list includes the costs which the Department has considered to be eligible costs in this program over the last several years.

Existing subsection (b) has been deleted because grant restrictions based on past violations are adequately covered elsewhere. Subsection (c) has been deleted because it is no longer accurate, since Act 190 authorizes Recycling Fund monies to be used.

A new subsection (b) has been added to describe the grant limitations for a household hazardous waste collection event grant. It is based on section 209 of Act 190 (35 P. S. § 6029.209), which authorizes the Department to

reimburse sponsors for eligible costs for the operation of collection events but limits the grant amount to an amount that is matched dollar for dollar by the grant applicant. Section 209 of Act 190 also prohibits the Department from expending more than \$100,000 per year for collection events in any one county. These rules are embodied in paragraphs (1) and (3) of proposed subsection (b). Paragraph (2) is designed to prevent the Department from awarding a grant for costs which the sponsor has already covered by charging fees for the event. Paragraph (2) would apply if a sponsor collected more than 50% of its eligible costs through fees.

*Section 272.383. Grant applications.*

The Board proposes to delete the text of § 272.383 (relating to grant application) because the information is repetitive of the registration submitted by a sponsor and included in the sponsor’s grant application package. In its place, proposed subsection (a) requires a grant applicant to submit its application on a form provided by the Department and to include all supporting documentation. Proposed subsection (b) requires a record of operations from a collection event to be sent to the Department. The record of operations form was developed by the Department to enable sponsors to easily meet the reporting requirements of subsection 205(k) of Act 190 while still providing the Department with useful collection information.

*Section 272.384. Education grants.*

The Board proposes to add § 272.384 (relating to education grants) so that counties are aware that Act 190 makes household hazardous waste education grant funding available through section 901 of Act 101 (53 P. S. § 4000.901).

*Subchapter F. HOUSEHOLD HAZARDOUS WASTE COLLECTION, TRANSPORTATION AND MANAGEMENT*

*Section 272.501. Scope.*

The Board proposes to change the title of Subchapter F and the text of § 272.501 (relating to scope) to clarify that this subchapter covers collection, transportation and management of household hazardous waste.

*REGISTRATION AND APPROVAL OF PROGRAMS*

*Section 272.512. General application requirements.*

The Board proposes to modify subsection (a) (relating to general application requirements) to give the Department adequate time to review applications and provide applicants adequate time to make necessary modifications to applications in accordance with the Department’s review of the initial application. Subsection (b)(1) is revised to make the regulations consistent with Act 190 which allows persons other than municipalities to sponsor a household hazardous waste collection event.

*Section 272.513. Contract.*

The Board proposes to modify § 272.513 (relating to contract) by requiring an applicant to submit a signed contract to the Department before the collection event so that the Department can ensure that the final contract meets the requirements of this section. Paragraph (2) is modified to be consistent with Act 190 which allows persons other than municipalities to sponsor a collection. The change to paragraph (3) corrects a typographical error.

*Section 272.514. Contingency plan.*

The Board proposes to revise § 272.514 (relating to contingency plan) by requiring contingency plans to in-

clude provisions for inclement weather because provisions for inclement weather are important but often overlooked in applicants' safety plans.

#### REGISTRATION REVIEW

##### *Section 272.523. Public notice.*

The Board proposes to delete § 272.523 (relating to public notice) because giving public notice in the *Pennsylvania Bulletin* has not proven the most effective means by which to notify the public of a household hazardous waste collection event. Local notice is far more effective. The public learns of an upcoming collection event through local notice in newspapers or on the radio, provided by the sponsor of the event. Collection contractors who may wish to compete for the project learn of the event through whatever means the sponsor deems appropriate. Furthermore, to obtain approval, the sponsor sometimes must work with the Department until several days before the collection event, at which point it is too late to publish notice in the *Pennsylvania Bulletin*. When it seems likely that a collection event will be approved, the Department will, as it currently does, publish notice of the collection event on its website. Public notice is not required by statute.

#### OPERATION OF PROGRAMS

##### *Section 272.531. Basic operational requirements.*

The Board proposes to modify § 272.531 (relating to basic operational requirements) to update the statutory reference to Act 190, to restructure the section for ease of reading and to emphasize that household hazardous waste collected as part of a collection event is to be managed as hazardous waste.

##### *Section 272.532. Limitations on acceptable waste.*

Limitations on acceptable waste at collection events in the existing regulations were modeled on section 1512 of Act 101 (53 P. S. § 4000.1512), which was repealed by Act 190. The limitations on acceptable waste were replaced by sections 205(d) and 206(a) of Act 190. Modifications to § 272.532 are proposed to be consistent with the restrictions of Act 190 while still providing for proper and safe limitations on acceptable waste.

Wastes allowed to be collected as a result of proposed changes to this section do not have to be collected at collection events. Collection sponsors will still have the authority to limit the types and quantities of waste they will accept at collections and collection contractors will be required to demonstrate that they have the proper permits to manage the new types of waste that are proposed to be allowed to be collected.

The Board has amended § 272.532(a)(1) from "radioactive waste" to "radioactive material" because "radioactive material" better describes the types of materials more likely to be found in a household.

The Board proposes to modify subsection (a)(2) by deleting the term "biologically active waste" because the term is not defined in this Commonwealth's waste regulations. The new term "Infectious waste" is added because it is defined in this Commonwealth's waste regulations. Sharps, although considered to be infectious waste, will be allowed to be collected if the collection contractor has an approved infectious and chemotherapeutic waste transporter license as required by § 284.602(a) (relating to license requirement). Sharps are a common type of infectious waste that present little contamination potential at a collection event while their removal from the

municipal waste stream would provide a much larger benefit to municipal waste haulers.

The Board proposes to delete subsection (a)(3) because removal of gas cylinders and aerosol cans from the municipal waste stream will encourage recovery of their BTU value.

The Board proposes to modify subsection (a)(4), which is renumbered as subsection (a)(3), by removing ordinance material from the list of unacceptable items. Collection of ordinance material at collection events poses little risk and removes a potentially dangerous item from the municipal waste stream.

The Board proposes to modify subsection (b) to be consistent with the weight restrictions of section 205(d) of Act 190.

##### *Section 272.533. Fees.*

The Board proposes to modify § 272.533 (relating to fees) to be consistent with Act 190 which authorizes a sponsor to establish and assess reasonable fees from eligible entities for services provided in connection with a collection event.

##### *Section 272.535. Cleanup of site.*

The Board proposes to modify § 272.535 (relating to cleanup of site) to be consistent with Act 190 of 1996 which allows persons other than municipalities to sponsor a household hazardous waste collection event.

##### *Section 272.537. Sponsor recordkeeping.*

The Board proposes to modify § 272.537 (relating to municipal recordkeeping). The modifications are to make the regulations consistent with Act 190 which allows persons other than municipalities to sponsor a household hazardous waste collection event, and the hazardous waste regulations which require the generator of waste to keep the generator copy of a manifest.

#### COLLECTION CONTRACTORS

##### *Section 272.541. Collection contractor.*

The Board proposes to modify § 272.541 (relating to basic requirements). The title is changed to better reflect who is covered by the section. The remaining changes are to clarify and organize existing requirements of collection contractors. In addition, a provision is added to subsection (a)(2) to address a situation that arises on occasion, namely, the collection contractor being a different entity from the transporter. Under this paragraph, the collection contractor must demonstrate to the Department that the transporter has a valid transporter's license. A requirement has also been added to subsection (c)(3), requiring the collection contractor to provide a copy of the record of operations to the sponsor. This was added so the sponsor would know what the collection contractor reported to the Commonwealth and to enable the sponsor to refine future waste collection estimates. Subsection (d) is revised to leave no doubt that the collection contractor has the responsibility to ensure that the household hazardous waste is treated, stored or disposed at an appropriate facility.

##### *Section 272.542. Reporting.*

The Board proposes to modify § 272.542 (relating to reporting). The modification requires the collection contractor to provide a copy of the record of operations to the Department and sponsor.

*Section 272.543. Recycling or reuse of collected materials. [Reserved.]*

The Board proposes to delete § 272.543 (relating to recycling or reuse of collected materials) because this provision has been moved into § 272.541(c)(4).

*TRANSPORTERS OF HOUSEHOLD HAZARDOUS WASTE*

*Section 272.551. Household hazardous waste transportation, storage and disposal.*

The Board proposes to add § 272.551 (relating to household hazardous waste transportation, storage and disposal). This section explains the requirements applicable to a transporter of household hazardous waste from a collection event in this Commonwealth and from an out-of-State household hazardous waste collection if the waste is to be managed in this Commonwealth. The purpose of the section is to clarify that household hazardous waste originating from a collection in this Commonwealth or coming from a collection outside of this Commonwealth to be managed in this Commonwealth is to be regulated under Article VII, including manifesting and transportation requirements.

*F. Benefits, Costs and Compliance*

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

*Benefits*

The proposed amendments will clarify the registration and operational requirements of conducting a household hazardous waste program. The proposed amendments will also clarify that household hazardous waste collected as part of a household hazardous waste collection is to be managed under Article VII. No new requirements for household hazardous waste collection sponsors, collection contractors or transporters are added to the regulations.

*Compliance Cost*

Household hazardous waste program sponsors and collection sponsors will be required to comply with the regulations. The Commonwealth has always regulated household hazardous waste that is collected as part of a household hazardous waste collection program as hazardous waste. However, because the regulations are intended to clarify existing regulations, they should not have any impact on direct or indirect costs.

*Compliance Assistance Plan*

The regulations should not require any educational, technical or compliance assistance efforts. The Department has and will continue to provide manuals, instructions, forms and website information consistent with the proposed amendments. In the event that assistance is required, the Department's central office will provide it.

*Paperwork Requirements*

The proposed amendments do not create any new paperwork requirements. All paperwork requirements are presently consistent with the proposed amendments.

*G. Pollution Prevention*

No pollution prevention efforts will be required by the Department as a result of this regulatory change. The Department already provides pollution prevention educational material as part of its household hazardous waste program. In addition, the act upon which that the regulations are based on (Act 190) requires collection events to include an education program as part of the collection event and requires that waste materials col-

lected from households as part of a household hazardous waste collection event be reclaimed to the greatest extent possible.

*H. Sunset Review*

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

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 1, 2001, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

*J. Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by March 12, 2001 (within 30 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by March 12, 2001 (within 30 days following publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us and must also be received by the Board by March 12, 2001. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-361. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VII. HAZARDOUS WASTE MANAGEMENT

CHAPTER 261a. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

Subchapter A. GENERAL

§ 261a.4. Exclusions.

In addition to the requirements incorporated by reference [ , ]:

(1) The exclusion of 40 CFR 261.4(b)(1) (relating to exclusions) does not apply to household hazardous waste as defined in § 271.1 (relating to definitions) collected as part of a collection event or collected at an out-of-State household hazardous waste collection which is brought into this Commonwealth for processing, treatment, storage or disposal.

(2) [ a ] A copy of the written state agreement required by 40 CFR 261.4(b)(11)(ii) [ (relating to exclusions) ] that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed for free phase hydrocarbon recovery operations shall be submitted to: Pennsylvania Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, Post Office Box 8471, Harrisburg, Pennsylvania 17105-8471.

ARTICLE VIII. MUNICIPAL WASTE

CHAPTER 271. MUNICIPAL WASTE MANAGEMENT—GENERAL PROVISIONS

Subchapter A. GENERAL

§ 271.1. Definitions.

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

\* \* \* \* \*

[ Collection contractor—A person licensed as a hazardous waste transporter and approved by the Department and retained by a municipality to operate a household hazardous waste collection program. ]

\* \* \* \* \*

Household hazardous waste—[ A waste that would be considered hazardous under the act, but for the fact that it is produced in quantities smaller than those regulated as hazardous waste under the act and is generated by persons not otherwise covered as hazardous waste generators by that act. ] Waste generated by a household that could be chemically or physically classified as a hazardous waste under the standards of Article VII (relating to hazardous waste management).

(i) If the household hazardous waste is collected as part of a collection event or originates at an out-of-State household hazardous waste collection and is brought into this Commonwealth for processing, treatment, storage or disposal, it shall be regulated under Article VII.

(ii) If the waste is not collected at a collection event or does not originate at an out-of-State household hazardous waste collection, it is solid waste which is excluded as hazardous waste under 40 CFR 261.4(b)(1) (relating to exclusions), as incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose, and scope).

(iii) For the purpose of this definition, the term "household" includes those places described as "households" in 40 CFR 261.4(b)(1).

\* \* \* \* \*

CHAPTER 272. MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION

Subchapter D. GRANTS

SCOPE

§ 272.301. Scope.

A person or municipality that seeks or receives a grant from the Department under the Municipal Waste Planning, Recycling and Waste Reduction Act or the Small Business and Household Pollution Prevention Program Act shall comply with this subchapter.

GENERAL PROVISIONS FOR AWARDING GRANTS

§ 272.313. General requirements for grant applications.

(a) A grant application under this subchapter shall be submitted on a form prepared and furnished by the Department. The application shall contain information the Department deems necessary to carry out the Municipal Waste Planning, Recycling and Waste Reduction Act and the Small Business and Household Pollution Prevention Program Act, as applicable.

(b) A grant application shall be submitted by a municipality or, for a household hazardous waste collection event grant application, a sponsor. [ A ] For grant applications submitted under the Municipal Waste Planning, Recycling and Waste Reduction Act, a municipal authority may not submit a grant application. A municipality that receives a grant may pass funds from the grant to a municipal authority.

\* \* \* \* \*

§ 272.314. Limits on Department's authority to award grants.

\* \* \* \* \*

(b) The Department will not award a grant under this subchapter to a person or municipality unless the applicant demonstrates to the Department's satisfaction that it has complied with the following:

\* \* \* \* \*

(3) If the application is for a household hazardous waste collection event grant, the applicant has complied with the Small Business and Household Pollution Prevention Program Act.

(4) \* \* \*

\* \* \* \* \*

§ 272.317. Grant review.

The Department will deny a grant application, in whole or in part, unless the applicant demonstrates the following to the Department's satisfaction:

\* \* \* \* \*

(2) Awarding the grant is likely to accomplish the purposes of the Municipal Waste Planning, Recycling and Waste Reduction Act or the Small Business and Household Pollution Prevention Program Act, as applicable.

GRANTS FOR HOUSEHOLD HAZARDOUS WASTE  
COLLECTION [ AND DISPOSAL ] EVENTS

§ 272.381. Scope of grant.

[ (a) ] The Department will award grants for the establishment and operation of household hazardous waste collection [ and disposal programs, ] events upon application of [ a municipality ] an eligible collection event sponsor. The grants may be awarded only to programs that have been registered with and approved by the Department under Subchapter F (relating to household hazardous waste collection, transportation and management).

[ (b) Grants for the operation of household hazardous waste collection and disposal programs shall be made from specially appropriated funds for the purpose. ]

§ 272.382. Eligible costs.

(a) [ The grant shall be 50% of the approved cost of establishing and operating a household hazardous waste collection and disposal program. ] Eligible costs incurred by the sponsor for a household hazardous waste collection event include the following:

(1) Labor costs, including wages, salaries, costs for Social Security, Workers' Compensation and Unemployment Compensation.

(2) Travel and related costs associated with attending training courses and related meetings, if reimbursement is approved in advance of the training course or meeting by the Department.

(3) Legal fees for preparing and reviewing collection contractor proposals and contracts in the development stage.

(4) Facility siting studies.

(5) Printing and distribution of public education material.

(6) Collection contractor mobilization fees and waste management fees for collected materials.

(7) Onsite sanitary facilities.

(b) [ Costs not approved for a grant include, but are not limited to:

(1) Costs associated with a program that has violated the act, the environmental protection acts, the Municipal Waste, Planning, Recycling and Waste Reduction Act or regulations thereunder.

(2) Costs associated with a program that has operated in a manner that is contrary to the terms and conditions of the Department's registration and approval of the program.

The Department may not award money from the Recycling Fund for this grant. ] A Household Hazardous Waste Collection Event Grant shall be limited to the lowest of the following:

(1) Fifty percent of the eligible costs incurred by the sponsor in establishing and operating a collection event.

(2) Eligible costs incurred in establishing and operating a collection event, less fees collected by the sponsor under § 272.533 (relating to fees).

(3) One hundred thousand dollars.

§ 272.383. Grant application.

[ The application shall contain:

(1) A copy of the Department's registration and approval for the program.

(2) A summary of program cost, including the funding match for the program grant.

(3) The name, mailing address, telephone number and Pennsylvania hazardous waste transporter's license number of the contractor.

(4) The name and location of the treatment or disposal facilities which will be used for the waste. ]

(a) A grant applicant shall submit its application on a form provided by the Department. An application shall be accompanied by appropriate supporting documentation.

(b) A grant applicant shall ascertain that a record of operations has been sent to the Department prior to or with the grant application.

§ 272.384. Education Grants.

A county may apply for a household hazardous waste education program grant under § 272.321 (relating to scope of grant).

Subchapter F. HOUSEHOLD HAZARDOUS WASTE  
COLLECTION, TRANSPORTATION AND  
MANAGEMENT  
SCOPE

§ 272.501. Scope.

This subchapter sets forth provisions for the registration, approval and operation of household hazardous waste collection programs and for the management and transportation of household hazardous waste collected as part of an organized collection for the purpose of separating the hazardous waste component from the nonhazardous waste component.

REGISTRATION AND APPROVAL OF PROGRAMS

§ 272.512. General application requirements.

(a) Registration applications shall be submitted to the Department on a form provided by the Department, and shall contain information the Department deems necessary to properly develop and implement a household hazardous waste collection program. The application shall be submitted by the [ person or municipality that will ] potential sponsor [ the collection program ]. An application shall be submitted to the Department at least 60 days before the collection event.

(b) A registration application shall contain the following information:

(1) The location of the proposed site for the collection event. The site may be on public or private property, including, but not limited to, property owned, leased or controlled by the Commonwealth, its agencies or political subdivisions. If the [ municipality that sponsors ]

sponsor of the collection program is not the owner of the site, the [person or municipality] sponsor shall include as part of the registration application, written permission from the owner of the site to use the property for the collection event.

[ (33) ] (3) \* \* \*  
\* \* \* \* \*

§ 272.513. Contract.

The application shall include a negotiated contract between the [person or municipality] sponsor and the collection contractor. A signed contract shall be submitted to the Department prior to the collection event. The contract shall meet the following requirements:

\* \* \* \* \*

(2) The contract shall require that the collection contractor will provide the [person or municipality] sponsor with a statement that lists the names and qualifications of personnel accepting waste at the collection event.

[ (33) ] (3) \* \* \*  
\* \* \* \* \*

§ 272.514. Contingency plan.

The application shall also include a contingency plan that meets the following requirements. The plan shall:

\* \* \* \* \*

(5) Describe provisions for the safe management of waste in the event of inclement weather.

(6) Describe provisions for cancellation or re-scheduling of the collection event due to inclement weather.

REGISTRATION REVIEW

§ 272.523. [ Public notice ] (Reserved).

[ The Department will publish notice in the Pennsylvania Bulletin of the following:

(1) Receipt of an application for a registration approval under this subchapter.

(2) Approval or denial of an application for registration approval under this subchapter. ]

OPERATION OF PROGRAMS

§ 272.531. Basic operational requirements.

(a) A program for the collection and management of household hazardous waste shall be operated in accordance with [ the registration submitted by the municipality sponsoring the program and with conditions for approval the Department may attach to the registration, the requirements of Article VII (relating to hazardous waste management) and with guidelines issued by the Department under the Municipal Waste Planning, Recycling and Waste Reduction Act ] the following:

(1) The approved registration, including any conditions the Department attaches to approval.

(2) The Small Business and Household Pollution Prevention Program Act.

(3) The requirements of Article VII (relating to hazardous waste management as made applicable by this subchapter.

\* \* \* \* \*

§ 272.532. Limitations on acceptable waste.

(a) The following wastes may not be accepted at a collection event:

- (1) Radioactive [ waste ] material.
- (2) [ Biologically active waste ] Infectious waste, except sharps.
- (3) [ Gas cylinders or aerosol cans.
- (4) ] Explosives [ or ordinance material ].

(b) An eligible entity may not deposit more than [ 100 kilograms (220 lbs.) ] 1,000 kilograms (2,200 lbs.) of waste at an individual collection event. The collection contractor shall weigh waste received at a collection event to ensure that no entity deposits more than [ 100 kilograms ] 1,000 kilograms of waste at an individual collection event. A sponsor may lower the maximum amount of waste that may be deposited by an eligible entity.

§ 272.533. Fees.

[ (a) The sponsoring municipality shall require a minimum fee of small businesses other than non-profit entities in the following amounts:

- (1) Two dollars per pound for poisons, including pesticides, insecticides, herbicides and fungicides.
- (2) One dollar per pound for other household hazardous wastes.

(b) The sponsoring municipality may require a fee of other eligible persons to help defray the costs of operating the collection program. ]

To help defray the costs of operating a collection program, a sponsor may require eligible entities to pay a reasonable fee to deposit waste with the collection program. If fees are collected and exceed 50% of the eligible costs under § 272.382 (relating to eligible costs), the Department will limit reimbursement as described in that section.

§ 272.535. Cleanup of site.

At the end of the collection event, the [ municipality ] sponsor and the collection contractor shall return the collection site to its original condition. Collected waste shall be removed from the site within 48 hours after completion of the collection event, unless a longer time has been authorized by the Department. Cleanup of the site shall be certified by the [ municipality ] sponsor and the collection contractor in a manner approved by the Department.

§ 272.537. [ Municipal ] Sponsor recordkeeping.

[ Municipalities sponsoring collection programs shall be responsible for maintaining the generator manifest records in accordance with 40 CFR 262.40 (relating to recordkeeping), incorporated in § 262a.10 (relating to incorporation by reference, purpose, scope and applicability) and for the generator reporting requirements under § 262a.42 (relating to exception reporting) and 40 CFR 262.42 (relating to exception reporting), incorporated in § 262a.10. ] A sponsor shall keep a copy of the manifests provided to it by the collection contractor under § 272.541 (relating to collection contractor) for 3 years and shall make them available to the Department upon request.

### COLLECTION CONTRACTORS

#### § 272.541. [ Basic requirements ] Collection contractor.

(a) [ A collection contractor may not operate a household hazardous waste program or site, or transport household hazardous waste unless the contractor has prior Departmental approval and an identification number and transporter license as required under Chapter 263a (relating to transporters of hazardous waste) and 40 CFR 263.11 (relating to EPA identification number), incorporated in § 263a.10 (relating to incorporation by reference and scope). ] A collection contractor shall comply with the following requirements:

(1) The collection contractor shall have an EPA hazardous waste identification number under 40 CFR 262.12 (relating to EPA identification numbers), incorporated by reference at § 262a.10 (relating to incorporation by reference purpose, scope and applicability) and modified at § 262.a12 (relating to EPA identification numbers).

(2) The collection contractor shall have a hazardous waste transporter's license under § 263a.13 (relating to licensing). In the event that the collection contractor will not transport the household hazardous waste, the collection contractor shall demonstrate to the Department that the person or municipality that will transport the household hazardous waste has a valid hazardous waste transporter's license under § 263a.13.

(b) The collection contractor shall be deemed to be the generator of hazardous waste for household hazardous wastes accepted during the collection program and shall manage, transport and dispose of the waste in accordance with this chapter[ , ] and the applicable provisions of Article VII (relating to hazardous waste management) except Chapter 262a, Subchapter I (relating to source reduction strategy). [ and conditions the Department may attach to the registration of the collection program. Disposal of household hazardous waste collected under this subchapter shall be at a facility having a permit or interim status under the Resource Conservation and Recovery Act (42 U.S.C.A. §§ 6901—6986). ]

(c) The collection contractor shall comply with [ 40 CFR Part 262 (relating to standards applicable to generators of hazardous waste), to the extent that Part 262 is incorporated by reference in Chapter 262a (relating to standards applicable to generators of hazardous waste), except Chapter 262a, Subchapters D and I (relating to recordkeeping and reporting; and source reduction strategy). ] the following requirements:

(1) The collection contractor shall manage, transport and dispose of the waste in accordance with conditions the Department may attach to the approval of the collection event.

(2) The collection contractor shall deliver a copy of the generator copy of the manifests to the sponsor to maintain in accordance with § 272.537 (relating to sponsor recordkeeping).

(3) The collection contractor shall provide a copy of the record of operations to the sponsor.

(4) The collection contractor shall provide for the recycling, reuse or use of the collected materials to the greatest extent feasible.

(d) [ At the end of the collection event, the collection contractor shall deliver the generator copy of the manifests to the sponsoring municipality to maintain in accordance with 40 CFR 262.40 (relating to recordkeeping), incorporated in § 262a.10 (relating to incorporation by reference, purpose, scope and applicability). ] The collection contractor shall ensure that the household hazardous waste is treated, stored or disposed at a facility having a permit or interim status under the Resource Conservation and Recovery Act (42 U.S.C.A. §§ 6901—6992k).

#### § 272.542. Reporting.

The collection contractor shall make and maintain a record of [ collection activities ] operations and submit a copy of the record to the Department and sponsor within 30 days of the end of each collection event. The record shall be on a form provided by the Department, and shall include:

\* \* \* \* \*

#### § 272.543. [ Recycling or reuse of collected materials. ] (Reserved).

[ The collection contractor shall, to the greatest extent feasible, provide for the recycling, reuse or use of the collected materials. ]

### TRANSPORTERS OF HOUSEHOLD HAZARDOUS WASTE

#### § 272.551. Household hazardous waste transportation, storage and disposal.

(a) A transporter of household hazardous waste collected as part of a collection event shall meet the requirements of this section.

(b) A transporter of household hazardous waste shall meet the requirements of this section if the waste is collected at an out-of-State household hazardous waste collection and brought into this Commonwealth for processing, treatment, storage or disposal.

(c) A transporter of household hazardous waste described in subsection (a) or (b) is subject to Article VII (relating to hazardous waste management), including the following:

(1) The waste shall be manifested as required under Chapter 262a (relating to standards applicable to generators of hazardous waste) to a facility having a permit or interim status under the Resource Conservation and Recovery Act (42 U.S.C.A. §§ 6901—6992k).

(2) The transporter shall comply with the hazardous waste transportation requirements in Chapter 263a (relating to transporters of hazardous waste).

[Pa.B. Doc. No. 01-219. Filed for public inspection February 9, 2001, 9:00 a.m.]



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 59]

[L-00000151]

## Natural Gas Emergency Plans and Emergency Actions

The Pennsylvania Public Utility Commission (Commission) on July 20, 2000, adopted a proposed rulemaking order setting forth the procedures the Commission intends to follow in managing natural gas emergencies in order to maintain gas service and minimize service disruptions. The contact persons are Ahmed Kaloko, Bureau of Conservation, Economics and Energy Planning, (717) 787-2139 and David Screven, Law Bureau, (717) 787-2126.

### *Executive Summary*

For many years, natural gas emergency planning has been a staple of this Commonwealth's natural gas distribution companies' (NGDCs) operational considerations. Given the necessity for 100% reliability on all natural gas distribution systems, NGDCs have long planned for force majeure or other unexpected events that threatened system integrity.

On June 22, 1999, Governor Tom Ridge signed into law the Natural Gas Choice and Competition Act (act). The act revised 66 Pa.C.S. (relating to the Public Utility Code) (code) by inter alia, adding Chapter 22, relating to the restructuring of the natural gas utility industry. Nevertheless, the act is clear that even with the restructuring of the natural gas industry, the requirement for 100% reliability of all NGDC systems remains constant.

The Natural Gas Emergency Regulations are designed to address the management of natural gas emergencies in this new environment in order to maintain (or restore as quickly as possible) gas service to essential human needs customers while minimizing service disruption. The proposed regulations address a number of matters that are critical to gas emergency and gas curtailment, including: (1) emergency load shedding, (2) a call for voluntary usage reduction, (3) a call for mandatory load and usage reduction, (4) issuance of periodic reports to the media on emergency situations, (5) notice of affected customers and natural gas suppliers (NGSs), (6) customer and NGS delivery requirements that apply to emergency actions, (7) a procedure for focusing emergency measures to confined geographic areas, and (8) procedures for establishing communications. On all of these issues, the regulations provide a strong framework for addressing these issues in more detail in the context of each utility's tariff and operational procedures.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 31, 2001, the Commission submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

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

Public Meeting held  
July 20, 2000

## Proposed Rulemaking Order

### *By the Commission:*

On June 22, 1999, Governor Tom Ridge signed into law the Natural Gas Choice and Competition Act (act). The act revised the code, by inter alia, adding Chapter 22, relating to the restructuring of the natural gas utility industry. The Pennsylvania Public Utility Commission (Commission) is the agency charged with implementing the act.

This Order sets forth the procedures the Commission intends to follow in executing its responsibilities under the Natural Gas Choice and Competition Act, as codified in 66 Pa.C.S. §§ 2201—2212.

### *Background*

For many years, natural gas emergency planning has been a staple of this Commonwealth's NGDCs operational considerations. Given the necessity for 100% reliability on all natural gas distribution systems, NGDCs have long planned for force majeure or other unexpected events that threatened system integrity. Most plans called for orderly ways to immediately drop gas load in the threatened parts of the NGDC system. During the 1970s, when anticipated gas supply shortages appeared to become endemic and also threatened the viable operation of every local distribution company (LDC), gas supply curtailment plans were incorporated into all NGDC tariffs at the direction of the Commission. To this day, there is a requirement that curtailment plans be incorporated in the tariffs.

After the issuance of FERC Order 636 in 1992, which removed pipelines from the merchant function and made them transporters of natural gas, and the passage of the Commonwealth's Natural Gas Choice and Competition Act in 1999, the importance of revising these requirements became apparent. In this context, NGSs are responsible for bringing increased volumes of gas to NGDCs to satisfy the requirements of their customers. Nevertheless, the requirement for 100% reliability of all NGDC systems remains.

The Commission approved the Interim Safety and Reliability Guidelines (Interim Guidelines) at its public meeting on October 15, 1999, at Docket No. L-00990144 for both NGDCs and NGSs to consider their respective roles in this emerging competitive environment. On April 24, 2000, at Docket No. M-00001351, the Commission adopted a proposed policy statement incorporating the Interim Guidelines into Chapter 69 (relating to general orders, policy statements and guidelines on fixed utilities) of its regulations. Likewise, natural gas emergency plan-

ning should also reflect the various roles of the participants in this new environment. The Natural Gas Emergency Regulations set forth below are designed to address the management of natural gas emergencies in this new environment in order to maintain (or restore as quickly as possible) gas service to essential needs customers while minimizing service disruption.

These proposed regulations are intended to address emergencies, which by definition, are limited to situations where available firm supply or capacity is not sufficient to meet firm service requirements. Accordingly, the interruption of interruptible services, and their subsequent restoration, are not addressed. The treatment of interruptible services raises valid issues, however, and the Commission expects NGDCs to address these issues, including electric generation facilities that use interruptible service, in the reliability plans that NGDCs are required to file with the Commission annually under 66 Pa.C.S. § 1317(c).

#### *Discussion*

Commission staff established a Collaborative Working Group as the appropriate vehicle to proceed with the implementation of gas emergency plans and curtailment under the Natural Gas Choice and Competition Act, 66 Pa.C.S. § 2201, et seq. On February 29, 2000, Commission staff convened the first meeting of the Gas Safety and Reliability Working Group addressing gas emergency plans and curtailment issues.

At the initial meeting of the working group, Commission staff identified statutory directives that applied to the working group, framed a tentative list of issues that should be addressed by the working group and established a date for the submission of informal comments. Several meetings of the working group were held between February and April 2000.

Commission staff urged the parties to identify those common issues that would be addressed in the meetings. The Office of the Consumer Advocate, the Office of Trial Staff, the Pennsylvania Gas Association, Texas Eastern Corporation, CNG Retail Services Corporation and TXU Energy Services (filed jointly with Statoil Energy) submitted informal comments on February 29, 2000.

The working group agreed that the requirements for gas emergency plans should be more than guidelines. As a result, the working group designated selected members to draft suggested regulations and this draft was delivered to the full group and considered at the meeting on May 23, 2000. Since the proposed regulations were designed to replace the Commission Gas Curtailment Guidelines (Guidelines) at §§ 69.21—69.27, the working group placed the proposed regulations in Chapter 59 (relating to gas service) on Gas Service rather than in Chapter 69. The working group agreed that the proposed regulations should be presented at public meeting for the Commission's consideration.

The Commission intends that these regulations be incorporated into its regulations at Chapter 59. The Guidelines at §§ 69.21—69.27 are to be eliminated. Additionally, since § 59.63 refers to the Guidelines at §§ 69.21—69.27, § 59.63 will also be modified to reflect the proposed changes.

The proposed regulations address a number of matters that are critical to gas emergency and gas curtailment, including: (1) emergency load shedding, (2) a call for voluntary usage reduction, (3) a call for mandatory load and usage reduction, (4) issuance of periodic reports to the media on emergency situations, (5) notice of affected customers and NGSs, (6) customer and NGS delivery

requirements that apply to emergency actions, (7) a procedure for focusing emergency measures to confined geographic areas, and (8) procedures for establishing communications. On all of these issues, the regulations provide a strong framework for addressing these issues in more detail in the context of each utility's tariff and operational procedures.

During discussions in the working group sessions, a suggestion was made to include a section in the proposed regulations indicating that the Commission would issue Emergency Orders that might include substantial penalties for any customer continuing to take gas in violation of the rules found in this subchapter. The members agreed not to include this in the proposed rulemaking, but rather to solicit additional comments on the issue.

The Commission already has adequate authority to issue Emergency Orders and to impose such penalties as are appropriate for violations. In order to continue the collaborative process, however, the Commission will consider comments concerning the use of Emergency Orders to address issues raised by a customer's continued consumption of gas in violation of the proposed rules, particularly in situations where the NGDC is unable to discontinue service. To the extent that comments demonstrate a need for further Commission directives on these issues, we will initiate a separate proceeding at the appropriate time.

To ensure the continued safety and reliability of natural gas service in this Commonwealth, the Commission proposes to amend Chapter 59 by amending § 59.63, adding §§ 59.71—59.75, which establishes regulations for natural gas emergency plans and curtailment safety and reliability, and eliminating §§ 69.21—69.27 of the Commission's regulations. Accordingly, under section 501 of the code, and the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, the Commission amends the regulations as noted to read as set forth in Annex A;

#### *Therefore, It Is Ordered That:*

(1) A rulemaking docket shall be opened to promulgate regulations for gas emergency plans as set forth in Annex A.

(2) The Secretary shall submit a copy of this order and Annex A to the Office of Attorney General for preliminary review as to form and legality.

(3) The Secretary shall submit a copy of this order, together with Annex A, to the Governor's Budget Office for review of fiscal impact.

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

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

(6) Within 30 days of this order's publication in the *Pennsylvania Bulletin*, any interested person may submit an original and 15 copies of written comments to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA, 17105-3265. One copy of a diskette containing the comments in electronic format should also be submitted. A copy of written comments shall be served upon the Commission's Bureau of Conservation, Economics and Energy Planning. Reply comments will be due 15 days from the last date of the 30-day comment period.

(7) A copy of this order and Annex A shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, all jurisdictional natural gas distribution companies and all licensed natural gas suppliers, and provided to all interested persons.

JAMES J. MCNULTY,  
*Secretary*

**Fiscal Note:** 57-218. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 52. PUBLIC UTILITIES

### PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Subpart C. FIXED SERVICE UTILITIES

#### Chapter 59. GAS SERVICE

#### REPORTING AND CURTAILMENT OF SERVICE

#### § 59.63. [Curtailment tariffs] Natural gas emergency plans.

As part of its officially filed tariff, each jurisdictional gas utility shall have on file with the Commission [detailed procedures for the curtailment of service] natural gas emergency plans. The [curtailment tariffs] plans shall be under Commission [guidelines] requirements [contained at] §§ [69.21–69.27 (relating to gas curtailment)] 59.71–59.75 (relating to gas emergency plans).

#### GAS EMERGENCY PLANS

*(Editor's Note:* Sections 59.71–59.75 are new. The text has been presented in regular type to enhance readability.)

#### § 59.71. Definitions.

The following words and terms, when used in this section and in §§ 59.72–59.75, have the following meanings, unless the text clearly indicates otherwise:

*Alternate fuel*—Any fuel other than natural gas.

*Alternate fuel capability*—The installed and operable ability to use any fuel other than natural gas on a time sensitive basis.

*Commercial use*—Gas usage by customers engaged primarily in the sale of goods and services including consumption by office buildings, institutions and government agencies.

*Essential human needs use*—Gas usage in any building where persons normally dwell including residences, apartment houses, dormitories, hotels, hospitals and nursing homes.

*Firm service*—Natural gas service offered to consumers under tariffs or contracts that anticipate no interruption.

*Industrial use*—Gas usage by customers engaged primarily in a process which creates or changes raw or unfinished materials into another form or product including the generation of electric power.

*Interruptible service*—Natural gas services that can be temporarily discontinued under terms and conditions specified by tariff or contract.

*NGDC*—Natural gas distribution company.

*NGS*—Natural gas supplier.

*Plant protection use*—Minimum usage of natural gas required to prevent physical harm to an industrial or commercial consumer's facility, or danger to personnel at the facility, when the protection cannot be afforded through the use of an alternate fuel. Plant protection use includes usage necessary for the protection of the material in process as would otherwise be destroyed, but does not include deliveries required to maintain production.

*Residential use*—Gas usage in a residential dwelling or unit for space heating, air conditioning, cooking, water heating or other domestic purpose.

#### § 59.72. Natural gas emergency planning.

(a) By \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 90 days from the effective date of adoption of this proposal.) or a later date as may be determined by the Commission, each NGDC shall file with the Commission a natural gas emergency plan reflecting its unique operational characteristics and design criteria. Each plan shall contain simplified and understandable rules and regulations so that all of the NGDC's customers and all NGSs licensed to provide services to their customers can have a responsive action plan in place to protect themselves and their property in the event of a crisis. NGDCs shall file revisions to their plans when and as appropriate, or as directed by the Commission.

(b) As part of their emergency planning, NGDCs are encouraged to make contractual or informal arrangements with their transportation customers, sales customers and others to obtain supplies or, as an alternative, to implement usage reductions, so that resorting to firm service reductions under § 59.73 (relating to emergency action) can be avoided, or the severity of supply or capacity disruption can be mitigated. The purpose of these arrangements is to provide a means to minimize the potential of supply shortfalls that threaten public health and safety, and not to make up for inadequate performance by individual parties.

(c) Each natural gas emergency plan shall include provisions addressing:

(1) Emergency load shedding.

(2) Voluntary usage reductions, for example, reducing space or water heating temperatures to levels specified by the NGDC.

(3) Mandatory usage reductions for certain customers consistent with § 59.73(c).

(4) Issuance of periodic reports to the media concerning the existing natural gas emergency.

(5) Notice to affected customers and NGSs of the expected initiation of emergency actions under § 59.73.

(6) Customer and NGS delivery requirements that apply during the term of emergency action under § 59.73, regardless of customer-specific usage reductions that arise or may arise from end-use curtailments.

(7) A procedure for focusing emergency measures to confined geographic or operational portions, segments or zones of the NGDC system where a natural gas emergency exists.

(8) Procedures for establishing communications with electric system control area operators, if the NGDC provides gas service to electric generation stations.

(d) Each natural gas emergency plan should specify the procedures the NGDC shall use to provide notices to affected customers, their NGSs and NGDCs. Notice to the

public concerning usage reductions should be designed to avoid confusion in geographical areas served by more than one NGDC.

**§ 59.73. Emergency action.**

(a) An emergency exists whenever the aggregate demand of firm service customers on an NGDC's system or confined segment of the system exceeds or threatens to exceed the gas supply or capacity that is actually and lawfully available to the NGDC to meet the demands, and the actual or threatened excess creates an immediate threat to the NGDC's system operating integrity with respect to Priority 1 customers as defined in subsection (j).

(b) If, in the sole judgement of the NGDC, there is sufficient time, the NGDC will use reasonable business and operational efforts to: interrupt all interruptible services, issue operational flow orders, and call for voluntary usage reductions by all customers before taking any action under subsection (c). The NGDC shall take these three actions sequentially to the extent feasible.

(c) In the event of an emergency under subsection (a), the NGDC may require each commercial and industrial retail and transportation customer that is not a Priority 1 customer under subsection (i) to reduce its consumption of gas.

(1) The reduction required shall be determined by the utility without regard to priorities of use, as necessary to minimize the potential threat to public health and safety.

(2) The minimum authorized usage may not be lower than the minimum usage of firm service necessary for plant protection use.

(3) When all other service has been curtailed except for Priority 1 service and the NGDC continues to be unable to meet Priority 1 requirements, the NGDC will exercise its judgment as to any further curtailment that may be necessary and will utilize measures designed to minimize harm to customers if curtailments to plant protection use are found to be necessary.

(4) Consistent with its responsibility to maintain system integrity at all times, the NGDC shall restore service as soon as practicable to any gas-fired electric generation facility that is deemed critical to electric system reliability by the electrical system's control area operator.

(d) Mandatory reductions under subsection (c) shall be for a period specified by the NGDC until further notice. The NGDC may change a customer's authorized usage, upon notice, at any time during an emergency.

(e) Mandatory reductions under subsection (c) shall be for a maximum duration of 5 business days unless extended by Commission order. As an alternative to extending mandatory reductions under subsection (c), the Commission may order the NGDC to initiate priority-based curtailments under subsection (f).

(f) In determining whether to order the NGDC to initiate priority-based curtailments, the Commission will examine whether the NGDC did the following:

- (1) Interrupted all interruptible services.
- (2) Issued operational flow orders.
- (3) Called for voluntary usage reductions by all customers.

(g) Upon issuance of an order to initiate priority-based curtailments, the NGDC shall provide all affected customers the maximum notice possible, via telephone, fax or electronic data interchange, specifying the curtailment

percentage of the customer's firm gas service and resulting allowance as may be the case.

(h) Upon issuance of an order to initiate priority-based curtailments, the available gas supplies to the NGDC should be prorated among its customers in accordance with the following priorities of use:

(1) Customers in a higher priority will not be curtailed until all customers falling into a lower category have been restricted to plant protection use levels, unless operational circumstances or physical limitations warrant a different result.

(2) Where only a partial restriction of a classification is required, implementation should be pro rata.

(3) The pro rata rationing, to the extent practical under the circumstances, will be based on a method set forth in the NGDC's tariff.

(i) Following are the priority categories, listed in descending order, pertaining to the curtailment of firm services:

(1) *Priority 1.* Service for essential human needs use.

(2) *Priority 2.* Firm services not included in essential human needs use.

(j) As part of its natural gas emergency plan, an NGDC may divide any or all of the priority of use categories in subsection (i) into subcategories.

**§ 59.74. Utility liability.**

(a) Each NGDC may restrict or discontinue service in accordance with this section and §§ 59.71—59.73 and 59.75 without thereby incurring any penalty or liability for any loss, injury or expense that may be sustained by the customer except when the restriction or discontinuation of service is as a result of the NGDC's willful or wanton misconduct.

(b) NGDC liability for actions taken under § 59.73 (relating to emergency action), or to a regulation, policy statement, directive or order issued by the Commission or an emergency order issued by the Governor shall be governed by the following principles:

(1) If an NGDC appropriates natural gas during an emergency action, the NGDC will compensate the applicable entity, whether the customer or the customer's NGS, for the cost of lost, firm gas service. The compensation, in the aggregate, shall equal but not exceed the greater of: the city gate cost of the appropriated natural gas, including transportation charges up to the NGDC's city gate, or the reasonable cost actually paid by the customer for delivered substitute energy, as documented to the NGDC. NGDCs may provide compensation in kind only at the discretion of the affected customer or NGS.

(2) The NGDC will have the right to discontinue service, for the duration of an emergency, to a customer that continues to take gas in violation of the rules found in this subchapter.

**§ 59.75. Penalties for unauthorized takes.**

The tariff, operating practices, and billing periods of the NGDCs and their suppliers differ significantly. Therefore, each NGDC is permitted to utilize its own appropriate billing periods for calculating pipeline transportation, storage service, and balancing or other penalties and its own tariffed procedure for imposing those penalties on customers who take gas service and NGSs who operate in a manner that is contrary to the rules and regulations of this chapter.

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

**[ GAS CURTAILMENT ]**

*(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete the text of §§ 69.21—69.27 (relating to gas curtailment), which currently appears in 52 Pa. Code pages 69-16.2—69.21, serial pages (271646)—(271650), (201989), (201990), (263695), (263696) and (201993).)*

**§§ 69.21—69.27. (Reserved).**

[Pa.B. Doc. No. 01-220. Filed for public inspection February 9, 2001, 9:00 a.m.]

**[52 PA. CODE CH. 63]**

**Rulemaking Re Generic Competitive Safeguards;  
Doc. No. L-00990141**

By Order entered November 30, 1999, this Commission initiated a proposed rulemaking proceeding to establish competitive safeguards in furtherance of the provisions of Chapter 30 of the Public Utility Code, 66 Pa.C.S. §§ 3001-3009. The proposed rulemaking order required that comments be filed within 30 days of publication in the *Pennsylvania Bulletin*, which occurred on January 29, 2000. Comments were, therefore, originally due February 28, 2000.

On two separate occasions, this Commission granted extensions for the filing of comments in the above-captioned matter after receiving requests for a stay because of the uncertainty surrounding the pending Global appeals and the relevance their resolution may bear on this rulemaking proceeding. Specifically, the November 30, 1999 Order proposed a Code of Conduct that is modeled closely after the Code of Conduct adopted for Verizon Pennsylvania Inc. (formerly Bell Atlantic-Pennsylvania, Inc.) in the Global Order entered September 30, 1999, at Docket Nos. P-00991648 and P-00991649. The second extension granted by this Commission by secretarial letter dated April 26, 2000, stayed, until further notice, the comment period in the above-referenced matter.

On October 25, 2000, the Commonwealth Court unanimously upheld the Commission's Global Order, including the aforementioned Code of Conduct. On November 22, 2000, Verizon filed a petition for allowance of appeal with the Pennsylvania Supreme Court without further challenging the Commonwealth Court's decision relating to the Code of Conduct. Given this changed circumstance removing the prior uncertainty, we believe it is now appropriate to re-establish a comment period for the proposed rulemaking. We, therefore, direct that comments be filed on or before Friday, February 23, 2001, and that a copy of this letter be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 01-221. Filed for public inspection February 9, 2001, 9:00 a.m.]

**STATE BOARD OF  
NURSING**

**[49 PA. CODE CH. 21]**

**General Revisions of the Professional Nursing  
Provisions**

The State Board of Nursing (Board) proposes general revisions to its regulations governing professional nurses (RNs) in Chapter 21 (relating to State Board of Nursing) to read as set forth in Annex A.

*A. Effective Date*

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

*B. Statutory Authority*

The Board is authorized to adopt regulations necessary for the administration of its enabling statute under section 2.1(k) of the Professional Nursing Law (law) (63 P. S. § 212.1(k)). Section 6.1 of the law (63 P. S. § 216.1) requires the Board to establish standards for the operation and approval of nursing education programs for the preparation of registered professional nurses.

*C. Background and Purpose*

The proposed amendments represent the results of the Board's systematic review of its professional nursing regulations. The Board began the review in 1993. The Board held a public hearing in that year to receive public comments from the profession on an early draft of these proposed amendments. The Board continued its review in accordance with the principles and requirements of Executive Order 1996-1 of February 6, 1996. The Executive Order directs executive agencies to evaluate existing regulations and amend and delete regulations as necessary to comply with the order. In accordance with the Executive Order, a draft of this proposal was sent on August 10, 1998, to 27 agencies, associations, health care entities and individuals who have been identified as interested parties or who have expressed an interest in this proposed rulemaking. The Board reviewed these comments at its meeting of November 17, 1998.

The Board seeks in these revisions to eliminate outdated provisions, to standardize and simplify language in provisions that maintain their validity, and to reflect educational, testing and practice developments.

*D. Description of Amendments*

These revisions would make editorial changes to 31 sections, eliminate 20 sections, and add five new sections. These revisions would also consolidate separate provisions pertaining to baccalaureate, associate degree and diploma programs into one category, nursing education programs, the term used in section 6.1 of the law. Seven new definitions are proposed for § 21.1 (relating to definitions). The content of § 21.26 (relating to failing rate of a school in examination) would be moved to § 21.34(b) (relating to removal from approved list). A new standard for removing nursing education programs based on the failure rate of first-time examinees is proposed. Major substantive changes are also proposed for faculty and staff requirements for a nursing education program.

*Major Changes*

*§ 21.34. Removal from approved list; percentage failure rate in examination.*

The Board proposes to reserve § 21.26, move its contents to § 21.34, clarify the procedure for removing a

nursing education program from the approved list, and establish a new standard for removal of a program based on the failure rate for the licensure examination.

One of the criteria used by the Board, as well as many other state boards of nursing, in approving a nursing education program is the passing rate of graduates of the program who take the licensure examination (NCLEX) for the first time. Under the current § 21.26, a nursing education program's status will be downgraded from fully approved to provisionally approved if less than 60% of its graduates pass the NCLEX when they take it the first time.

The amendments would reserve the current § 21.26 and move the criteria for establishing minimum pass rates to § 21.34, which deals with removal of a nursing education program from the Board's approved list. The amendments would cause a nursing education program, beginning 1 year after final rulemaking is implemented, to be downgraded from fully approved to provisionally approved if less than 80% of its graduates pass the NCLEX when they take it the first time. The Board proposes this change for the following reasons.

The Commonwealth's minimum passing rate is the least stringent standard in the Nation when compared with other states that use the NCLEX passing rate as a criterion for approving a nursing education program. Under current standards, a nursing education program will maintain full approval status if more than 60% of its graduates pass the NCLEX on their first attempt. Seven states have established 75% as the minimum passing rate, 13 states have established 80% as the minimum, and six states have established 85% as the minimum. (National Council of State Boards of Nursing, Inc., Profiles of Member Boards-1996)

For the examination year October 1, 1997, to September 30, 1998, only 10 of 56 jurisdictions had NCLEX performance rates below that of this Commonwealth. The 10 jurisdictions are American Samoa (four candidates), Delaware, District of Columbia, Guam, Illinois, New York, Northern Mariana Islands (10 candidates), Puerto Rico and Virgin Islands. The overall pass rate for first time examinees applying for licensure in this Commonwealth who were educated in programs in this Commonwealth during the examination year October 1, 1997, to September 30, 1998, was 80.6%. The overall pass rate for the United States in the same period was 85.3%. When this Commonwealth's pass rate is broken down according to type of program, the pass rate for graduates of associate degree programs was 79% (1,075 of 1,355 examinees), baccalaureate degree programs, 80% (1,157 of 1,452), and diploma programs, 84% (717 of 853).

Under the current standards, the nursing education programs in this Commonwealth can maintain full approval status. If the amendments were in effect, 11 of 22 associate degree programs, 17 of 32 baccalaureate degree programs and six of 26 diploma programs would be on provisional status. These programs would have to improve the performance of their graduates on the NCLEX to return to full approval status.

The Board believes that the minimum passing rate for this Commonwealth's programs should be consistent with the rest of the Nation. Programs will be motivated to improve if the minimum passing rate required for maintaining full approval is increased. The Board believes that a number of programs are not providing sufficient support services for students which results in lower pass rates for their graduates. It is the Board's understanding

that programs with higher pass rates do not have more resources available to them than programs with lower pass rates.

The proposed amendments to § 21.34(a) also clarify the procedure for removing a nursing education program from the approved list. Under the current § 21.34, the Board gives "sufficient" notice of its intent to remove a program. The proposed amendment will provide 90 days notice to the program.

*§ 21.71. Faculty and staff requirements for baccalaureate and associate degree programs.*

The current § 21.71(b)(1) requires the director of a baccalaureate degree program to hold a master's degree in nursing and either an earned doctorate or a specific plan for completing the doctorate, and to have experience in nursing practice, nursing education within an institution of higher education and educational administration. The amendment to § 21.71(b) would require the nurse administrator of a baccalaureate nursing education program who is employed for the first time 1 year after the implementation of final rulemaking to hold an earned doctorate with a nursing major at either the master's or doctoral level. The nurse administrator will also be required to have experience in the areas of administration (not necessarily educational administration), nursing practice and nursing education within an institution of higher education.

The proposed requirement that the nurse administrator of a baccalaureate nurse education program have a doctorate reflects the current standard in nursing education. The nurse administrators of 30 of this Commonwealth's 32 baccalaureate degree programs hold doctorates. The remaining two programs would not be required to comply with the doctoral standard until there is a change of nurse administrator. When the current regulation went into effect in 1983, few nurses held doctorates. Today nurses holding doctorates are available.

The current §§ 21.71(b)(2) and 21.74 (relating to faculty and staff requirements for diploma programs) require the director of an associate degree program or a diploma program to hold a master's degree in nursing and have experience in the areas of nursing practice, nursing education and educational administration. Additionally, a candidate without a master's degree who has made outstanding contributions to nursing education may, at the discretion of the Board, serve as the director of a diploma program.

Under the proposed amendments, the nurse administrator of an associate degree or diploma program will still be required to hold a master's degree in nursing and have experience in the areas of nursing practice, nursing education and administration (although not necessarily educational administration). The Board will no longer require that a candidate for the position of nurse administrator of any educational program have administrative experience in the field of education. The Board is of the opinion that such a requirement is unnecessarily restrictive and that administrative experience gained outside of education is acceptable. Under the proposed amendments, a diploma program will no longer have the option of seeking Board approval for a candidate who lacks the required master's degree but who has made outstanding contributions to nursing education.

The current §§ 21.71(a)(5) and 21.74(a)(3) require that the faculty members of all types of program have a master's degree in nursing with graduate preparation relevant to their clinical areas of responsibility. Under the

proposed amendments in § 21.71(a)(6), every faculty member will be required to have a master's degree in nursing or an earned doctoral degree in nursing with graduate preparation and clinical experience relevant to their clinical areas of responsibility. Under both the current regulations and the proposed amendments, nursing education programs may apply to the Board for permission to employ a faculty member without a master's degree in nursing for up to 5 years if qualified candidates are not available.

Section 21.71(b)(9) is being added to authorize clinical preceptors to guide nursing students in clinical activities. Under current regulations, only a faculty member could guide students in clinical activities. The Board believes the current regulation is unnecessarily restrictive.

*§§ 21.61—21.126. Reorganization and consolidation of provisions pertaining to nursing education programs.*

These amendments would consolidate the separate and sometimes repetitive provisions pertaining to baccalaureate, associate degree and diploma programs into one category under the statutory phrase, "nursing education programs." This consolidation simplifies the organization of the regulations and makes clear that the Board's approval of any program, whether a baccalaureate, associate degree or diploma, assures that the program provides the minimal education necessary for licensure. Section 21.61 will contain the organizational requirements for all three types of programs. Section 21.71 will contain the faculty and staff requirements for all three types of programs.

The proposed rulemaking makes clear that the nursing education program faculty will be on the same footing as other faculty in the institution (§ 21.61(b)), that the administrative responsibility for the program must be in the nurse administrator (§ 21.61(f)), that the nurse administrator and the faculty will be required to conduct periodic evaluations of the program (§ 21.61(g)), and that the faculty must formulate all policies that relate to the operation of the nursing education program (§ 21.61(k)).

Under the heading "Student Services" the Board proposes to delete §§ 21.112, 21.113 and 21.115 (relating to student employment; student housing; and financial aid). The Board has had a minimal role in these areas; these regulations are obsolete. The Board does not believe that it can lawfully regulate student employment. Most diploma programs do not provide student housing. Housing for baccalaureate and associate degree programs is established and regulated on an institution-wide basis and regulated by the colleges themselves. Financial aid programs are regulated by other state and Federal agencies.

As a result, of this reorganization it will be possible to delete §§ 21.62, 21.63, 21.74—21.76 and 21.81—21.89. New §§ 21.90, 21.90a—21.90c and 21.131 will be added to cover curriculum, educational and program evaluation criteria for all three types of programs. Additionally §§ 21.61, 21.71—21.73, 21.91, 21.101—21.103, 21.114, 21.118, 21.121—21.122 and 21.124—21.125 will be revised either for editorial improvement or to reflect current terminology appropriate to all nursing education programs and current practice.

*Other Changes*

*§§ 21.21—21.23. Applications for examination.*

The conversion of NCLEX from a "pencil and paper" examination to computer adaptive testing (CAT) on April 1, 1994, requires changes to §§ 21.21 and 21.23 and allows the deletion of § 21.22. Prior to CAT, the examina-

tion was scheduled a few times a year. The current § 21.21(a) (relating to application for examination) authorizes the applicant to submit an application during the last term of the nursing program to be scheduled to take the next examination, as long as the applicant completed the program before taking the examination. Under CAT, the examination can be administered on 6 days of the week on a date and at a location chosen by the applicant. It is no longer necessary for the Board to receive applications before the applicant actually completes the program because under CAT, after the applicant completes the nursing education program, the applicant may submit the application and take the test when the applicant wishes.

Section 21.22 (relating to date and location of examinations) may be deleted because under CAT it is no longer relevant. Section 21.23(a) is modified to remove the potential implication that the examination must be handwritten.

*§ 21.27. Temporary Practice Permits.*

The current § 21.27 (relating to unlicensed candidate) is based on earlier law which provided for a graduate of a nursing education program to practice as a graduate nurse for 1 year. The proposed amendments to § 21.27 reflects the addition of section 4.1 of the law which requires that graduates obtain a temporary practice permit during the 1-year period from completion of the person's nursing education program or from the date a licensee of another jurisdiction of the United States or Canada files an application for a license from the Commonwealth.

*§ 21.28. Licensure By Endorsement.*

Section 7(a) of the law authorizes the Board to issue a license without examination to an applicant who has completed a course of study equivalent to that required in this Commonwealth and who is licensed by examination in another jurisdiction of the United States or Canada. The proposed amendment to § 21.28 (relating to licensure by endorsement) brings the Board's regulation pertaining to endorsement into harmony with the law. The proposed amendment identifies those who are licensed by examination in Canada as among those who would be eligible for licensure by endorsement. The proposed amendment also recognizes that the licensure examination in Canada is not NCLEX. The current regulation in § 21.28(a) would authorize licensure by endorsement to a Canadian educated nurse only if the nurse passed NCLEX. NCLEX, however, is not employed as a licensing examination in Canada. The proposed amendment makes it clear that the Canadian examination will support licensure by endorsement for nurses who have been educated and obtained licensure in Canada.

*§ 21.29. Expiration and renewal of license.*

The recitation of the schedule for renewing licenses in subsection (a), published in 1985, and now in effect for over a decade, is eliminated in this proposed rulemaking and replaced with the simple statement that licenses shall be renewed biennially. Nurses have actual knowledge of the expiration and renewal date of their licenses because the expiration date is printed on their licenses and wallet cards. Renewal applications are sent to nurses 2 months before their licenses expire.

*§ 21.30. Registered nurses licensed outside of the United States, its territories or Canada.*

Section 21.30(b) may be eliminated because it is obsolete. This provision authorized a graduate nurse licensed in another country to participate in an approved

exchange-visitor program or in an accredited graduate program in nursing for 2 years without a license and compensation. These programs have not been available for a decade. Moreover, the Board is not aware of any barrier that would prevent a credentialed graduate nurse licensed in another country from either obtaining licensure in this Commonwealth or participating in a nursing education program.

The current § 21.30(c) requires an applicant from a nondegree granting institution outside of the United States or Canada to obtain a certificate of preliminary education through the Department of Education. This provision may be deleted as obsolete. Since January 1, 1995, the Department of Education ceased evaluating foreign credentials for professional licensing boards. The Board itself under the authority of section 6 of the law makes the determination that an applicant has completed work equal to a standard high school course.

*§ 21.31. Compliance Reviews of Nursing Education Programs.*

The amendment to § 21.31 would replace “survey visits” of nursing education programs with “compliance reviews” and announce that a compliance review of every basic nursing education program will be conducted at least once every 3 years.

Section 6.1 of the law requires an approved nursing education program to submit an annual report to the Board and that a site visit of the program be made at least once every 3 years to assure that the program maintains acceptable standards. Since 1995, the Board has been accepting the accreditation reviews of the National League of Nursing Accreditation Association (NLN), which include site visits, in place of site visits made by Board personnel. The onsite evaluations conducted by the NLN are in accordance with standards acceptable to the Board. The Board still conducts site visits every 3 years to nursing education programs which do not have NLN accreditation. Every nursing education program continues to submit an annual report to the Board and a compliance review every 3 years. A recognized National accreditation survey assures that an approved nursing education program continues to meet Board standards. This change is reflected in the amendments to § 21.31.

Section 6.2 of the law requires the Board to annually prepare and make available a list of all approved programs. The new § 21.31(b) tracks this provision.

*§ 21.33. Types of approval.*

The Board grants initial approval to a new program, full approval to a program that maintains acceptable standards and provisional approval to a program that does not meet acceptable standards. Under the current § 21.33(c), a program not meeting acceptable standards could remain on provisional status for up to 2 years. This provision also provides for removing a nursing education program from the list of approved programs if it does not meet acceptable standards. The amendment would allow for more flexibility in both restricting and correcting programs not meeting acceptable standards. The amendment would eliminate the 2-year maximum time period and enable the Board to set a specific time for a program to comply with Board requirements. The amendment also provides notice that a nursing education program downgraded to provisional status may be restricted from establishing new satellite campuses or offering alternative scheduling plans.

*§ 21.51. Establishment of a nursing education program.*

Most of the proposed changes to this section attempt to clarify the process under which a new program obtains approval from the Board. Under both the current and proposed rulemaking, the program first submits a feasibility study (§ 21.51(b)(1)—(4) of the current regulations, § 21.51(b)(1)—(2) of the proposed rulemaking). After the feasibility study is approved by the Board, the program submits an educational plan (§ 21.51(b)(5) of the current regulations, § 21.51(b)(3) of the proposed rulemaking). The distinction between the feasibility study and the educational plan is clarified in the amendment (proposed § 21.51(b)(3)).

Aspects of the current regulation which appeared subjective and not subject to enforcement, § 21.51(b) (relating to compatibility of the philosophy of the parent institution) will be deleted. Similarly, provisions which appear to place restraints on the establishment of a new program based on the “need” for a program, assurances of an “adequate supply and flow of interested candidates” and impact on other nursing programs are also deleted. (See, § 21.51(b)(1)(i)—(iii).) The amendments require the feasibility study for the establishment of a new nursing education program to demonstrate that the program has an appropriate curriculum, the necessary hours of instruction, adequate academic and clinical resources and reasonably committed financial resources.

After the Board approves a feasibility study, a new nursing education program will be required to submit a report at least 8 months before students are admitted. The report must include an outline of the administrative structure of the new program, a job description for each faculty position, a statement of philosophy and objectives, admissions policies, a 4-year budget projection and information about various agencies which will provide supervised clinical experience for the nursing students.

Under the current regulations the new education program must employ the faculty at least 1 semester before they start teaching. (See § 21.51(b)(6).) The proposed amendment deletes this costly requirement and implicitly authorizes a new program to employ the faculty when it becomes necessary.

The current regulations treat the change of ownership of a nursing education program as the establishment of a new program, requiring a new feasibility study. (See § 21.51(c).) The proposed § 21.51(d) recognizes that a change in ownership may not result in any change to a program and, in such a situation, only requires the administrator of the program to inform the Board of a change in ownership.

*§ 21.72. Faculty policies.*

A proposed amendment to § 21.72(f) will require faculty members to maintain a record of participation in continuing education, self-development and other activities which promote the maintenance of expertise in their teaching area. While many professionals maintain the records as part of their resume, this proposed rulemaking makes the recordkeeping mandatory.

*§§ 21.90—21.90b. Curriculum, philosophy, purposes and objectives; core curriculum requirements; and general education criteria.*

These provisions require types of nursing education programs to formulate a statement of philosophy and purpose, to have a curriculum which addresses the areas of entry level nursing practice identified in the job analysis of the National Council of State Boards of



Nursing and to stress critical thinking. These provisions replace the current §§ 21.81, 21.82 and 21.84—21.89.

*§ 21.90c. Changes requiring Board approval.*

This section would replace the current § 21.83. The proposal makes clear that major changes to curriculum require Board approval and simplifies the procedure for obtaining Board approval.

*§ 21.91. Facility and resource requirements.*

The proposal simplifies this provision, eliminating requirements that are subjective (such as, the “facilities shall be attractive”) and not subject to the Board’s enforcement jurisdiction or expertise (such as, “effective lighting, adequate heating and ventilation”), but rather are under the jurisdiction of other agencies.

*§ 21.114. Counseling and guidance.*

Current regulations encourage student counseling programs to include personal, professional and academic counseling and referral of students to appropriate counselors. Under the proposed amendments, these services will be required.

*§ 21.122. Record maintenance.*

The current regulations require a nursing education program to keep student records “ad infinitum.” The proposed amendment reduces this time to 50 years. The proposed amendment will require that minutes of organizational and faculty meetings, annual reports and program evaluations be retained for 10 years and budgets for 3 years. The current regulations do not specify how long these records should be kept.

*§ 21.124. Records to be filed with the Board.*

The proposed § 21.124(b) is simplified because the only information that a nursing education program need provide the Board consists of a list of those who completed the program and are eligible for a temporary practice permit. The student submits the application.

*§ 21.131. Evaluation.*

The proposed amendment requires each nursing education program to perform self-evaluations which examine the program’s administration, faculty, curriculum, facilities and student policies.

*E. Fiscal Impact and Paperwork Requirements.*

Some of the provisions of this proposed rulemaking are likely to have a fiscal impact. It is not possible to estimate the impact with any likelihood of precision. The proposal in § 21.34 to downgrade the status of a nursing education program from full approval to provisional approval based on the performance of graduates on the licensure examination may increase costs for those programs which may have to increase student support services to raise the passing rate of its graduates. An increase in the passing rate will have a beneficial fiscal impact on students, possibly offsetting school costs.

The change proposed in § 21.31 from routine site visits of nursing education programs performed by Board staff to compliance reviews based on NLN accreditation site reviews every 3 years will result in savings to both the Commonwealth and to the nursing education programs. The Commonwealth benefits from saving staff time because staff no longer have to visit sites. The programs benefit by not having to prepare for two similar onsite surveys.

The change proposed in § 21.51(b)(6), which no longer requires a new nursing education program to hire the

faculty 1 semester before they start teaching, will result in savings to the private sector and public institutions.

The change proposed in § 21.51(c), which will no longer consider a change of ownership of a nursing education program as the establishment of a new program, will result in savings to the private sector. Under the proposal, the program will only have to inform the Board and not prepare a new feasibility study.

*F. Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

*G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 25, 2001, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the House Committee on Professional Licensure and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided the Committees and IRRC with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, “Regulatory Review and Promulgation.” A copy of this material is available to the public upon request.

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

*H. Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Martha Brown, Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, Pennsylvania 17105-2649 within 60 days following publication for the proposed rulemaking in the *Pennsylvania Bulletin*. Please reference (16A-516) General Revisions when submitting comments.

M. CHRISTINE ALICHNIE, PhD, RN,  
Chairperson

**Fiscal Note:** 16A-516. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 21. STATE BOARD OF NURSING**

**GENERAL PROVISIONS**

**§ 21.1 Definitions.**

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

**Accredited program**—A nursing education program which has been approved by an accrediting agency in nursing recognized by the United States Department of Education.

\* \* \* \* \*

**Agency data form**—A form provided by the Board which is used to collect demographic and other necessary information relevant to the clinical experience of nursing students at a cooperating clinical agency.

\* \* \* \* \*

**Clinical preceptor**—A professional nurse associated with a cooperating clinical agency who guides a nursing student in designated clinical learning activities after the student has received appropriate didactic and clinical instruction.

**Compliance review**—A process of self-evaluation by the nursing education program pursuant to guidelines of the Board, which may also include a site visit by professional Board staff for the purpose of determining compliance with Board regulations.

**Cooperating clinical agency**—A facility which enters into a written agreement with a nursing education program or controlling institution to provide nursing students with supervised clinical experience.

\* \* \* \* \*

**NCSBN**—National Council of State Boards of Nursing.

\* \* \* \* \*

**Satellite or branch campus**—A dependent part of a nursing education program established at a location other than that of the originally approved site. The satellite or branch campus offers a majority of the courses of the originally approved program.

\* \* \* \* \*

§ 21.2 Scope.

(a) The Board administers the act by providing rules and regulations on standards for nursing [schools and the conduct of the] education programs.

(b) The Board provides for licensure of graduate nurses from approved [schools] nursing education programs by examination[,]. The Board also provides for licensure of nurses by endorsement and by renewal of licenses.

(c) The Board has the [right] authority to establish rules and regulations for the practice of nursing.

(d) The Board may suspend or revoke licenses for cause as well as impose civil penalties.

(e) The Board will approve [basic] nursing education programs conducted in hospitals, colleges[,], and universities[; approve foreign exchange visitor programs; and promulgate] and compile a list of approved programs.

(f) The Board will [approve applications] provide for inactive status under section 11(b) of the act (63 P. S. § 221).

\* \* \* \* \*

§ 21.3 Purposes of the Board.

[The Board will insure safe nursing services for the citizens of this Commonwealth.] The purpose of the Board is to assure the public health, safety

and welfare of the residents of this Commonwealth. Embodied in this purpose are the following responsibilities:

(1) To establish safe minimum standards for the preparation of registered and practical nurses in approved [educational] nursing education programs.

(2) To assure safe standards of nursing practice through examination and licensure of graduates of approved [educational] nursing education programs, through endorsement of registered and practical nurses from other jurisdictions, and through the regulation of the practice of nursing in this Commonwealth.

LICENSES

§ 21.21. Application for examination.

(a) An application for the licensing examination [without transcript] together with the required fee in the form of a check or money order may be submitted [during the last term] to the Board office upon completion of the nursing education program. [The applicant will be scheduled for the subsequent examination.]

\* \* \* \* \*

(c) A copy of the transcript for out-of-State candidates validating program completion shall be filed [at least 2 weeks prior to the testing dates in the Board office] in the Board Office.

[ (d) The Board will not proctor an applicant for another state board. The Board will not permit an applicant for Commonwealth licensure to be proctored by another state board. ]

§ 21.22. [Date and location of examinations] (Reserved).

[ (a) The Board conducts licensing examinations at least twice a year.

(b) A list of examination dates and locations are published annually. ]

§ 21.23. Qualifications of applicant for examination.

(a) An applicant shall pass [a written] an examination as provided by the Board.

\* \* \* \* \*

§ 21.24. Examination score requirements.

The candidate for licensure shall achieve a [minimum] passing score as mandated by the Board.

§ 21.25. Reexamination.

(a) [A candidate shall submit the required fee in the form of a check for reexamination.] An application for reexamination may be submitted together with the required fee in the form of a check or money order to the Board office.

(b) [Reserved].

(c) ]

\* \* \* \* \*

[ (d) A request to retake an examination for the purpose of elevating a passing score will not be granted. ]

§ 21.26. [ Failing rate of a school in examination ] (Reserved).

[ If 40% or more of the first-time examinees of a school of nursing writing the examination in this Commonwealth fail the examination, the school will be placed on provisional approval status. The Board may consider additional documented statistics concerning the examination scores received in other states by Commonwealth graduates in determining the status of the school. ]

§ 21.27. [ Unlicensed candidate ] Candidates for licensure; temporary practice permits.

[ The ] A candidate for licensure as a professional nurse who has completed a nursing education program may practice as a graduate nurse [ until the licensing examination is passed subject to the following: ] upon the issuance of a temporary practice permit under section 4.1 of the act (63 P. S. § 214.1).

(1) [ Unless licensed, the candidate may be employed as a graduate nurse for 1 year only from the date of completion of a nursing program except in the case where special permission is granted by the Board due to extenuating circumstances. In such a case the candidate shall present validating documentation. ] A candidate for licensure as a professional nurse shall apply to the Board for admission to the examination and may apply for a temporary practice permit.

\* \* \* \* \*

§ 21.28. Licensure by endorsement.

(a) [ A registered nurse who has graduated from an approved nursing program in another state or territory of the United States or Canada and who is licensed by writing the National Council Licensure Examination in another jurisdiction of the United States or Canada may be granted licensure in this Commonwealth by endorsement of the original licensing board. ] A registered nurse who has graduated from an approved nursing education program in another state or jurisdiction of the United States or the Dominion of Canada and obtained the license by passing the National Council of State Boards of Nursing Licensure Examination or the examination required for licensure in the Dominion of Canada may be granted licensure in this Commonwealth by endorsement of the license issued by the original jurisdiction.

\* \* \* \* \*

§ 21.29. Expiration and renewal of license.

(a) [ Registered nurses whose licenses expire on October 31, 1985 will thereafter be subject to the following license renewal schedule:

(1) Licenses of registered nurses whose license numbers end in the numbers 01 through 25 will expire on April 30, 1986 and, following renewal, will thereafter expire on April 30 in the even-numbered years. The license renewal fee for licenses that expire on April 30, 1986 will be 25% of the renewal fee for the usual 2-year renewal period. The renewal fee for licenses that expire on an anniversary of April 30, 1986 will be the renewal fee for the usual 2-year renewal period.

(2) Licenses of registered nurses whose license numbers end in the numbers 26 through 50 will expire on October 31, 1986 and, following renewal, will thereafter expire on October 31 in the even-numbered years. The license renewal fee for licenses that expire on October 31, 1986 will be 50% of the renewal fee for the usual 2-year renewal period. The renewal fee for licenses that expire on an anniversary of October 31, 1986 will be the renewal fee for the usual 2-year renewal period.

(3) Licenses of registered nurses whose license numbers end in the numbers 51 through 75 will expire on April 30, 1987 and, following renewal, will thereafter expire on April 30 in the odd-numbered years. The license renewal fee for licenses that expire on April 30, 1987 will be 75% of the renewal fee for the usual 2-year renewal period. The renewal fee for licenses that expire on an anniversary of April 30, 1987 will be the renewal fee for the usual 2-year renewal period.

(4) Licenses of registered nurses whose license numbers end in the numbers 76 through 00 will expire on October 31, 1987 and, following renewal, will thereafter expire on October 31 in the odd-numbered years. The license renewal fee for licenses that expire on October 31, 1987 will be the renewal fee for the usual 2-year renewal period. The renewal fee for licenses that expire on an anniversary of October 31, 1987 will be the renewal fee for the usual 2-year period.

(5) Registered nurses who obtain initial licensure on or after November 1, 1985 and registered nurses who reactivate their licenses on or after November 1, 1985 will be assigned to one of the following license expiration dates:

- (i) April 30 in the even-numbered years.
- (ii) October 31 in the even-numbered years.
- (iii) April 30 in the odd-numbered years.
- (iv) October 31 in the odd-numbered years. ]

Licenses of registered nurses shall be renewed biennially.

\* \* \* \* \*

§ 21.30. Registered nurses licensed outside of the United States, its territories or Canada.

[ (a) ] A nurse educated and licensed in another country other than Canada may not be employed as a nurse in this Commonwealth until the requirements for Commonwealth licensure have been met.

[ (b) A graduate nurse licensed in another country may participate in an approved exchange-visitor program or in an accreditation graduate program in nursing for a period of 2 years without licensure and compensation in this Commonwealth.

(c) An applicant coming from a country outside of the United States or Canada who is from a nondegree granting institution shall obtain a Certificate of Preliminary Education through the Department of Education. ]

APPROVAL OF [ SCHOOLS OF ] NURSING EDUCATION PROGRAMS

§ 21.31. [ Surveys ] Compliance reviews; list of approved schools.

(a) [ **Survey visits are made** ] A compliance review of every basic nursing [ **programs conducted in hospitals, colleges or universities of exchange visitor programs and of cooperating agencies. In this section, "cooperating agency" means an educational institution or health care delivery system which cooperates with the controlling institution. The survey** ] education program approved in this Commonwealth shall be conducted at least once every 3 years. A report is presented to the Board and a written report of recommendations or requirements, or both, is sent to the [ **school, college or university** ] nursing education program. A site compliance visit may be made at the discretion of the Board and will be made at least once every 3 years to a nursing education program which is not accredited.

(b) [ **Classified lists of approved schools of nursing and of exchange visitor programs are compiled and published annually and are made available for distribution.** ]

(c) A list of approved cooperating agencies that provide educational programs for schools of nursing is compiled and published annually and is made available for distribution. ]

The Board will compile and publish annually a list of approved nursing education programs located in this Commonwealth.

§ 21.32. Objectives of the approval process.

[ **Nursing schools in this Commonwealth are approved to effectuate the following** ] The purpose of the Board's approval process for nursing education programs is to make certain that each approved nursing program meets the following objectives:

(1) Safeguard the [ **preparation** ] quality of [ **nurses** ] nursing education programs and assure safe minimum standards of nursing practice in this Commonwealth.

(2) Stimulate and maintain continued growth and improvement of professional nursing education in this Commonwealth.

(3) [ **Guide prospective students in the selection of approved schools which offer adequate resources for sound basic nursing education.** ]

(4) ] Assure the graduates of professional nursing education programs of eligibility for admission to examination for licensure.

[ (5) ](4) Assist graduates of [ **schools of** ] nursing education programs in this Commonwealth to qualify for licensure by endorsement in other jurisdictions.

§ 21.33. Types of approval.

The Board will grant initial, provisional or full approval status to a nursing education program contingent upon compliance with this chapter, and may require progress reports or other information deemed necessary for the evaluation of the program.

[ (a) ] (1) *Initial.* The Board may grant initial approval to a new [ **schools** ] nursing education program, with evidence that acceptable standards are being met, for a period of time necessary to evaluate the results of the licensing examination taken by the first graduates.

Board action to grant initial approval authorizes a nursing education program to recruit students.

[ (b) ] (2) *Full.* The Board will place on full approval [ **those schools** ] a nursing education program which [ **attain** ] attains and [ **maintain the** ] maintains acceptable standards and [ **adhere** ] adheres to the policies and regulations of the Board [ **considered essential for a sound program of nursing education.** ]

[ (c) ] (3) *Provisional.* The Board may place on provisional approval a [ **school** ] nursing education program not meeting [ **the** ] acceptable standards. [ **A period of 2 years will be the maximum time allowed for the correction of deficiencies resulting in provisional approval.** ] If the standards are not met within [ **this designated time** ] the time designated by the Board, the [ **school** ] program will be removed from the approved list as provided in § 21.34 (relating to removal from approved list; percentage failure rate in examination). A nursing education program placed on provisional status may be restricted from establishing new satellite campuses or offering alternative scheduling plans until the program resumes full approval status.

§ 21.34. Removal from approved list; percentage failure rate in examination.

(a) *Notice of intent.* The Board will give [ **sufficient notification of intent of removal from the approved list and provide an opportunity for school officials to show cause as to why approval should not be withdrawn** ] 90 days notice of its intent to remove a nursing education program from the approved list and will provide an opportunity for the program to show cause why approval should not be withdrawn.

(b) Removal based on failure rate.

(1) Until \_\_\_\_\_ (*Editor's Note: The blank refers to a date 1 year after the effective date of adoption of this proposal.*), a nursing education program will be placed on provisional approval status if, in one examination year, 40% or more of its graduates taking the licensure examination for the first time fail the examination.

(2) Beginning \_\_\_\_\_ (*Editor's Note: The blank refers to a date 1 year after the effective date of adoption of this proposal.*), a nursing education program will be placed on provisional approval status if, in one examination year, 20% or more of its graduates taking the licensure examination for the first time fail the examination.

(3) An examination year is the period beginning October 1 of one year through September 30 of the following year.

(4) The Board may consider additional documented statistics concerning the examination scores received in other states by Commonwealth graduates in determining the approval status of the program.

DISCONTINUANCE OF A [ **SCHOOL OF** ] NURSING EDUCATION PROGRAM

§ 21.41. Notification: completion of program; records.

(a) Written notification of intent to discontinue a nursing education program [ **of nursing** ] shall be submit-

ted to the Board within a reasonable time, but not less than 6 months prior to discontinuance.

(b) When a class is not admitted in a given year, the nursing **education** program shall close unless approval has been granted by the Board based on the justification for continuation submitted to the Board.

(c) If a **nursing education** program is discontinued, it is the responsibility of the controlling institution to provide for the completion of the program for students currently enrolled, either by placing the students in an approved program or continuing the enrolled classes until completion. If the program is continued until completion, approved and qualified instruction shall be assured. A controlling institution is a university, college or hospital which conducts programs of education in nursing.

(d) The controlling institution has the legal responsibility to make provision for permanent retention of student and graduate records in conformity [ of ] with § 21.125 (relating to custody of records).

**[ APPROVED PROGRAMS OF NURSING ]  
APPROVAL PROCESS: NURSING EDUCATION  
PROGRAMS**

**§ 21.51. Establishment.**

(a) A nursing **education** program shall be developed under the authority of a regionally accredited university or college, or hospital [ approved ] accredited by the Joint Commission on Accreditation of [ Hospitals, ] **Health Care Organizations**, and shall be administered under the leadership of a registered nurse who meets the requirements of § 21.71(b)(2) (relating to faculty and staff requirements).

(b) A university or college or hospital may conduct [ programs of nursing ] a nursing education program if there [ is an ] are adequate faculty and [ adequate ] clinical facilities [ and the philosophy of the parent institution encompasses dual programs of education. A hospital or educational institution ]. A university or college or hospital desiring to establish a [ program of ] nursing [ is required to ] education program shall complete the following steps to receive initial approval:

(1) Complete and submit to the Board for approval with the required fee under § 21.5(a) (relating to fees) a feasibility study which shall include:

(i) [ Sufficient statistical data to support the need for a program within the community and to assure availability of an adequate supply and flow of interested candidates. ] A curriculum sequence which complies with § 21.90.a (relating to core curriculum requirements) and identifies an adequate number of theoretical and clinical contact hours of instruction.

(ii) Identification of available **academic and clinical practice** resources for program implementation based on the projected enrollment and faculty. [ In viewing the clinical resources, the study shall speak to other nursing programs that share the teaching facilities identified in the study. ]

\* \* \* \* \*

(iv) [ Actual cost of the ] A 4-year budgetary projection of program costs, including [ faculty needed ] salaries, clinical teaching resources, educational sup-

plies, office supplies, and [ the like and sufficient ] evidence of [ stable ] financial support.

(v) A program overview, including the anticipated number of students to be enrolled, projected faculty-student ratio for each proposed clinical course and anticipated contract requirements for cooperating clinical agencies.

(vi) A statement of the controlling institution's philosophy or mission statement.

(vii) A job description for a full-time program director who meets the qualifications of § 21.71.

(2) [ Submit the feasibility study to the regional health planning agency if that agency is willing to participate in the approval process.

(3) Submit 15 copies of the feasibility study and the written decision of the health planning agency, if obtained, to the Board for approval.

(4) Employ the nurse administrator of the educational unit at least 12 months prior to the intended admission date of students. Board approval of the nurse administrator's credentials must be obtained prior to the appointment.

(3) Complete and submit to the Board, upon approval of the feasibility study, a report documenting plans for the proposed nursing education program at least 8 months prior to the intended admission date of students.

[ (5) Submit 15 copies of the tentative planned education program to the Board at least 8 months prior to the intended admission date of students.

(6) Employ the teaching faculty at least 1 semester before the initiation of their teaching responsibilities.

(c) Change of ownership shall be processed as the establishment of a new program.

(d) [ (4) The report on the planned [ educational ] nursing education program shall include:

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

[ (2) ] (ii) Administrative structure and functions of the nursing [ school ] education program.

[ (3) Educational preparation and nursing experience of faculty members employed. ]

(iii) A job description for each nursing faculty position.

[ (4) ] (iv) \* \* \*

[ (5) ] (v) Proposed curriculum design [ based on sound educational concepts and ], including detailed course descriptions and identification of clinical practice.

[ (6) ] (vi) \* \* \*

[ (7) ] (vii) \* \* \*

[ (8) ] (viii) Copy of proposed budget projected for a minimum of [ 5 ] 4 years.

[ (9) Copies of ] (ix) A completed Agency Data Form for each cooperating clinical agency to be used in the program and a sample written [ agree-

ments with cooperating agencies and facilities to be used in the program ] agreement.

(x) A general description of facilities and resources under § 21.91 (relating to facility and resource requirements).

[ (e) ](c) Following the review of the planned nursing education program and before final Board action [ is taken ] to grant [ permission to recruit students, ] initial approval in accordance with § 21.33 (relating to types of approval), an initial facility survey will be made by a nursing education advisor of the Board.

(d) A change in the ownership of a nursing education program which does not result in changes to the program's administrative structure, budget, policies or curriculum does not require the submission of a feasibility study to the Board for review and approval. The controlling institution shall advise the Board of any change in the name of the nursing education program. The administrator of the program shall notify the Board of any ownership changes.

ORGANIZATION AND ADMINISTRATION OF NURSING EDUCATION PROGRAMS

§ 21.61. [ Baccalaureate and associate degree programs: organizational ] Organizational requirements.

\* \* \* \* \*

(b) [ Relationships with central administrative officers, interrelationships among other disciplines and services of the institution and ] Nursing education program faculty shall be afforded the same opportunities for representation on institutional councils and committees [ for faculty of the educational unit in nursing shall be consistent with the interaction and responsibilities accorded to ] as other faculty members of the institution.

(c) Adequate funds shall be [ allocated and properly ] budgeted for the [ sound and ] effective operation of the program.

\* \* \* \* \*

(f) The authority and the administrative responsibility for the nursing education program shall be delegated by the governing body to the nurse administrator.

(g) The nurse administrator and faculty of the nursing education program shall conduct planned periodic evaluations of the program organization and program administration.

(h) The resources, facilities and services of the controlling institution shall be available to and used by the [ educational unit in nursing ] nursing education program and shall be adequate to meet the needs of the faculty and the students.

(i) Cooperating clinical agencies shall be subject to the following provisions:

(1) [ Agreements to utilize field agencies outside the structural control of the controlling institution shall be initiated by the educational unit in nursing.

(2) ] Cooperating clinical agencies or services selected by the [ school ] nursing education program shall be licensed or approved by the appropriate [ State and National ] regulatory bodies, if [ such exist ] one exists.

[ (3) ] (2) The agreement between the [ educational unit in nursing ] nursing education program and the cooperating clinical agency shall be consistent with the standards of the nursing education program, developed jointly, recorded in writing, reviewed periodically by both parties, revised as occasion requires and consistently adhered to by those responsible for implementing the provisions.

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

[ (5) ] (4) The [ field ] agencies selected for use shall have the quality and variety of resources for planned learning experiences needed for the [ program of the educational unit in nursing ] nursing education program, and shall retain ultimate responsibility for client care and services.

[ (6) ] (5) Approval by the Board shall be obtained before the [ educational unit in ] nursing education program may utilize a new [ field ] cooperating clinical agency [ for learning experiences. An Agency Data form, provided by the Board, shall be submitted for each new field agency used for the first time.

(h) The faculty of the educational unit in nursing shall conduct planned periodic evaluation of its organization and administration. ]

(j) The organizational plan for the nursing education program shall describe relationships with the governing body, individuals and cooperating clinical agencies responsible for and participating in the program operation.

(k) The faculty shall formulate all policies that relate to the operation of the nursing education program.

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to delete §§ 21.62 and 21.63, which currently appear at 49 Pa. Code pages 21-24—21-25, serial pages (209962) and (209963).)

§ 21.62. (Reserved).

§ 21.63. (Reserved).

ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

§ 21.71. Faculty and staff requirements [ for baccalaureate and associate degree programs ].

(a) [ The minimum ] Minimum faculty and staff requirements [ for each program ] are as follows:

(1) Full-time [ director of the program ] nurse administrator.

\* \* \* \* \*

(4) A minimum of one full-time secretary and additional [ secretarial assistance ] staff support personnel as needed.

(5) A full-time librarian with at least a bachelor's degree in library science if the nursing education program is not within an institution of higher education.

(b) Faculty and nurse administrator qualifications are as follows:

(1) Board approval of the nurse administrator's credentials shall be obtained prior to appointment.

(2) The [director] nurse administrator of a baccalaureate degree nursing education program, employed for the first time [after January 1, 1986,] on or after \_\_\_\_\_ (Editor's Note: The blank refers to a date 1 year after the effective date of adoption of this proposal) shall hold [a master's degree in nursing and] an earned doctoral degree [or a specific plan for completing doctoral preparation] with a nursing major at the master's or doctoral level. The [director] nurse administrator shall have experience in the areas of administration, nursing practice[, ] and nursing education within an institution of higher education [and educational administration. Candidates who have made outstanding contributions to nursing education shall be considered on an individual basis].

[(2)] (3) The [director] nurse administrator of an associate degree or diploma program shall hold the minimum of a master's degree in nursing. The [director] nurse administrator shall have experience in the areas of nursing practice, nursing education and [educational] administration.

[(3)] (4) The length of appointment of a temporary [and] or acting [heads] nurse administrator of a nursing education [programs] program may not exceed 1 year.

[(4)] (5) [Nurse] The nurse administrator and every nurse faculty [members] member shall be currently licensed as professional nurses in this Commonwealth.

[(5) Faculty members] (6) Every faculty member shall have a master's [degrees] degree in nursing or earned doctoral degree in nursing, with graduate preparation and clinical experience relevant to their clinical areas of responsibility[; ] and [they] shall give evidence of maintaining expertise in [their] clinical or functional areas of specialization.

[(6)] (7) Faculty members [with less than] without a master's degree in nursing may be employed if qualified candidates are not available; they shall function for a maximum of 5 years as assistants under the direct guidance of a faculty member fully qualified in the specific teaching area. These assistants shall have [a minimum of] a baccalaureate degree in nursing, and they shall give evidence of actively pursuing a master's degree in nursing or an earned doctoral degree in nursing. [The lack of availability of] In applying to employ a faculty member without a master's degree in nursing, the administrator of a nursing education program shall document efforts to recruit qualified faculty [shall be documented by, among other things] by submitting to the Board copies of advertisements placed in appropriate professional journals and newspapers, copies of recruitment letters to appropriate institutions of higher learning, and records of job interviews.

[(7)] (8) Faculty employed to teach nutrition [must] shall be registered dietitians (R.D.) and eligible for membership in the American Dietetic Association.

(9) A clinical preceptor may be utilized to guide selected clinical activities. Faculty retain responsibility for planning and evaluating student learning experiences and shall have input into selection of preceptors.

§ 21.72. Faculty policies.

\* \* \* \* \*

(d) Teaching hours and additional duties of nurse faculty shall be consistent with the policies of the controlling institution. [Seminar, discussion and laboratory contact hours shall be equated. Where additional expectations in terms of research, counseling, committee work or other institutional responsibilities are present, the teaching load shall be decreased accordingly.]

(e) The nurse administrator and nursing faculty shall be afforded the time and opportunity to engage in leadership activities within their profession commensurate with [the responsibilities inherent in the role of institutions of higher education in our society] their responsibilities.

(f) There shall be a planned and active faculty development program designed to meet the [perceived] needs of the faculty. Faculty members shall maintain a record of participation in continuing education, professional self-development and other activities which promote the maintenance of expertise in their respective areas of teaching.

§ 21.73. Internal nursing faculty organizations.

(a) There shall be a nursing faculty organization. [appropriate to its size and in harmony with other educational units within the controlling institution.]

(b) Policies and rules of procedure governing the faculty organization shall be in written form and periodically reviewed by the faculty.

[(c) Members] (b) The members of the faculty shall participate in the activities of the faculty organization [in ways consistent with their rank and responsibilities].

[(d)] (c) \* \* \*

[(e)] (d) Committee reports and faculty actions shall be recorded, filed [systematically] and kept available for reference.

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to delete §§ 21.74—21.76 and §§ 21.81—21.89, which currently appear at 49 Pa. Code pages 21-28—21-36, serial pages (209966)—(209974).)

§ 21.74. (Reserved).

§ 21.75. (Reserved).

§ 21.76. (Reserved).

§§ 21.81—21.89. (Reserved).

CURRICULUM

§ 21.90. Curriculum philosophy, purposes and objectives.

(a) A clear statement of philosophy and purposes of the nursing education program, consistent with the philosophy and purposes of the controlling

institution, shall be formulated, adopted and reviewed or revised at stated time intervals by faculty.

(b) The philosophy and purposes of the nursing education program shall be consistent with currently accepted educational and nursing standards.

(c) The program objectives shall identify outcomes that the students are expected to achieve.

**§ 21.90a. Core curriculum requirements.**

(a) The curriculum shall:

(1) Address representative areas of nursing practice identified as entry-level by the current job analysis conducted by the NCSBN.

(2) Be developed, implemented and evaluated by the faculty and shall include the knowledge, professional role development, skills and abilities necessary for the specific levels of student achievement.

(3) Include content from the areas of anatomy and physiology, chemistry, microbiology, physics, nutrition and pharmacology which may be integrated, combined or presented as separate courses. When the basic sciences are presented as distinct academic courses, students shall participate in related laboratory testing of scientific principles.

(4) Include courses in the humanities and social and behavioral sciences.

(b) Content related to nursing history, trends and professional responsibilities may be integrated, combined or taught as separate courses.

**§ 21.90b. General education criteria.**

(a) There shall be an educational rationale for the selection and distribution of courses and for the selection of theoretical and clinical laboratory content in nursing courses.

(b) The rationale for the allocation of credit for nursing courses shall be based on educational principles.

(c) Learning experiences and methods that promote critical thinking and synthesis of learning shall be utilized. Consideration shall be given to students' individual differences.

(d) General education courses for nursing students shall be taught according to the course description in the catalog of the college or university.

(e) Nursing courses and curriculum shall be organized to continue the development of knowledge, skills and behaviors needed in all aspects of basic professional nursing.

(f) The ratio of students to faculty shall assure optimal learning opportunities in all classroom and clinical laboratory sessions and shall be consistent with the objectives of the clinical nursing courses.

(g) The curriculum for nursing education programs shall give evidence of providing learning experiences which will prepare graduates for basic professional nursing practice.

**§ 21.90c. Changes requiring Board approval.**

(a) Prior Board approval is required for the following curriculum changes:

(1) Alteration of the program purposes and objectives; changes in didactic or clinical hours, credits, units; changes in course placement; addition or

deletion of courses; changes in the length of a course or program; and deletion of content areas.

(2) Changes in nursing education program options such as accelerated second degree programs, weekend and evening full time programs.

(b) When a curriculum change is contemplated, a plan which reflects the present program, the proposed change and the rationale for the change shall be presented to the Board. The plan should also reflect associated changes in clinical practice rotations.

(c) Curriculum changes which require Board action shall be filed with the Board at least 30 days prior to the Board meeting at which consideration of the proposed change is requested.

**FACILITIES FOR ADMINISTRATION AND TEACHING**

**§ 21.91. Facility and resource requirements.**

\* \* \* \* \*

(b) Facilities and resources of the [ school ] nursing education program shall include the following:

(1) [ Offices and administrative and instructional personnel provided with appropriate and adequate space and equipment essential for attainment of the objectives of the program. ] Classrooms, conference rooms, science laboratories, nursing resource laboratories, clinical facilities and offices sufficient to meet the needs of students, faculty, administrators and staff.

(2) [ Sufficient number and size of accessible classrooms, conference rooms and laboratories to meet the needs of the program, as follows:

(i) Such facilities shall be attractive, with effective lighting, adequate heating and ventilation.

(ii) The educational facilities shall be provided with ] Adequate equipment and supplies to meet the [ teaching and ] learning requirements of [ both ] students [ and teachers ].

[ (iii) The selection and maintenance of the kind and quality of facilities needed in the individual nursing program shall be determined by the ]

(3) Adequate material resources to implement curriculum design and teaching [ methods utilized by ] methodology of the faculty.

[ (3) ] (4) Adequate storage space for general supplies and equipment [ . Policies shall be in existence for the ] and procedures to ensure the periodic replacement of equipment, furnishings and supplies.

[ (4) ] (5) Library facilities and resources [ , which are planned and maintained to meet the specific needs of the student and the faculty, ] as follows:

\* \* \* \* \*

(iii) Library holdings shall include sufficient current reference titles, periodicals and other educational materials to achieve the objectives of the curriculum.

**STUDENTS**

**§ 21.101. [ Selection and admission ] Admission and graduation standards.**

(a) Policies and procedures related to [ the selection and ] admission and graduation of students are the



responsibility of each nursing education program. [the individual school. Consideration shall be given to scholastic aptitude, academic achievement, personal qualities and physical and emotional health necessary to fulfill the objectives of the program.]

(b) Students admitted to baccalaureate and associate degree programs shall meet the requirements for admission to the university or college and additional requirements that may be established for the nursing major.

(c) \* \* \*

§ 21.102. Admission of classes.

[The Board recommends that only one class be admitted per year.] The number of [candidates] admissions for each class shall be determined by the educational and clinical resources which the [school] nursing education program can provide.

§ 21.103. Transfer of students or advanced standing.

The [school] nursing education program shall have a written policy consistent with its philosophy and objectives concerning criteria for granting advanced standing or accepting transfer students. [The policies of the baccalaureate and associate degree programs shall be consistent with those of the controlling institution. Diploma programs shall assume responsibility for formulating their own policies and submitting them for Board approval. The Board requires that transfer students complete, as a minimum, the senior or final level in the school granting the diploma or degree.]

STUDENT SERVICES

(Editors Note: As part of this proposed rulemaking, the Board is proposing to delete §§ 21.112 and 21.113, that currently appear at 49 Pa. Code pages 21-38 and 21-39, serial pages (214432) and (214433).)

§ 21.112. (Reserved).

§ 21.113. (Reserved).

§ 21.114. Counseling and guidance.

(a) The scope of the counseling program shall be clearly defined [in accordance with the objectives of the program.] and (b) A program should [shall] include personal, professional and academic counseling, initiated by either faculty or students.

(c) (b) Adequate provisions [should] shall be made for referral of students to appropriate counselors when [assistance is] needed [for solving problems of students].

§ 21.115. [Financial aid] (Reserved).

(a) Policies and procedures relating to scholarships, loans and grants shall be developed within the framework of the philosophy of the controlling institution and defined in writing.

(b) It is recommended that each school maintain a list of available resources for financial assistance and that applicants and students be informed of these resources.

(c) Students accepting financial aid should be made aware of the provisions and responsibilities incurred with such assistance.]

STUDENTS LICENSED IN OTHER JURISDICTIONS

§ 21.118. Post-basic nursing education programs.

(a) A registered nurse currently licensed in another jurisdiction of the United States or Canada who has graduated from an approved program of nursing and who is enrolled in an accredited graduate nursing program, a bachelor of science nursing program, or a refresher course in nursing may practice nursing in a clinical setting as required by the educational program of studies without obtaining a [Pennsylvania] license in this Commonwealth so long as the student does not receive compensation except in the form of stipends, scholarships and other awards related to the [training] nursing education program.

(b) A student who meets the description in subsection (a) and who also desires to practice as a registered nurse while participating in the [training] nursing education program shall submit an application for licensure by endorsement and obtain a temporary practice permit as provided by § 21.28 (relating to licensure by endorsement).

RECORDS

§ 21.121. Program records.

\* \* \* \* \*

(b) Records shall be kept in locked [fireproof] files which assure their permanent safekeeping.

§ 21.122. Record maintenance.

[Each nursing faculty shall select record forms specifically for the nursing program and] Records to be maintained shall include the following:

(1) Student records, including [the following]:

(i) Permanent record, including both clinical and theoretical experience and achievement, shall be kept *ad infinitum*.] complete academic transcripts and a summary of clinical performance evaluations. These records shall be retained for 50 years.

[(ii)] (2) Health records[shall be kept], to be maintained throughout the time of attendance and for 5 years following completion of the program.

[(2)] (3) Faculty records[, including the following]which include:

(i) "Display portion" or duplicate of all current [nursing] Pennsylvania RN licenses.

(ii) Records of preparation and experience, including official college transcripts.

(iii) Current record of continuing education activities and professional leadership activities.

[(3)] (4) Administrative records[, including the following] which include:

(i) [Affiliation agreements with cooperating agencies] Cooperating clinical agency agreements and letters of agreement regarding clinical experience and student observations.

(ii) Minutes of **organizational and faculty** meetings, to be retained for at least 10 years.

(iii) Annual reports **required by the institution and documentation of periodic evaluations required under § 21.131 (relating to evaluation)**, to be retained for at least 10 years.

(iv) [ **Follow-up studies of graduates.**

(v) ] Budgets to be maintained for at least 3 years.

[ (vi) ] (v) Current [ **written** ] nursing education program policies.

[ (4) ] (5) School [ **bulletin, as follows:**

(i) Shall ] bulletins shall be accurate, comprehensive and current[, since it serves as a contract of agreement between the applicant or student and the school. ];

[ (ii) Shall ] shall include clearly defined [ **refund policies governing fees and tuition paid by the students.** ] tuition, fees and refund policies; and

[ (iii) Shall ] shall include clearly defined [ **policies relating to admission, promotion, retention, transfer, advanced placement and dismissal** ] admission, progression, retention and graduation policies.

§ 21.123. [ **Access and use of records** ] (Reserved).

[ (a) Students shall have access to personal records as defined by Federal and State legislation.

(b) No information may be released from a student's record without written permission of the student. ]

§ 21.124. **Records to be filed with the Board.**

(a) An annual report of the [ **school of** ] nursing education program shall be sent to the Board using the form supplied by the Board.

(b) [ **Upon completion of the entire program, a transcript or photocopy of the final record of the student shall be submitted along with the application for admission to the licensing examination. The transcript shall bear the impression of the school seal and signature of the director of the school or authorized representative.** ] Each nursing education program shall submit a list of individuals who completed the program and qualify for a temporary practice permit.

§ 21.125. **Custody of records.**

(a) When a [ **school** ] nursing education program closes, the controlling institution shall be responsible for the safekeeping of the records of students [ , and official ] for at least 50 years after graduation. Official copies of the records shall be made available upon request.

(b) If the controlling institution also closes, advice should be obtained from the Board concerning the permanent safekeeping and availability of the records of the [ **school of** ] nursing education program.

\* \* \* \* \*

**PROGRAM EVALUATION**

§ 21.131. **Evaluation.**

The program shall be evaluated according to a systematic plan developed by the faculty which shall include the following:

(1) **Organization and administration of the nursing education program.**

(2) **Administrative and instructional personnel.**

(3) **Curriculum.**

(i) **Review of the program based on its stated philosophy and objectives.**

(ii) **Evaluation of instructional procedures, learning experiences and student progress.**

(iii) **Performance of graduates on the licensing examination.**

(iv) **Evaluation by students and graduates of the quality of education and entry level nursing competencies of the program.**

(4) **Facilities and resources.**

(5) **Student policies and student services.**

[Pa.B. Doc. No. 01-222. Filed for public inspection February 9, 2001, 9:00 a.m.]

**STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

[49 PA. CODE CH. 19]  
**Consignment Sales**

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board ) proposes to amend its regulations by adding a new section in § 19.19 (relating to consignment sales) to read as set forth in Annex A.

The proposed regulation would establish requirements for licensed vehicle dealers who wish to sell vehicles on a consignment basis without holding a vehicle auction license.

*Effective Date*

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

*Statutory Authority*

The amendment is authorized under section 4 of the Board of Vehicles Act (act) (63 P. S. § 818.4).

*Background and Need for the Amendment*

The proposed amendment effectuates the 1996 amendments to the act relevant to consignment sales and brokering. The 1996 amendments to the act changed the definition of vehicle brokering to permit licensed vehicle dealers to act as vehicle brokers, provided that vehicle dealers do not need to hold a vehicle auction license in order to sell a vehicle on a consignment basis. The proposed regulation would establish requirements for vehicle dealers who wish to sell vehicles on consignment.

The requirements to be established by the proposed regulation protect both vehicle dealers, consignors and buyers of vehicles on consignment. First, the proposed regulation requires a written agreement between the vehicle dealer and the consignor. The agreement must set forth crucial information including the identification of the vehicle, the terms of the sale and the terms of insurance coverage during the period of consignment. These requirements protect both the vehicle dealer and the consignor by assuring that both parties understand these important terms.

The agreement must also set forth any warranties extended by the consignor to the buyer, the names and addresses of any lien holders, and any material facts relative to the condition of the vehicle. These provisions protect the potential buyer, because, once aware of this information, the dealer is under an obligation to disclose the information to the buyer. In addition, the proposed regulation requires dealers to disclose to potential buyers that the vehicle is held on a consignment basis.

The agreement must contain a copy of the current registration card or title. This provision protects both the vehicle dealer and buyer by offering some assurance of legal ownership of the consignment vehicle. The proposed regulation establishes provisions relative to possession of the actual title to the consigned vehicle, assuring that the buyer can obtain title to the vehicle.

Finally, the proposed regulation directs vehicle dealers to assure their compliance with all applicable State and Federal law in the consignment sale of a vehicle.

*Description of Proposed Amendments*

The proposed regulation permits a licensed dealer to engage in consignment sales without being licensed as a vehicle auction, if the dealer meets certain requirements that insure consumers are protected from unscrupulous consignors and insure consignors are protected from unscrupulous dealers.

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

The Board sent this proposed regulation to dealer organizations as required under the directives of Executive Order 1996-1 "Regulatory Review and Promulgation." In addition, the Board considered the impact the regulation would have on the regulated community and on public safety and welfare. The Board finds that the proposed regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

*Fiscal Impact and Paperwork Requirements*

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

*Sunset Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of this proposed regulation on January 31, 2001, to the Independent Regulatory Review Commission (IRRC) and the

Chairpersons of the House Professional Licensure Committee and Senate Consumer Protection and Professional Licensure Committee for review and comment. In addition to submitting the proposed regulation, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If IRRC has any objections to any portion of the proposed regulation, it will notify the Board within 10 days after the expiration of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The act specifies detailed procedures for review, prior to final publication of the regulation, by the Board, the General Assembly and the Governor of objections raised.

*Public Comment*

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

ROBERT G. PICKERILL,  
*Chairperson*

**Fiscal Note:** 16A-601. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

**§ 19.19. Consignment sales.**

(a) A licensed dealer shall be permitted to engage in consignment sales without being licensed as a vehicle auction, subject to the following requirements:

(1) The dealer shall maintain at the lot where the vehicle is displayed a copy of a written consignment agreement with the consignor, including:

- (i) The name and signature of the consignor.
- (ii) The make, model, year, vehicle identification number and license plate number of the vehicle.
- (iii) The terms of sale, including the minimum selling price (if any) and the amount of or formula for determining the dealer's commission.

(iv) The terms of insurance coverage during the period of consignment, including the name, address and telephone number of the consignor's insurance agent, if any.

(v) An express identification of any warranties extended by the consignor.

(vi) The name and address or telephone number of all current lien holders, together with the account number for each lien.

(vii) Any material facts relative to the vehicle, including accident history, vehicle condition and odometer disclosure.

(viii) A copy of the current registration card or title.

(2) The dealer need not possess the title while displaying the vehicle, but shall provide the executed title by the time of delivery of the vehicle to the buyer.

(3) The dealer shall have the title of the vehicle assigned from the consignor to the dealer prior to applying for title in the name of the buyer.

(4) Whenever a vehicle on consignment is shown to a potential buyer, the dealer shall disclose to that potential buyer that the vehicle is held on consignment and is not owned by the dealer.

(b) In all activities involving the consignment sale of a vehicle, the dealer shall comply with applicable Federal and State law.

[Pa.B. Doc. No. 01-223. Filed for public inspection February 9, 2001, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Repeal of Quarantine

Under the authority granted it under § 2104 of the Agriculture Code (3 Pa.C.S. § 2104), the Pennsylvania Department of Agriculture established a limited Quarantine in an effort to keep the "small hive beetle" scientifically designated *Aethina tumida*, from entering the Commonwealth. The Order of Quarantine took effect on March 2, 1999, and was published at 29 Pa.B. 1401 (March 19, 1999). This Notice repeals that Order of Quarantine.

#### Background

At the time the referenced Order of Quarantine was issued, small hive beetles were not known to be present in this Commonwealth, and were thought to be present only in Florida, Georgia, South Carolina and North Carolina. Since that Order of Quarantine took effect, though, small hive beetles have become established in this Commonwealth, New York, New Jersey and Ohio.

In light of the widespread presence of the small hive beetle in the Commonwealth and surrounding states, the

conditions of quarantine set forth in the Order of Quarantine are no longer effective or practical in addressing the problems posed by that insect. The best approach to combating small hive beetles in the Commonwealth is to promote hygienic beekeeping practices. Small hive beetles tend to damage weak bee colonies and honey awaiting extraction from combs. The Beekeeping Advisory Committee met in November of 2000 and voted its unanimous support for the repeal of the Order of Quarantine and the promotion of hygienic beekeeping practices to combat the small hive beetle.

The Bee Law provisions (3 Pa.C.S. §§ 2101—2117) of the Agriculture Code provide authority for this Order.

#### Order Repealing Quarantine

The Quarantine Order issued by the Department of Agriculture on March 2, 1999 (and published at 29 Pa.B. 1401 (March 19, 1999)) with respect to the small hive beetle is hereby repealed.

This Order is effective January 24, 2001, and shall remain in force until further notice.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-224. Filed for public inspection February 9, 2001, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

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

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-30-01	Commonwealth Bank (Federal Savings Bank) Norristown Montgomery County <i>To:</i> Commonwealth Bank (Pennsylvania Savings Bank) Norristown Montgomery	Norristown	Effective
	Represents conversion from a Federally-chartered stock savings bank to a State-chartered stock savings bank.		
	<i>Branches Acquired Via Conversion:</i>		
	350 West Main Street Birdsboro Berks County	Giant Food Store Horsham Point Shopping Center 14 Horsham Road Horsham Montgomery County	
	601 East Main Street Kutztown Berks County	DeKalb Plaza Shopping Center 338 West DeKalb Pike King of Prussia Montgomery County	

*Branches Acquired Via Conversion:*

14 West Wyoming Avenue  
Mohnton  
Berks County

4215 Perkiomen Avenue  
Reading  
Berks County

2040 Centre Avenue  
Reading  
Berks County

830 Lancaster Avenue  
Reading  
Berks County

956 North Ninth Street  
Reading  
Berks County

445 Penn Street  
Reading  
Berks County

4641 Penn Avenue  
Sinking Spring  
Berks County

Giant Food Store  
Spring Towne Center  
2643 Shillington Road  
Sinking Spring  
Berks County

4950 Kutztown Road  
Temple  
Berks County

Wyomissing Hills  
Professional Center  
320 Abington Drive  
Wyomissing  
Berks County

Giant Food Store  
Fairless Hills Shopping Center  
473 Oxford Valley Road South  
Fairless Hills  
Bucks County

Route # 1 & Durham Road  
Pennel  
Bucks County

Giant Food Store  
Southampton Shopping Center  
466A Second Street Pike  
Southampton  
Bucks County

521 West Main Street  
Lansdale  
Montgomery County  
Hillcrest Shopping Center  
638 East Main Street  
Lansdale  
Montgomery County

Sumney Forge Square  
1601 Valley Forge Road  
Lansdale  
Montgomery County

Giant Food Store  
1201 Knapp Road  
Montgomeryville  
Montgomery County

Park Ridge Shopping Center  
2701 Ridge Pike  
Norristown  
Montgomery County

Audubon Shopping Center  
2806 Audubon Village Drive  
Norristown  
Montgomery County

Giant Food Store  
Audubon Square Shopping Ctr.  
2668 Egypt Road  
Norristown  
Montgomery County

2890 Audubon Village Dr.  
Norristown  
Montgomery County  
(Drive-Up Facility)

Weis Market  
The Pottstown Center  
223 Shoemaker Road  
Pottstown  
Montgomery County

Limerick Square  
70 Buckwalter Road  
Royersford  
Montgomery County

705 Route 113  
Souderton  
Montgomery County

Clemen's Market  
Spring House Center  
563 Village Center  
Spring House  
Montgomery County

Trappe Shopping Center  
130 Main Street  
Trappe  
Montgomery County

*Branches Acquired Via Conversion:*

Giant Food Store Cedar Point Plaza 720D West Street Road Warminster Bucks County	7149 Frankford Avenue Philadelphia Philadelphia County
Redner's Market Doylestown Pointe 1661 Easton Rd., Ste. 2 Warrington Bucks County	6537 Castor Avenue Philadelphia Philadelphia County
Clemen's Market Lionville Shopping Center 170 Eagleview Boulevard Exton Chester County	2501 Welsh Road Philadelphia Philadelphia County
New Garden Center 345 Scarlett Road Kennett Square Chester County	9896 Bustleton Avenue Philadelphia Philadelphia County
Giunta's Thriftway Bradford Plaza 700 Downingtown Pike West Chester Chester County	One Penn Square West 30 South 15th Street Philadelphia Philadelphia County
1502 West Chester Pike West Chester Chester County	Port Richmond Village 2497 Aramingo Avenue Philadelphia Philadelphia County
106 West Evergreen Street West Grove Chester County	Boulevard Plaza 11000 Roosevelt Boulevard Philadelphia Philadelphia County
Giant Food Store Providence Village 543 North Oak Avenue Aldan Delaware County	SuperFresh Cottman & Bustleton Center 2151 Cottman Avenue Philadelphia Philadelphia County
3531 West Chester Pike Newtown Square Delaware County	Shop Rite Lansdale Plaza 6301 Oxford Avenue Philadelphia Philadelphia County
Chesterbrook Village Center 500 Chesterbrook Boulevard Wayne Delaware County	6500 Tabor Road Philadelphia Philadelphia County
Giant Food Store The Shoppes at Blue Bell 1760 DeKalb Pike Blue Bell Montgomery County	6985 Torresdale Avenue Philadelphia Philadelphia County
Redner's Market Marketplace at Collegeville 201 Second Avenue Collegeville Montgomery County	8423 Frankford Avenue Philadelphia Philadelphia County

*Branches Acquired Via Conversion:*

200 West Ridge Pike  
Conshohocken  
Montgomery County

Academy Shopping Center  
3292 Red Lion Road  
Philadelphia  
Philadelphia County

East Norriton Crossing  
5 West Germantown Pike  
East Norriton  
Montgomery County

7425 Frankford Avenue  
Philadelphia  
Philadelphia County

139 South Easton Road  
Glenside  
Montgomery County

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-26-01	First Cornerstone Bank King of Prussia Montgomery County	2 W. Baltimore Pike Media Delaware County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-20-01	Fulton Bank Lancaster Lancaster County	2900 Oregon Pike Lititz Lancaster County	Effective

**Voluntary Dissolution**

<i>Date</i>	<i>Name of Bank</i>	<i>Action</i>
1-30-01	Philadelphia Depository Trust Company Philadelphia Philadelphia County	Certificate of Election for Voluntary Dissolution filed. Effective as of January 30, 2001.

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
1-30-01	Landmark Community Bank (In Organization) Pittston Luzerne County	Article Ninth has been amended to provide for the addition of three first directors.	Approved and Effective

**Savings Institutions**

No activity.

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

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-30-01	Postmark Credit Union, Harrisburg, and Dauco Federal Credit Union, Harrisburg Surviving Institution— Postmark Credit Union, Harrisburg	Harrisburg	Approved

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

[Pa.B. Doc. No. 01-225. Filed for public inspection February 9, 2001, 9:00 a.m.]



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### 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 below, 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. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise below, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6(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 1-800-654-5984.

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream (Watershed)</i>	<i>EPA Waived (Renewal)</i>
PA0053911	East Bangor Municipal Authority P. O. Box 539 East Bangor, PA 18013	Northampton County Washington Township	Brushy Meadow Run	Yes

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4700.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream (Watershed)</i>	<i>EPA Waived (Renewal)</i>
PA0086894	Country View Mobile Home Park 401 Harrisburg St. East Berlin, PA 17316	York County Washington Township	UNT to Red Run Creek	TRC
PA0080080	Conewago Valley Mobile Home Park Inc. 800 York Road Dover, PA 17315	York County Newberry Township	Conewago Creek	TRC
PA0080608	Fellowship of Bible Churches, Inc. 10670 Fort Loudon Road Mercersburg, PA 17236	Franklin County Montgomery Township	Licking Creek	TRC
PA0086932	David W. Smith Yorkana Mobile Home Park 330 Ridge Road York, PA 17402	York County Lower Windsor Township	UNT to Cabin Creek	TRC

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream (Watershed)</i>	<i>EPA Waived (Renewal)</i>
PA0087131	Northern Lancaster County Authority 983 Beam Road Denver, PA 17517-0983	Lancaster County Brecknock Township	Little Muddy Creek	TRC
PA0080900	Berrysburg Borough Berrysburg Borough Hall First & Hickory Streets Berrysburg, PA 17005	Dauphin County Berrysburg Borough	UNT to Wiconisco Creek	TRC
PA0085430	William R. & Veronica Reading Robin Hill Camping Resort 149 Robin Hill Road Lenhartsville, PA 19534	Berks County Greenwick Township	UNT to Maiden Creek	TRC
PA0086045	David J. Rimmel Castle Hill Associates 20 Erford Road, Suite 215 Lemoyne, PA 17043	Adams County Straban Township	UNT to Rock Creek	TRC

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream (Watershed)</i>	<i>EPA Waived (Renewal)</i>
PA0020036	Blossburg Municipal Authority 206 Main Street Blossburg PA 16912	Tioga County Blossburg Borough	Tioga River 4-A	Renewal

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

**Application No. PA0032468.** Sewage. **Department of Conservation and Natural Resources**, Bureau of State Parks, Western Engineering Office, 195 Park Road, P. O. Box 387, Prospect, PA 16052-0387.

This application is for renewal of an NPDES Permit, to discharge treated sewage to Clarion River in Barnett Township, **Forest County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Pennsylvania American Water Company on the Clarion River located at Clarion, approximately 15 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.079 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100ml as a geometric average 100,000/100ml as a geometric average	
Total Residual Chlorine	0.5	1.6
pH	6.0—9.0 at all times	

The EPA Waiver is in effect.

**Application No. PA0028941.** Sewage. **Evans City Borough**, 220 Wahl Avenue, Evans City, PA 16033.

This application is for a renewal NPDES Permit to discharge treated sewage to the Breakneck Creek in Evans City Borough, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Zelienople Municipal Water Works intake on Connoquenessing Creek located at Zelienople, approximately 6 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31) (11-1 to 4-30)	20 25	30 40	40 50

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	3	6	
(10-1 to 4-30)	9	18	
Fecal Coliform (5-1 to 9-30)	200/100ml as a geometric average		
(10-1 to 4-30)	3,700/100ml as a geometric average		
Total Residual Chlorine	0.32	1.04	
Total Phosphorus (as P) (4-1 to 10-31)	2	4	
Copper (Interim) (Final)	monitor and report		0.068
pH	0.034		
	6.0—9.0 at all times		

1. Final water quality based effluent based limitation for Copper.
2. Requirement to submit a Toxic Reduction Evaluation.
3. Conditions for future permit modification.
4. Procedures for granting time extensions to achieve final water quality based effluent limitations.
5. Procedures for demonstrating alternative site-specific bioassay based effluent limitations.
6. Procedures for demonstrating alternative method detection limits.

The EPA Waiver is in effect.

**Application No. PA0102962**, sewage. **Sugar Grove American Legion Home Corporation**, P. O. Box 386, Sugar Grove, PA 16350.

This application is for a renewal of an NPDES Permit, to discharge treated sewage to Unnamed Tributary of Stillwater Creek in Sugar Grove Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the New York/Pennsylvania border and is used by the State of New York located at approximately 2.1 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.001992 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	13.5	27
Fecal Coliform (5-1 to 9-30)	200/100ml as a geometric average	
(10-1 to 4-30)	2,000/100ml as a geometric average	
Total Residual Chlorine	1.4	3.3
Dissolved Oxygen	Minimum of 3 mg/l at all times.	
pH	6.0—9.0 at all times	

The EPA Waiver is in effect.

**Application No. PA0047201**. Sewage. **Tionesta Borough Municipal Authority**, 104 River Street, P. O. Box 408, Tionesta, PA 16353-0408.

This application is for renewal of an NPDES Permit to discharge treated sewage to the Allegheny River in Tionesta Borough, **Forest County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Authority on the Allegheny River located at Emlenton, approximately 58 miles below point of discharge.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Fecal Coliform (5-1 to 9-30)	200/100ml as a geometric average		
(10-1 to 4-30)	100,000/100ml as a geometric average		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5		1.6
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**Application PA0104167.** Industrial Waste, **Erie City Water Authority**, 340 West Bayfront Parkway, Erie, PA 16507-0729.

This application is for renewal of an industrial waste NPDES permit to discharge treated filtration plant filter backwash water, settling basin and clear water storage basin cleaning to Presque Isle Bay from the Chestnut Street Water Treatment Plant in the City of Erie, **Erie County**. This is an existing discharge.

The receiving water is classified for warm water fishery. There is no potable water supply affected by this discharge.

The proposed effluent limits for Outfall 001 based on average design flow of 0.80 mgd are:

<i>Parameter</i>	<i>EFFLUENT CONCENTRATION (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30	60	60
Iron (Total)	2.0	4.0	5.0
Aluminum (Total)	4.0	8.0	10.0
Manganese	1.0	2.0	2.5
Total Residual Chlorine	0.29		0.46
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

**Application PA0100889.** Industrial Waste, **Erie City Water Authority**, 340 West Bayfront Parkway, Erie, PA 16507-0729.

This application is for renewal of an industrial waste NPDES permit to discharge treated filtration plant filter backwash water, settling basin and clear water storage basin cleaning to Presque Isle Bay from the Sommerheim Water Treatment Plant in Millcreek Township, **Erie County**. This is an existing discharge. The receiving water is classified for warm water fishery. There is no potable water supply affected by this discharge.

The proposed effluent limits for Outfall 001 based on average design flow of 0.80 mgd are:

<i>Parameter</i>	<i>EFFLUENT CONCENTRATION (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30	60	60
Iron (Total)	2.0	4.0	5.0
Aluminum (Total)	4.0	8.0	10.0
Manganese	1.0	2.0	2.5
Total Residual Chlorine	0.26		0.42
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

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

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

**No. PA0058173,** Sewage, **Armand Ruocco**, 480 Main Street, Collegeville, PA 19426.

This application is for issuance of an NPDES permit to discharge treated sewage from Ruocco Property STP in Upper Frederick Township, **Montgomery County**. This is a new discharge to Scioto Creek.

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

The first downstream potable water supply intake from this facility is the Philadelphia Suburban Water Company in Upper Providence Township.

The proposed effluent limits for Outfall 001, based on an average flow of 500gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	Monitor/Report	Monitor/Report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	Within limits of 6.0—9.0 Standard Units at all times	

Other Conditions:

The EPA Waiver is in effect.

**No. PA0029343**, Sewage, **Chatham Acres Nursing Home**, East London Grove Avenue, Chatham, PA 19318-001.

This application is for renewal of an NPDES permit to discharge treated sewage from sewage treatment plant in London Grove Township, **Chester County**. This is an existing discharge to East Branch of White Clay Creek.

The receiving stream is classified for the following uses: exceptional value waters, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 27,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine		
(0-2 years)	0.5	1.2
Total Residual Chlorine		
(3-5 years)	Non-Detect	Non-Detect
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	Minimum of 5.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

**No. PA0012891**, Industrial Waste, **TTT Realty, Inc.**, 600 East Center Street, P. O. Box 606, Shenandoah, PA 17976-0606.

This application is for renewal of an NPDES permit to discharge treated process wastewater from industrial wastewater treatment plant in Upper Hanover Township, **Montgomery County**. This is an existing discharge to Perkiomen Creek.

The receiving stream is classified for the following uses: trout stocking fishery, high quality trout stocking fishery,

The proposed effluent limits for Outfall 001, based on an average flow of 60,000 gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50	63
Suspended Solids	30	60	75
Ammonia (as N)			
(5-1 to 10-31)	5	10	13
(11-1 to 4-30)	15	30	38
Total Phosphorus as P	1	2	2.5
Total Dissolved Solids	1,000	2,000	2,500
Total Residual Chlorine	0.5		1.3
Fecal Coliform	200 No. Col/100 ml as a geometric average		
Copper, Total	0.55	1.1	1.37
Lead, Total	Monitor	Monitor	Monitor
pH	Within limits of 6.0—9.0 Standard Units at all times		

The EPA Waiver is in effect.

**No. PA0058289**, Sewage, **Pennridge School District**, 1506 North Fifth Street, Perkasio, PA 18944-2295.

This application is for issuance of an NPDES permit to discharge treated sewage from M.M. Seylar Elementary School sewage treatment in Hilltown Township, **Bucks County**. This is a new discharge to unnamed tributary of Pleasant Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation. There is no public water supply intake at least 6 miles downstream of this discharge.

The proposed effluent limits for Outfall 001, based on an average flow of 5,000 GPD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	10	20
Ammonia (as N)	3.0	6.0
Nitrate and Nitrite (as N)	10.0	20.0
Phosphorus (as P) (4-1 to 10-31)	2.0	4.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

Other Conditions:

The EPA Waiver is in effect.

**PA0012572**, Industrial Waste, Amendment No. 1, **Jefferson Smurfit Corporation (U.S)**, 5000 Flat Rock Road, Philadelphia, PA 19127.

The following notice reflects changes to the notice published in the September 26, 1998, *Pennsylvania Bulletin*:

The permit is being amended to include coverage for the facility's eight stormwater outfalls. The proposed effluent limits for Outfalls 101, 102, 103, 104, 105, 106, 107 and 108, based on the General Permit (PAG-3) for the discharge of stormwater from industrial activities are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		Monitor/Report
COD		Monitor/Report
Oil and Grease		Monitor/Report
pH		Monitor/Report
Total Suspended Solids		Monitor/Report
Total Kjeldahl Nitrogen		Monitor/Report
Total Phosphorus (as P)		Monitor/Report
Iron, Dissolved		Monitor/Report

The EPA Waiver is in effect.

**PA0056014**, Industrial Waste, Amendment No. 1, **AMETEK U.S. Gauge Division**, Plant 2, 900 Clymer Avenue, Sellersville, PA 18960.

The following notice reflects changes to the notice published in the June 29, 1998, *Pennsylvania Bulletin*:

The permit is being amended to include coverage for the facility's storm water outfall 002. The proposed effluent limits for outfall 002, based on the General Permit (PAG-3) for the discharge of storm water from industrial activities are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		Monitor/Report
COD		Monitor/Report
Oil and Grease		Monitor/Report
pH		Monitor/Report
Total Suspended Solids		Monitor/Report
Total Kjeldahl Nitrogen		Monitor/Report
Total Phosphorus (as P)		Monitor/Report
Iron, Dissolved		Monitor/Report

The EPA Waiver is in effect.

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

**Application No. PA 0008826**, SIC Code 3255, Industrial Waste, **A. P. Green Refractories, Inc. (Sproul Plant)**, R. D. 1, Box 588D, Claysburg, PA 16625-9739.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Boiling Spring Run in Watershed 11-A, in Greenfield Township, **Blair County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.020 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15	XXX	30
Temperature	Monitor & Report		
pH	From 6.0 to 9.0 inclusive		

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.

**Application No. PA 0085073**, SIC Code 4952, Sewage, **Wood-Broad Top-Well Joint Municipal Authority**, P. O. Box 7, Wood, PA 16694.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary to Great Trough Creek in Watershed 11-D, in Wood Township, **Huntingdon County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.084 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2	XXX	4
(11-1 to 4-30)	6	XXX	12
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,100/100 ml as a geometric average		

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

The EPA waiver is in effect.

**Application No. PA 0027014**, SIC Code 4952, Sewage, **Altoona City Authority (Easterly Wastewater Treatment Facility)**, 20 Greenwood Road, Altoona, PA 16602-7114.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Little Juniata River, in Logan Township, **Blair County**.

The receiving stream is classified for trout stocking fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 8.0 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	22	30
(11-1 to 4-30)	20	30	40
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2	-	4
(11-1 to 4-30)	3.5	-	7
Total Copper	0.017	-	0.042
Total Phosphorus		Monitor & Report	
Total Nitrogen		Monitor & Report	
Total Zinc	0.108	-	0.270
Dissolved Oxygen			
(2-15 to 7-31)		Minimum of 6.0 at all times	
(8-1 to 2-14)		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 2,000/100 ml as a geometric average

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

The EPA waiver is not in effect.

**Application No. PA 0027022**, SIC Code 4952, Sewage, **Altoona City Authority (Westerly Wastewater Treatment Facility)**, 20 Greenwood Road, Altoona, PA 16602-7114.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Beaverdam Branch, in Allegheny Township, **Blair County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 9.0 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31) (11-1 to 4-30)	20 25	30 40	40 50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31) (11-1 to 4-30)	2.5 4.0	- -	5.0 8.0
Total Copper	0.027	-	0.068
Total Phosphorus		Monitor & Report	
Total Nitrogen		Monitor & Report	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 2,000/100 ml as a geometric average

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

The EPA waiver is not in effect.

Final Notice is hereby given that the Pennsylvania Department of Environmental Protection, after public notice, has on January 19, 2001 issued a National Pollutant Discharge Elimination System Permit to:

**Permit No. PA 0080683**  
Permittee: **Miller's Skyview Sales, Inc.**

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
Total Phosphorus	4.0	XXX	8.0

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

**Application No. PA 0082911**, SIC Code 4952, Sewage, **Wellington Heights Property Owners Association**, Box 58, Bowmansdale, PA 17008-0058.

This application is for renewal of an NPDES permit for a new discharge of treated sewage to the Yellow Breeches Creek in Watershed 7-E, in Monaghan Township, **York County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Fairview Township, York County. The discharge is not expected to impact any potable water supply.



The proposed effluent limits for Outfall 001 for a design flow of 0.025 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
NH <sub>3</sub> -N	Monitor & Report	XXX
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	30,000/100 ml as a geometric average	
(10-1 to 4-30)		

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

The EPA waiver is in effect.

**Application No. PA 0083054**, SIC Code 4952, Sewage, **Ashbridge Oil Company (Townhill Auto/Truck Plaza Sewage Treatment Plant)**, 9848 Old 126, Exit 31, Warfordsburg, PA 17267.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to a dry swale tributary to Wildcat Hollow Run in Watershed 11-C (Dunning Creek), in Brush Creek Township, **Fulton County**.

The receiving stream is classified for High Quality-Cold Water Fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Borough of Saxton located in Bedford County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.015 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Total Residual Chlorine	1.0	2.0
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	2,00/100 ml as a geometric average	
(10-1 to 4-30)		

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

The EPA waiver is in effect.

**Application No. PA 0084212**, SIC Code 4952, Sewage, **Leacock Township Sewer Authority**, P. O. Box 558, Intercourse, PA 17534.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Muddy Run, in Leacock Township, **Lancaster County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.3 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0	-	6.0
(11-1 to 4-30)	9.0	-	18
Total Phosphorus	2.0	-	4.0
Total Residual Chlorine	0.5	-	1.6
Total Nitrogen	Monitor		
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 2,000/100 ml as a geometric average

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

The EPA waiver is in effect.

**Application No. PA 0087076**, SIC Code 7211, Industrial Waste, **Hershey Entertainment & Resort Company**, 300 Park Boulevard, Hershey, PA 17033.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Spring Creek in Watershed 7-D, in Derry Township, **Dauphin County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water of Pennsylvania on the Swatara Creek located in Hummelstown, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0288 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		Monitor	
pH (S.U.)		6.0—9.0	
PCE	0.050	0.100	0.125

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.

**Application No. PA 0087181**, SIC Code 4952, Sewage, **Ephrata Borough Authority (Plant #2)**, 114 East Main Street, Ephrata, PA 17522.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Cocalico Creek, in Ephrata Township, **Lancaster County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 2.3 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	-	50
Suspended Solids	30	45	-	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	4	-	-	8
(11-1 to 4-30)	12	-	-	24
Total Phosphorus	2	-	-	4
NO <sub>2</sub> + NO <sub>3</sub>	-	-	24	30
Total Dissolved Solids	1,200	-	1,800	2,400
Total Residual Chlorine	0.48	-	-	1.6
Total Nitrogen			Monitor	
Dissolved Oxygen			Minimum of 5.0 at all times	
pH			From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)				200/100 ml as a geometric average 6,100/100 ml as a geometric average

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

The EPA waiver is not in effect.

**Application No. PA 0088455**, SIC Code 0723, Industrial Waste, **Rice Fruit Co., Inc.**, 2760 Carlisle Road, Gardners, PA 17324-0066.

This application is for issuance of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Opossum Creek in Watershed 7-F (Conewago Creek), in Menallen Township, **Adams County**.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 at all times	
Dissolved Oxygen		Minimum of 5.0 mg/l at all times	
Total Residual Chlorine	0.2	XXX	0.67
Total Suspended Solids	30	60	75
CBOD <sub>5</sub>	25	50	62
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5	3.0	3.7
(11-1 to 4-30)	4.5	9.0	11.2
Oil and Grease	15	XXX	30
Pesticides	XXX	Monitor & Report	XXX

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.

**Application No. PA 0010375**, SIC Code 3241, Industrial Waste, **Lehigh Portland Cement Company**, 200 Hokes Mill Road, York, PA 17404.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Codorus Creek in Watershed 7-H, in West Manchester Township, **York County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing down-stream potable water supply intake considered during the evaluation was the Wrightsville Water Supply Company located in York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 002 for a flow of 0.02 MGD (overflow from retention basin) are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 S.U. at all times	
Total Suspended Solids	Monitor & Report	Monitor & Report	XXX
Oil and Grease	15	XXX	30

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

The EPA waiver is in effect.

**Application No. PA 0012319**, SIC Code 5169, Industrial Waste, **Textile Chemical Company, Inc. (Pottsville Pike Facility)**, Pottsville Pike and Huller Lane, Reading, PA 19612.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Schuylkill River in Watershed 3-C, in Ontelaunee Township, **Berks County**.

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

The proposed effluent limits for Outfall 001-MP 101 for a design flow of 0.005 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		Monitor & Report	
pH (S.U.)		6.0—9.0	
BOD		85% Removed	
TSS	100	200	250
TDS	1,000	2,000	2,500
Color	100	200	250
Total Iron		Monitor & Report	
Dissolved Iron		Monitor & Report	
Total Chromium		Monitor & Report	
Chromium IV		Monitor & Report	
Total Copper	2.1	4.2	5.3

## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Osmotic Pressure		Monitor & Report	
Total Residual Chlorine	1.5	3.0	3.8
NH <sub>3</sub> -N	20	40	40

The proposed effluent limits for Outfall 001-MP 201 for a design flow of 0.084 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		Monitor & Report	
pH (S.U.)		6.0—9.0	
TSS	30	60	75
TDS	1,000	2,000	2,500
1,1-dichloroethylene		Monitor & Report	
Tetrachloroethylene		Monitor & Report	
Methylene Chloride		Monitor & Report	
Benzene		Monitor & Report	
Trichloroethylene	0.028	0.056	0.07
Toluene	2.19	4.38	5.48
Total Manganese		Monitor & Report	
Dissolved Iron		Monitor & Report	
Total Iron		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.

**Application No. PA 0082911**, SIC Code 4952, Sewage, **Wellington Heights Property Owners Association**, Box 58, Bowersdale, PA 17008-0058.

This application is for renewal of an NPDES permit for a new discharge of treated sewage to the Yellow Breeches Creek in Watershed 7-E, in Monaghan Township, **York County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Fairview Township, York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.025 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
NH <sub>3</sub> -N	Monitor & Report	XXX
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	30,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

**Application No. PA 0084212**, SIC Code 4952, Sewage, **Leacock Township Sewer Authority**, P. O. Box 558, Intercourse, PA 17534.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Muddy Run, in Leacock Township, **Lancaster County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.3 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0	-	6.0
(11-1 to 4-30)	9.0	-	18
Total Phosphorus	2.0	-	4.0
Total Residual Chlorine	0.5	-	1.6
Total Nitrogen		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

**PA 0020567**, Sewerage SIC 4952, **Northumberland Sewer Authority**, 100 Water Street, Northumberland, PA 17857. This proposed facility is located in Northumberland Borough, **Northumberland County**.

Description of Proposed Activity: Renewal of an NPDES permit for an existing discharge of treated sewage. The receiving stream, Susquehanna River, is in watershed 5-E Catawissa, and classified for: WWF. The proposed effluent limits for Outfall 001, based on a design flow of 1.125 mgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)
C-BOD <sub>5</sub>	25.0	40.0	
Suspended Solids	30.0	45.0	
Total Chlorine	1.0		

In addition to the effluent limits, the permit contains the following major special conditions.

1. Queen Street pumping station bypass monitoring.

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

**PA0002739**, Industrial Waste, SIC 3316, **Allegheny Ludlum Corporation**, 100 River Road, Brackenridge, PA 15014-1597.

This application is for renewal of an NPDES permit to discharge non-contact cooling water, treated process and sewage wastewater and untreated storm water from Houston Plant located in Chartiers Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Chartiers Run, classified as a WWF fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is West View Municipal Authority, located at 210 Perry Highway, Pittsburgh, PA 15229, approximately 40 miles downstream the discharge point.

Outfall 002: existing discharge, design flow of 0.133 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report		Monitor and Report		
Temperature °F					
(3/1-10/15)					110
(1/1-1/31)					84.9
(2/1-2/29)					89.2
(10/16-10/31)					10.4
(11/1-11/15)					102.9
(11/16-11/30)					86
(12/1-12/31)					75.7

TRC  
pH Between 6.0 and 9.0 at all times

## NOTICES

*Outfall 004:* existing discharge, design flow of 0.114 mgd, respectively.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report		Monitor and Report		
Temperature °F			110		
(3/1-10/15)			92.4		
(1/1-1/31)			97.3		
(2/1-2/29)			91.9		
(11/16-11/30)			81.3		
(12/1-12/31)					
TRC	Between 6.0 and 9.0 at all times				
pH	Between 6.0 and 9.0 at all times				

*Outfall 005:* existing discharge, design flow of 0.028 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report		Monitor and Report		
TSS	387.1	993.5	25		50
Oil & Grease	68.8	301.2	10		30
Total Residual Chlorine			0.5		1.25
Temperature	110°F				
Lead	0.14	0.34	0.1	0.3	0.38
Zinc	0.36	0.91	0.15	0.45	0.56
Iron			1.0	2.0	2.5
Nickel			0.3	0.6	0.75
Hex. Chromium			0.1	0.3	0.38
Cyanide (Total)	0.59	0.14	0.08	0.2	0.25
Free Cyanide			0.07	0.144	0.18
Fluoride	5.8	11.7	25	50	62.5
Ammonia	28.6	65.1	58.6	133.3	167
Titanium			0.23	0.53	0.66
pH	Between 6.0 and 9.0 at all times				

\* Included in the permit along with a Special Condition specifically for enforcement purpose only.

*Outfall 105:* existing discharge, design flow of 0.037 mgd (flows are recycled.)

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report		Monitor and Report		
TSS			30		60
CBOD <sub>5</sub>			25		50
Fecal Coliform	See Part C for effective disinfection				
% Removal (TSS & CBOD <sub>5</sub> )	Refer to Part C				
pH	Between 6.0 and 9.0 at all times				

*Outfalls 001, 003, 006, 007, 008, 009, 010 and 011:* existing discharge, design flow of N/A mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Discharge consists solely of uncontaminated storm water runoff.					
The EPA waiver is in effect.					

**PA0095010**, Industrial Waste, SIC, 4941, **Greater Johnstown Water Authority**, 111 Roosevelt Boulevard, Johnstown, PA 15907.

This application is for renewal of an NPDES permit to discharge treated process water and storm water from the Riverside Water Plant in Stonycreek Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Stony Creek, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Saltsburg Water Authority, located at Saltsburg, 52 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.3655 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
TSS			30		60
Aluminum			4		8
Iron			2		4
Manganese			1		2
TRC			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This outfall shall only discharge storm water.					

The EPA waiver is in effect.

**PA0205991**, Industrial Waste, SIC, 4941, **Moon Township Municipal Authority**, 1000 Beaver Grade Road, Coraopolis, PA 15108.

This application is for renewal of an NPDES permit to discharge treated process and untreated storm water from the Moon Township Water Filtration Plant in Moon Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first existing/proposed downstream potable water supply (PWS) is the Midland Borough Water Authority, located at 25 miles below the discharge point.

Outfall 101: existing discharge, design flow of 0.065 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids			30		60
Iron			2		4
Aluminum			4		8
Manganese			1		2
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

Outfall 001: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This discharge shall consist solely of those sources previously monitored at IMP 101 and uncontaminated storm water runoff from roof drains and parking lot drains.					

**PA0217034**, Industrial Waste, SIC, 3312, **Koppers Industries, Inc.**, 436 Seventh Avenue, Pittsburgh, PA 15219.

This application is for renewal of an NPDES permit to discharge treated process water, cooling water and storm water from the Monessen Coke Plant in Monessen, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Western Pennsylvania Water Company-Aldrich Station, located at Box 302, Elrama, PA 15038, 13.6 miles below the discharge point.

## NOTICES

*Outfall 001:* existing discharge, design flow of 0.353 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Oil and Grease			15		30
Total Residual Chlorine			0.5		1.25
Temperature (°F)				110	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 101:* existing discharge, design flow of 0.11 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids	310	598	140	270	337
Oil and Grease	26	78		10	
Ammonia-Nitrogen	39	135	25	85	106
Cyanide	8.7	15.8	5.5	10	12
Phenols (4AAP)	0.08	0.16	0.05	0.1	0.125
Benzene		0.08		0.05	
Naphthalene		0.08		0.05	0.06
Benzo(a)pyrene		0.08		0.05	0.06
Total Residual Chlorine			0.5		1.25
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002:* existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended solids					50
Iron				Monitor & Report	
Manganese				Monitor & Report	
pH	Not less than 6.0 nor greater than 9.0				

Other Conditions:

The EPA waiver is in effect.

**PAS236103**, Industrial Waste, SIC 2816, **Cerdec Corporation Drakenfeld Colors**, P. O. Box 519, Washington, PA 15301.

This application is for issuance of an NPDES permit to discharge untreated storm water from the Cerdec Drakenfeld Colors Facility in Canton Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Chartiers Creek (001) and Canton Township Storm Sewer (002), classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is West View Water, located at West View on the Ohio River, over 17 miles below the discharge point.

*Outfalls 001 and 002:* existing storm water discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease				Monitor and Report	
Antimony				Monitor and Report	
Cadmium				Monitor and Report	
Chromium, Hexavalent				Monitor and Report	
Copper				Monitor and Report	
Lead				Monitor and Report	
Nickel				Monitor and Report	
Selenium				Monitor and Report	
Zinc				Monitor and Report	



	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
Aluminum					Monitor and Report
Fluoride					Monitor and Report
Iron, Total					Monitor and Report
Total Suspended Solids					Monitor and Report

Other Conditions: Solids disposal, floating solids, storm water conditions, provide analytical results for a complete analysis within 90 days.

The EPA waiver is in effect.

**PA0093408**, Sewage, **Cumberland Township Supervisors**, 100 Municipal Road, Carmichaels, PA 15320.

This application is for renewal of an NPDES permit to discharge treated sewage from Crucible Water Pollution Control Facility in Cumberland Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Tri County Joint Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.0995 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	100,000/100 ml as a geometric mean			
(10-1 to 9-30)				
Total Residual Chlorine	Monitor and Report			
1st month—36th month	0.7			
37th month—expiration	1.6			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0218707**, Sewage, **William and Kathryn Neumont**, 12 Crestwood Drive, Allison Park, PA 15101.

This application is for issuance of an NPDES permit to discharge treated sewage from Neumont Single Residence STP in Richland Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Willow Run, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: West View Borough Municipal Water Authority.

*Outfall 001*: new discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-3)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)	Monitor and Report			
Total Residual Chlorine	not less than 3.0 mg/l			
Dissolved Oxygen	not less than 6.0 nor greater than 9.0			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0095443-A1**, Industrial Waste, SIC, 1389, **Hart Resource Technologies, Inc.**, P. O. Box 232, Route 110 West, Creekside, PA 15732.

This proposed facility is located in Washington Township, **Indiana County**.

Description of Proposed Activity: This application is for issuance of an NPDES permit to discharge treated industrial wastewater and treated sewage. This is an existing discharge.

The receiving stream, McKee Run is classified for cold water fish and the statewide list. For the purpose of evaluating effluent requirements for TDS, and phenolics, the existing downstream water supply considered during the evaluation is located in Cadogan, PA approximately 42.12 miles downstream of the discharge point.

The proposed discharge limits for Outfall No. 401 are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow		0.045 mgd	31.25 gpm
Total Iron (mg/l)	3.5		7
Oil and Grease (mg/l)	15		30
TSS (mg/l)	30		60
Acidity (mg/l)	monitor only		
Alkalinity (mg/l)	greater than acidity		
pH	6 to 10.5 at all times		
TDS (mg/l)	monitor only		
Chloride (mg/l)	monitor only		
Barium	14.64	29.28	
Lithium	monitor only		
Osmotic Pressure (mosm/kg)	1,017	2,034	

The EPA waiver is in effect

The proposed discharge limits for Outfall No. 501 are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow		0.035 mgd	24.31 gpm
Total Iron (mg/l)	3.5		7
Oil and Grease (mg/l)	15		30
TSS (mg/l)	30		60
Acidity (mg/l)	monitor only		
Alkalinity (mg/l)	greater than acidity		
pH	6 to 10.5 at all times		
TDS (mg/l)	monitor only		
Chloride (mg/l)	monitor only		
Barium	13.78	27.56	
Lithium	monitor only		
Osmotic Pressure	2,702	5,404	

The EPA waiver is in effect.

The proposed limits for Outfall No. 101 (treated sewage) are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.00007		
CBOD <sub>5</sub> (mg/l)	25		50
TSS (mg/l)	30	60	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric mean	
Fecal Coliform (10-1 to 4-30)		2,000/100 ml as a geometric mean	
Dissolved Oxygen		not less than 5.0 mg/l	
pH		6 to 9 at all times	
CBOD <sub>5</sub> and TSS (% reduction)		The 30-day average percent removal shall not be less than 85 percent	

Outfalls 201, 002, and 003 shall consist solely of uncontaminated stormwater runoff.

The EPA waiver is in effect.

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

**Application No. PA0238431**, sewage. **Charles Betts**, 400 Weiler Road, Warren, PA 16365.

This application is for a new NPDES Permit, to discharge treated sewage to Unnamed Tributary to Morse Run in Conewango Township, **Warren County**. This is a new discharge.

The receiving water is classified for the following uses: high quality-cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Authority on the Allegheny River located at Emlenton, approximately 72 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.0004 mgd are:

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

The EPA Waiver is in effect.

**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).

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.

**Industrial Waste and Sewerage Applications 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. 0901402.** Sewerage. **Bucks County Intermediate School**, 705 Shady Retreat Road, Doylestown, PA 18901. Applicant is requesting approval for the construction and operation to upgrade the sewage pump station at the facility located in Doylestown Township, **Bucks County**.

**WQM Permit No. 4600436.** Sewerage. **Berks-Montgomery Municipal Authority**, PO Box 370, Municipal Drive, Gilbertsville, PA 19525-0370. Applicant is

requesting approval for the construction and operation to upgrade and expand the facility at the West Swamp Creek WWTP located in Douglass Township, **Montgomery County**.

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

**Application Number 2901401.** Sewage submitted by **Hustontown Joint Sewer Authority**, 299 North Clear Ridge Road, PO Box 577, Hustontown, PA 17229 in Dublin and Taylor Townships, **Fulton County** to construct a wastewater treatment system to serve the Village of Hustontown was received in the Southcentral Region on January 17, 2001.

**Application Number 0693430, transfer 01-1.** Sewage, submitted by **Stephen C. Baro**, 28 Creamery Road, Boyertown, PA 19512 in Douglass Township, **Berks County** to transfer ownership from Bryan Moyer was received in the Southcentral Region on January 22, 2001.

**Application Number 2282406, amendment 01-1.** Sewage submitted by **Berrysburg Municipal Authority**, P. O. Box 183, North Chestnut Street, Berrysburg, PA 17005-0183 in Berrysburg Borough, **Dauphin County** to construct and install a conventional rectangular clarifier to replace the existing underground clarifier was received in the Southcentral Regional Office on January 22, 2001.

**Application Number 0101402.** Sewage, submitted by **Cumberland Township Authority**, 1370 Fairfield Road, Gettysburg, PA 17325 in Cumberland Township, **Adams County** to expand their South Treatment Plant was received in the Southcentral Region on January 3, 2001.

**Application Number 0101401.** Sewage, submitted by **Cumberland Township Authority**, 1370 Fairfield Road, Gettysburg, PA 17325 in Cumberland Township, **Adams County** to expand their North Treatment Plant was received in the Southcentral Region on January 3, 2001.

**Application Number 3601401.** Sewage, submitted by **Borough of Elizabethtown**, 600 South Hanover Street, Elizabethtown, PA 17022 in Elizabethtown Borough and West Donegal Township, **Lancaster County** to replace the Conoy Creek Interceptor was received in the Southcentral Region on January 12, 2001.

**Application Number 6700417.** Sewage, submitted by **Felton Borough**, 197 Main Street, Felton, PA 17322 in Felton Borough, **York County** to construct sanitary sewers, a pump station and a wastewater treatment plant was received in the Southcentral Region on December 29, 2000.

**Application Number 3801401.** Sewage, submitted by **PA Department of Military and Veterans Affairs**,

Building SO-47, Rooms 242, Annville, PA 17003-5003 in East Hanover and Union Townships, **Lebanon County** to construct sanitary sewers, a pump station and force mains was received in the Southcentral Region on January 2, 2001.

**Application Number 2201401.** Sewage, submitted by **Camp Hebron, Inc**, 957 Camp Hebron Road, Halifax, PA 17032-9520 in Halifax Township, **Dauphin County** to construct a central collection and treatment system for wastewater was received in the Southcentral Region on January 8, 2001.

**Application Number 0194403 Amendment 01-1.** Sewage, submitted by **Blue Ridge Sportsman Association**, 309 Waynesboro Pike, Fairfield, PA 17320 in Liberty Township, **Adams County** to construct and install an aeration system at their existing sewage treatment plant was received on January 8, 2001.

**Application Number 0701402.** Sewage, submitted by **Logan Township Board of Supervisors**, 80 39th Street, Altoona, PA 16602-1799 in Logan and Allegheny Townships, **Blair County** to replace the lower 3770 feet of the Fairway Development sewer system serving the Blair County Convention Center and Sports Facility was received in the Southcentral Region Office on December 22, 2000.

**Application Number 0701401.** Sewage, submitted by **Allegheny Township Sewer and Water Authority**, 3131 Old Sixth Avenue, North, Duncansville, PA 16635 in Allegheny Township, **Blair County** to replace the lower 3770 feet of the Fairway Development sewer system serving the Blair County Convention Center and Sports Facility was received in the Southcentral Region Office on December 22, 2000.

**Application Number 0501401.** Sewage, submitted by the **Municipal Authority of the Borough of Bedford**, 244 West Penn Street, Bedford, PA 15522 in Bedford Borough and Bedford Township, **Bedford County** to replace, relocate and size increase several sanitary sewer interceptors was received in the Southcentral Region Office on January 24, 2001.

**Application Number 0601401.** Sewage, submitted by **Amity Township**, 2004 Weavertown Road, Douglassville, PA 19518 in Amity Township, **Berks County** to construct a pump station to serve 165 homes plus proposed future flows from the Amity Elementary School Expansion was received in the Southcentral Region Office on January 25, 2001.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 4901401,** Sewerage, **Lower Mahanoy Township Municipal Authority**, P O Box 235, Dalmatia PA 17017-0235.

This proposed facility is located in Lower Mahanoy Township, **Northumberland County**.

Description of Proposed Action/Activity: Proposed is the construction of approximately 6.75 miles of sanitary sewer collection system, grinder pump station, collection system pump station, 85,000 GPD SBR treatment plant and operations building. This application was received in the Northcentral Regional Office on January 9, 2001.

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

**Application No. 0300402.** Sewerage, **Borough of Apollo**, 405 North Pennsylvania Avenue, Apollo, PA 15613. Application for the construction & operation of a

sanitary sewer system to serve Apollo Borough located in Apollo Borough, **Armstrong County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**Application No. 0400412.** Sewerage, **Beaver County Corporation for Economic Development**, 250 Insurance Street, Suite 300, Beaver, PA 15009. Application for the construction and operation of a sewer system and pump station to serve Woodlawn Road Utility Corridor located in Aliquippa, **Beaver County**.

**Application No. 1100402.** Sewerage, **Sankertown Borough Sewer Authority**, P. O. Box 33, Cresson, PA 16630. Application for the construction and operation of a sewer system and pump station to serve the Sankertown Pumping Station located in Sankertown Borough, **Cambria County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**Application No. 2600404.** Sewerage, **Bullskin Township/Connellsville Township Joint Sewer Authority**, 178 Shenandoah Road, Connellsville, PA 15425. Application for the construction and operation of sewers and appurtenances and pump stations to serve the Route 119 Corridor Project located in Bullskin Township and Connellsville Township, **Fayette County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**Application No. 5672401-A2.** Sewerage, **Upper Stonycreek Joint Municipal Authority**, P. O. Box 24, Hooversville, PA 15936. Application for the construction and operation of a sewer system extension to serve Upper Stonycreek Joint Municipal Authority STP located in Quemahoning Township, **Somerset County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**Application No. 6500411.** Sewerage, **Hempfield Township Municipal Authority**, R. D. 6, Woodward Drive, Greensburg, PA 15601. Application for the construction and operation of a pump station and sewer extension to serve Hempfield Township located in Hempfield Township, **Westmoreland County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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**NPDES Stormwater Individual Permit**


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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.

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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 D115**, Stormwater. **James Neill**, 413 Hill Road, Perkasio, PA 18944 has applied to discharge stormwater associated with a construction activity located in Buckingham Township, **Bucks County** to Aquetong Creek (HQ-CWF).

**NPDES Permit PAS10 PAS10 G454**, Stormwater. **Rocco D'Antonio**, 116 Martins Run, Media, PA 19063 has applied to discharge stormwater associated with a construction activity located in West Brandywine Township, **Chester County** to West Branch Brandywine Creek (HQ).

**NPDES Permit PAS10 G455**, Stormwater. **Autumn Hill Homes**, 2 Huntrise Lane, West Chester, PA 19381 has applied to discharge stormwater associated with a construction activity located in New London Township, **Chester County** to East Branch Big Elk Creek (HQ-TSF-MF).

**NPDES Permit PAS10 J050**, Stormwater. **Roll International Corporation**, The Franklin Mint, Franklin Center, PA 19091 has applied to discharge stormwater associated with a construction activity located in Newtown Township, **Delaware County** to Crum Creek (HQ-CWF).

**NPDES Permit PAS10 5312**, Stormwater. **Philadelphia Authority for Industrial Development**, 1413 Langley Avenue, quarters A, Philadelphia Naval Business Center, Philadelphia, PA 19112 has applied to discharge stormwater associated with a construction activity located in City of Philadelphia, **Philadelphia County** to Delaware River (MF).

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

**NPDES Permit PAS107420**, Stormwater. **Wayne County Conservation District**, Ag Service Center, 470 Sunrise Ave., Honesdale, PA 18431, (570) 253-0930.

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS107420	Western Wayne School Dist. Lou Zefran (Super.) Box 500 South Canaan, PA 18459	Wayne County S. Canaan Township	Delaware River HQ-CWF,MF

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

**NPDES Permit PAS10 Y071**, Stormwater. **Freedom Armory**, Scott & Janette Morris, 406 N. Main Street, Shrewsbury, PA 17361 has applied to discharge stormwater associated with a construction activity located in Springfield Township, **York County** to South Branch Codorus Creek (HQ).

*York County Conservation District: 118 Pleasant Acres Rd York, PA 17402, (717) 840-7430.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10Y071	Freedom Armory Scott & Janette Morris 406 N. Main Street Shrewsbury, PA 17361	Springfield Township York County	S. Branch Codorus Creek HQ

**NPDES Permit PAS10 M108**, Stormwater. **John Helman**, 1115 Sheller Avenue, Chambersburg, PA 17201 has applied to discharge stormwater associated with a construction activity located in Guilford Township, **Adams County** to Falling Spring Branch (HQ-CWF).

*Adams County Conservation District: 670 Old Harrisburg Road, Suite 201, Gettysburg, PA 17325, (717) 334-0636.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10M108	John Helman 1115 Sheller Avenue Chambersburg, PA 17201	Guilford Township Adams County	Falling Spring Branch (HQ-CWF)

## SAFE DRINKING WATER

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

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

**Permit No. 0901503**, Public Water Supply.

Applicant	<b>Central Bucks School District</b>
Township	Plumstead
Responsible Official	Kevin Campbell Operations Department 320 West Swamp Road Doylestown, PA 18901
Type of Facility	Public Water Supply
Consulting Engineer	Boucher & James Inc P. O. Box 904 Doylestown, PA 18901
Application Received Date	January 22, 2001
Description of Action	Corrosion Control Treatment

**Permit No. 5101501**, Public Water Supply.

Applicant	<b>Philadelphia Water Department</b>
City	Philadelphia
Responsible Official	William Wankoff Manager of Water Treatment 1101 Market Street Philadelphia, PA 19107
Type of Facility	Public Water Supply
Consulting Engineer	Hazen and Sawyer PC 1128 Walnut Street Philadelphia, PA 19107
Application Received Date	January 19, 2001
Description of Action	PH adjustment at Queen Lane WTP

**Permit No. 4601501**, Public Water Supply.

Applicant	<b>Collegeville Trappe Joint Public Works</b>
Borough	Trappe
Responsible Official	Joseph Hastings Director 220 West First Avenue Trappe, PA 19426
Type of Facility	Public Water Supply
Consulting Engineer	Entech Engineering Inc 4 South Fourth Street Reading, PA 19603
Application Received Date	January 25, 2001
Description of Action	Treatment and pumping facilities at well 6A

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 0801501**, Public Water Supply.

Applicant **Consumers Pennsylvania Water Company**  
 Borough Athens Borough, **Bradford County**  
 Responsible Official Richard Subasic, Executive VP/GM  
 204 E. Sunbury Street  
 Shamokin, PA 17872-4859  
 Type of Facility Public Water Supply  
 Consulting Engineer CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Application Received Date January 9, 2001  
 Description of Action Construction of new Well No. 20 with new chlorination and fluoridation facilities.

**Permit No. 1801501**, Public Water Supply.

Applicant **Borough of Loganton**  
 Borough Loganton Borough, Clinton County  
 Responsible Official Wayne Kocher  
 210 North Mill Street, P. O. Box 27  
 Loganton, PA 17747  
 Type of Facility Public Water Supply  
 Consulting Engineer Kerry A. Uhler, P.E.  
 Kerry A. Uhler & Associates  
 140 West High Street  
 Bellefonte, PA 16823  
 Application Received Date January 16, 2001  
 Description of Action Connection of newly drilled Well No. 2 and abandonment of all springs now being utilized. A new transmission line from the wells to the storage tank will be constructed. Chlorination facilities will be re-located to Well No. 1 and the existing chlorination facilities will be taken out of service.

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

**Permit No. 4301501**, Public Water Supply.

Applicant **Jamestown Municipal Authority**  
 Township or Borough Jamestown  
 Responsible Official Albert G. Drake, Chairperson,  
 Jackson St.,  
 Jamestown, PA 16134  
 Type of Facility Potable Water System  
 Consulting Engineer Joseph P. Pacchioni,  
 Hickory Engineering, Inc.,  
 3755 East State Street,  
 Hermitage, PA 16148  
 Application Received Date 01/22/01  
 Description of Action Replacement of the potable water distribution and treatment system; and for the installation of an above ground storagetank.

**Permit No. 2501501**, Public Water Supply.

Applicant **Millcreek Township Water Authority**  
 Township or Borough Millcreek Township  
 Responsible Official George Riedesel, Manager,  
 3608 West 26th St.,  
 Erie, PA 16505  
 Type of Facility Community Water Supply  
 Consulting Engineer James M. Stahl, P.E., Consoer,  
 Townsend Envirodyne Engineers, Inc.,  
 155 West 8th St.,  
 Erie, PA 16501

Application Received Date 01/22/01  
 Description of Action Permit for existing pumping, storage and distribution facilities serving southeast Millcreek.

**MINOR AMENDMENT****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.*

**Application No. 0901502**, Minor Amendment.

Applicant **Dublin Borough Authority**  
 Borough Dublin  
 Responsible Official Thomas Supplee  
 Borough Manager  
 119 Maple Avenue  
 Dublin, PA 18917  
 Type of Facility Public Water System  
 Consulting Engineer Cowan Associates Inc  
 P. O. Box 949  
 Quakertown, PA 18951

Application Received Date January 10, 2001  
 Description of Action Construction of 500,000 gal water storage tank

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Application No. 4189514-T1**, Minor Amendment.

Applicant **Mountain Laurel Mobile Home Park**  
 Township Armstrong Township  
 Responsible Official Kennard P. Camp  
 P. O. Box 3141  
 Williamsport, PA 17701

Type of Facility Public Water Supply  
 Consulting Engineer None

Application Received Date 11/08/2000  
 Description of Action Transfer of Chad-Lee MHP PWS to Mountain Laurel Mobile Home Park.

**Application No. 1772502-T3**, Minor Amendment.

Applicant **Total Environment Solutions Inc.**  
 Township Sandy Township  
 Responsible Official Paul Maeder  
 P. O. Box 4037  
 Houma, LA 70361

Type of Facility Public Water Supply  
 Consulting Engineer None

Application Received Date 12/28/2000  
 Description of Action Transfer of existing permits from Riviera Utilities Water Company of PA to Total Environmental Solutions Inc.

**Application No. MA-T3**, Minor Amendment.

Applicant **Total Environment Solutions Inc.**  
 Township Sandy Township  
 Responsible Official Paul Maeder  
 P. O. Box 4037  
 Houma, LA 70361

Type of Facility Public Water Supply  
 Consulting Engineer None

Application Received Date 12/28/2000  
 Description of Action Transfer of existing permits from Riviera Utilities Water Company of PA to Total Environmental Solutions Inc.



**Application No. 1780501-T2**, Minor Amendment.

Applicant **Total Environment Solutions Inc.**  
 Township Sandy Township  
 Responsible Official Paul Maeder  
 P. O. Box 4037  
 Houma, LA 70361

Type of Facility Public Water Supply  
 Consulting Engineer None  
 Application Received Date 12/28/2000  
 Description of Action Transfer of existing permits from Riviera Utilities Water Company of PA to Total Environmental Solutions Inc.

**Application No. 1777501-T2**, Minor Amendment.

Applicant **Total Environment Solutions Inc.**  
 Township Sandy Township  
 Responsible Official Paul Maeder  
 P. O. Box 4037  
 Houma, LA 70361

Type of Facility Public Water Supply  
 Consulting Engineer None  
 Application Received Date 12/28/2000  
 Description of Action Transfer of existing permits from Riviera Utilities Water Company of PA to Total Environmental Solutions Inc.

**Application No. 1785501-T1**, Minor Amendment.

Applicant **Total Environment Solutions Inc.**  
 Township Sandy Township  
 Responsible Official Paul Maeder  
 P. O. Box 4037  
 Houma, LA 70361

Type of Facility Public Water Supply  
 Consulting Engineer None  
 Application Received Date 12/28/2000  
 Description of Action Transfer of existing permits from Riviera Utilities Water Company of PA to Total Environmental Solutions Inc.

**Application No. 1786503-T1**, Minor Amendment.

Applicant **Total Environment Solutions Inc.**  
 Township Sandy Township  
 Responsible Official Paul Maeder  
 P. O. Box 4037  
 Houma, LA 70361

Type of Facility Public Water Supply  
 Consulting Engineer None  
 Application Received Date 12/28/2000  
 Description of Action Transfer of existing permits from Riviera Utilities Water Company of PA to Total Environmental Solutions Inc.

**Application No. 1795501-T1**, Minor Amendment.

Applicant **Total Environment Solutions Inc.**  
 Township Sandy Township  
 Responsible Official Paul Maeder  
 P. O. Box 4037  
 Houma, LA 70361

Type of Facility Public Water Supply

Consulting Engineer None  
 Application Received Date 12/28/2000  
 Description of Action Transfer of existing permits from Riviera Utilities Water Company of PA to Total Environmental Solutions Inc.

**Application No. 1795507-T1**, Minor Amendment.

Applicant **Total Environment Solutions Inc.**  
 Township Sandy Township  
 Responsible Official Paul Maeder  
 P. O. Box 4037  
 Houma, LA 70361

Type of Facility Public Water Supply

Consulting Engineer None

Application Received Date 12/28/2000

Description of Action Transfer of existing permits from Riviera Utilities Water Company of PA to Total Environmental Solutions Inc.

*Southwest Region: Sanitarian Regional Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745, (412) 442-4000.*

**Permit No. 6301501**, Public Water Supply.

Applicant **Pennsylvania-American Water Company,**  
 300 Galley Road,  
 P. O. Box 1290,  
 McMurray, PA 15317

Township Jefferson Township

Responsible Official William Kelvington, Vice President-  
 West Operations

Type of Facility Quaker Knob Water Storage Tank

Consulting Engineer

Application Received Date 01/16/01

Description of Action Construction of a water storage tank

**Permit No. 0201501**, Public Water Supply.

Applicant **Oakmont Borough Municipal Authority,**  
 P. O. Box 73,  
 721 Allegheny Avenue,  
 Oakmont, PA 15139

Township Penn Hills

Responsible Official Chester Johnston, Chairperson,  
 Board of Directors

Type of Facility Hunter Road Standpipe

Consulting Engineer NIRA Consulting Engineers

Application Received Date 01/24/01

Description of Action Cleaning and painting of the standpipe

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**LAND RECYCLING AND  
 ENVIRONMENTAL REMEDIATION  
 UNDER ACT 2, 1995**

**PREAMBLE 1**

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

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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 below, 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 below. During this comment period the municipality may request that the person identified below, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

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

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6000.*

**Metroplex Shopping Center**, Plymouth Township, **Montgomery County**. Charles J. Cheloti, Pennoni Associates, Inc., One Drexel Plaza, 3001 Market Street, Philadelphia, PA 19104, on behalf of Metroplex West Associates, LP, 350 Sentry Parkway, Blue Bell, PA 19422, has submitted a revised Notice of Intent to Remediate site soil contaminated with PCB's, lead, heavy metals, BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, solvents, pesticides, asbestos and arsenic and site groundwater contaminated with lead, BTEX, solvents and asbestos. 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 January 5, 2001.

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

**St. Paul's Evangelical Lutheran Church**, Kingston Township, **Luzerne County**. Eric B. Rosina, Project Manager, Storb Environmental, Inc., 410 N. Easton Road, Willow Grove, PA 19090 has submitted an NIR (on behalf of his client, St. Paul's Evangelical Lutheran Church, 196 N. Main Street, Shavertown, PA 18708) concerning the remediation of site soils found or suspected to have been contaminated with no. 2 heating oil constituents. The applicant proposes to remediate the site to meet the Statewide health standard. A Summary of Notice of

Intent to Remediate was published in *The Times Leader* on December 22, 2000. A Final Report was simultaneously submitted.

**Phoebe Floral**, Whitehall Township, **Lehigh County**. Samuel S. Harrison, Hydrogeologist, Harrison Hydrosciences, 435 Main Street, P. O. Box 908, Saegertown, PA 16433 has submitted an NIR (on behalf of his client, Phoebe Floral, Inc. 2102 Hamilton Street, Allentown, PA 18104) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with no. 2 heating oil constituents. The applicant proposes to remediate the site to meet the Statewide health standard. A Summary of Notice of Intent to Remediate was published in *The Morning Call* on January 7, 2001. A Final Report was simultaneously submitted.

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

**Farmers Valley Wax Plant—Areas South of Cole Creek**, Keating Township, **McKean County**. Dayne M. Crowley, P.G., 700 North Bell Ave, Suite 200, Carnegie, PA 15106 on behalf of Farmers Valley Wax Plant has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, BTEX, PHCs, PAHs and Solvents. The applicant proposes to remediate the site to meet the Statewide Health and Site Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bradford Era* on January 29, 2001.

**Farmers Valley Wax Plant—Former Flyash Areas**, Keating Township, **McKean County**. Dayne M. Crowley, P.G., 700 North Bell Ave, Suite 200, Carnegie, PA 15106 on behalf of Farmers Valley Wax Plant has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Lead, heavy metals, BTEX, PHCs, PAHs and Solvents. The applicant proposes to remediate the site to meet the Statewide Health and Site Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bradford Era* on January 29, 2001.

## AIR QUALITY

### NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NONMAJOR 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. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional 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 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 below. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

## OPERATING PERMITS

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

Under 25 Pa. Code § 127.521 and § 127.424, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V Operating Permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management using the appropriate Regional Office telephone number noted below. For additional information, contact the appropriate Regional Office noted below.

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

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

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

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**09-00015: Rohm and Haas Co.** (100 PA Route 413, Bristol, PA 19007) in Bristol Township, **Bucks County**. The facility's major emission points include two boilers, two generators and various acrylate polymerization processes to produce emulsions, plastics, resins and coatings which emit major levels of volatile organic compounds (VOCs) and nitrogen oxides (NOx).

*Philadelphia Department of Public Health: Air Management Services, 321 University Ave., Philadelphia, PA 19104.*

**95-008: Exelon Business Services Co.** (2610 Columbus Boulevard, Philadelphia, PA 19148) administrative amended on January 4, 2001, to identify a change in the facility name, owner, facility contact, permit contact, and responsible official and to correct the renewal application fee specified under the general conditions for permit renewal in their Synthetic Minor Operating Permit originally issued November 8, 2000, in the City of Philadelphia, **Philadelphia County**.

**95-007: Exelon Generation Co.—Southwark Generating Station** (2501 South Delaware Avenue, Philadelphia, PA 19148) administratively amended on January 25, 2001, to identify a change in the facility name and owner in their Title V Operating Permit originally issued August 15, 2000, in the City of Philadelphia, **Philadelphia County**.

### 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.*

**45-00018: Locust Ridge Quarry** (P. O. Box 196, Skip-pack, PA 19474) for a batch asphalt plant and associated air pollution control device in Tobyhanna Township, **Monroe County**.

**39-318-103: Dispensing Containers Corp.** (62 Anthony Road, Glen Gardner, NJ 08826) for operation of an aerosol can internal coating operation and associated air cleaning device on 7130 Ambassador Drive in Upper Macungie Township, **Lehigh County**.

**35-318-069A: Gentex Corp.** (P. O. Box 315, Carbondale, PA 18407) for operation of the Zimmer Line (surface coating) in Archbald Borough, **Lackawanna County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**21-05010: Reliant Energy Mid-Atlantic Power Holdings, LLC** (1001 Broad Street, Johnston, PA 19907) for a Synthetic Minor Operating Permit for operation of two simple cycle electrical generation turbines in South Middleton Township, **Cumberland County**.

**22-05045: The Harrisburg Authority** (One Keystone Plaza, Suite 104, Front and Market Streets, Harrisburg, PA 17101) for a Synthetic Minor Operating Permit for its advanced wastewater treatment facility in Swatara Township, **Dauphin County**.

**36-05115: MGS, Inc.** (178 Muddy Creek Church Road, Denver, PA 17517) for a Synthetic Minor Operating Permit for its surface coating and curing operations in East Cocalico Township, **Lancaster County**.

#### PLAN APPROVALS

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes Barre, PA 18711-0790.*

**39-318-107: Hale Trailer Brake and Wheel, Inc.** (5361 Oakview Drive, P. O. Box 3305, Allentown, PA 18106) for construction of an automotive paint spray booth and associated air cleaning device in Upper Macungie Township, **Lehigh County**.

**48-318-131: Victaulic Co. of America** (1326 Tatamy Road, Easton, PA 18042) for two coating spray booths and associated air cleaning devices in Palmer Township, **Northampton County**.

**48-328-005A: Reliant Energy Portland LLC—Portland Station** (1001 Broad Street, Johnstown, PA 115907-1050) for a Prevention of Significant Deterioration (PSD) project for construction of two combined cycle turbines and associated air cleaning devices in Upper Mt. Bethel Township, **Northampton County**.

**40-305-021: Northampton Fuel Supply Co., Inc.** (1 Horwith Drive, Northampton, PA 18067) for construction of an anthracite culm processing plant and associated air cleaning device in Hanover Township, **Luzerne County**.

**54-313-082: Air Products and Chemicals, Inc.** (7201 Hamilton Boulevard, Allentown, PA 18195) for construction of a nitrogen tri-fluoride plant in Rush Township, **Schuylkill County**.

**39-312-045: Buckeye Terminals LLC** (Buckeye Pipeline Co., 5198 Buckeye Road, Emmaus, PA 18049) for reactivation of Storage Tank #401 with internal floating roof in Lower Macungie Township, **Lehigh County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**21-03051: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201) for installation of two crushers and associated conveyors at the Mount Cydonia Plant III sand and gravel plant in Southampton Township, **Cumberland County**. Sources at the plant are subject to 40 CFR 60, Subpart OOO—Standards of Performance for Non-Metallic Mineral Processing Plants.

**21-05064A: Atlas Roofing Corp.** (802 Highway 19 North, Suite 190, Meridian, MS 39307) for modification of the insulated foam board manufacturing operation by converting to a different blowing agent (i.e., pentane) in Camp Hill Borough (817 Spangler Road), **Cumberland County**. The volatile organic compound (VOC) emissions from the proposed operation will be limited to less than 50 tons per year.

**22-05007: The Harrisburg Authority** (1670 South 19th Street, Harrisburg, PA 17104) for modification of the

Harrisburg Materials, Energy, Recycling and Recovery Facility to limit each of the two combustors to less than 250 tons per day of municipal waste in the City of Harrisburg, **Dauphin County**.

**36-05115: MGS, Inc.** (178 Muddy Creek Church Road, Denver, PA 17517) for construction of an in-line surface coating and curing system in East Cocalico Township, **Lancaster County**.

**67-03100: Iris Energy LLC** (100 Nyala Farm, Westport, CT 06880) for construction of a facility to manufacture synthetic fuel at Brunner Island Power Plant in East Manchester Township, **York County**. The facility is subject to 40 CFR Part 60, Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

**19-303-004C: HRI, Inc.** (P. O. Box 155, State College, PA 16804-0155) for modification of a batch asphalt plant and associated air cleaning device (a fabric collector) to burn reprocessed oil as fuel in place of Virgin # 2 Fuel Oil in Hemlock Township, **Columbia County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222.*

**04-00439B: Arrow Terminals L.P.** (2701 Midland-Beaver Road, Industry, PA 15052) for operation of a Screening Plant at Industry Terminal Lot # 1 in Industry Borough, **Beaver County**.

#### 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 such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for 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 §§ 77.121–123 and 86.31–34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52, and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity, and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

#### *Coal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54841303R3. Tito Coal**, (118 Fairview Lane, Williamstown, PA 17098), renewal of an existing anthracite underground mine operation in Porter Township, **Schuylkill County** affecting 5.7 acres, receiving stream—East Branch Rausch Creek. Application received January 22, 2001.

**54851305R3. D & F Deep Mine Coal Co.**, (R. R. 1 Box 33A, Klingerstown, PA 17941), renewal and correction of an anthracite deep mine operation in Cass Township, **Schuylkill County** affecting 1.1 acres, receiving stream—West Branch Schuylkill River. Application received January 25, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**63990103. David Breeden Enterprises, Inc.** (P. O. Box 89, 151 West Fourth Avenue, Tarentum, PA 15084-0089). Application received to transfer permit from Twilight Industries, A Division of U. S. Natural Resources, Inc., for a bituminous surface mine located in Somerset Township, **Washington County**, affecting 287.1 acres. Receiving streams: unnamed tributaries to Center Branch of Pigeon Creek, Center Branch of Pigeon Creek, Pigeon Creek, Monongahela River. Application received January 16, 2001.

**65010101. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717). Application received for commencement, operation, and reclamation of a bituminous surface

mine located in Derry Township, **Westmoreland County**, affecting 197 acres. Receiving streams: unnamed tributary of Miller Run to Miller Run and unnamed tributary to Saxman Run to Loyalhanna Creek to Conemaugh River. Application received January 22, 2001.

**02000902. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Application received for commencement, operation, and reclamation of an incidental coal extraction surface mining site located in Forward Township, **Allegheny County**, affecting 3.9 acres. Receiving streams: unnamed tributaries to Monongahela River, unnamed tributary to Fallen Timber Run to Monongahela River. Application received January 5, 2001.

**26010101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation, and reclamation of a bituminous surface mine located in Saltlick and Bullskin Townships, **Fayette County**, proposed to affect 75 acres. Receiving streams: unnamed tributaries to Newmyer Run to Poplar Run to Indian Creek & unnamed tributaries to Little Champion Creek to Champion Creek to Indian Creek & unnamed tributaries to Mounts Creek all to Youghiogheny River. Application received January 19, 2001.

**02010101. Olszewski Contracting Co., Inc.** (177 Route 30 West, Imperial, PA 15127). Application received for commencement, operation, and reclamation of a bituminous surface mine located in Findley Township, **Allegheny County**, proposed to affect 63 acres. Receiving streams: unnamed tributary to N. Fork Montour Run to Montour Run to Ohio River. Application received January 22, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**32010101. Opal Industries, Inc.** (P. O. Box 980, Latrobe, PA 15650), commencement, operation and restoration of bituminous surface mine in Conemaugh Township, **Indiana County**, affecting 77.0 acres, receiving stream unnamed tributary to Kiskiminetas River and unnamed tributary to Blacklegs Creek. Application received January 18, 2001.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.*

**32841602. Mears Enterprises, Inc.**, (P. O. Box 157, Clymer, PA 15728), to renew the permit for the Clymer Tipple in Cherryhill Township, **Indiana County** to renew the existing permit for the Clymer Tipple, no additional discharges. Application received December 7, 2000.

**30841317. Consol PA Coal Co.**, (P. O. Box 355, Group 1, Eighty Four, PA 15330), to revise the permit for the Enlow Fork Mine in East and West Finley Townships, **Washington County** to install air shaft F-7, add 29.15 surface acres, tributary to Templeton Fork. Application received December 11, 2000.

**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. Application received December 11, 2000.

**30841307. RAG Emerald Resources, L.P.**, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. in Franklin Township, **Greene County** to add 3,817 acres underground and 3,967 acres to Subsidence Control Plan, no additional discharges. Application received December 22, 2000.

**03871302. DLR Mining, Inc.**, (3065 Airport Rd., Indiana, PA 15701), to revise the permit for the Triple K # 1 Mine in Burrell Township, **Armstrong County** to add 115 acres to the underground permit area and the subsidence boundary, no additional discharges. Application received December 28, 2000.

**11743703. RNS Services, Inc.**, (7 Riverside Plaza, P. O. Box 38, Blossburg, PA 16912), to renew the permit for the Lancashire No. 25 in West Carroll and Barr Townships, **Cambria County** to renew permit, no additional discharges. Application received December 26, 2000.

**30841307. RAG Emerald Resources, L.P.**, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to renew the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County** to renew permit, no additional discharges. Application received January 9, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**24010101. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Commencement, operation, and restoration of a bituminous surface strip and auger operation in Horton Township, **Elk County** affecting 264.3 acres. Receiving streams: Unnamed tributaries of Mead Run to Mead Run. Application received January 17, 2001.

**3930101. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip and auger operation in Gaskill and Henderson Townships, **Jefferson County** affecting 151.1 acres. Receiving streams: Unnamed tributaries to East Branch Mahoning Creek. Application received January 22, 2001.

**33850106. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip and auger operation in Gaskill Township, **Jefferson County** affecting 369.0 acres. Receiving streams: Unnamed tributaries to Clover Run. Application received January 22, 2001.

**24890108. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous, auger, and use of co-product operation in Horton Township, **Elk County** affecting 695.0 acres. Receiving streams: Three unnamed tributaries of Mead Run and Mead Run. Application for reclamation only. Application received January 25, 2001.

**33940105. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip operation in Pinecreek Township, **Jefferson County** affecting 118.1 acres. Receiving streams: Two unnamed tributaries to Five Mile Run. Application received January 26, 2001.

*Noncoal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**4873SM10A2C5. Codorus Stone & Supply Co., Inc.**, (135 Mundis Race Road, York, PA 17402), renewal and correction of NPDES Permit #PA0595284 in Manchester Township, **York County**, receiving stream—Codorus Creek. Application received January 18, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**37950304. Glacial Sand & Gravel Company** (P. O. Box 1022, Kittanning, PA 16201). Renewal of an existing sand, gravel, and topsoil operation in Plain Grove, Scott,

and Worth Townships, **Lawrence and Butler Counties** affecting 199.3 acres. Receiving streams: Slippery Rock Creek. Renewal of NPDES Permit No.PA0227145. Application received January 24, 2001.

*Noncoal Applications Returned*

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**25000301. Erie Aggregates, Inc.** (P. O. Box 10801, Erie, PA 16514-0801) Commencement, operation and restoration of a sand and gravel operation in Washington Township, **Erie County** affecting 55.3 acres. Receiving streams: Unnamed tributary to Conneauttee Creek. Application received: February 29, 2000. Permit Returned January 24, 2001.

**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 (Department). 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.

**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)).**

**WATER OBSTRUCTIONS & ENCROACHMENTS**

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

**E23-409. Paper Mill Holding Company, Ltd.** 110 Gallagher Road, Wayne, PA 19087. Newtown Township, **Delaware County**, ACOE Philadelphia District.

To maintain fill which was placed in approximately 800 linear feet of an unnamed tributary to Hunters Run (CWF) and 0.06 acre of adjacent wetlands (PEM) by the previous land owner. The application also includes a proposal to remove fill and restore 0.21 acre of wetland (PEM) and mitigate 0.07 acre of wetland (PEM). The site is located along the western side of Newtown Road (SR 0252) approximately 500 feet north of the intersection of Gradyville Road (SR 1048) and Newtown Road (Media, PA Quadrangle N: 18.05 inches; W: 3.3 inches).

**E46-633. Washington Street Associates II, L.P.**, 700 South Henderson Road, King of Prussia, PA 19406. Conshohocken Borough, **Montgomery County**, Philadelphia ACOE.

To amend permit E46-633 to include the following construction activities associated with the proposed Millennium Institute for Corporate Excellence Project, a mixed use residential/commercial development and waterfront open space development along approximately 1,400 linear feet of the Schuylkill River (WWF-MF) and within the 100 year floodway.

1. To remove a 14,000 square foot wooden deck associated with the an existing floating restaurant barge, and to construct and maintain 274 linear feet of 36-inch RCP enclosure, appurtenant fill and endwall in and along a remnant section of the abandoned Schuylkill Canal.

2. To construct and maintain a public open space area which will include a 1,360 linear-foot extension of the Conshohocken River Walk Public Trail System, an ice skating rink, public promenade area, 90 linear feet of concrete stairway access to the river, benches, landscape maze, formal garden with fountain, and a basketball court.

3. To construct and maintain approximately 1,360 linear feet of soldier pile bulkhead wall along the bank of the Schuylkill River.

4. To install and maintain two 36-inch CMP storm water outfall structures, which will extend through the proposed soldier pile bulkhead wall.

5. To perform grading within the 100-year floodway associated with the construction of parking areas.

6. To construct and maintain a 25-foot wide boat ramp along the Schuylkill River at the terminus of Cherry Street.

This project is located approximately 1900 feet downstream of the Fayette Street Bridge, and is bounded by Ash Street, Washington Street, and Cherry Street (Norristown, PA Quadrangle N: 13.0 inches; W: 7.25 inches).

**E46-884. Springford Country Club**, Country Club Road, Royersford, PA 19468. Limerick Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the restoration of the Spring Ford Country Club Reservoir:

1. To construct and maintain a forebay area where the creek enters the reservoir by installing an approximately 6-foot high gabion wall.

2. To install and maintain an approximately 3-foot high gabion wall associated with stabilization of the existing eroded banks along portion of the west shoreline.

This work also includes the removal of the accumulated sediment from the reservoir located within unnamed

tributary to Mingo Creek (WWF) in order to maintain the original impoundment capacity of the reservoir. The applicant also proposes to remove the former footbridge foundation pilings from the middle of the reservoir. The site is located approximately 1,500 feet northeast of the intersection of Royersford Road and Reifsnnyder Road (Phoenixville, PA USGS Quadrangle N: 13.8 inches; W: 4.4 inches).

**E51-187. City Of Philadelphia**, The ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994. City of Philadelphia, **Philadelphia County**, Philadelphia ACOE.

To modify and maintain an existing Dobson's Run stormwater conduit by constructing a storm water outfall structure along the Schuylkill River (WWF-MF) near Laurel Hill Cemetery and CSX Railroad Bridge in the city's East Fall Section, (Germantown-PA USGS Quadrangle, N: 4.25-inches; W: 3.75-inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4700.*

**E06-548. Sunday Farms**, 102 Main Street, Stockertown, PA 18083 in Maxatawny Township, **Berks County**, ACOE Baltimore District, (Kutztown, PA Quadrangle N: 0.06 inch; W: 10.8 inches and N: 0.5 inch; W: 10.9 inches).

To construct and maintain two stream crossings, each crossing is composed of four 30-inch diameter smooth lined corrugated polyethylene pipe (SLCPP) at the channel of an unnamed tributary to Mill Creek (TSF) to access two residential lots at Sunday Farms located at the south side of Long Lane about 300 feet west of the Long Lane and Mill Creek Road intersection.

**E36-702. Mark Burkhead**, PennDOT 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Clay and West Cocalico Townships, **Lancaster County**, ACOE Baltimore District, (Womelsdorf, PA Quadrangle N: 6.5 inches; W: 7.0 inches).

To (1) replace and to construct and maintain nine corrugated metal pipes along SR 0897, (2) place wingwall rock protection and inlet/outlet maintenance to existing structure curb, headwalls and wingwalls across unnamed tributaries to Cocalico Creek located at the intersection of SR 0897 and SR 272 north to the county line on SR 0897 at various points.

**E67-695. Mark Burkhead**, PennDOT 8-0, 2140 Herr Street, Harrisburg, PA 17103 in West Manchester and Dover Townships, **York County**, ACOE Baltimore District, (West York, PA Quadrangle N: 12.4 inches; W: 11.0 inches; and N: 12.8 inches; W: 10.9 inches respectively).

To (1) remove an existing culvert and to construct and maintain a 54-foot long reinforced concrete box culvert having a span of 7.0 feet and a rise of 5.0 feet in Honey Creek (TSF) on Emigs Mill Road (SR 4003); (2) extend an existing single span bridge having a clear span of 22.25 feet and an underclearance of about 9.0 feet over Honey Creek by 11.0 feet at its inlet on the south side of East Berlin Road (SR 0234); (3) place R-5 riprap revetment at the bridge's inlet abutment walls; and, (4) construct a temporary stream diversion and sandbag cofferdam to facilitate the construction of the culvert and bridge for the purpose of handling the increased traffic from the West Manchester Corporate Center located near the intersection of SR 4003 and SR 0234.

**E44-105. Derry Township Sanitary Sewer Authority**, P. O. Box N, Yeagertown, PA 17099 in Derry Town-



ship, **Mifflin County**, ACOE Baltimore District, (Lewistown, PA Quadrangle N: 20.93 inches; W: 10.33 inches).

To construct and maintain a 15-inch diameter PVC sanitary sewer pipe across and unnamed tributary to Kishacoquillas Creek (160 foot) and 0.10 acre of associated wetlands in conjunction with the construction of the Lewistown Bypass SR 0322 located about 100 feet south of Station 225+10, SR 0322 E.B.

**E34-099. Earl Lear**, R. R. 1 Box 38, East Waterford, PA 17021 in Lack Township, **Juniata County**, ACOE Baltimore District, (Blairs Mills, PA Quadrangle N: 19.5 inches; W: 4.25 inches).

To construct and maintain a bridge having a span of 50 feet and an underclearance of 6 feet across the channel of Lick Run (CWF) at a point approximately 2,500 feet upstream of SR 3020 for the purpose of providing access to an existing home.

**E07-341. P. Joseph Lehman**, Holliday Hills, 316 Newry Street, Hollidaysburg, PA 16648 in Hollidaysburg Borough, **Blair County**, ACOE Baltimore District, (Hollidaysburg, PA Quadrangle N: 8.8 inches; W: 5.3 inches).

To place fill in 0.04 acre of wetlands adjacent to a tributary to the Beaverdam Branch of the Juniata River at a point approximately 5,200 feet upstream of Route 36 for the purpose of constructing a residential subdivision.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**E08-367. Steven Morris**, Endless Mountains Energy, LLC, 111 Market Place, Suite 200, Baltimore, Maryland 21202-7110, Endless Mountain Energy Project, in Wysox Township, **Bradford County**, ACOE Baltimore District (Towanda, PA Quadrangle N: 2.0 inches; W: 6.94 inches).

To construct and maintain a river water intake structure consisting of two 84 inch long by 30 inch diameter wedge-wire stainless steel intake screens which will be mounted on a manifold which projects up from the riverbed and to construct and maintain approximately 170 lineal feet of 24 inch diameter pipeline which will extend from the intake structure to a pump station located on the eastern bank of the Susquehanna River and to construct and maintain a submerged single-port 8 inch diameter Tideflex effluent diffuser located approximately 160 feet offshore of the east bank of the Susquehanna River.

The centroid of the project is located approximately 2,000 feet south-southeast of the intersection of Route 6 with Leisure Road (Towanda, PA Quadrangle N: 1.4 inches; W: 7.62 inches) in Wysox Township, Bradford County). The project will not impact wetlands while impacting approximately 320 feet of waterway. The Susquehanna River is a warm water fisheries stream.

**E14-385. Craig W. and Kathleen Kissell**, 311 Route 322, Nittany Meadow Lane, Boalsburg, PA 166827. Kissell Subdivision, Phase II, in Harris Township, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle N: 5.6 inches; W: 0.5 inch).

To construct and maintain 13-foot by 3-foot low profile aluminum box culvert in Spring Creek with the associated 1.23 feet of rock fill over the culvert located 2,500 feet east-northeast of the Elks Club Road and SR 322 intersection. The project proposes to permanently impact 150 feet of Spring Creek, which is classified as a High Quality—Cold Water Fishery.

**E14-386. Jay A. Maneval**, Pennsylvania Department of Environmental Protection, Northcentral Regional Office, 208 West Third Street, Williamsport, PA 17701-6448. Brian Futhy Agricultural Crossings, in Haines Township, **Centre County**, ACOE Baltimore District (Millheim, PA Quadrangle N: 2.7 inches; W: 2.6 inches).

To construct and maintain three agricultural stream crossings across an unnamed tributary to Pine Creek 1.1 miles south of the Village of Fiedler on Quarry Road. The project will not impact on wetlands while impacting approximately 50 feet of waterway. The unnamed tributary to Pine Creek is an Exception Value Stream.

**E41-476. Carole Curry**, 3406 Holyoke Road, Philadelphia, PA 19114. Carole Curry Culvert, in Plunketts Creek Township, **Lycoming County**, ACOE Baltimore District (Barbours, PA Quadrangle N: 11.26 inches; W: 2.84 inches).

To maintain three existing metal plate pipe driveway culverts, two at 96 inches nominal diameter and one at 48 inches nominal diameter in Plunketts Creek off Mock Run Road approximately 400 feet from the intersection of Mock Run Road with SR 1005 in Plunketts Creek Township, Lycoming County. This project does not impact wetlands while impacting approximately 30 feet of waterway. Plunketts Creek is a High Quality—Cold Water fisheries stream.

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

**E03-394. Pennsylvania Department of Transportation**, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701-0429. Pennsylvania Department of Transportation Bridge on SR2051, Section 150, in Kiskiminitas Township, **Armstrong County**, ACOE Pittsburgh District, (Avonmore, PA Quadrangle N: 7.1 inches; W: 16.2 inches).

To remove the existing structure and to construct and maintain a precast concrete box culvert having a clear normal span of 12.0 feet and an underclearance of 7.0 feet in Flat Run (WWF). The invert of the culvert will be depressed 1.0 feet. The project is located on SR 2051 approximately 100 feet northwest of its intersection with SR 2047.

**E56-302. Stonycreek Township**, 120 Municipal Road, Friedens, PA 15541-6414. Stonycreek Township T-542 Over Boone Run, in Stonycreek Township, **Somerset County**, ACOE Pittsburgh District, (Central City, PA Quadrangle N: 1.7 inches; W: 14.9 inches).

To remove the existing structure and to construct and maintain a reinforced concrete box culvert having a normal clear span of 20.0 feet and an underclearance of 12.0 feet in Boone Run (CWF). The invert of the culvert will be depressed 5.0 feet below the streambed. The project is located on Lake Shortcut Road (Township Road T-542) near its intersection with S. R. 0160.

**E02-1333. Allegheny County Department of Public Works**, Room 501, County Office Building, Pittsburgh, PA 15219-5386. South Park Channel Relocation Project in South Park Township, **Allegheny County**, ACOE Pittsburgh District (Bridgeville, PA Quadrangle N: 14.0 inches, W: 2.8 inches).

To relocate and maintain approximately 1,700 feet of the channel of Catfish Run, to construct and maintain a corrugated metal arch culvert having a span of 10.0 feet with an underclearance of 4.4 feet approximately 280 feet in length and to construct and maintain a 100 foot long extension to the existing 60 inch diameter culvert. The

extension will consist of a 78 inch diameter culvert. The purpose of this project is to protect Corrigan Drive from stream bank erosion and to conduct improvements along Corrigan Drive and the entrance to South Park located just south of the intersection of Corrigan Drive and Library Road.

**E02-993. Town of McCandless**, 9955 Grubbs Road, Wexford, PA 15090. Early Drive Wetland Fill in McCandless Township, **Allegheny County**, ACOE Pittsburgh District (Emsworth, PA Quadrangle N: 17.0 inches; W: 3.5 inches).

To reissue, amend and extend the time on Permit No. E02-933 to place and maintain fill in approximately 0.11 acre of additional wetlands (PEM/PSS), to restore and maintain approximately 0.24 acre of wetlands (PSS) to construct and maintain a 24 inch diameter outfall structure along the banks of Pine Creek (CWF), to construct and maintain 0.35 acre of replacement wetlands (PSS) and to place and maintain fill in the floodplain of said stream for the purpose of constructing an access road (Early Drive) located on the north side of Blazier Drive, just north from the intersection of Blazier Drive and Ingomar Road. The restored and replaced wetlands will compensate for unauthorized wetland fill placed by previous owner.

**E02-1334. Nebo Group, L.P.**, 241 Emmette Road, Wexford, PA 15090. Northridge Plan of Lots Development in Ohio Township, **Allegheny County**, ACOE Pittsburgh District (Emsworth, PA Quadrangle N: 8.74 inches; W: 13.41 inches).

To place and maintain fill in approximately 0.12 acre of wetlands (PEM) adjacent to an unnamed tributary to Bear Run (TSF) for the purpose of constructing the Northridge Plan of Lots located approximately 2,500 feet southeast from the intersection of Mt. Nebo Road and Roosevelt Road. The applicant proposes to contribute to the Wetland Replacement Fund.

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

**E10-324. Costco Wholesale**, 46000 Manekin Plaza, Sterling, VA 20166. Costco Wholesale, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 12.0 inches; W: 15.0 inches).

To fill a total of 0.149 acre of two wetland areas (PEM) for construction of a wholesale/retail warehouse facility and gas station at the northeast corner of the intersection of Executive Drive and Cranberry Square Drive. This project proposes contribution to the Pennsylvania Wetland Replacement Fund for replacement of impacted wetlands.

**E10-325. Bernard C. McKruit**, 347 Edgewood Drive, Cabot, PA 16023. McKruit Bridge, in Jefferson Township, **Butler County**, ACOE Pittsburgh District (Saxonburg, PA Quadrangle N: 6.0 inches; W: 12.2 inches).

To operate and maintain a steel beam bridge having a clear span of 21.5 feet and an underclearance of approximately 7 feet across Thorn Creek on a private driveway extending east from S. R. 2010 approximately 0.5 mile north of Jefferson Center.

**E20-491. Allegheny Highlands Pulling Association, Inc.**, 3208 Old Route 322, Cochranon, PA 16314. AHPA Poker Run Trails, in East Fairfield, Fairfield, and Wayne Townships, **Crawford County**, ACOE Pittsburgh District

To construct and maintain bridges and culverts across various streams and any adjoining wetland areas for use by ATVs and motorcycles on trails associated with the annual Poker Run event.

**E20-495. Wesbury United Methodist Retirement Community**, 31 North Park Avenue, Meadville, PA 16335. Wesbury United Methodist Retirement Community Expansion Project, in the City of Meadville, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 7.4 inches; W: 2.2 inches).

To impact a total of 0.592 acre of wetland (0.488 acre of direct impact and 0.104 acre of secondary impact) associated with construction of Wesbury United Methodist Retirement Community located between Park Avenue and S. R. 86 (North Main Street Extension) approximately 1.7 miles north of S. R. 27.

**E25-628. Lake Erie Arboretum at Frontier Park (LEAF)**, 1650 Norcross Road, Erie, PA 16510-3865. Frontier Park Trail Bridges Across West Branch Cascade Creek, in City of Erie, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 21.2 inches; W: 15.8 inches).

To conduct the following activities across/along West Branch Cascade Creek at the City of Erie's Frontier Park located west of the Bayfront Highway north of West 8th Street:

1. Remove an existing bridge and to construct and maintain a pre-fabricated steel beam bridge having a span of 40 feet and an underclearance of 6.4 feet located approximately 850 feet upstream of the Bayfront Highway.

2. Construct and maintain a pre-fabricated steel beam bridge having a span of 40 feet and an underclearance of 8 feet located approximately 130 feet upstream of the Bayfront Highway.

3. Construct and maintain multi-use trails within the assumed 50-foot floodway of Cascade Creek beginning at the Bayfront Highway and extending upstream on both sides of the stream a total distance of approximately 1,750 feet.

**E25-629. Springfield Township**, 13300 Ridge Road, Box 274, West Springfield, PA 16443. McKee Road Bridge Across Conneaut Creek, in Springfield Township, **Erie County**, ACOE Pittsburgh District (East Springfield, PA Quadrangle N: 8.2 inches; W: 7.6 inches).

To remove the existing abutments and to construct and maintain a timber covered bridge having a clear, normal span of 83.5 feet and an average underclearance of 16 feet across Conneaut Creek on McKee Road (T-338) approximately 0.7 mile north of Cherry Hill Road.

**E25-630. Municipal Authority of the City of Corry.** Avenue A Pump Station and Force Main, in City of Corry, **Erie County**, ACOE Pittsburgh District

To construct and maintain a sanitary sewer pump station impacting a de minimus area of wetland (0.038 acre) northeast of the intersection of Liberty Street and Avenue A (Columbus, PA-NY Quadrangle N: 8.65 inches; W: 16.75 inches) and a sanitary sewer force main across a wetland area beginning approximately 580 feet north of the intersection of Liberty Street and Summer Street and extending north to the railroad tracks south of the wastewater treatment plant, a distance of approximately 517 feet (Corry, PA-NY Quadrangle N: 9.0 inches; W: 0.2 inch).

**E42-274, Charles R. Ricards**, P. O. Box 350006, Fort Lauderdale, FL 33335-0006. Ricards Bridge Across Sinnemahoning Portage Creek, in Norwich Township, **McKean County**, ACOE Baltimore District (Keating Summit, PA Quadrangle N: 1.2 inches; W: 12.5 inches).

To construct and maintain a bridge having a clear span of 25 feet and an underclearance of 2.5 feet across Sinnemahoning Portage Creek (CWF) on a private driveway extending east from Gardeau Road (T-470) approximately 3.75 miles south of S. R. 155 at Keating Summit. Project includes impact to a de minimis area of wetlands (0.025 acre) adjacent to Sinnemahoning Portage Creek from roadway approach fill.

**E43-291, Allegheny Highlands Pulling Association, Inc.**, 3208 Old Route 322, Cochranon, PA 16314. AHPA Poker Run Trails, in French Creek Township, **Mercer County**, ACOE Pittsburgh District.

To construct and maintain bridges and culverts across various streams and any adjoining wetland areas for use by ATVs and motorcycles on trails associated with the annual Poker Run event.

**E61-237, PA Department of Transportation**, District 1-0, 255 Elm Street, Oil City, PA 16323. S. R. 3025 Section SPA Segment 0110 Offset 2994 Across Tributary to Allegheny River, in Cranberry Township, **Venango County**, ACOE Pittsburgh District (Oil City, PA Quadrangle N: 4.68 inches; W: 14.43 inches).

To place concrete paving 1.0 foot below the existing stream bed and maintain the reinforced concrete slab bridge having a span of 15 feet and an underclearance of 6.83 feet across a tributary to the Allegheny River (Deep Hollow Run) on S. R. 3025 Section SPA Segment 0110 Offset 2994 southwest of Oil City.

**E61-238, Allegheny Highlands Pulling Association, Inc.**, 3208 Old Route 322, Cochranon, PA 16314. AHPA Poker Run Trails, in Canal and Jackson Townships, **Venango County**, ACOE Pittsburgh District.

To construct and maintain bridges and culverts across various streams and any adjoining wetland areas for use by ATVs and motorcycles on trails associated with the annual Poker Run event.

**E62-375, PA Department of Transportation**, District 1-0, 255 Elm Street, Oil City, PA 16323. S. R. 3022 Section B01 Segment 0110 Offset 0216 Across Brokenstraw Creek, in Youngsville Borough, **Warren County**, ACOE Pittsburgh District (Oil City, PA Quadrangle N: 4.68 inches; W: 14.43 inches).

To replace the superstructure, rehabilitate the pier and abutments by facing them with concrete and maintain a prestressed concrete spread box beam bridge having two clear spans of 74 feet and an average underclearance of 13.8 feet across Brokenstraw Creek on S. R. 3022, Section B01, Segment 0110, Offset 0216 in Youngsville Borough.

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

#### 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.

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.

### 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. 1500419.** Sewerage. **South Coventry Township**, 1002 Ridge Road, Pottstown, PA 19465. Applicant is granted approval to construct a drip irrigation sewage treatment system to serve the Ridglea Farm Subdivision located in South Coventry Township, **Chester County**.

**WQM Permit No. 1500426.** Sewage. **Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460. Applicant is granted approval for installing a biosolid storage, silo, a screw conveyor system and a sludge lime mixer at the existing Valley Forge Treatment plant located in Schuylkill Township, **Chester County**.

**NPDES Permit No. PA0058246.** Sewage. **James J. Gorman**, 1426 Rose Glen Road, Gladwinne, PA 19035. Is authorized to discharge from a facility located in Lower Merion Township, **Montgomery County** into an unnamed tributary to Mill Creek.

**NPDES Permit No. PA0027634.** Industrial Waste. **Pennsylvania-American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033. Is authorized to discharge from a facility located at Yardley Water Filtration Plant in Lower Makefield Township, **Bucks County** to an unnamed tributary of Brock Creek.

**NPDES Permit No. PA0058220.** Industrial Waste. **ABCO Oil Corporation**, Ridge Pike and Carland Road, Norristown, PA 19404. Is authorized to discharge from a facility located in Norristown Borough, **Montgomery County** to a dry swale tributary to Schuylkill River.

**NPDES Permit No. PA0056502.** Industrial Waste. **Transit America, Inc.**, One Red Lion Road, Philadelphia, PA 19115. Is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** and Lower Moreland Township, **Montgomery County** to an unnamed tributary to Huntington Valley Creek & Pennypack Creek.

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

**WQM Permit No 3696408 Amendment 00-1,** Sewerage. **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603-4087. This permit approves

modifications to the construction/operation of headworks to sewage treatment facilities.

**WQM Permit No 6790204 Amendment No. 01-1**, Sewerage. **United Defense, L.P.**, P. O. Box 1512, York, PA 17405-1512. This permit approves the construction of Industrial Waste Treatment Facilities in West Manchester Township, **York County**.

**WQM Permit No 6700412**, Sewerage. **Newberry Township Sewer Authority**, 1915 Old Trail Road, E-tters, PA 17319-9676. This permit approves the construction of a Pump Station in Newberry Township, **York County**.

**WQM Permit No 3678429 Amendment No. 00-1**, Sewerage. **Warwick Township Municipal Authority**, 315 Clay Road, Lititz, PA 17543. This permit approves the construction of Sewers and Appurtenances and Pump Stations in Warwick Township, **Lancaster County**.

**WQM Permit No 0798405 Amendment 01-1**, Sewerage. **Charles C. Powell**, New Beginnings Road, Williamsburg, PA 16693. This permit approves the construction of Sewage Treatment Facilities and Outfall Sewers in Woodbury Township, **Blair County**.

**WQM Permit No 6700413**, Sewerage. **Red Lion Municipal Authority**, P. O. Box 190, Red Lion, PA 17356-0190. This permit approves the construction of a Pump Station in Red Lion Borough, **York County**.

**WQM Permit No 4495402 Amendment 01-1**, Sewerage. **Municipal Authority of Union Township**, P. O. Box 5625, Belleville, PA 17004-9701. This permit approves the construction of a Sewage Treatment Facility in Union Township, **Mifflin County**.

**WQM Permit No 0693410 T-1**, Sewerage. **Filippini Real Estate, Inc.**, 12 Augusta Lane, Fleetwood, PA 19522. This permit approves the construction of a Sewage Treatment Facility in Ruscombmanor Township, **Berks County**.

**WQM Permit No. PA0082201**, Sewerage, **Letterkenny Township Municipal Authority**, 4924 Orrstown Road, Orrstown, PA 17244-9503 is authorized to discharge from a facility located in Letterkenny Township, **Franklin County** to the receiving waters named Conodoguinet Creek in Watershed 7-B.

**WQM Permit No. PA0083135**, Sewerage, **Mifflin County School District**, (East Derry Elementary School), 103 Green Avenue, Lewistown, PA 17044 is authorized to discharge from a facility located in Derry Township, **Mifflin County** to the receiving waters named Jacks Creek in Watershed 12-A (Kishacoquillas—Jack Creeks).

**WQM Permit No. PA0020923**, Sewerage, **New Oxford Municipal Authority**, 409 Water Works Road, New Oxford, PA 17350-1511 is authorized to discharge from a facility located in Oxford Township, **Adams County** to the receiving waters named South Branch Conewago Creek in Watershed 7-F (Conewago Creek).

**WQM Permit No. PA0081221**, Sewerage, **Campbell's Mobile Homes, Inc.**, P. O. Box 129, Newport, PA 17074-0129 is authorized to discharge from a facility located in Miller Township, **Perry County** to the receiving waters named Watershed 12-B (Tuscarora-Buffalo Creek).

**WQM Permit No. PA0086967**, Industrial Waste, **Myerstown Water Authority**, 101 East Washington Avenue, Myerstown, PA 17067 is authorized to discharge from a facility located in Jackson Township, **Lebanon**

**County** to the receiving waters named Tulpehocken Creek in Watershed 3-C (Tulpehocken Creek).

**WQM Permit No. PA0087009**, Industrial Waste **Hanover Cold Storage, Inc.**, 1301 Carlisle Pike, P. O. Box 152, Hanover, PA 17331-9473 is authorized to discharge from a facility located in Penn Township, **York County** to the receiving waters named Conewago Creek in Watershed 7-F (Conewago Creek).

**WQM Permit No. PA0081353**, Sewerage, **Southern States Cooperative, Inc.**, P. O. Box 26234, Richmond, VA 23260 is authorized to discharge from a facility located in West Donegal Township, **Lancaster County** to the receiving waters of an unnamed tributary to Conewago Creek in Watershed 7-G.

**WQM Permit No. PA0081116**, Sewerage, **Solanco School District**, (Solanco High School), 121 South Hess Street, Quarryville, PA 17566 is authorized to discharge from a facility located in East Dunmore Township, **Lancaster County** to the receiving waters of an unnamed tributary of Stewart Run in Watershed 7-K.

**WQM Permit No. PA0081191**, Sewerage, **Outdoor World Corporation**, (Pennsylvania Dutch Country Resort), P. O. Box 447, Bushkill, PA 18324 is authorized to discharge from a facility located in West Cornwall Township, **Lebanon County** to the receiving waters named Chickies Creek (via swale) in Watershed 7-G.

**WQM Permit No. PA0083615**, Sewerage, **David Pitzer Trucking, Inc.**, P. O. Box 276, Biglerville, PA 17307 is authorized to discharge from a facility located in Menallen Township, **Adams County** to the receiving waters of an unnamed tributary of Opossum Creek in Watershed 7-F.

**WQM Permit No. PA0081132**, Sewerage, **Solanco School District**, (Swift Middle School), 121 South Hess Street, Quarryville, PA 17566 is authorized to discharge from a facility located in Fulton Township, **Lancaster County** to the receiving waters named Conowingo Creek in Watershed 7-K.

**WQM Permit No. PA0046302**, Sewerage, **Pennsylvania-American Water Company**, (Hershey Plant), 200 East Canal Street, Hummelstown, PA 17036-9225 is authorized to discharge from a facility located in South Hanover Township, **Dauphin County** to the receiving waters named Swatara Creek and Manada Creek in Watershed 7-D.

**WQM Permit No. PA0030473**, Sewerage, **West Shore School District**, (Fairview Elementary School), 507 Fishing Creek Road, Lewisberry, PA 17339 is authorized to discharge from a facility located in Fairview Township, **York County** to the receiving waters of an unnamed tributary to Yellow Breeches Creek in Watershed 7-E.

**WQM Permit No. PA0086533**, Sewerage, **General Cable Industries, Inc.**, 3101 Pleasant Valley Road, Altoona, PA 16602 is authorized to discharge from a facility located in Altoona City, **Blair County** to the receiving waters named Mill Run in Watershed 11-A.

**WQM Permit No. PA0009253 Amendment No. 2**, Sewerage, **United Defense, L.P.**, P. O. Box 15512, York, PA 17405-1512 is authorized to discharge from a facility located in West Manchester Township, **York County** to the receiving waters named Codorus Creek.

**WQM Permit No. PA0087785 T-1**, Sewerage, **Charles C. Powell**, (Cove Forge Treatment Center), New Beginnings Road, Williamsburg, PA 16693 is authorized to discharge from a facility located in Woodbury Township,

**Blair County** to the receiving waters named Frankstown Branch Juniata River in Watershed 11-A.

**WQM Permit No. PA0011363 Amendment No. 1**, Sewage, **NGK Metals Corporation**, P. O. Box 13367, Reading, PA 19612-3367 is authorized to discharge from a facility located in Muhlenberg Township, **Berks County** to the receiving waters named Laurel Run.

**WQM Permit No. PA0086711**, Industrial Waste, **Sunoco, Inc.**, (R&M), (Mechanicsburg Terminal), 1801 Market Street, Philadelphia, PA 19380 is authorized to discharge from a facility located in Hampden Township, **Cumberland County** to the receiving waters named Cedar Run in Watershed 7-E (Yellow Breeches Creek).

**WQM Permit No. PA0085782 Amendment No. 1**, Sewage, **Filippini Real Estate, Inc.**, (Golden Oaks Golf Club), 17 Augusta Lane, Fleetwood, PA 19522 is authorized to discharge from a facility located in Ruscombmanor Township, **Berks County** to the receiving waters of an unnamed tributary of Furnace Creek in Watershed 3-D.

**WQM Permit No. PA0087319**, Industrial Waste, **Scranton-Altoona Terminals Corporation**, (Sinking Spring Bulk Storage Terminal), P. O. Box 2070, Sinking Spring, PA 19608 is authorized to discharge from a facility located in Sinking Spring Borough, **Berks County** to the receiving waters named Cacoosing Creek in Watershed 3-C.

**WQM Permit No. PA0024708**, Sewage, **Municipal Authority of Union Township**, (Union Township WWTP), P. O. Box 5625, Belleville, PA 17004-9701 is authorized to discharge from a facility located in Union Township, **Mifflin County** to the receiving waters named Kishacoquillas Creek in Watershed 12-A (Kishacoquillas—Jacks Creeks).

**WQM Permit No. PA0080683**, Sewage, **Miller's Skyview Sales, Inc.**, 200 Ridge Road, Etters, PA 17319-9110 is authorized to discharge from a facility located in Newberry Township, **York County** to the receiving waters of an unnamed tributary to Bennett Run in Watershed 7-F (Conewago Creek).

**WQM Permit No. PA0084328**, Sewage, **J. E. Baker Company**, P. O. Box 1189, York, PA 17405 is authorized to discharge from a facility located in West Manchester Township, **York County** to the receiving waters of an unnamed tributary to Honey Run in Watershed 7-F.

**WQM Permit No. PA0081523**, Sewage, **Mohammad Dowlut**, (Blair Chalet), R. R. 1, Box 379, Hollidaysburg, PA 16648-9516 is authorized to discharge from a facility located in Blair Township, **Blair County** to the receiving waters named Frankstown Branch Juniata River in Watershed 11-A.

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

**NPDES Permit No. PA0095834**, Sewage, **Howard Keenan**, 701 Hope Street, Pittsburgh, PA 15220 is authorized to discharge from a facility located at Treehaven Mobile Home Park Sewage Treatment Plant, South Franklin Township, **Washington County** to receiving waters named Chartiers Creek.

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

**WQM Permit No 3700406**, Sewerage, **Josephine Schotsch**, P. O. Box 915A, New Castle, PA 16107. This

project is for the construction and operation of a small flow treatment facility located in Scott Township, **Lawrence County**.

**WQM Permit No 3700407**, Sewerage, **Shenango Township**, 1000 Willowbreak Road, New Castle, PA 16101. This project is for the construction and operation of a small flow treatment facility located in Orchardale Estates, Shenango Township, **Lawrence County**.

**WQM Permit No 6200413**, Sewage, **Youngsville Borough**, 40 Railroad Street, Youngsville, PA 16371-1130. This project is for renovations to an existing sewage treatment facility located in Youngsville Borough, **Warren County**.

**NPDES Permit No. PA0023931**, Sewage, **Borough of Cambridge Springs**, 161 Carringer Street, Cambridge Springs, PA 16403 is authorized to discharge from a facility located in the Borough of Cambridge Springs, **Crawford County** to French Creek.

**NPDES Permit No. PA0026379**, Sewage, **Bradford Sanitary Authority**, P. O. Box 546, Bradford, PA 16701-0546 is authorized to discharge from a facility located in Foster Township, **McKean County** to Tungungwant Creek.

**NPDES Permit No. PA0104469**, Sewage, **Kasgro Rail Corporation**, 320 East Cherry Street, New Castle, PA 16102 is authorized to discharge from a facility located in Taylor Township to an unnamed tributary to Beaver River and Shenango River.

**NPDES Permit No. PA0101087**, Sewage, **Norman J. Cutri**, 1324 South Shore Drive No. 601, Erie, PA 16505-2536 is authorized to discharge from a facility located at Twilight Mobile Home Park, Mahoning Township, **Lawrence County** to an unnamed tributary to Sanky Run.

**NPDES Permit No. PA0238414**, Sewage, **Josephine Schotsch**, P. O. Box 915A, New Castle, PA 16107 is authorized to discharge from a facility located in Scott Township, **Lawrence County**.

**NPDES Permit No. PA0041921**, Sewage, **Holy Sepulcher Parish**, 1304 East Cruikshank Road, Butler, PA 16002-8906 is authorized to discharge from a facility located in Middlesex Township, **Butler County** to an unnamed tributary to Glade Run.

**NPDES Permit No. PA0100935**, Sewage, **Maple Winds Mobile Home Park**, 89 Gill Road, Grove City, PA 16127 is authorized to discharge from a facility located in Pine Township, **Mercer County** to an unnamed tributary to Wolf Creek.

**NPDES Permit No. PA0221007**, Sewage, **Borough of Volant**, P. O. Box 96, Volant, PA 16156 is authorized to discharge from a facility located in the Borough of Volant, **Lawrence County** to an unnamed tributary to Shenango River and Neshannock Creek.

**NPDES Permit No. PA0102431**, Sewage, **Cedar Acres/Cunningham Inc.**, 1650 Harlansburg Road, New Castle, PA 16101 is authorized to discharge from a facility located in Scott Township, **Lawrence County** to an unnamed tributary to Slippery Rock Creek.

**NPDES Permit No. PA0103861**, Sewage, **Zoccoli's Mobile Home Park**, R. D. #1, Edinburg, PA 16116 is authorized to discharge from a facility located in Mahon-

ing Township, **Lawrence County** to an unnamed tributary to Shenango River.

**NPDES Permit No. PA0036617.** Sewage, **Remark Estates**, 169 Pullman Drive, West Middlesex, PA 16158 is authorized to discharge from a facility located in Lackawannock Township, **Mercer County** to an unnamed tributary to Little Neshannock Creek.

**NPDES Permit No. PA0028371.** Sewage, **Borough of Youngsville**, 40 Railroad Street, Youngsville, PA 16317 is authorized to discharge from a facility located in Youngsville Borough, **Warren County** to Brokenstraw Creek.

**NPDES Permit No. PA0104086.** Industrial Waste. **Mercer Forge Corporation**, 200 Brown Street, P. O. Box 272, Mercer, PA 16137 is authorized to discharge from a facility located in Mercer Borough, **Mercer County** to Otter Creek.

**NPDES Permit No. PA0000183.** Industrial Waste. **General Electric Company**, 2901 East Lake Road, Building 9-2, Erie, PA 16531 is authorized to discharge from a facility located in Lawrence Park Township, **Erie County** to Four Mile Creek and Presque Isle Bay.

### 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 Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10-G427	Lutheran Senior Services of Southern Chester County 111 East Doe Run Road Unionville, PA 19375	Chester County	Penn Township	East Branch Big Elk Creek (HQ, TSF, MF)
PAS10-G428	Cornerstone Communities 771 East Lancaster Avenue Villanove, PA 19085	Chester County	East Whiteland Township	Tributary to Valley Creek (EV)
PAS10-G443	First Lender Development Corp One Abington Plaza, Suite 403 Jenkintown, PA 19046	Chester County	Tredyffrin Township	Valley Creek (EV)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS100419	Southern Cove Joint Municipal Authority P. O. Box 223 Woodbury, PA 16695	Bedford	Woodbury Borough Woodbury Twp.	Yellow Creek HQ-CWF
PAS100025	Ronald & Lori Sewell 3400 Harney Road Taneytown, MD 21787	Adams	Menallen Twp.	Conewago Creek HQ-CWF

### 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 Permit(s) to Discharge Wastewater into the Waters of this 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 Permit(s) 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 this Commonwealth.

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 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-10	General Permit for Discharge Resulting From Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*GENERAL PERMIT TYPE—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Kennett Township/Boro Chester County	PAR10-G402	Kennetex, Inc. 470 West Cypress Street Kennett Square, PA	East Branch Red Clay Creek (TSF)	Chester County Conservation District (610) 696-5126
West Whiteland Township Chester County	PAR10-G405	Lexington, Inc. 119 John Robert Thomas Drive Exton, PA 19341	Valley Creek (CWF-MF)	Cheser County Conservation district (610) 696-5126
West Brandywine Township Chester County	PAR10-G400	Sandone Landscape 216 Creek Bend Drive Downingtown, PA 19335	Beaver Creek (TSF-MF)	Chester County Conservation District (610) 696-5126
West Goshen Township Chester County	PAR10-G409	Charles Wilkinson 1020 Broad Run Road Landenberg, PA	UNT to East Branch Chester Creek (TSF)	Chester County Conservation District (610) 696-5126
Marple Township Delaware County	PAR10-J188	Springton Senior Associates Georgetown Building 101 Chasley Drive Media, PA	Crum Creek (WWF)	Delaware County Conservation District (610) 892-9484
Aston Township Delaware County	PAR10-J201	Dutton Mill Associates 1 Marim Terrace Aldan, PA 19018	Chester Creek (WWF)	Delaware County Conservation District (610) 892-9484
Radnor Township Delaware County	PAR10-J200	Radnor Township 301 Iven Avenue Wayne, PA 19087	Ithan Creek (CWF)	Delaware County Conservation District (610) 892-9484
Aston Township Delaware County	PAR10-J106-1	D & D Developers 200 Spring Valley Way Aston, PA 19014	West Branch Chester Creek (TSF)	Delaware County Conservation District (610) 892-9484
Lower Providence Township Montgomery County	PAR10-T637	Streamlight, Inc. 1030 West Germantown Pike Norristown PA 19403	Skippack Creek (TSF)	Montgomery County Conservation District (610) 489-4506
Lower Gwynedd Township Montgomery County	PAR10-T690	Philomeno & Salamone 450 South Gravers Road Plymouth Meeting, PA 19426	Wissahickon Creek (TSF)	Montgomery County Conservation District (610) 489-4506

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Hanover Township Montgomery County	PAR10-T671	Brown East Greenville Division 668 Gravel Pike East Greenville, PA 18041	UNT Perkiomen Creek (TSF)	Montgomery County Conservation District (610) 489-4506
Falls Township Bucks County	PAR10-D541	NJ Transit Corporation One Penn Plaza East Newark, NJ 07105	Rock Run Creek (WWF)	Bucks County Conservation District (215) 345-7577
New Britain Township Bucks County	PAR10-D536	Nappen & Associates 119 Keystone Drive Montgomeryville, PA	West Branch Neshaminy Creek (TSF-MF)	Bucks County Conservation District (215) 345-7577
Bensalem Township Bucks County	PAR10-D540	WAWA, Inc. 260 Baltimore Pike Wawa, PA 19063	UNT to Neshaminy Creek (TSF-MF)	Bucks County Conservation District (215) 345-7577
Solebury Township Bucks County	PAR10-D533	Richard S & Karen Kaplinski 6301 Pidcock Road New Hope, PA 18938	Delaware River (TSF)	Bucks County Conservation District (215) 345-7577
Lower Makefield Township Bucks County	PAR10-D550	DeLuca Enterprises 842 Durham Road Newtown, PA 18940	Neshaminy Creek (TSF-MF)	Bucks County Conservation District (215) 345-7577
Bristol Township Bucks County	PAR10-D530	Riverbirch Enterprises, LP 1262 Wood Lane Suite 207 Langhorne, PA 19047	Delaware River (TSF)	Bucks County Conservation District (215) 345-7577
Falls Township Bucks County	PAR10-D554	Duke Weeks Realty Investments 5600 Blazer Parkway Suite 100 Dublin, OH 43017	Rock Run Creek (WWF)	Bucks County Conservation District (215) 345-7577
Middletown Township Bucks County	PAR10-D546	Township of Middletown 2140 Trenton Road Levittown, PA 19056	Mill creek (WWF-MF)	Bucks County Conservation District (215) 345-7577
Bristol Township Bucks County	PAR10-D546	Do Little Corporation 301 State Road Croydon, PA 19020	Delaware River (TSF)	Bucks County Conservation District (215) 345-7577
East Fallowfield Township Chester County	PAR10-G420	Mark Weiss 107 Commons Court Chadds Ford, PA 19317	West Branch Brandywine Creek (WWF-MF)	Chester County Conservation District (610) 696-5126
City of Chester Delaware County	PAR10-J181	PennDOT 7000 Geerdes Boulevard King of Prussia, PA 19406	Darby and Crum Creeks (WWF)	Delaware County Conservation District (610) 489-4506
Upper Chichester Township Delaware County	PAR10-J202	Long Property Management, Inc 127 High Street Mt. Holly, NJ 08060	Marcus Hook Creek (WWF)	Delaware County Conservation District (610) 489-4506
Plymouth Township Montgomery County	PAR10-T673	Metroplex East Associates, Inc. 350 Sentry Parkway Blue Bell, PA 19422	Plymouth Creek (WWF)	Montgomery County Conservation District (610) 489-4506
Worcester Township Montgomery County	PAR10-T692	PECO Energy Company 680 Ridge Pike Plymouth Meeting, PA 19462	Zacharias Creek (TSF)	Montgomery County Conservation District (610) 489-4506



NOTICES

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>	
Montgomery Township Montgomery County	PAR10-T696	Robert Nappen 119 Keystone Drive Montgomeryville, PA 18936	Tributary to Park Creek (WF-M)	Montgomery County Conservation District (610) 489-4506	
Luzerne County Hanover Township	PAR10R215	Marge Baker Mt. Souci Development Corner Clinton Dr. & Ashley St. Hanover, PA 18702	Warrior Creek CWF	Luzerne Co. CD (570) 674-7991	
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Water Use</i>	<i>Contact Office &amp; Phone No.</i>
Greene Township Franklin County	PAR10M227	PP & L Utilities 285 Morea Road Frackville, PA 17931	Phillaman Run, Mountain Run, Conococheague Creek	CWF CWF CWF	Franklin County CD 550 Cleveland Avenue Chambersburg, Pa. 17201 (717) 264-8074
Upper Allen Township Cumberland County	PAR10H249	Liberty Forge Golf Course Inc. P. O. Box 1229 Camp Hill, PA 17011-1229	UNT Yellow Breeches		Cumberland County CD 43 Brookwood Avenue, Suite 4 Carlisle, Pa. 17013 (717) 240-7812
St. Thomas Township Franklin County	PAR10M228	Jefferson & Eastern Leo Rocca 2730 Fox Gap Road Middletown, MD 21769	UNT Campbell Run	CWF	Franklin County CD 550 Cleveland Avenue Chambersburg, Pa. 17201 (717) 264-8074
Upper Allen Township Cumberland County	PAR10H254	Ashcombe Farms PRD 19 A.N. Baltimore Road Dillsburg, PA 17019	Trout Run	CWF	Cumberland County CD 43 Brookwood Avenue, Suite 4 Carlisle, Pa. 17013 (717) 240-7812
Berwick Township Adams County	PAR100102	Berwick Township 85 Municipal Road Hanover, PA 17331	UNT to Pine Creek	WWF	Adams County CD 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Allegheny Township Frankstown Township Blair County	PAR100713	Garvey Manor Nursing Home 128 Logan Blvd. Hollidaysburg, PA 16648	Brush Creek	WWF	Blair County CD 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Bellwood Borough Blair County	PAR100714	Wolf Furniture 1620 N. Tuckahoe Street Bellwood, PA 16617	Bells Gap Run	TSF	Blair County CD 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Middlesex Township Cumberland, County	PAR10H251	Harmony Hall Assoc. 325 S. Hanover St. Carlisle, PA 17013	Letort Spring Run	CWF	Cumberland County CD 43 Brookwood Avenue, Suite 4 Carlisle, Pa. 17013 (717) 240-7812

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Water Use</i>	<i>Contact Office &amp; Phone No.</i>
Ephrata Borough Lancaster County	PAR100470	Beck Properties, Inc. 1509 Brunnerville Rd. Lititz, PA 17543	UNT Cocalico Creel	WWF	Lancaster County CD 1383 Arcadia Road Rm 6 Lancaster, Pa. 17601 (717) 299-5361
Bald Eagle Township Clinton County	PAR101921	Croda Inc. P. O. Box 178 Mill Hall, PA 17751	Bald Eagle Creek	CWF	Clinton County CD 36 Spring Run Rd. Rm. 104 Mill Hall, PA 17751 (570) 726-3798
Charleston Township Tioga County	PAR106637	Tioga County Human Services Agency Golf Course P. O. Box 766 Wellsboro, PA 16901	Charleston Creek	WWF	Tioga County CD 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>		<i>Contact Office &amp; Phone No.</i>
Crawford County, Vernon Township	PAR102319	Vernon Town Square Meadville Real Estate, L.P. c/o George Saad 2400 Ardmore Boulevard Suite 800 Pittsburgh, PA 15221	UNT Van Horne Creek		Crawford Conservation District 14699 North Main Street Ext. Meadville, PA 16335-9441 (814) 724-1793
Lawrence County, Mahoning Township, New Beaver Borough, City of New Castle, North Beaver Township, Wampum Borough, and Wayne Township	PAS103711	Norfolk Southern Railway Company c/o George Epps 600 West Peachtree Street Suite 1840 Atlanta, GA 30308	Connoquenessing Creek, Tributary to Beaver River, Beaver River, Wampum Run Eckles Run, Jenkins Run, Edwards Run, Mahoning River/Shenango River Confluence, Mahoning River, and Tributary to Mahoning River		Lawrence Conservation District Lawrence Co Government Center 430 Court Street New Castle, PA 16101-3593 (724) 652-4512
<i>General Permit Type—PAG-3</i>					
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>		<i>Contact Office &amp; Phone No.</i>
Montgomery County Upper Merion Township	PAR130008	Philadelphia Newspapers, Inc. Upper Merion Township Montgomery County	Frog Run and Matsunk Creek		DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water</i>	<i>Water Use</i>	<i>Contact Office &amp; Phone No.</i>
York County Spring Garden Township	PAR213542	Glen-Gery Corporation 1090 East Boundary Avenue York, PA 17403	UNT Codorus Creek	WWF	DEP-Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Mount Joy Borough	PAR203536	New Standard Corporation P. O. Box 117 Mount Joy, PA 15520	Chickies Creek	WWF	DEP-Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

NOTICES

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water</i>	<i>Water Use</i>	<i>Contact Office &amp; Phone No.</i>
York County Hellam Township	PAR203559	New Standard Corporation 74 Commerce Way York, PA 17406	Kreutz Creek	WWF	DEP-Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County York City	PAR603580	Consolidated Scrap Resources, Inc.— Prospect Street P. O. Box 389 York, PA 17405-0389	Codorus Creek	WWF	DEP-Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Antis Township	PAR603579	William Crawford C & C Auto Salvage R. D. 2, Box 432 Tyrone, PA 16686	Little Juniata Creek	WWF	DEP-Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Spring Garden Township	PAR603578	Harry J. Darrah, Jr. J & K Salvage, Inc. 513 East Lancaster Street Red Lion, PA 17356	Codorus Creek	WWF	DEP-Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Washington County Canton Township	PAR606109	General Alloys Inc 135 W Wylie Avenue Washington, PA 15301	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Allegheny County Glenwood Pittsburgh	PAR806202	Detroit Salt Company 12841 Sanders Street Detroit, MI 48127	Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Summerville Borough Jefferson County	PAR218315	Clenn-Gery Corporation-Hanley Plant Route 28 Summerville, PA 15864-0068	Redbank Creek and Unnamed Tributary to Redbank Creek	DEP NWRO Water Management 230 Chestnut Street Meaville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Ridgway Township Elk County	PAG048369	Thomas M. Studler Box 22A Ridgway Road Johnsonburg, PA 15845	Unnamed Tributary of the Clarion River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedminster Township Bucks County	PAG050017	Farm and Home Oil Company 3115 State Road P. O. Box 389 Telford, PA 18969	Unnamed Tributary to Morris Run Perkiomen Watershed	Southeast Region Water Management (610) 832-6130

*General Permit Type—PAG-8*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Beaver Township Clarion County	PAG088303	Knox Borough P. O. Box 366 Knox, PA 16232-0298	Edenbrook Holsteins (Decker Farm) McElhattan Road Knox, PA 16232	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG088304	Washington Township 11800 Edinboro Road Edinboro, PA 16412	John Vanco Farm Silverthorn Road Edinboro, PA 16412	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township Erie County	PAG088304	Washington Township 11800 Edinboro Road Edinboro, PA 16412	Dentsil LeSuer Farm 5810 Old State Road Edinboro, PA 16412	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-9*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Fayette County Bullskin Township	PAG096107	Top Septic Service Inc 123 Zelmore Road Mt Pleasant, PA 15666		Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Randolf Township Crawford County	PAG098304	Sterling Sanitation Service 37021 Tryonville Road Centerville, PA 16404	David Sterling Farm 12490 State Highway 198 Guys Mills, PA 16327	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Steuben Township Crawford County	PAG098304	Sterling Sanitation Service 37021 Tryonville Road Centerville, PA 16404	Richard Culp—Home Farm 16135 Greytown Road Centerville, PA 16404	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Steuben Township Crawford County	PAG098304	Sterling Sanitation Service 37021 Tryonville Road Centerville, PA 16404	Richard Culp— Five Corners Farm Five Corners Road Centerville, PA 16404	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene & West Salem Townships Mercer County	PAG098305	Enterline Septic Cleaning 196 Maysville Road Jamestown, PA 16134	Charles Enterline Farm 196 Maysville Road Jamestown, PA 16134	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Warsaw Township Jefferson County	PAG098301	Williams Septic & Drain Service R. R. #1, Box 108E Reynoldsville, PA 15851	John Williams Farm R. R. #1, Box 108E Reynoldsville, PA 15851	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 1400508**, Public Water Supply.

Applicant	<b>Howard Borough</b> 780 Black Street Howard, PA 16841
Borough	Howard Borough
County	<b>Centre</b>
Type of Facility	Public Water Supply
Consulting Engineer	Dana R Boob Surveying & Engineering P. O. Box 699 136 W. Main St. Millheim, PA 16854
Permit to Construct Issued	1/29/2001

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

**Operations Permit** issued to **The Authority of the Borough of Charleroi**, 31 McKean Avenue, P. O. Box 211, Charleroi, Pa 15022-0211, Donora, **Washington County** on January 11, 2001.

**Operations Permit** issued to **Kittanning Suburban Joint Water Authority**, R. R. 1, Box 23, Adrian, Pa 16210-9712, East Franklin Township, **Armstrong County** on January 8, 2001.

**Operations Permit** issued to **Wilbur Water Company**, 504 Wilbur Road, Stoystown, PA 15563, Shade Township, **Somerset County** on January 17, 2001.

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

**Operations Permit** issued to: **North Warren Municipal Authority**, 4 Hospital Drive, P. O. Box 104, North Warren, Pa 16365, Conewango Township, **Warren County** on January 18, 2001.

**WATER ALLOCATIONS**

**Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 356) (35 P. S. § 631-641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southwest Region: Regional Manager, Water Supply Management, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745, (412) 442-4000.*

**WA65-111E**, Water Allocations. **Municipal Authority of Westmoreland County**, S.W. Corner U.S. Route 30 West and South Greengate Road, P. O. Box 730, Greensburg, Pa 15601, Greensburg, **Westmoreland County**.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

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

Plan Location:

Borough or Township	Borough or Township Address	County
Waymart Borough Canaan Township	P. O. Box 280, Waymart, PA 18472	Wayne

Plan Description: The Plan Revision provides for expansion of the existing Waymart Area Authority (WAA) Sewage Treatment Plant (STP) to treat combined sewage

flows from a proposed Federal Prison, the existing S.C.I. - Waymart Prison, and WAA customers. The new Federal Prison will be located in Canaan Township on the south side of the Owego Turnpike along S.R. 296. The design capacity of the upgraded treatment plant is 715,000 gpd, and the existing STP at S.C.I. Waymart is to be abandoned. The treated effluent will be pumped approximately 12,500 ft. downstream of the existing outfall location, to a new location below both Lake Ladore and Keen Pond on Van Auken Creek. A proposed pump station and collection sewer will convey wastewater from both the existing and proposed prisons easterly along the Owego Turnpike, then north along S.R. 296 and across the Wilson Elementary School property to the existing STP. Also, an existing WAA pump station in the vicinity of the STP will be phased out and replaced by a new gravity interceptor. The Plan includes a secondary alternative in the event the existing S.C.I. Waymart Prison does not participate in the project. The existing WAA STP is then retrofitted and expanded to 520,000 gpd to treat the combined sewage flow from the proposed Federal Prison and WAA customers.

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

Plan Location:

Borough or Township	Borough or Township Address	County
[Straban Twp]	1745 Granite Station Rd., Gettysburg, PA 17325]	[Adams]

Plan Description: The approved plan provides for the construction of a new wastewater treatment plant to serve the following areas: Oak village MHP, the village of Hunterstown, a proposed Reliant Energy Facility and three new County Projects. Combined wastewater flows are estimated at 225,000 gpd. The proposed development is located along PA Rt. 394 and Granite Station Rd in Straban Township, Adams County. 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.

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

Plan Location:

Borough or Township	Borough or Township Address	County
Prospect Borough	P. O. Box 308, Prospect, PA 16052	Butler

Plan Description: The approved plan provides for the installation of a 760,000 gallon flow equalization tank to eliminate wet weather sanitary sewer overflows into Lake Arthur, Morrairie State Park.

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.

**HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

**SETTLEMENT UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT AND THE HAZARDOUS SITES CLEANUP ACT**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with:

Cornell Creciu to resolve his liability for response costs incurred to remediate hazardous substances stored and/or disposed at the Susquehanna Road Drum Site (Site). This Site is located at 1668 Susquehanna Road in Upper Dublin Township, Montgomery County, PA and includes a barn where drums and compressed gas cylinders of hazardous substances were stored.

In May, 1998, the Department received a complaint about fuming drums of unknown materials stored at the Site. An emergency investigation by the Department revealed the presence of numerous unlabeled drums, some of which contained silicon tetrachloride, a reactive and corrosive hazardous substance which reacts with air and causes the release of hydrogen chloride gas into the atmosphere. Additionally, the Department discovered approximately 200 compressed gas cylinders, some of which contained silicon, a reactive hazardous substance. Based upon the volatile conditions at the Site, including the threat of fire or explosion, the Department conducted a prompt interim response under Section 505(b) of HSCA (35 P.S. § 6020.505(b)) to abate the release and threat of release of hazardous substances. The Department incurred \$140,743.81 in response costs for this Site.

Cornell Creciu leased space in the barn on the Site and subleased space to a party who stored hazardous substances on the Site. Therefore, Mr. Creciu is a "responsible person" in accordance with Section 701 of HSCA (35 P.S. § 6020.701) and as such, he has agreed to reimburse the Department for a share of the response costs expended at the Site. The Department's financial inquiry of Mr. Creciu indicates that based on his available assets and certification concerning his financial circumstances, he is unable to pay a substantial portion of the Department's response costs. Accordingly, to resolve Mr. Creciu's liability, the Department and Mr. Creciu have executed a Consent Order and Agreement for Inability to Pay which requires Mr. Creciu to reimburse the Department in the amount of \$1,400.

This notice is provided under Section 1113 of HSCA (35 P.S. § 6020.1113), which provides that "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Order and Agreement, which contains the specific terms of the settlement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located in Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428, by contacting either Donna Suevo at (610) 832-6194 or Gina M. Thomas, at (610) 832-6300 or electronically at [suevo.donna@dep.state.pa.us](mailto:suevo.donna@dep.state.pa.us) and [Thomas.gina@dep.state.pa.us](mailto:Thomas.gina@dep.state.pa.us) respectively. A public comment period on the Consent Order and Agreement will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to Donna Suevo at the above address.

**PUBLIC NOTICE OF PROPOSED CONSENT  
ORDER AND AGREEMENT**

**Fischer & Porter Company, Warminster Township,  
Bucks County.**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1304) (HSCA) and the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq. (CERCLA), has entered into a Prospective Purchaser Agreement with Blue Marlin Associates for reimbursement of certain response costs incurred to remediate hazardous substances disposed at the Fischer & Porter Company Superfund Site (site). This site is located at 125 East County Line Road in Warminster Township, Bucks County.

This site consists of a plume of groundwater contamination, which has impacted municipal water supply wells. In September 1983, the site was placed on the National Priorities List and in 1984, EPA issued its first Record of Decision (ROD) indicating that the industrial degreasing agents (trichloroethene) TCE and (perchloroethene) PCE, used by Fischer and Porter Company contaminated the groundwater. Under a 1984 Consent Decree with the United States Environmental Protection Agency (EPA), Fischer and Porter Company initiated groundwater pumping and treatment to remedy contamination associated with the Fischer & Porter Site. In 1998, EPA issued a second ROD for the site which selected the "No Further Action" alternative and indicated that EPA would not require any additional action other than the operation and maintenance of the groundwater pump and treatment system already on the site.

Blue Marlin desires to purchase an 8.4 acre portion of the Fischer & Porter Site, which is located along Jackson-ville Road between County Line Road and Potter Street in Warminster PA and intends to lease the Site to a manufacturer of specialized equipment for law enforcement and fire department vehicles.

Under its authority under among other things, Section 501(a) of HSCA (35 P. S. § 6020.501(a)), the Department has incurred oversight response cost to remediate hazardous substances disposed on the Site. The Department has determined that it is in the public interest to resolve its claim against Blue Marlin Associates. Therefore, Blue Marlin shall reimburse the Department for certain response costs in the amount of \$1,500 and shall receive contribution protection from claims related to its purchase and ownership of the Site.

This notice is provided under Section 1113 of HSCA (35 P. S. § 6020.1113), which states that "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Order and Agreement, which contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located in Lee Park, 555 North Lane, Suite 6010, Conshohocken PA 19428, by contacting either David Ewald at (610) 832-6200 or Gina M. Thomas at (610) 832-6300. David Ewald and Gina Thomas may also be contacted electronically at [ewald.david@dep.state.pa.us](mailto:ewald.david@dep.state.pa.us) and [thomas.gina@dep.state.pa.us](mailto:thomas.gina@dep.state.pa.us), respectively. A public comment period on the Consent Order and Agreement will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to Mr. Ewald at the above address.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION  
UNDER ACT 2, 1995**

**PREAMBLE 2**

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site 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 non-residential 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, please 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, (610) 832-6000.*

**Plymouth Greene Office Park**, Plymouth Township, **Montgomery County**. Samuel J. Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, on behalf of Plymouth Green Development Associates, Suite 200, 33 Rock Hill Road, has submitted a Final Report concerning remediation of site soil contaminated with lead, BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**St. Paul's Evangelical Lutheran Church**, Kingston Township, **Luzerne County**. Eric B. Rosina, Project Manager, Storb Environmental, Inc., 410 N. Easton Road, Willow Grove, PA 19090 submitted a Final Report (on behalf of his client, St. Paul's Evangelical Lutheran Church, 196 N. Main Street, Shavertown, PA 18708) concerning the remediation of site soils found or suspected to have been contaminated with no. 2 heating oil constituents. The report was submitted to document remediation of the site to meet the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

**Phoebe Floral**, Whitehall Township, **Lehigh County**. Samuel S. Harrison, Hydrogeologist, Harrison Hydrosciences, 435 Main Street, P. O. Box 908, Saegertown, PA 16433 submitted a Final Report (on behalf of his client, Phoebe Floral, Inc. 2102 Hamilton Street, Allentown, PA 18104) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with no. 2 heating oil constituents. The report was submitted to document remediation of the site to meet the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

## 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 non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the Department 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 acted upon the following final reports:

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6000.*

**Emilee Atlee Residence**, Haverford Township, **Delaware County**. Donald G. Puglio, P.G., Environmental Products & Services, Inc., P. O. Box 501, Carnegie, PA, 15106, on behalf of Louis Dreyfus Holding Co., Inc. c/o Crawford & Co., 600 Reed Road, Broomall PA 19008, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 10, 2001.

**Meadows at Skippack**, Skippack Township, **Montgomery County**. Mark J. Irani, P.G., RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, on behalf of Willits Pond, Inc., 450 S. Gravers Road, Plymouth Meeting, PA 19462, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 19, 2001.

**Marcantonio Residence**, Phoenixville Borough, **Chester County**. David R. Crowther, Hydrocon Services, Inc., 2945 S. Pike Avenue, Allentown, PA 18103, on behalf of Fred and Ann Marcantonio, 13 E. High St., Phoenixville, PA 19453, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 19, 2001.

**Sun Pipe Line Co.**, East Goshen Township, **Chester County**. Jennifer L. Stafford, P.G., Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and petroleum hydrocarbons. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 23, 2001.

### HAZARDOUS WASTE TRANSPORTER LICENSE

**Hazardous Waste Transporter License issued, renewed or amended 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

**Dart Trucking Company, Inc.**, 61 Railroad Street, P. O. Box 89, Canfield, OH 44406. License No. **PA-AH 0219**. Effective January 19, 2001.

**Elliott Truck Line, Inc.**, P. O. Box 1, 532 South Wilson Street, Vinita, OK 74301. License No. **PA-AH 0355**. Effective January 29, 2001.



**HAZARDOUS WASTE TRANSPORTER  
LICENSE AMENDED**

**SMP, Inc.**, 402 Rt. 519, Phillipsburg, NJ 08865, License No. **PA-AH S221**. Effective January 23, 2001.

**Hazardous Waste Transporter License revoked, suspended, denied or reinstated 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 SUSPENDED**

**Chemical Conservation Corporation**, 10100 Rocket Blvd., Orlando, FL 32824. License No. **PA-AH 0518**. Effective January 23, 2001.

**EMC Environmental Services Corp.**, 132 Rome Street, Farmingdale, NY 11735. License No. **PA-AH 0590**. Effective January 23, 2001.

**Environmental Industries Services Corp. of New Jersey**, 524-B South Walnut Street, Wilmington, DE 19801. License No. **PA-AH 0457**. Effective January 23, 2001.

**Price Trucking Corp.**, P. O. Box 70, Buffalo, NY 14220. License No. **PA-AH 0371**. Effective January 23, 2001.

**Qualified Transport Corporation**, P. O. Box 288, Port Allen, LA 70767. License No. **PA-AH 0598**. Effective January 23, 2001.

**Stranco, Inc.**, 70459 Highway 59, Abita Spring, LA 70420. License No. **PA-AH 0611**. Effective January 23, 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.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**AQ-SE-0014: Haines & Kibblehouse, Inc.** (300 Skunk Hollow Road, Chalfont, PA 18914) on January 17, 2001, for a Portable Crushing Plant in Hilltown Township, **Bucks County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**32-00146: Columbia Gas Transmission Corp.—Homer City Compressor Station** (1700 MacCorkle Avenue, S.E., Charleston, WV 25325) on January 17, 2001, for installation of a Natural Gas Compressor Engine in White Township, **Indiana County**.

**32-00147: Columbia Gas Transmission Corp.—Kent Compressor Station** (1700 MacCorkle Avenue, S.E., Charleston, WV 25325) on January 17, 2001, for installation of a Natural Gas Compressor Engine in Black Lick Township, **Indiana County**.

**Administrative Operating Permit Amendments Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 (relating to administrative operating permit amendments).**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**15-0015: Sartomer Co., Inc.** (610 South Bolmar Street, West Chester, PA 19382) on January 24, 2001, for Synthetic Minor NOx Facility in West Chester Borough, **Chester County**.

**Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**09-00076: Cartex Corp.** (200 Rock Run Road, Fairless Hills, PA 19030) issued a Title V Operating Permit on January 22, 2001, for operation of a Facility Title V Operating Permit in Falls Township, **Bucks County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**67-05013: York City Sewer Authority** (1701 Black Bridge Road, York, PA 17402) on January 23, 2001, for a Synthetic Minor Operating Permit at the York City Wastewater Treatment Plant in Manchester Township, **York County**.

*Philadelphia Department of Public Health, Air Management Services: 321 University Ave., Philadelphia, PA 19104.*

**95-019: Exxon Mobil Corp.** (2401 Pennsylvania Avenue, Philadelphia, PA 19130) issued a Title V Operating Permit on December 28, 2000, for operation of a gasoline terminal with air emission sources which include a gasoline loading rack with a carbon adsorption vapor recovery unit, 10 gasoline storage tanks and fugitive emissions from valves, pumps, and flanges in the City of Philadelphia, **Philadelphia County**.

**95-039: Sunoco, Inc. (R&M)—Schuylkill River Tank Farm** (70th Street and Essington Avenue, Philadelphia, PA 19145) issued a Title V Operating Permit on December 28, 2000, for operation of a gasoline storage tank farm with air emission sources which include 23 storage tanks for gasoline and other petroleum products, an oil-water separator, and a propane loading rack with a flare in the City of Philadelphia, **Philadelphia County**.

**95-075: Aldan Rubber Co.** (Tioga and Salmon Streets, Philadelphia, PA 19134) issued a Title V Operating Permit on December 28, 2000, for operation of a custom rubber coated fabric manufacturing facility with air emission sources which include seven rubber/toluene spread coaters and two rubber/toluene churn rooms controlled by a carbon adsorption system, a 25 MMBTU/hr dual-fired boiler, a crumber processing waste rubber and toluene controlled by a condenser, eight particulate sources processing rubber, starch, and additives controlled by three cyclones and two dust collectors, and four vulcanizing ovens in the City of Philadelphia, **Philadelphia County**.

**95-095: Amoroso's Baking Co.** (845 South 55th Street, Philadelphia, PA 19143) on January 10, 2001, for operation of a wholesale bakery with air emission sources which include two natural gas or No. 2 oil-fired boilers each rated at 6.7 MMBTU/hr, six natural gas or No. 2

fuel oil-fired ovens each rated at or less than 3.5 MMBTU/hr that process straight-dough at a capacity of 1350 lbs/hr, one gasoline storage tank and distribution with Stage I and Stage II Vapor Recovery Systems, and one diesel vehicle fueling station in the City of Philadelphia, **Philadelphia County**.

**95-036: Avery Dennison, Philadelphia Plant** (7722 Dungan Road, Philadelphia, PA 19111) on January 10, 2001, for operation of a commercial printing facility that performs flexographic printing of labels, including paper converting with air emission sources which include one trim system and 13 flexographic printing presses each with a web width < 18 inches and control device (one trim system dust collector) in the City of Philadelphia, **Philadelphia County**.

**96-036: Richards Apex, Inc.** (4202-24 Main Street, Philadelphia, PA 19127) on January 10, 2001, for operation of manufacturing metal working lubricants with air emission sources which include two natural gas or No. 5 oil-fired boilers each rated at 8.375 MMBTU/hr and 13 mixing vessels processing fatty oils and sulfur and control devices (one scrubber and one cyclone dust collector) in the City of Philadelphia, **Philadelphia County**.

**96-027: Delaware Valley Wool Scouring Co.** (3419 Richmond Street, Philadelphia, PA 19134) on January 16, 2001, for operation of blending, bleaching, and cleaning raw wool with air emission sources which include a 21.56 MMBTU/hr No. 6 oil-fired boiler, a bale breaker/blender controlled by a baghouse, two cone dusters controlled by a baghouse, a squirrel cage controlled by a baghouse, and a compressor/baler controlled by a baghouse in the City of Philadelphia, **Philadelphia County**.

**97-006: Halpern and Co., Inc.** (3132 West Thompson Street, Philadelphia, PA 19121) on January 16, 2001, for operation of remelting and refining of nonferrous metals with air emission sources which include a 20,000 lb No. 2 oil-fired rotary furnace rated at 7.0 MMBTU/hr controlled by a baghouse, a 15,000 lb No. 2 oil-fired rotary furnace rated at 5.6 MMBTU/hr controlled by a baghouse, two No. 2 oil-fired alloy kettles each rated at 5.5 MMBTU/hr controlled by a common baghouse, four No. 2 oil-fired alloy kettles each rated at 1.4 MMBTU/hr controlled by a common baghouse, and two natural gas-fired alloy kettles rated at 235,000 BTU/hr controlled by a common baghouse in the City of Philadelphia, **Philadelphia County**.

#### **Nitrogen Oxides (NOx) Allowance Allocations Program**

#### **Revisions to Title V/State Only Operating Permits to include Conditions relating to NOx Allowance Requirements in 25 Pa. Code §§ 145.1—145.100**

Notice is hereby given that the Department of Environmental Protection (Department) has revised the following Operating Permits to incorporate the provisions of 25 Pa. Code §§ 145.1—145.90. These regulations establish a NOx Budget and a NOx Budget Trading Program for NOx budget units for the purpose of achieving the health-based ozone ambient air quality standard. The Department has establishing a NOx Allowance Allocation for each NOx budget unit listed in the permit under the provisions of 25 Pa. Code § 145.42.

Any person aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457,

Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Copies of these permits and other relevant information are available for review at the address given below:

*Bureau of Air Quality, Division of Permits, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.*

**0013: LTV Steel Company** (3100 East 45th St., Cleveland, OH 44127-1094) located in the City of Pittsburgh, **Allegheny County**.

**02-0054: Orion Power MidWest, L.P.** (7 East Redwood Street, Baltimore, MD 21202) located in Springdale Borough, **Allegheny County**.

**03-0027: Keystone Owners Group** (P. O. Box 68 682 Philadelphia Street, Indiana, PA 15701) located in Plumcreek Township, **Armstrong County**.

**03-0023: Allegheny Energy Supply Company, L.L.C.** (800 Cabin Hill Dr, Greensburg, PA 15601) located in Washington Township, **Armstrong County**.

**04-00044: Zinc Corporation Of America** (300 Frankfort Road, Monaca, PA 15061) located in Potter Township, **Beaver County**.

**04-00446: AES Beaver Valley Partners Inc.** (394 Frankfort Road, Monaca, PA 15061) located in Potter Township, **Beaver County**.

**04-0235: Pennsylvania Power Co.** (P. O. Box 128, Shippingport, PA 15077) located in Shippingport Borough, **Beaver County**.

**06-05024: Reliant Energy Mid Atlantic Power Holdings LLC** (1001 Broad Street, Johnstown, PA 15907) located in Cumru Township, **Berks County**.

**06-05033: Texas Eastern Trans Corp** (P. O. Box 1642, Houston, TX 77251) located in Washington Township, **Berks County**.

**09-00016: PECO Energy** (2600 Monroe Blvd., Norristown, PA 19403) located in Bristol Township, **Bucks County**.

**09-0066: PECO Energy** (2600 Monroe Blvd., Norristown, PA 19403) located in Falls Township, **Bucks County**.

**11-0318: Ebensburg Power Company** (20 S Van Buren Ave, Barberton, OH 44203-0351) located in Cambria Township, **Cambria County**.

**11-0332: Cambria CoGen Company** (7201 Hamilton Blvd, Allentown, PA 18195) located in Cambria Township, **Cambria County**.

**11-0378: Inter-Power/AhlCon Partners LP** (Colver Power Project) (2591 Wexford-Bayne Road, Ste 204, Sewickley, PA 15143) located in Cambria Township, **Cambria County**.

**13-00003: Panther Creek Partners** (1001 Industrial Road, Nesquehoning, PA 18240) located in Nesquehoning Borough, **Carbon County**.

**15-00019: PECO Energy** (2600 Monroe Blvd., Norristown, PA 19403) located in East Pikeland Township, **Chester County**.

**16-00127: Piney Creek LP** (428 Power Lane, Clarion, PA 16214) located in Piney Township, **Clarion County**.

**17-00001: Reliant Energy Mid Atlantic Power Holdings LLC** (1001 Broad Street, Johnstown, PA 15907) located in Bradford Township, **Clearfield County**.

**18-00002: International Paper Co** (South Highland Street, Lock Haven, PA 17745) located in Castanea Township, **Clinton County**.

**20-00265: Reliant Energy Mid Atlantic Power Holdings LLC** (1001 Broad Street, Johnstown, PA 15907) located in Wayne Township, **Crawford County**.

**21-2010: Reliant Energy Mid Atlantic Power Holdings LLC** (1001 Broad Street, Johnstown, PA 15907) located in South Middleton Township, **Cumberland County**.

**23-0001: Sunoco Inc.** (R&M) (P. O. Box 426, Marcus Hook, PA 19061-0426) located in Marcus Hook Borough, **Delaware County**.

**23-0003: Marcus Hook Operating Company** (4101 Post Road, Trainer, PA 19061) located in Trainer Borough, **Delaware County**.

**23-0014A: Kimberly-Clark** (Front and Ave of the States, Chester, PA 19013) located in the City of Chester, **Delaware County**.

**23-0017: PECO Energy** (2600 Monroe Blvd., Norristown, PA 19403) located in Eddystone Borough, **Delaware County**.

**23-0084: FPL Energy MH50 LP** (700 Universe Blvd., Juno Beach, FL 33408) located in Marcus Hook Borough, **Delaware County**.

**24-00009: Willamette Industries Inc** (100 Center Street, Johnsonburg, PA 15845) located in Johnsonburg Borough, **Elk County**.

**25-00025: General Electric Co** (2901 East Lake Road, Erie, PA 16531) located in the City of Erie, **Erie County**.

**25-00923: NEPA Energy LP** (2 South Portage Street, Westfield, NY 14787) located in North East Township, **Erie County**.

**30-0099: Allegheny Energy Supply Company, L.L.C.** (800 Cabin Hill Dr, Greensburg, PA 15601) located in Monongahela Township, **Greene County**.

**32-00040: Reliant Energy Mid Atlantic Power Holdings LLC** (1001 Broad Street, Johnstown, PA 15907) located in West Wheatfield Township, **Indiana County**.

**32-00059: Conemaugh Owners Group** (P. O. Box 68 682 Philadelphia Street, Indiana, PA 15701) located in West Wheatfield Township, **Indiana County**.

**32-0055: EME Homer City Generation LP** (1750 Power Plant Rd, Homer City, PA 15748) located in Center Township, **Indiana County**.

**36-05016: PP&L Inc** (2 North Ninth Street, Allentown, PA 18101) located in Martic Township, **Lancaster County**.

**40-00005: UGI Corp** (400 Steward Road, Wilkes-Barre, PA 18773) located in Hunlock Township, **Luzerne County**.

**40-00021: Williams Generation Company-Hazleton** (P. O. Box 2848-WRO-A, Tulsa, OK 74101-9567) located in Hazle Township, **Luzerne County**.

**46-0005: Merck & Co** (Summeytown Pike, West Point, PA 19486-0004) located in Upper Gwynedd Township, **Montgomery County**.

**47-00001: PPL Montour LLC** (2 North Ninth Street, Allentown, PA 18101) located in Derry Township, **Montour County**.

**48-00006: Reliant Energy Mid Atlantic Power Holdings LLC** (1001 Broad Street, Johnstown, PA 15907) located in Upper Mt Bethel Township, **Northampton County**.

**48-00011: PPL Martins Creek LLC** (2 North Ninth Street, Allentown, PA 18101) located in Lower Mount Bethel Township, **Northampton County**.

**48-00021: Northampton Generating Company** (1 Horwith Drive, Northampton, PA 18067) located in Northampton Borough, **Northampton County**.

**48-0013: Bethlehem Steel Corp** (1170 8th Avenue, Bethlehem, PA 18016) located in the City of Bethlehem, **Northampton County**.

**49-00001: Foster Wheeler Mt Carmel Inc** (Marion Heights Road, Marion Heights, PA 17832) located in Mount Carmel Township, **Northumberland County**.

**50-05001: Texas Eastern Trans Corp** (P. O. BOX 1642, Houston, TX 77251) located in Carroll Township, **Perry County**.

**95-001: Trigen—Philadelphia Energy Corp** (2600 Christian Street, Philadelphia, PA 19146) located in the City of Philadelphia, **Philadelphia County**.

**95-002: Trigen—Philadelphia Energy Corp** (2600 Christian Street, Philadelphia, PA 19146) located in the City of Philadelphia, **Philadelphia County**.

**95-004: PECO Energy** (2600 Monroe Blvd., Norristown, PA 19403) located in the City of Philadelphia, **Philadelphia County**.

**95-005: PECO Energy** (2600 Monroe Blvd., Norristown, PA 19403) located in the City of Philadelphia, **Philadelphia County**.

**95-006: PECO Energy** (2600 Monroe Blvd., Norristown, PA 19403) located in the City of Philadelphia, **Philadelphia County**.

**95-029: US Naval Base** (NSWCCD-SSES, Philadelphia, PA 19112-5083) located in the City of Philadelphia, **Philadelphia County**.

**95-038: Sunoco Inc.** (R&M) (3144 Passyunk Ave, Philadelphia, PA 19145-5208) located in the City of Philadelphia, **Philadelphia County**.

**95-047: Sunoco Inc.** (Margaret & Burmuda Sts, Philadelphia, PA 19137-1193) located in the City of Philadelphia, **Philadelphia County**.

**54-00003: Schuylkill Energy Resources** (P. O. Box 112, Shenendoah, PA 17976) located in Mahanoy Township, **Schuylkill County**.

**54-00004: Gilberton Power Company** (50 Eleanor Avenue, Frackville, PA 17931) located in West Mahanoy Township, **Schuylkill County**.

**54-00005: Wheelabrator Frackville Energy Co** (500 Morea Road, Frackville, PA 17931) located in Mahanoy Township, **Schuylkill County**.

**54-00006: CinCap VI, LLC** (677 Baeten Road, Green Bay, WI 54304) located in Frailey Township, **Schuylkill County**.

**54-00008: Northeastern Power Company** (P. O. Box 7, McAdoo, PA 18237) located in Kline Township, **Schuylkill County**.

**55-00001: WPS Resources Corp** (677 Baeten Road, Green Bay, WI 54304) located in Monroe Township, **Snyder County**.

**61-00181: Scrubgrass Generating Company LP** (R. R.1, Box 238, Kennerdell, PA 16374) located in Scrubgrass Township, **Venango County**.

**62-00012: Reliant Energy Mid Atlantic Power Holdings LLC** (1001 Broad Street, Johnstown, PA 15907) located in Conewango Township, **Warren County**.

**63-0014: Orion Power Midwest, L.P.** (7 East Redwood Street, Baltimore, MD 21202) located in Union Township, **Washington County**.

**63-0016: Allegheny Energy Supply Company, L.L.C.** (800 Cabin Hill Dr, Greensburg, PA 15601) located in Union Township, **Washington County**.

**67-05004: Glatfelter P H Co** (228 South Main Street, Spring Grove, PA 17362) located in Spring Grove Borough, **York County**.

**67-05005: PPL Brunner Island LLC** (2 North Ninth Street, Allentown, PA 18101) located in East Manchester Township, **York County**.

**67-2028: Reliant Energy Mid Atlantic Power Holdings LLC** (1001 Broad Street, Johnstown, PA 15907) located in Hopewell Township, **York County**.

#### AIR QUALITY

#### Plan Approvals Extensions Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.13 (relating to extensions).

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**15-0086: Bakery Feeds** (97 West Brook Drive, Honey Brook, PA 19344) on January 26, 2001, for operation of a Bakery Waste Recycling Operation in West Brandywine Township, **Chester County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**36-05015B: Dart Container Corp.** (60 East Main Street, Leola, PA 17540) on January 29, 2001, for operation of the direct injection foam processing operation, covered under this Plant Approval until May 28, 2001, at Leola Plant in Upper Leacock Township, **Lancaster County**.

**67-304-044: R. H. Sheppard Co., Inc.** (P. O. Box 877, Hanover, PA 17331) on January 26, 2001, for operation of a casting cleaning operations, covered under this Plan Approval until May 26, 2001, at Plant No. 7 in Hanover Borough, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

**17-305-042: DTE River Hill, LLC** (P. O. Box 8614, Ann Arbor, MI 48107), owner, and Headwaters, Inc. (11778 South Election Drive, Draper, UT 84020), operator,

on January 19, 2001, for operation of a coal fines agglomeration facility on a temporary basis until May 19, 2001, in Karthaus Township, **Clearfield County**.

**17-309-016C: TYK America, Inc.** (301 Brickyard Road, Clairton, PA 15025) on January 19, 2001, for operation of a refractory dryer on a temporary basis until May 19, 2001, in Irvona Borough, **Clearfield County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**65-910A: McKnight Cylinder Co.** (168 Pattern Shop Road, RD1, Box 338, Ruffsdale, PA 15679) on January 26, 2001, for operation of a Cylinder Reconditioner in South Huntingdon Township, **Westmoreland County**.

#### 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).

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes Barre, PA 18711-0790.*

**39-318-105: Ultra Hi-Tek Products** (827 North Meadow Street, Allentown, PA 18102) on January 23, 2001, for construction of a film coating line and associated air cleaning device in Allentown, **Lehigh County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**01-03015: Hanover Lantern, Inc.** (350 Kindig Lane, Hanover, PA 17331) on January 25, 2001, for construction of six (6) spray paint booths and two (2) hand painting stations in Conewango Township, **Adams County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**63-014D: Orion Power Midwest, LP—Elrama Station** (2000 Cliff Mine Road, Suite 200, Pittsburgh, PA 15275) on January 23, 2001, for operation of SNCR Units 1, 2 and 3 in Union Township, **Washington County**.

**26-521A: Thomas M. Dolfi Funeral Home** (136 North Gallatin Avenue, Uniontown, PA 15401) on January 23, 2001, for operation of Cremator #1 in Uniontown, **Fayette County**.

**11-436A: Penn Cambria School District** (205 6th Street, Cresson, PA 16630) on January 24, 2001, for operation of a Space Heating Boiler at Penn Cambria Middle School in Gallitzin Borough, **Cambria County**.

**63-641C: Regal Industrial Corp.** (P. O. Box 291, Donora, PA 15033) on January 19, 2001, for operation of Dust Collector #3 at Donora Plant in Donora Borough, **Washington County**.

#### Plan Approvals Transferred under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.32 (relating to transfer of plan approvals).

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**03-220A: Spicer Energy II LLC** (100 Nyala Farm, Westport, CT 06880) on December 31, 2000, for the Synthetic Fuel Production Facility formerly known as Spicer Energy LLC, Keystone Power Plant in Elderton Borough, **Armstrong County**.

**ACTIONS ON COAL AND NONCOAL MINING  
ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the 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).**

*Coal Permits Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**40990202C. HUD, Inc. t/a Emerald Anthracite,** (P. O. Box 27, Nanticoke, PA 18634), correction to an existing coal refuse reprocessing operation in Newport and Hanover Townships, **Luzerne County** affecting 104.2 acres, receiving stream—none. Correction issued January 25, 2001.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.*

**17980112, P & N Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767), commencement, operation and restoration of a bituminous surface mine-auger permit in Burnside Borough and Township, **Clearfield County** affecting 62.6 acres. Receiving streams: West Branch Susquehanna River. Application received May 28, 1998. Permit issued January 12, 2001.

**17980106, R. B. Contracting** (R. D. 1, Box 13, Curwensville, PA 16833), revision to an existing bituminous surface mine permit for a Change in Land Use from forestland to wildlife habitat. The permit is located in Lawrence Township, **Clearfield County** and affects 71.5 acres. Receiving streams: unnamed tributary to Little Clearfield Creek. Application received November 16, 2000. Permit issued January 11, 2001.

**17950113, Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), renewal of an existing bituminous surface mine-auger permit in Greenwood Township, **Clearfield County** affecting 60.2 acres. Receiving streams: unnamed tributary # 1 and # 2 to Watts Creek to Watts Creek to Clearfield Creek to West Branch of the Susquehanna River. Application received November 27, 2000. Permit issued January 25, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**32000102, Britt Energies, Inc.** (2450 Philadelphia Street, Indiana, PA 15701), commencement, operation and restoration of a bituminous surface-auger mine in White Township, **Indiana County**, affecting 105.3 acres, receiving stream unnamed tributary to Yellow Creek and Yellow Creek, application received June 14, 2000. Permit issued January 22, 2001.

**56793091, SMP Boundary Revision, Hardrock Coal Company** (275 Saddle Ridge Road, Berlin, PA 15530), to

add 6.1 acres to the existing permit for additional mining of the Upper Freeport coal seam. Total SMP acres go from 549.6 to 555.7 in Brothersvalley Township, **Somerset County**, receiving streams for SMP are unnamed tributaries to/and Tubs Run; and unnamed tributary to Millers Run, application received March 23, 1999. Permit issued January 23, 2001.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.*

**30841391. Consolidation Coal Co.**, (4000 Brownsville Road, South Park, PA 15129), to renew the permit for the Blacksville No. 1 Mine in Wayne Township, **Greene County** to renew permit, no additional discharges. Permit issued January 18, 2001.

**63743702. Eighty Four Mining Co.**, (P. O. Box 284, Eighty Four, PA 15330), to renew the permit for the Mine No. 84 Refuse Disposal Area in Somerset Township, **Washington County** to renew permit, no additional discharges. Permit issued January 18, 2001.

**30831303. RAG Cumberland Resources, L.P.**, (P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Cumberland Mine in Whiteley Township, **Greene County** to transfer from Corp. to L.P., no additional discharges. Permit issued January 23, 2001.

**63841702. Consolidation Coal Co.**, (4000 Brownsville Rd., South Park, PA 15129), to renew the permit for the Westland Mine, Arden AMD Treatment Plant in Chartiers Township, **Washington County** to renew permit, no additional discharges. Permit issued January 26, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**16940107. RFI Energy, Inc.** (555 Philadelphia Street, Indiana, PA 15767). Renewal of an existing bituminous strip operation in Perry Township, **Clarion County** affecting 224.0 acres. Receiving streams: Five unnamed tributaries to Cherry Run. Application received: November 17, 2000. Permit Issued January 19, 2001.

*Noncoal Permits Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**6276SM4C2. Martin Limestone, Inc.**, (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit #PA0613142 in Honey Brook and Caernarvon Townships, **Chester and Lancaster Counties**, receiving stream—West Branch Brandywine Creek. Renewal issued January 23, 2001.

**6276SM2A1C4. Martin Limestone, Inc.**, (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit #PA0594512 in East Earl Township, **Lancaster County**, receiving stream—Conestoga Creek. Renewal issued January 23, 2001.

**19002801. Sokol Quarries, Inc.**, (P. O. Box 366, Bloomsburg, PA 17815), commencement, operation and restoration of a small quarry operation in Stillwater Borough, **Columbia County** affecting 5.0 acres, receiving stream—Miller's Creek. Permit issued January 26, 2001.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.*

**08000804, Mark T. Shingler**, R. R. 1, Box 69A, Wyalusing, PA 18853), commencement, operation and restoration of a Small Industrial Mineral (Flagstone) permit in Wilmot Township, **Bradford County** affecting

3 acres. Receiving streams: Susquehanna River. Application received May 4, 2000. Permit issued January 10, 2001.

**12000801, George F. Brown Excavating** (R. R. 2, Box 238C, Emporium, PA 15834), commencement, operation and restoration of a Small Industrial Mineral (Sand-

stone) permit in Shippen Township, **Cameron County** affecting 5 acres. Receiving streams: unnamed tributary to Portage, to Driftwood Branch of Sinnemahoning. Application received October 26, 2000. Permit issued January 10, 2001.

#### ABANDONED MINE RECLAMATION

Bond Forfeiture Contract Awarded	<b>BF 429-101.1</b>
Location	Derry Township, <b>Westmoreland County</b>
Description	Abandoned Mine Reclamation
Contractor	<b>Hutchison Excavating</b>
Amount	\$121,220.00
Date of Award	January 19, 2001 Contact: Mary Jane Olsen (717) 783-4800

Bond Forfeiture Contract Awarded	<b>BF 422-101.1</b>
Location	Toby Township, <b>Clarion County</b>
Description	Abandoned Mine Land Reclamation
Contractor	<b>WDK Enterprises, Inc.</b>
Amount	\$68,025.95
Date of Award	January 29, 2001 Contact: Mary Jane Olsen (717) 783-4800

Bond Forfeiture Contract Awarded	<b>BF 432-101.1</b>
Location	Noyes and Leidy Townships, <b>Clinton County</b>
Description	Abandoned Mine Land Reclamation
Contractor	<b>Earthmovers Unlimited, Inc.</b>
Amount	\$828,865.45
Date of Award	January 29, 2001 Contact: Mary Jane Olsen (717) 783-4800

Bond Forfeiture Contract Awarded	<b>BF 445-101.1</b>
Location	Clarion Township, <b>Clarion County</b>
Description	Abandoned Mine Land Reclamation
Contractor	<b>Neiswonger Construction Company</b>
Amount	\$430,155.00
Date of Award	December 12, 2000 Contact: Mary Jane Olsen (717) 783-4800

Bond Forfeiture Contract Awarded	<b>BF 453-101.1</b>
Location	Bell Township, <b>Clearfield County</b>
Description	Abandoned Mine Land Reclamation
Contractor	<b>J &amp; J Snyder, Inc.</b>
Amount	\$11,135.00
Date of Award	December 5, 2000 Contact: Mary Jane Olsen (717) 783-4800

### 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 applicable 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. § 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.*

**E09-801. Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. Doylestown Township and Doylestown Borough, Bucks County, Philadelphia ACOE.

To expand and maintain the existing Green Street Wastewater Treatment Facility located in the 100-year flood plain of the Central tributary to the Neshaminy Creek (TSF) and to relocate approximately 135 linear feet of stream channel of an unnamed tributary to the Neshaminy Creek (TSF) which will impact 0.06 acre of wetlands (PEM). The proposed channel will be 160 linear feet long and will be stabilized with R-6 riprap. This work also includes demolition of existing facilities which are no longer in use, and improvement of the existing entrance road. The site is located approximately 1,400 feet southwest of the intersection of Doylestown Road (S. R. 0202) and Pebble Hill Road, (Buckingham, PA USGS Quadrangle N: 9.15 inches; W: 17.15 inches). The permit applicant has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4700.*

**E29-080. Fulton Industrial Development Association**, 100 Lincoln Way East, McConnellsburg, PA 17233 in Ayr Township, **Fulton County**, ACOE Baltimore District, (McConnellsburg, PA Quadrangle N: 9.1 inches; W: 17.4 inches).

To (1) construct and maintain a twin cell box culvert with each cell having an opening of 8 feet x 6 feet, (2) impact 0.32 acre of wetlands; and, (3) construct and maintain a sewer and water line crossing in and along a tributary to Big Cove Creek (CWF) at a point approximately 1,700 feet upstream of US Route 522 for the purpose of constructing an access to the proposed South Central Business Park. The applicant proposed to create 0.32 acre of replacement wetlands.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**E17-354. Wallaceton-Boggs Municipal Authority**, P. O. Box 97, West Decatur, PA 16878. Sewer lines, in Boggs Township and Wallaceton Borough, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle N: 12 inches; W: 5 inches).

To install, operate and maintain a gravity sewer line beneath Laurel Run (Cold Water Fishery); Simeling Run (Cold Water Fishery); unnamed tributaries to Simeling Run (Cold Water Fishery); and through wetlands associated to Laurel Run and Simeling Run (Exceptional Value Wetlands) for the collection and conveyance of municipal wastewater. Cumulatively the gravity sewer line shall be constructed with a minimum installation length of 125-

feet beneath Laurel Run, 15-feet beneath Simeling Run, 20-feet beneath the unnamed tributaries, and 1695-feet through the wetlands. All sewer line installations between October 1 and December 31 shall be completed by borings; sewer line installations outside this time frame shall be conducted in dry work conditions through the use of dam and pumping or fluming stream flow around the work area. All stone used for in-stream channel use shall be free of fines and silts. The project is located along the southern and northern right-of-way of SR 0322 at the intersection of SR 2024 and SR 0322 in Boggs Township and Wallacetown Borough, Clearfield County. This permit also authorizes the construction, operation, maintenance and removal of temporary stream crossings for equipment access; all crossings shall be constructed with suitable rock that is free of fines and silt. All temporary stream crossings shall be removed and the areas of stream bank disturbance stabilized immediately upon removal.

**E18-305. Bald Eagle Township Supervisors**, R. R. 2, Box 97C, Mill Hall, PA 17751. Floodway fill, in Bald Eagle Township, **Clinton County**, ACOE Baltimore District, (Lock Haven, PA Quadrangle, N: 0.1 inch; W: 17.2 inches).

To place and maintain 100 cubic yards of clean earthen fill in the right floodway of an unnamed tributary to Bald Eagle Creek located behind the Bald Eagle Township Building in Bald Eagle Township, Clinton County. This permit was issued under Section 105.13(e) "Small Projects."

**E49-237. John H. and Charlotte Greiner**, R. R. 1, Box 184, River Road, Watsonstown, PA 17777. Private bridge, in Delaware Township, **Northumberland County**, ACOE Baltimore District (Muncy, PA Quadrangle N: 2.0 inches; W: 6.5 inches).

To construct, operate and maintain a single span private bridge structure across Warrior Run. The bridge shall have a span of 16 feet, an underclearance of 5 feet and constructed on concrete abutments. The structure is located one mile west on SR 1007 from the intersection with SR 54 in Delaware Township, Northumberland County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-398. Allen R. Mohler**, Spring Hill Road, Kirkwood, PA 17536-9754. Culvert crossing, in Elk Township, **Tioga County**, ACOE Baltimore District (Marshlands, PA Quadrangle N: 9.7 inches; W: 7.3 inches).

To construct, operate and maintain a minor road crossing Chaffee Run to provide private property access. The minor road crossing shall be constructed at a time when Chaffee Run is at maximum low flow. The crossing shall be constructed with a culvert pipe that has a minimum diameter of 5.5-feet, length of 20-feet, and depression of 1.0-feet into the streambed. The road crossing Chaffee Run shall be constructed in dry work conditions by dams and pumping or fluming stream flow around work area. The project is located along the western right-of-way of T-316 approximately 3200-feet west of T-304 and T-316 intersection in Elk Township, Tioga County. This permit does not authorize any temporary or permanent impacts to wetlands associated to Chaffee Run. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-409. Pennsylvania Department of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754. SR

4017/014 bridge, in Osceola Township, **Tioga County**, ACOE Baltimore District (Knoxville, PA Quadrangle N: 21.4 inches; W: .9 inch).

To remove the existing structure and construct, operate and maintain a new single span pre-stressed box beam bridge structure over Holden Creek. The new structure shall have a normal span of 14.46 meters (47.44 feet) and an average underclearance of 1,820 millimeters (5.97 feet). This permit also authorizes a temporary vehicular access. The access will consist of three 1,520 millimeter (4.98 foot) pipes with associated clean fill that shall be constructed of silt-free non-erodible material in order to prevent any road materials from washing out if the structure is overtopped during periods of high water. The banks shall be re-graded to facilitate smooth transitions of the approaches. Once the temporary access has been removed the banks shall be restored to their original grades and have riparian plantings incorporated to restore the natural corridor. This project is located 13 miles northwest from Osceola on SR 4017 in Osceola Township, Tioga County.

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

**E02-1319. Norfolk Southern Railway Company**, 600 West Peachtree Street, Suite 1840, Atlanta, GA 30308. Fiber Optics Communications Project in Aspinwall Borough, Avalon Borough, Bellevue Borough, Ben Avon Borough, Brackenridge Borough, Cheswick Borough, East Deer Township, Edgeworth Borough, Emsworth Borough, Etna Borough, Glenfield Borough, Harmar Township, Haysville Borough, Harrison Township, Kilbuck Township, Leets Township, Millvale Borough, O'Hara Township, Osborne Borough, City of Pittsburgh, Sewickley Borough, Sharpsburg Borough, Springdale Borough, Springdale Township and Tarentum Borough in **Allegheny County**, ACOE Pittsburgh District (Freeport, PA Quadrangle N: 8.1 inches; W: 9.7 inches and ends Ambridge, PA Quadrangle N: 14.1 inches; W: 13.7 inches).

To construct and maintain a fiber optics line consisting of 12 high density polyethylene (HPPC) conduits installed within the existing right of way of the Norfolk Southern Railway, utilizing various installation methods, including a track mounted rail plow, bridge attachment, horizontal directional drill, and conventional wet and dry trenching. The line shall cross the following streams: six tributaries to the Allegheny River (WWF), Bull Creek (WWF), Bailey Run (WWF), Crawford Run (WWF), Riddle Run (WWF), Tawney Run (WWF), Deer Creek (WWF), Guys Run (WWF), Power Run (WWF), Squaw Run (HQ-WWF), Pine Creek (TSF), Allegheny River (WWF), Jacks Run (WWF), Spruce Run (WWF), Lowries Run (TSF), Toms Run (WWF), Kilbuck Run (CWF), two tributaries to the Ohio River (WWF), Little Sewickley Creek (HQ-TSF) and Big Sewickley Creek (TSF). This project is part of the construction of a fiber optic network extending from Cleveland, Ohio to Fairfax, Virginia.

**E03-389. Norfolk Southern Railway Company**, 600 West Peachtree Street, Suite 1840, Atlanta, GA 30308. Fiber Optics Communications Project in Freeport Borough and South Buffalo Townships, **Armstrong County**, ACOE Pittsburgh District (Freeport, PA Quadrangle N: 8.3 inches; W: 9.4 inches).

To construct and maintain several fiber optic utility line crossings in, along or across Long Run (WWF), Kiskiminetas River (WWF) and Buffalo Creek (TSF) and their associated wetlands. The utility line will be in-



stalled within existing right of ways of the Norfolk Southern Railway Company, utilizing a variety of installation methods, including a track mounted rail plow, bridge attachment, horizontal directional drill, and conventional wet and dry trenching. This project is part of the construction of a fiber optic network extending from Washington, D.C. to Cleveland, Ohio.

**E04-273. Norfolk Southern Railway Company, 600** West Peachtree Street, Suite 1840, Atlanta, GA 30308. Fiber Optics Communications Project in Ambridge Borough, Baden Borough, the City of Beaver Falls, Conway Borough, Daugherty Township, East Rochester Township, Eastvale Borough, Economy Borough, Freedom Borough, Harmony Township, New Brighton Borough, North Sewickley Township, Patterson Heights Borough and Rochester Township in **Beaver County**, ACOE Pittsburgh District (Ambridge, PA Quadrangle N: 14.1 inches; W: 13.7 inches and ends at the Beaver Falls, PA Quadrangle N: 18.7 inches; W: 10.0 inches).

To construct and maintain a fiber optic line consisting of 12 high density polyethylene (HPPC) conduits installed within the existing right of way of the Norfolk Southern Railway, utilizing various installation methods, including a track mounted rail plow, bridge attachment, horizontal directional drill, and conventional wet and dry trenching. The line shall cross the following streams: two tributaries to the Ohio River (WWF), Legionville Run (WWF), Crows Run (WWF), Dutchman Run (WWF), Lacock Run (WWF), McKinley Run (WWF), six tributaries to the Beaver River (WWF), Blockhouse Run (WWF), Bennett Run (WWF), Thompson Run (WWF), and a wetland (PFO) in a tributary to the Beaver River. This project is part of the construction of a fiber optic network extending from Cleveland, Ohio to Fairfax, Virginia.

**E11-286. Norfolk Southern Railway Company, 600** West Peachtree Street, Suite 1840, Atlanta, GA 30308. Fiber Optics Communications Project in the Borough of Cassandra, Cresson, East Conemaugh, Gallitzin, Lilly, Portage, Sankertown, South Fork, Summerhill, Tunnelhill, Wilmore, Ehrenfeld and City of Johnstown and the Townships of Allegheny, Conemaugh, Cresson, Croyle, Gallitzin, East Taylor, Lower Yoder, Portage, Summerhill, Upper Yoder and Washington, **Cambria County**, ACOE Pittsburgh District, (Cresson, PA Quadrangle N: 18.5 inches; W: 8.2 inches).

To construct and maintain several fiber optic utility line crossings in, along or across Little Conemaugh River, Conemaugh River, several of their tributaries (CWF, WWF), and associated wetlands. The utility line will be installed within existing right of ways of the Norfolk Southern Railway Company, utilizing a variety of installation methods, including a track mounted rail plow, bridge attachment, horizontal directional drill, and conventional wet and dry trenching. This project is part of the construction of a fiber optic network extending from Washington D.C. to Cleveland, Ohio.

**E32-424. Norfolk Southern Railway Company, 600** West Peachtree Street, Suite 1840, Atlanta, GA 30308. Fiber Optics Communications Project in the Borough of Blairsville, and the Townships of Burrell, Conemaugh, and West Wheatfield, **Indiana County**, ACOE Pittsburgh District (Avonmore, PA Quadrangle N: 5.6 inches; W: 10.3 inches).

To construct and maintain several fiber optic utility line crossings, in, along or across the Conemaugh River (WWF), several of its tributaries (WWF & CWF), associated wetlands and tributaries of the Kiskiminetas River

(CWF & WWF). The utility line will be installed within existing right of ways of the Norfolk Southern Railway Company utilizing a variety of installation methods, including a track mounted rail plow, bridge attachment, horizontal directional drill, and conventional wet and dry trenching. This project is part of the construction of a fiber optics network from Washington, D.C. to Cleveland, Ohio.

**E65-764. Norfolk Southern Railway Company, 600** West Peachtree Street, Suite 1840, Atlanta, GA 30308. Fiber Optics Communications Project in the Borough of Bolivar, East Vandergrift, Hyde Park, New Florence, Oklahoma, Seward, Vandergrift, West Leechburg and Avonmore and the Townships of Allegheny, Bell, Derry, Fairfield, St. Clair, and Washington, **Westmoreland County**, ACOE Pittsburgh District (Freeport, PA Quadrangle N: 9.5 inches; W: 6.6 inches).

To construct and maintain several fiber optic utility line crossings in, along or across the Conemaugh River (WWF), Kiskiminetas River (WWF), Allegheny River (WWF), several of their tributaries (HQ-CWF, CWF, TSF, WWF) and associated wetlands. The utility line will be installed within existing right of ways of the Norfolk Southern Company, utilizing a variety of installation methods, including a track mounted rail plow, bridge attachment, horizontal directional drill, and conventional wet and dry trenching. This project is part of the construction of a fiber optic network extending from Washington D.C. to Cleveland, Ohio.

**E02-1310. Sports and Exhibition Authority of Pittsburgh and Allegheny County**, Regional Resource Center, Suite 1410, 425 Sixth Avenue, Pittsburgh, PA 15219. North Shore Riverfront Park Docking Facility in the City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District (Pittsburgh West, PA Quadrangle project begins N: 12.7 inches; W: 2.5 inches; project ends N: 12.8 inches; W: 1.0 inch).

To remove existing structures and to construct and maintain a new Waterfront Park on the North Shore of the Ohio River (WWF) and Allegheny River (WWF). The project shall consist of a sheet pile wall for the entire length of the project (3,025 ft.), 700 ft. of rip-rap bank stabilization, 10,370 cubic yards of dredging, create 2.29 acres of shallow water mitigation area by dredging and placing 7,720 yds. of rip rap and approximately 1,100 two foot diameter boulders, an observation pier, two pile supported overlooks, a pile supported causeway (316 ft.), two commercial passenger ferry ramps, a mooring facility for the Delta Queen, a fountain/waterfall and six outfalls. The project area is bounded on the north by the existing and proposed North Shore Drive; on the south by the Allegheny and Ohio Rivers; on the east by PNC Park; and on the west by the Carnegie Science Center. This project excludes the PNC Park waterfront improvements.

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

**E25-621, BTDD, LLC, 101 Lakemont Park Boulevard,** Altoona, PA 16002. Sheetz Gas Station/Convenience Store and Commercial Development in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 13.2 inches; W: 7.75 inches).

To conduct the following activities in/along a total reach of approximately 360 feet of a tributary to Lake Erie associated with a Sheetz gas station/convenience store and commercial retail development and associated parking area at the northeast corner of West 26th and Asbury Road:

1. Place and maintain fill within the regulated 50-foot floodway beginning at West 26th Street and extending downstream approximately 360 feet along the left (west) bank of the stream.

2. Rebuild and maintain an existing block wall along the left bank of the stream extending approximately 50 feet downstream from the outlet of the culvert under West 26th Street.

3. Install and maintain rock riprap along the left bank of the stream beginning at the end of the block wall and extending approximately 280 feet downstream.

4. Install and maintain a 36-inch diameter HDPE pipe stormwater outfall with rock riprap energy dissipater along the left bank of the stream approximately 330 feet downstream of West 26th Street.

**E37-133, PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. Gateway Toll Plaza, in North Beaver Township, **Lawrence County**, US ACOE Pittsburgh District.

To conduct the following activities associated with the rehabilitation and expansion of the existing Gateway Toll Plaza on the Pennsylvania Turnpike (I-76) approximately 1 mile east of the Pennsylvania-Ohio state line:

1. To construct and maintain a 60-foot long, 6.5-foot diameter reinforced concrete culvert in a tributary to Honey Creek and an earthen berm extending upstream along the east bank on a service access road extending west from Burkey Road (T-306) to the westbound lanes of I-76 (New Middletown, OH-PA Quadrangle N: 5.6 inches; W: 0.3 inches).

To fill a de minimus area of wetland (0.0008 acre) associated with relocation of the eastbound service access road approximately 600 feet east of Burkey Road (T-306) (Bessemer, PA Quadrangle N: 5.4 inches; W: 17.1 inches).

**E43-289, Upper Shenango Valley Water Pollution Control Authority**, P. O. Box 1449, Hermitage, PA 16148. Orangeville Pump Station, in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon West, PA Quadrangle N: 22.6 inches; W: 1.2 inches).

To modify and an existing concrete walkway, construct a generator pad and associated fill and maintain the Orangeville Pump Station within/along the 100-year floodplain of the Shenango River east of S. R. 718 (North Water Avenue) at Orangeville Road.

#### ENVIRONMENTAL ASSESSMENTS

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6945.*

**EA10-014NW, Ronald Devido**, 36 Sunset Drive, New Castle, PA 16105. Devido Pond in Shenango Township, **Lawrence County**, ACOE Pittsburgh District (New Castle South, PA Quadrangle N: 18.65 inches; W: 5.25 inches).

To drain the existing impoundment, reconstruct the non-jurisdictional dam and fill an area measuring approximately 550 feet long by 20 feet wide, consisting of approximately two thirds of the existing impoundment area on property located 600 feet north of S. R. 422 approximately 0.4 mile west of Baldwin Road.

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## SPECIAL NOTICES

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### Consent Order and Agreement

#### Borough of Kane

#### Borough of Kane Authority Kane Borough, McKean County

Notice is hereby provided that the Department of Environmental Protection (Department) has entered into a Consent Order and Agreement with the Borough of Kane and the Borough of Kane Authority (hereinafter collectively referred to as Kane) concerning the Pine Street wastewater treatment plant and sewerage collection and conveyance system.

On January 17, 2001, the Department of Environmental Protection signed a Consent Order and Agreement with the Borough of Kane and the Borough of Kane Authority. The Consent Order and Agreement requires Kane to pay a civil penalty of \$7,500 for past National Pollutant Discharge Elimination System Permit violations and sewage overflows from the sewerage collection and conveyance system. Kane will also submit a long term control plan to the Department, focusing on a comprehensive solution to any outstanding environmental issues.

The specifics of the Department's settlement with Kane are set forth in the Consent Order and Agreement. Copies of the Consent Order and Agreement are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Paul Tunno at (814) 332-6942. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

[Pa.B. Doc. No. 01-226. Filed for public inspection February 9, 2001, 9:00 a.m.]

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### Coastal Zone Management Program

The Department of Environmental Protection (DEP) is proposing several minor changes to the Commonwealth's Coastal Zone Management (CZM) Program. As required by 15 CFR 923.84, the CZM Program is providing public notice of these changes which occurred in 1998 and 1999. These changes involve:

- amendments to and renumbering of state regulations currently networked into the CZM Program's enforceable policies,
- minor boundary changes in Delaware County, and
- the addition of five geographic areas of particular concern.

Since these changes revise the Commonwealth's Federally approved CZM Program, the changes must also be approved by the Federal Office of Ocean and Coastal Resource Management (OCRM).

The Commonwealth has notified OCRM that the proposed changes are considered by the Commonwealth to be Routine Program Changes (RPC). An RPC is defined by Federal CZM Regulations as an action taken by a state to further detail the implementation of the state's CZM Program. Essentially, these changes are either clarifications, minor revisions or improvements, and do not substantially alter one or more of the following CZM Program areas:

- (1) Uses subject to management;
- (2) Special management areas;
- (3) Boundaries;
- (4) Authorities and organization; and
- (5) Coordination, public involvement and the national interest.

Therefore, the Commonwealth has requested OCRM to concur with this determination.

Copies of the proposed changes are available for review at the Erie County Department of Planning and the Delaware Valley Regional Planning Commission. In the Erie Region, contact Brian Barnhizer, Erie County Courthouse, Rm. 119, 140 W. 6th St., Erie, PA 16501, (814) 451-6336. In the Delaware Estuary Region, contact Ben Ginsberg, 111 South Independence Mall-East-The Bourse Building, Eighth Floor, Philadelphia, PA 19106-2515, (215) 592-1800. Also, copies may be reviewed in Harrisburg, PA, by calling Larry Toth, Coastal Zone Management Program, (717) 772-5622.

The RPC is available on DEP's worldwide web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (directLINK "Coastal Zones").

Interested parties can submit comments on whether these actions do or do not constitute an RPC. Comments must be submitted within 3 weeks from the date of this notice to Neil K. Christerson, Program Specialist, U.S. Department of Commerce, Coastal Programs Division, OCRM, SSMC4, Room 11209 (N/ORM3), 1305 East-West Highway, Silver Spring, MD 20910.

BRADLEY MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-227. Filed for public inspection February 9, 2001, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established by Section 8 of the Act of December 1, 1994 (P. L. 655, No. 102) (20 P. S. § 8622), will hold a public meeting on March 14, 2001 from 10 a.m. to 2 p.m. The meeting will be held in Room 812 of the Health & Welfare Building, 7<sup>th</sup> & Forster Streets, Harrisburg, PA.

For additional information please contact William J. Neil, Manager, Health Education and Information Program, Bureau of Chronic Diseases & Injury Prevention or Angela H. Anderson, Clerk Typist II, Health Education & Information Program, Bureau of Chronic Diseases & Injury Prevention, 1000 Health & Welfare Building, Harrisburg, PA, at (717) 787-5900.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact William J. Neil or Angela H. Anderson at (717) 787-5900.

V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN,  
*Secretary*

[Pa.B. Doc. No. 01-228. Filed for public inspection February 9, 2001, 9:00 a.m.]

### Pennsylvania Cancer Control Prevention and Research Advisory Board

The Pennsylvania Cancer Control, Prevention and Research Advisory Board will hold a public meeting on March 15, 2001 from 8 a.m. to 12 p.m. at the Pennsylvania Medical Society, 777 East Park Drive, Room C, Harrisburg, Pennsylvania.

For additional information please contact Susan F. George, Program Manager, Department of Health, Cancer Control Program, Room 1011 Health and Welfare Building, Harrisburg, PA (717) 787-5251.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact Susan F. George, (717) 787-5251. 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. 01-229. Filed for public inspection February 9, 2001, 9:00 a.m.]

### Preventive Health and Health Services Block Grant Advisory Committee Meeting

The Preventive Health and Health Services Block Grant Advisory Committee will hold a public meeting on Thursday, February 8, 2001, from 10 a.m. to 2:30 p.m. The meeting will be held in Room 812 of the Health & Welfare Building, 7th and Forster Streets, Harrisburg, Pennsylvania.

For additional information, please contact Emilie M. Tierney, Director, Bureau of Chronic Diseases and Injury Prevention, Room 1000 Health & Welfare Building, Harrisburg, PA (717) 787-6214.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact Terry L. Walker, Administrative Officer, (717) 787-6214. V/TT (717) 783-6514 for speech and/or hearing-impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-230. Filed for public inspection February 9, 2001, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### List of Behavioral Health Managed Care Organizations

The purpose of this notice is to provide prior public notice of the Department of Public Welfare's (Department) intent to develop a list of qualified Behavioral Health Managed Care Organizations (BH-MCO) as potential contractors for the HealthChoices Behavioral Health Program (HCBHP). The development of this list is the first step in a two-step process for obtaining a Behavioral Health contractor, should the need arise. HealthChoices is a mandatory Managed Care program for Medicaid recipients in this Commonwealth. Additional information about HCBHP is available at the Department's website: [www.dpw.state.pa.us/omap/dpwomap.asp](http://www.dpw.state.pa.us/omap/dpwomap.asp)

The list of qualified BH-MCOs would be utilized in the following cases:

- Contract negotiations with a potential contractor selected through a Request for Proposal (RFP) process fail;
- A potential contractor selected through a RFP process fails the Readiness Review process; or
- An existing contractor terminates the contract or is terminated by the Department.

The list of qualified BH-MCOs will be opened periodically for new submissions. MCOs selected for the list of qualified bidders will remain active on the list for 2 years. After 2 years they will be required to resubmit information. The following is a list of requirements necessary to qualify as a potential HealthChoices Behavioral Health contractor:

- One year experience with a State Behavioral Health Medicaid Program.
- Not currently under suspension or debarment by the Commonwealth or any other state or Federal Government.
- Licensed or demonstrated ability to be licensed by the Departments of Health and Insurance of the Commonwealth.
- Management Information System (MIS) experience in processing UB 92 and HCFA 1500 forms.
- MIS capacity to produce person-level encounter data in compliance with the HealthChoices program requirements.

In order to apply, submit a letter of interest on official corporate letterhead, to qualify as a potential HealthChoices Behavioral Health contractor by February 26, 2001, to Karen Rosenthal, Office of Mental Health and Substance Abuse Services, Room 236, Beechmont Building, P. O. Box 2675, Harrisburg, PA 17105. Letters may be faxed to (717) 772-7964. Submit the following information to the Department of Public Welfare, Division of Procurement, P. O. Box 2675, Room 106, Health & Welfare Bldg., Commonwealth & Forster St., Harrisburg, PA 17105-2675 by 2 p.m. March 15, 2001.

#### List of Deliverables:

1. Describe experience in providing services to Medicaid recipients including:

- Type of behavioral health (mental health and drug and alcohol) services covered.
- Description of categories of aid/population covered.
- Number of years experience with Medicaid programs.

2. Provide a report on the number of claims processed (for Medicaid population) in the most recent 6-month period, including timeliness of processing clean claims and the number of claims paid/rejected.

3. Provide a flow chart of the MIS.

4. Provide a file layout/specification of a person-level encounter report.

5. Provide one of the following:

- A copy of current Pennsylvania license from the Departments of Health and Insurance.
- A current application for Pennsylvania license from the Departments of Health and Insurance with a time frame for receiving the license.
- A work plan with a time line to obtain a license from the Departments of Health and Insurance of the Commonwealth.

6. Provide a copy of the most recent audited, annual filing with a state insurance department.

7. Provide a copy of the most recent annual audited company financial statement.

8. Outline a plan to start up or expand (if currently operating in this Commonwealth) operations in this Commonwealth.

9. Provide the name, address and phone number of three references familiar with the MCOs operations (one must provide reference to a State Medicaid program).

Department staff will verify the information submitted by the BH-MCOs. As part of the verification process, the Department may conduct an on-site visit. Each MCO will be notified of its qualification status.

The second step of the process is outlined in the event that the list is utilized to obtain a contractor. The Department will:

- Contact the vendors on the list and verify their continued interest in obtaining a HealthChoices contract.
- Inform the vendors of the county or counties requiring a BH-MCO contractor.
- Release a procurement document that contains the requirements for the HCBHP to the interested vendors on the list along with instructions on how to submit a bid.
- Evaluate all responses to the procurement document and select a contractor.

The above two-step process will *not* replace the RFP process to obtain a HCBH contract in the remaining North/Central zone. The procurement process for the North/Central zone will follow the same procedure as followed in the Southeast, Southwest and Lehigh/Capital zones, which required a response to a RFP.

Any questions may be directed to Raymond Klabe, Office of Mental Health and Substance Abuse Services, Room 247, Beechmont Building, P. O. Box 2675, Harrisburg, PA 17105, (717) 772-7984, Fax: (717) 772-7964.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons who require an alternate format should contact Thomas Vracarich, Office of Legal Counsel, (717) 783-2209.

FEATHER O. HOUSTON,  
*Secretary*

[Pa.B. Doc. No. 01-231. Filed for public inspection February 9, 2001, 9:00 a.m.]

Written comments also will be accepted at the following e-mail address: N-Central@dpw.state.pa.us.

Written comments will be accepted until 4 p.m., March 30, 2001.

FEATHER O. HOUSTON,  
*Secretary*

[Pa.B. Doc. No. 01-232. Filed for public inspection February 9, 2001, 9:00 a.m.]

## Plan to Implement HealthChoices; Public Meeting

The Department of Public Welfare (Department) is announcing the opportunity for public comment on the plan to implement HealthChoices, the mandatory managed care program for Medical Assistance consumers in Pennsylvania, in the North/Central Zone. HealthChoices was implemented in five counties in the Southeast Zone in 1997, in 10 counties in the Southwest Zone in 1999, and is currently being implemented in 10 counties in the Lehigh/Capital Zone. The Department is now developing the HealthChoices program for the North/Central Zone, representing the balance of 42 counties in the state. The Department plans to divide the North/Central Zone into three Sub-Zones: Northeast, Northwest, and Central with enrollment in the Northeast Sub-Zone scheduled to begin in January 2003. Implementation in the two remaining Sub-Zones will occur in 2004 for the Northwest Sub-Zone and 2005 for the Central Sub-Zone.

A discussion paper on the plan to implement HealthChoices in the North/Central Zone may be obtained by calling (717) 772-6783 or accessing the DPW Web page at <http://www.dpw.state.pa.us/omap/dpwomap>.

In order to gather comments from all interested parties, the Department will hold three public meetings to discuss the Department's plans to implement HealthChoices in the North/Central Zone. The three meetings will be held as follows:

- Northwest Sub-Zone—Monday, March 5, 2001  
9:30 a.m.—2:30 p.m.  
Hirt Auditorium  
Erie County Public Library  
160 E. Front Street  
Erie, Pennsylvania
- Northeast Sub-Zone—Monday, March 12, 2001  
9:30 a.m.—2:30 p.m.  
Multipurpose Room  
Lackawanna Junior College  
501 Vine Street  
Scranton, Pennsylvania
- Central Sub-Zone—Monday, March 19, 2001  
9:30 a.m.—2:30 p.m.  
Ramada Inn  
1450 South Atherton Street  
State College, Pennsylvania

Persons who wish to present comments on the paper must schedule a 5-minute time slot by calling (717) 772-6783. The deadline to schedule a speaking slot is February 26, 2001. Please bring a written copy of your comments to the meeting.

Persons who are unable to attend one of the three meetings, may submit comments in writing to DPW/OMAP, Bureau of Policy, Budget, and Planning, P. O. Box 8046, Harrisburg, Pennsylvania 17105.

## DEPARTMENT OF REVENUE

### Pennsylvania Go for the Green 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 Go for the Green.

2. *Price:* The price of a Pennsylvania Go for the Green instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Go for the Green instant lottery game ticket will feature one "Lucky Numbers" area and one "Your Numbers" area. The play symbols and their captions, printed in black ink, located in the "Lucky 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), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY) and 21 (TWYONE). The play symbols and their captions, printed in either green or black ink, located in 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), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY) and 21 (TWYONE).

4. *Prize Play Symbols:* The prize play symbols and their captions, printed in black ink, located in the eight "Prize" areas are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$12\$ (TWLV), \$18\$ (EGHTN), \$24\$ (TWY FOR), \$36\$ (TRY SIX), \$72\$ (SVY TWO), \$144 (HUNFRYFOR) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$6, \$8, \$12, \$18, \$24, \$36, \$72, \$144 and \$25,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Pennsylvania Go for the Green instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$25,000 (TWYFIVTHO) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.



When Any of Your Numbers  
Match Either Lucky  
Number, Win With  
Prizes Of:

	Win	Approximate Odds	Approximate No. of Winners Per 5,400,000 Tickets
\$1 x 2	\$2	1:9.38	576,000
\$2	\$2	1:13.76	392,400
\$3	\$3	1:21.43	252,000
\$2 x 2	\$4	1:300	18,000
\$4	\$4	1:300	18,000
\$2(D)	\$4	1:75	72,000
\$1 x 6	\$6	1:300	18,000
\$2 x 3	\$6	1:500	10,800
\$3 x 2	\$6	1:375	14,400
\$6	\$6	1:500	10,800
\$3(D)	\$6	1:150	36,000
\$1 x 8	\$8	1:300	18,000
\$2 x 4	\$8	1:300	18,000
\$4 x 2	\$8	1:750	7,200
\$3 x 2 + \$2	\$8	1:750	7,200
\$8	\$8	1:1,500	3,600
\$4(D)	\$8	1:300	18,000
\$3 x 4	\$12	1:1,500	3,600
\$2 x 6	\$12	1:1,500	3,600
\$1 x 6 + \$3 x 2	\$12	1:750	7,200
\$6 x 2	\$12	1:1,500	3,600
\$4 x 3	\$12	1:1,500	3,600
\$3 x 2 + \$6	\$12	1:1,500	3,600
\$2 x 4 + \$4	\$12	1:1,500	3,600
\$12	\$12	1:1,500	3,600
\$6(D)	\$12	1:750	7,200
\$2 x 7 + \$4	\$18	1:750	7,200
\$3 x 6	\$18	1:750	7,200
\$8 + \$6 + \$4	\$18	1:750	7,200
\$4 x 3 + \$2 x 3	\$18	1:750	7,200
\$12 + \$6	\$18	1:1,500	3,600
\$18	\$18	1:1,500	3,600
\$3 x 8	\$24	1:1,500	3,600
\$4 x 6	\$24	1:1,500	3,600
\$2 x 6 + \$6 x 2	\$24	1:1,500	3,600
\$24	\$24	1:1,500	3,600
\$12(D)	\$24	1:1,500	3,600
\$6 x 6	\$36	1:4,000	1,350
\$24 + \$8 + \$4	\$36	1:6,000	900
\$6 x 4 + \$4 x 3	\$36	1:2,400	2,250
\$12 x 3	\$36	1:6,000	900
\$24 + \$6 x 2	\$36	1:4,286	1,260
\$24 + \$4 x 3	\$36	1:6,000	900
\$36	\$36	1:6,000	900
\$18(D)	\$36	1:2,308	2,340
\$12 x 6	\$72	1:8,000	675
\$18 x 4	\$72	1:8,000	675
\$24 x 3	\$72	1:24,000	225
\$72	\$72	1:24,000	225
\$36(D)	\$72	1:6,000	900
\$18 x 4 + \$24 x 2 + \$12 x 2	\$144	1:20,000	270
\$24 x 6	\$144	1:60,000	90
\$18 x 8	\$144	1:60,000	90
\$144	\$144	1:60,000	90
\$72(D)	\$144	1:20,000	270
\$25,000	\$25,000	1:675,000	8

D = Double

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Go for the Green instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Go for the Green, prize money from winning Pennsylvania Go for the Green 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 Go for the Green 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.

11. *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.

12. *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 Go for the Green or through normal communications methods.

LARRY P. WILLIAMS,  
*Acting Secretary*

[Pa.B. Doc. No. 01-233. Filed for public inspection February 9, 2001, 9:00 a.m.]

**Pennsylvania Pot O’ Gold ’01 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 Pot O’ Gold ’01.
- 2. *Price:* The price of a Pennsylvania Pot O’ Gold ’01 instant lottery game ticket is \$1.00.
- 3. *Play Symbols:* Each Pennsylvania Pot O’ Gold ’01 instant lottery game ticket will contain one play area and one “Bonus Box” area. The play symbols and their

captions located in the play area are: \$1<sup>.00</sup> (ONE DOL), \$2<sup>.00</sup> (TWO DOL), \$3<sup>.00</sup> (THR DOL), \$7<sup>.00</sup> (SVN DOL), \$17\$ (SVNTN), \$35\$ (TRY FIV), \$70\$ (SEVENTY), \$170 (ONEHUNSTY) and \$1,700 (SVNTNHUN). The play symbols and their captions located in the “Bonus Box” area are: Clover Symbol (CLOVER) and TRY AGAIN.

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$7, \$17, \$35, \$70, \$170 and \$1,700.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Pot O’ Gold ’01 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$1,700 (SVNTNHUN) in the play area on a single ticket, shall be entitled to a prize of \$1,700.

(b) Holders of tickets with three matching play symbols of \$170 (ONEHUNSTY) in the play area on a single ticket, shall be entitled to a prize of \$170.

(c) Holders of tickets with three matching play symbols of \$70\$ (SEVENTY) in the play area on a single ticket, shall be entitled to a prize of \$70.

(d) Holders of tickets with three matching play symbols of \$35\$ (TRY FIV) in the play area on a single ticket, shall be entitled to a prize of \$35.

(e) Holders of tickets with a Clover Symbol (CLOVER) play symbol in the “Bonus Box” play area, on a single ticket, shall be entitled to a prize of \$17.

(f) Holders of tickets with three matching play symbols of \$17\$ (SVNTN) in the play area on a single ticket, shall be entitled to a prize of \$17.

(g) Holders of tickets with three matching play symbols of \$7<sup>.00</sup> (SVN DOL) in the play area on a single ticket, shall be entitled to a prize of \$7.

(h) Holders of tickets with three matching play symbols of \$3<sup>.00</sup> (THR DOL) in the play area on a single ticket, shall be entitled to a prize of \$3.

(i) Holders of tickets with three matching play symbols of \$2<sup>.00</sup> (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with three matching play symbols of \$1<sup>.00</sup> (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

7. *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>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
3-\$1	\$1	1:7.50	960,000
3-\$2	\$2	1:18.75	384,000
3-\$3	\$3	1:75	96,000
3-\$7	\$7	1:300	24,000
3-\$17	\$17	1:300	24,000
CLOVER	\$17	1:75	96,000
3-\$35	\$35	1:7,059	1,020
3-\$70	\$70	1:24,000	300
3-\$170	\$170	1:48,000	150
3-\$1,700	\$1,700	1:900,000	8

CLOVER = Win \$17 Automatically



8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Pot O' Gold '01 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Pot O' Gold '01, prize money from winning Pennsylvania Pot O' Gold '01 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 Pot O' Gold '01 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.

10. *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.

11. *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 Pot O' Gold '01 or through normal communications methods.

LARRY P. WILLIAMS,  
*Acting Secretary*

[Pa.B. Doc. No. 01-234. Filed for public inspection February 9, 2001, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

Notice is hereby given that under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department by New Penn Hospitality Associates, L.P., a New York Limited Partnership, 5835 N.W. 21st Way, Boca Raton, Florida 33496, to lease highway right-of-way located from Station Road along Bow Creek Road thence along the Southbound Ramp for I-81, right-of-way abuts 604 Station Road, Grantville, East Hanover Township, Dauphin County, containing 28,871.49 square feet +/- adjacent to S. R. 81, Ramp B to be used in conjunction with an existing lease area of 27,038 square feet along Bow Creek Road for purpose of parking. Total new area will consist of 55,909.49 square feet or 1.283 acres.

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 Barry G. Hoffman, P.E., District Engineer, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699.

Questions regarding this application or the proposed use may be directed to Kim J. Smith, Right-of-Way

Representative, 2140 Herr Street, Harrisburg, PA 17103-1699, (717) 772-5119.

BRADLEY MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-235. Filed for public inspection February 9, 2001, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Considered by the Historic Preservation Board

The following National Register Nominations will be considered at the March 13, 2001, meeting of the Historic Preservation Board. The meeting will start at 9:45 a.m. in the Board Room of the State Museum Building, Third and North Streets, Harrisburg, Pennsylvania. Individuals with a disability who wish to attend this meeting and require an auxiliary aid, service, or other accommodation to participate should contact Dan Deibler at (717) 783-8946 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the agency can accommodate their needs. Persons who have any questions or comments, should contact the Bureau for Historic Preservation at (717) 783-8946.

#### Allegheny Plateau

1. *Protection of the Flag Monument*, 715 South Main Street, Athens, Bradford County

#### Anthracite Region and Poconos—No nominations Great Valley and Piedmont Region

2. *Normandy Farm*, 1411 Morris Road, Blue Bell, Whitpain Township, Montgomery County

3. *Awbury Historic District*, Roughly bounded by Chew Avenue, Avonhoe Road, Devon Place, Haines Street, Ardleigh Street, and Arboretum boundary northwest of E. Washington Lane, Philadelphia

4. *Upper Roxborough Historic District*, Roughly bounded by Shawmont Avenue, Hagys Mill Road, Manor Road and the Schuylkill River, City of Philadelphia and Springfield Township, Montgomery County

5. *Harris/Laird, Schober & Company Building*, 2121-41 Market Street, Philadelphia

6. *George K. Heller School*, 439 Ashbourne Road, Cheltenham, Cheltenham Township, Montgomery County

7. *Michael Derstine Farmstead*, 956 Bypass Road, Perkasio. Hilltown Township, Bucks County

8. *Chester Heights Camp Meeting Historic District*, 320 Valley Brook Road, Chester Heights Borough, Delaware County

9. *John Nicholas and Elizabeth Moyer House*, 152 Hetrick Road, Jefferson Township, Berks County

10. *William Shelly School and Annex*, 201 North Adams Street at Stanton Street, West York Borough, York County

11. *Zeta Psi Fraternity House*, 49 South College Drive, Easton, Northampton County

**Ridge and Valley**

12. *Schellsburg Historic District*, centered on Pitt Street (Lincoln Highway), Market and Baltimore Streets (Related Multiple Property Listing = Lincoln Highway Heritage Corridor Historic Resources: Franklin to Westmoreland Counties, PA)

13. *Stoystown Historic District*, roughly bounded by West and East Forbes Roads, East Main Street, Meadow Street, East Penn Avenue, South Somerset Street, West Penn Avenue and West Main Street (Related Multiple Property Listing = Lincoln Highway Heritage Corridor Historic Resources: Franklin to Westmoreland Counties, PA)

**Southwestern Pennsylvania**

14. *William Cree House*, west side of SR 1011, 1/10 mile north of SR 21, Jefferson Township, Greene County

15. *John Frew House*, 105 Sterrett Street, Pittsburgh, Allegheny County

16. *Robert Parkinson Farm*, State Route 18, 0.4 mile north of Old Concord Village, 1 mile south of Sparta, Morris Township, Washington County

BRENT D. GLASS,  
*Chairperson*

[Pa.B. Doc. No. 01-236. Filed for public inspection February 9, 2001, 9:00 a.m.]

**INDEPENDENT  
REGULATORY REVIEW  
COMMISSION**

**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.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
57-214	Pennsylvania Public Utility Commission Universal Service Fund	01/31/01
57-215	Pennsylvania Public Utility Commission Customer Information Disclosure Requirements For Natural Gas Distribution Companies And Natural Gas Suppliers	01/31/01
2-115	Department of Agriculture Sustainable Agriculture Programs	01/31/01

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
2-132	Department of Agriculture Dog Shelters	01/31/01

JOHN R. MCGINLEY,  
*Chairperson*

[Pa.B. Doc. No. 01-237. Filed for public inspection February 9, 2001, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Amendments to Insurance Holding Companies Law; Notice No. 2001-01**

House Bill No. 550 (P. N. 4226) enacted December 20, 2000, (Act 132-2000) contained a number of amendments to The Insurance Company Law of 1921. The bill can be obtained electronically from the Pennsylvania General Assembly's Electronic Bill Room by accessing the Insurance Department's (Department) web site at [www.insurance.state.pa.us](http://www.insurance.state.pa.us) or the Legislature's web site at [www.legis.state.pa.us](http://www.legis.state.pa.us).

Act 132-2000 included three important amendments to the Insurance Holding Companies Law<sup>1</sup>:

1. Adding preferred provider organizations (PPOs) to the definition of "insurer" to bring risk-assuming PPOs within the scope of the Insurance Holding Companies Law. Therefore, acquisitions or mergers of domestic PPOs will be subject to the Department's approval, and PPOs will be required to file annual holding company registration statements and notices of intended material transactions. Initial registration statements must be filed by March 31, 2001.

2. Adding limited liability companies to the definition of "person" to require the Department's prior approval of an acquisition of a domestic insurer by a limited liability company and the Department's oversight of insurance holding company systems in which the parent company is organized as a limited liability company.

3. Adding pledges of assets to the types of material transactions involving affiliates in insurance holding company systems that must be reported to the Department before the transactions occur. The Department has the authority to disapprove material transactions within 30 days of receiving notice.

The amendments will become effective February 17, 2001.

Questions concerning this notice may be directed to Stephen J. Johnson, CPA, Deputy Insurance Commissioner, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2142/Fax: (717) 787-8557, [stjohnson@state.pa.us](mailto:stjohnson@state.pa.us).

M. DIANE KOKEN,  
*Insurance Director*

[Pa.B. Doc. No. 01-238. Filed for public inspection February 9, 2001, 9:00 a.m.]

<sup>1</sup> (Article XIV of The Insurance Company Law of 1921, added December 18, 1992, P. L. 1519, No. 178, 40 P. S. §§ 991.1401—991.1413)

## Amendments to Insurance Holding Companies Law (PPOs); Notice No. 2001-02

House Bill No. 550 (P. N. 4226) enacted December 20, 2000 (Act 132-2000) contained a number of amendments to The Insurance Company Law of 1921. The bill can be obtained electronically from the Pennsylvania General Assembly's Electronic Bill Room by accessing the Insurance Department's (Department) website at [www.insurance.state.pa.us](http://www.insurance.state.pa.us) or the Legislature's website at [www.legis.state.pa.us](http://www.legis.state.pa.us).

One of the amendments in Act 132 will bring risk-assuming preferred provider organizations (PPOs) within the scope of the Insurance Holding Companies Law (40 P. S. §§ 991.1401–991.1413)<sup>1</sup> by adding PPOs to the definition of "insurer" in that law. Other amendments to the Insurance Holding Companies Law will add limited liability company to the definition of "person" and pledges of assets to the types of transactions involving affiliates in insurance holding company systems that must be reported to the Department before the transactions occur. The Act 132 amendments to the Insurance Holding Companies Law will become effective in 60 days of enactment.

Therefore, as of February 17, 2001, PPOs will be required to comply with the Insurance Holding Companies Law, including the following:

1. An acquisition of control of or merger with a PPO must be approved by the Department. See 40 P. S. §§ 991.1402 and 991.1403 (relating to acquisition of control of a merger with domestic insurer; and acquisitions involving insurers not otherwise covered).

2. A PPO that is a member of an insurance holding company system must file a registration statement with the Department by March 31, 2001, and each year thereafter. See 40 P. S. § 991.1404 (relating to registration of insurers).

3. Dividends and transactions within a holding company system will be subject to standards and reporting requirements. See 40 P. S. § 991.1405 (relating to standards and management of an insurer within a holding company system).

4. A PPO's board of directors and committees must comply with requirements relating to membership. See 40 P. S. § 991.1405(c) (relating to standards and management of an insurer within a holding company system).

Instructions and formats for the statements and notices required to be filed under the law prescribed in the Department's regulations in 31 Pa. Code Chapter 25 (relating to rules and procedural requirements for insurance holding company systems). Additional application procedures for acquisitions and mergers can be obtained from the Department's website by clicking on "Companies," "Company Licensing Applications and Forms," and then "Miscellaneous Documents."

Questions relating to acquisitions and mergers may be directed to Robert Brackbill, Chief, Company Licensing Division, (717) 783-2143, [Ra-in-company@state.pa.us](mailto:Ra-in-company@state.pa.us). Questions relating to registration statements, dividends

<sup>1</sup> Information on how to obtain a copy of the Insurance Holding Companies Law (Article XIV of The Insurance Company Law of 1921, added December 18, 1992, P. L. 1519, No. 178) or the accompanying regulation (31 Pa. Code, Chapter 25) can be obtained from the Department's Website. (Click on the "Companies" button at the left-hand side of the home page.)

and transactions may be directed to Kaushik Patel, Chief, Financial Analysis Division, (717) 787-5890, [Ra-in-analysis@state.pa.us](mailto:Ra-in-analysis@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-239. Filed for public inspection February 9, 2001, 9:00 a.m.]

## Application for Approval to Acquire Control of Reliant Insurance Company

Coast National Insurance Company, BRW Acquisition, Inc. and Bristol West Associates LLC have filed an application to acquire control of Reliant Insurance Company, a Commonwealth domiciled stock casualty insurance company. The filing was made under the requirements set forth under the May 17, 1971 (P. L. 682, No. 284)(40 P. S. § 991.1402). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 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](mailto:rbrackbill@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-240. Filed for public inspection February 9, 2001, 9:00 a.m.]

## Dolores Roach; Hearing

*Appeal of Dolores Roach; Under The Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; File No. F89-3846; Doc. No. CF01-01-018.*

The proceedings in this matter will be governed by the Administrative Agency Law, 2 Pa.C.S. §§ 501–508, 701.704, the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq. and the Insurance Department's Special Rules of the Administrative Practice and Procedure, 31 Pa. Code Chapter 56.

On or before February 8, 2001, each party shall file with the Administrative Hearings Office via facsimile (717) 787-8781 and serve the other party via facsimile an entry of appearance designating the lead attorney or representative to receive service or orders, filings and communications in this matter, together with that person's address, telephone number and facsimile number. Each party shall similarly designate the lead attorney or representative who will participate in the prehearing telephone conference, if different than the person designated for service.

Motions preliminary to those at hearing, protests, petitions to intervene, or notice of intervention, if any, must be filed on or before February 15, 2001 with the Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, Pennsylvania 17102.

Answers to petitions to intervene, if any, shall be filed on or before March 1, 2001.

A prehearing telephone conference initiated by this office is scheduled for March 15, 2001, at 1:30 p.m. Each party shall supply to the Docket Clerk on or before February 8, 2001, a telephone number to be used for the telephone conference.

A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

The Presiding Officer will consider a written request for continuance of the prehearing telephone conference, for good cause only. A party must contact the opposing party prior to requesting a continuance. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid service or other accommodation to participate in the hearing, contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-241. Filed for public inspection February 9, 2001, 9:00 a.m.]

### **Highmark Blue Cross Blue Shield Filing; Requesting Approval to Increase Rates for COMPLETE-care Plan**

By Filing No. 1-CCP-01-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase the premium rates for its COMPLETEcare Plan. The filing requests an average increase of about 14.4% of current premium, or \$22.20 per contract per month. Based on type of coverage and age of the insured, the rate increase could range from 0% to 30%. This will affect about 33,600 contractholders and produce additional premium income of about \$8.9 million. At the same time, Highmark is also requesting to utilize 5-year age banded rates instead of its current 10-year age band structure. The requested effective date of the change is May 1, 2001.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Pittsburgh and Erie.

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. 01-242. Filed for public inspection February 9, 2001, 9:00 a.m.]

### **Progressive Northern Insurance Company; Private Passenger Automobile Rate Revision**

On January 29, 2001, the Insurance Department (Department) received from Progressive Northern Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 4.7% increase amounting to \$9,822,000 annually, to be effective March 30, 2001, for new business and May 27, 2001, for renewal business.

Unless formal administrative action is taken prior to March 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.

All 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. 01-243. Filed for public inspection February 9, 2001, 9:00 a.m.]

### **Three Rivers Health Plans, Inc.; HCFA UB-92 Claim Form**

On January 19, 2001, Three Rivers Health Plans, Inc. submitted a filing under section 1202 (c)(2) of the May 17, 1921 (P. L. 682, No. 284) (40 P. S. § 991.1202(c)(2)) requesting the ability to use a blank space on the UB-92 claim form to gather additional claim information. This filing would allow Three Rivers Health Plans, Inc. providers the ability to enter Type of Service Code data into box 49 of the UB-92 claim form. This request shall be deemed approved by the Department if not disapproved within 60 days after the receipt of the filing.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Yen Lucas, Office of

Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 01-244. Filed for public inspection February 9, 2001, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Dauphin County, Wine & Spirits Shoppe #2212, Jamesway Plaza, 1569 West Harrisburg Pike, Middletown, PA 17057-4852.

*Lease Expiration Date:* December 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,350 to 3,300 net useable square feet of new or existing retail commercial space along PA Route 230 within/between the Boroughs of Middletown and Highspire.

*Proposals due:* March 9, 2001 at 12 Noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Ronald Hancher, Jr., (717) 657-4228

Delaware County, Wine & Spirits Shoppe #2304, 8 East State Street, Media, PA 19063-2904.

*Lease Expiration Date:* August 31, 2004

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space within a three (3) mile radius of Route 3 and Rock Ridge Road.

*Proposals due:* March 9, 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) 482-9672

Philadelphia County, Wine & Spirits Shoppe #5144, 1318 Walnut Street, Philadelphia, PA 19107-5410.

*Lease Expiration Date:* March 31, 2004

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 7,000 to 14,000 net useable square feet of new or existing retail commercial space on Chestnut or Walnut Streets, West of 11th Street and East of Broad Street in Philadelphia.

*Proposals due:* March 9, 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) 482-9672

Montgomery County, Wine & Spirits Shoppe #4635, 1029 N. Easton Road, Willow Grove, PA 19090-2030.

*Lease Expiration Date:* June 30, 2001

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 on Easton Road between York Road and PA Turnpike in Upper Moreland Township.

*Proposals due:* March 9, 2001 at 12 Noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9672

JOHN E. JONES, III,  
Chairperson

[Pa.B. Doc. No. 01-245. Filed for public inspection February 9, 2001, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas

#### Calculation of Over-Price Premium

Under the provisions of the Milk Marketing Law (31 P. S. § 700j-101 et seq.) the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1, 2, 3, 4, 5, and 6 on March 7, 2001, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, Pennsylvania.

The purpose of the hearing will be to receive testimony and exhibits concerning the methodology used in the calculation of the over-price premium.

The staff of the Board is deemed to be a party to this hearing, and the attorneys representing staff are deemed to have entered their appearances. Other persons that may be affected by the Board order establishing the methodology used to calculate the over-price premium may be included on the Board's list of parties by (1) having their attorney file with the Board by February 14, 2001, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25, which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record or (2) if unrepresented by an attorney and wishing to appear on their own behalf under 1 Pa. Code § 31.21, filing with the Board by February 14, 2001, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on February 21, 2001, each party shall file with the Board six copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on February 23, 2001, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on February 16, 2001.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD Users).

LYNDA J. BOWMAN,  
*Secretary*

[Pa.B. Doc. No. 01-246. Filed for public inspection February 9, 2001, 9:00 a.m.]

## OFFICE OF GENERAL COUNSEL

### Bond Counsel Invitation to Quality

The Commonwealth of Pennsylvania, acting by and through the Governor's Office of General Counsel ("OGC"), from time to time selects from pools of qualified legal service providers ("Law Firms") to provide bond-related counsel work on behalf of its various issuing agencies. Selections are generally made from one of four distinct pools of qualified bond counsel, which were established through a formal Invitation to Qualify ("ITQ") selection process last year. OGC expects to continue making its bond counsel appointments for future Commonwealth financing transactions to Law Firms qualified through the ITQ process.

At this time, OGC is inviting additional law firms to qualify for participation in each of the four established bond counsel pools.

OGC strongly encourages all interested Law Firms to participate at this time to ensure consideration of their qualifications to provide bond counsel services to the Commonwealth of Pennsylvania. Please note that law firms currently included in a bond counsel pool are not required to submit qualifications for that pool, but may

submit qualifications for inclusion in other pools for which they are not currently qualified.

Law Firms may seek to provide bond counsel services for one or more of the following Executive Agencies, or groups of Executive Agencies, under the Governor's jurisdiction:

- *Bond Pool 1*  
Commonwealth of Pennsylvania, Office of the Budget, the Pennsylvania Infrastructure Investment Authority (PENNVEST) and/or the State System of Higher Education
- *Bond Pool 2*  
Pennsylvania Housing Finance Agency
- *Bond Pool 3*  
Pennsylvania Economic Development Financing Authority and the Pennsylvania Industrial Development Authority
- *Bond Pool 4*  
Pennsylvania Higher Educational Facilities Authority and the State Public School Building Authority

For more information regarding this ITQ, Law Firms are encouraged to visit OGC's web site at [ww.w.ogc.state.pa.us](http://ww.w.ogc.state.pa.us). To request a copy of the ITQ, Law Firms should contact M. Jane Demko by mail at the Governor's Office of General Counsel, 333 Market Street, 17th Floor, Harrisburg, PA 17101, by e-mail at [jdemko@state.pa.us](mailto:jdemko@state.pa.us) or by fax at (717) 787-1788.

Submissions to this ITQ are due by 2 p.m. on March 16, 2001. OGC will reject as non-responsive all submissions received after this date and time. E-mail or fax submissions will not be accepted. OGC is not responsible for any expenses that Law Firms may incur in preparing and submitting to this ITQ. All information submitted will become the property of OGC and may become public information. Please note that OGC reserves the right to change, suspend, discontinue or modify any aspect of this ITQ process at any time.

JAMES M. SHEEHAN,  
*General Counsel*

[Pa.B. Doc. No. 01-247. Filed for public inspection February 9, 2001, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. QUEST Telecommunications, Inc.; Doc. No. C-00004124; A-310181

Public Meeting  
held January 24, 2001

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

### Default Order

*By the Commission:*

On August 30, 2000, the Law Bureau Prosecutory Staff instituted a complaint against QUEST Telecommunications, Inc. (the Respondent), an IXC reseller certificated at A-310181. In the complaint, Prosecutory Staff alleged

that the Commission sent by certified mail a notice to the Respondent that its monthly Universal Service Fund assessments were overdue by 3 or more months. The complaint charged that the Respondent violated the Commission's order entered on February 4, 2000, at Docket No. L-00000148 (Rulemaking Re Establishing Universal Service Fund Regulations at Pa. Code §§ 63.141—63.1502) by not paying the monthly assessments.

The complaint sought an order from the Commission canceling the Respondent's certificate of public convenience for failure to pay its assessment and accrued late charges. The complaint was mailed by the Secretary's Bureau on August 31, 2000, and according to the postal return receipt, service was perfected on September 6, 2000. To date, more than 20 days later, no answer has been filed to the complaint and the assessments have still not been paid; *Therefore, It Is Ordered That:*

1. The allegations in the Law Bureau 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, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. QUEST Telecommunications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry 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. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent public comment within the 20-day time period established pursuant to Ordering Paragraph No. 2, above.

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 QUEST Telecommunications, Inc. at Docket No. A-310181 shall be canceled, 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.

*By the Commission*

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-248. Filed for public inspection February 9, 2001, 9:00 a.m.]

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### Railroad With Hearing

**A-00114338. Department of Transportation.** Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to abolish the existing crossing where S.R. 0522 crosses at grade two tracks of East Broad Top Railroad and Coal Company (AAR 003 135\*) in Cromwell Township, Huntingdon County; and the allocation of costs and expenses incident thereto.

An initial hearing on this matter will be held Tuesday, March 6, 2001, at 10 a.m. in hearing room 4, Plaza Level,

Commonwealth Keystone Building, 400 North Street, Harrisburg, 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. 01-249. Filed for public inspection February 9, 2001, 9:00 a.m.]

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### Railroad With Hearing

**C-00004081 Heath Ressler, et al. v. Reading, Blue Mountain and Northern Railroad Company.** Complainants express concern of the condition of a timber curbing wall along the tracks of the railroad along Lower Railroad Street in the Borough of Girardville. Also, what actions are necessary to address the safety issues, including the performance of any work required, the allocation of any costs incurred in connection therewith and the assignment of future maintenance.

An initial hearing will be held Thursday, March 22, 2001, at 10 a.m. in hearing room 2, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, 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. 01-250. Filed for public inspection February 9, 2001, 9:00 a.m.]

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### Railroad With Hearing

**C-00004371. Borough of Gilberton v. Reading, Blue Mountain and Northern Railroad Company.** Complainant expresses concern of the condition of a timber curbing wall along the tracks of the railroad along Lower Railroad Street in the Borough of Gilberton. Also, what actions are necessary to address the safety issues, including the performance of any work required, the allocation of any costs incurred in connection therewith and the assignment of future maintenance responsibilities.

An initial hearing will be held Thursday, March 15, 2001, at 10 a.m. in hearing room 2, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, 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. 01-251. Filed for public inspection February 9, 2001, 9:00 a.m.]

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### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding

authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before March 5, 2001, as set forth at 52 Pa. Code § 3.381 (relating to the applications for the transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00117471. Imperial Coach Limousine, Inc.** (3100 Liberty Avenue, Pittsburgh, Allegheny County, PA 15201), a corporation of the Commonwealth of Pennsylvania—transfer—persons in limousine service, (1) from points in Allegheny County, to points in the counties of Washington and Butler; and (2) between points in Butler County and from points in Butler County to points in Allegheny County; subject to the following conditions: (a) that no right, power or privilege is granted to transport persons attending funerals or to provide service for funeral homes; (b) that no right, power or privilege is granted to transport persons from Pittsburgh International Airport in Allegheny County to points in Washington County; (c) that no right, power or privilege is granted to transport persons from Butler County to Pittsburgh International Airport in Allegheny County, or vice versa; and (d) that no right, power or privilege is granted to provide service between points in the townships of Adams, Connoquenessing, Cranberry, Forward, Jackson, Lancaster, Butler, Penn and Middlesex, the city of Butler, and the boroughs of Seven Fields, Zelienople, Evans City, Harmony, Callery, Mars, Connoquenessing and Valencia, all in Butler County, or from points in said townships, cities and boroughs in Butler County to points in Allegheny County or vice versa; which is to be a transfer of the rights authorized under the certificate issued to Night Life Limousine, Inc., at A-00111664, subject to the same limitations and conditions. *Attorney:* Edward C. Morasczyk, 382 West Chestnut Street, Washington, PA 15301.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-252. Filed for public inspection February 9, 2001, 9:00 a.m.]

**Sewer Service  
Without Hearing**

**A-230456F2000. Spray Irrigation, Inc.** Application of Spray Irrigation for approval of the transfer of the sewage disposal system of Spray Irrigation, Inc., to the Township of West Brandywine, and for the abandonment by Spray Irrigation of all sewer service to the public in the Commonwealth of Pennsylvania.

Notice is hereby given that 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 February 26, 2001, under 52 Pa. Code (relating to public utilities).

*Applicant:* Spray Irrigation, Inc.

*Through and By Counsel:* Diane Tokarsky, McNeese Wallace and Nurick, P. O. Box 1166, 100 Pine Street, Harrisburg, PA 17108.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-253. Filed for public inspection February 9, 2001, 9:00 a.m.]

**Telecommunications**

**A-310633F0002. Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Level 3 Communications, LLC.** Joint Petition of Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Level 3 Communications, LLC, for approval of a replacement interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Level 3 Communications, LLC, by its counsel, filed on January 26, 2001, at the Public Utility Commission, a Joint Petition for approval of a replacement interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All such comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Level 3 Communications, LLC Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-254. Filed for public inspection February 9, 2001, 9:00 a.m.]

**PHILADELPHIA REGIONAL  
PORT AUTHORITY**

**Request for Bids**

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for **Project #0029.1a**, Facade Repairs at Piers 38-40 S. & 78 S. until 2 p.m. on Thursday, March 1, 2001. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Fl., Phila., PA 19134, (215) 426-2626 and will be available February 13, 2001. The cost of the bid document is \$35.00 (includes 7% PA Sales Tax). The cost is non-refundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.



Mandatory prebid job site meeting will be held February 22, 2001, 10 a.m. at the front gate of Piers 38—40, Christian St. & Columbus Blvd.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 01-255. Filed for public inspection February 9, 2001, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for **Project #0029.1b**, Facade Repairs at Pier 84 S. until 3 p.m. on Thursday, March 1, 2001. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Flr., Phila., PA 19134, (215) 426-2626 and will be available February 13, 2001. The cost of the bid document is \$35.00 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held February 22, 2001, 11 a.m. at the front gate of Pier 84 S., Porter St. Columbus Blvd.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 01-256. Filed for public inspection February 9, 2001, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have 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 denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

February 28, 2001	Ann Thomas (Membership Eligibility)	1 p.m.
	Mary A. Hutchinson (Membership Eligibility)	2:30 p.m.
March 7, 2001	Phillip H. Oskowski (D) (Change of Option)	1 p.m.

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Marilyn Fuller-Smith, Assistant Executive Director, at (717) 720-4700 to discuss how the Public School Employees' Retirement 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 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 01-257. Filed for public inspection February 9, 2001, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Public Meeting

#### Harrisburg

The Public Official and Employee Ethics Law requires that the State Ethics Commission (Commission) hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the law and from other interested parties.

The Commission will conduct a public meeting in Room 307 Finance Building, Harrisburg, Pennsylvania on February 27, 2001, beginning at 9 a.m. for purposes of receiving said input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the Ethics Law, the regulations of the State Ethics Commission or agency operations should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

DANEEN E. REESE,  
*Chairperson*

[Pa.B. Doc. No. 01-258. Filed for public inspection February 9, 2001, 9:00 a.m.]

## TURNPIKE COMMISSION

### Retention of an Engineering Firm

#### Modification and Expansion of the Harrisburg East Interchange Dauphin County, PA

##### Reference No. 3-136

The Turnpike Commission (Commission) will retain an engineering firm to prepare preliminary and final design plans for the modification and expansion of the Harrisburg East Interchange (#19) Toll Plaza (Milepost 247.4) to provide an expanded facility for access to and from S.R. 283, in Lower Swatara Township, Dauphin County, Pennsylvania.

The required engineering services will include field surveys, coordination with utility companies and services, soils investigations, and corresponding reports. Architectural services will include design of the toll plaza build-

ing, interior design, landscape design, toll booths, canopy and other related tasks necessary for the Project. Significant building program data will be provided from previous similar Projects. In addition, the necessary plans and contract documents will be required for interchange signing, lighting, maintenance and protection of traffic, construction staging, contour grading, drainage, and roadside development. E-ZPass operations will be maintained during the construction of the new facility. Additional right-of-way is not anticipated as part of this Project. If environmental services are needed for this Project, they will be provided by others.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Direct inquiries to Jeffrey C. Davis, P.E., (717) 939-9551, extension 5160 or by email to jdavis@paturndpike.com.

#### **General Requirements and Information**

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified)

2. A three page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Department and Commission projects.

5. An Annual Qualification Package similar to the one submitted to the Department for the current year that is in the same District as the project or one that is best suited for the project.

The Annual Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in the Commonwealth as provided by the Department of State for firms with out-of-state headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

The Commission is committed to the inclusion of disadvantaged, minority, and women firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in these contracts will be 10% each. Responding firms will clearly identify DBE/MBE/WBE firms, expected to participate in these contracts, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department of Transportation at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Turnpike Commission, (717) 939-9551 ext. 4241.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Barry L. Troup, P.E., Assistant Chief Engineer for Design, Turnpike Commission Administration Building, 176 Kost Road, Carlisle, PA 17013-0779. (FedEx address: 176 Kost Road, Carlisle, PA 17013-0779) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 p.m., Friday, March 2, 2001. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to these solicitations, one firm will be selected for each project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the

Technical Review Committee and approved by the Commission. Technical Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Chairperson*

[Pa.B. Doc. No. 01-259. Filed for public inspection February 9, 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



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.

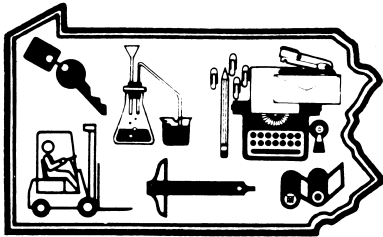
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## 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

**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 PM Eastern Time 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

**732-4970** The State Correctional Inst. Graterford is seeking vendors to supply 5,000 yards of 60" wide khaki twill material to be used in the manufacturing of Ike jackets. Material to be 65 poly / 35 cotton. Exact specifications will be provided with bid proposal.

**Department:** Corrections  
**Location:** CORRECTIONAL INDUSTRIES, Box 246, (Off Rt. 29), Graterford, PA 19426  
**Duration:** Feb. 2001 thru June 30, 2001  
**Contact:** Gerald L. Arasin, Manager II, (610) 489-4151 Ext.2310

**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 PM Eastern Time 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

**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 PM Eastern Time 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

**1358150** 2001 Model Town & Country AWD Limited. For a copy of bid package fax request to (717) 787-0725. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**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, 6350-01 to ensure receipt by the Commonwealth on or before 1:30 PM Eastern Time 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

**EO01-HVP** Snow Removal Equipment—High volume plowing ability to fit on any rubber-tire loader or backhoe with a fast-connect receiver system made of solid steel plate. For a copy of the solicitation FAX your request to State Armory Board (717) 861-2932.

**Department:** Military Affairs  
**Location:** Fort Indiantown Gap, Annville, PA 17003  
**Duration:** 30 Jun 01  
**Contact:** Gene Ollar, (717) 861-2921

**01/24/01** 2 each—ATVs to be a Kawasaki Bayou 300 4x4 or approved equal. 1 each—Transport trailer properly sized to haul one ATV Additional accessories: hitches, light guards, battery charger, racks, ramps and WARN A2000 winch. Bid price to include delivery to Delaware Canal State Park.

**Department:** Conservation and Natural Resources  
**Location:** Delaware Canal State Park, 11 Lodi Hill Road, Upper Black Eddy, PA 18972  
**Duration:** Upon receipt  
**Contact:** Kenneth Lewis, (610) 982-5560

**2186** Furnish one (1) AERCO semi-instantaneous hot water heater, Model B+041/1.25/E, as manufactured by AERCO International, Inc. Heater shall be rated to heat 25 GPM of water from 40 degree F to 120 degree F, when supplied with 1000 #/hour saturated steam at 30 psi to the control valve.

**Department:** Corrections  
**Location:** State Correctional Institution, Route 405, P. O. Box 180, Muncy, PA 17765  
**Duration:** Bid Closing Date: February 21st, 2001  
**Contact:** Cindy Lyons, (570) 546-3171

**1368110** Coal Stoker Equipment. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Waymart, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1369200** Imprinted Erasers and Rulers. For a copy of bid package fax request to (717) 787-0725.

**Department:** State Police  
**Location:** PA State Police Academy, Hershey, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1229110** Laundry Equipment. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Hunlock Creek, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1335040** Thermal Cyler with Optical Upgrade. For a copy of bid package fax request to (717) 787-0725.

**Department:** Agriculture  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1363150** Commonwealth Telephone Directories. For a copy of bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**4809-215** Cold rolled flat stock Gauge stainless steel sheet Hot rolled steel rods

**Department:** Corrections  
**Location:** Correctional Industries, SCI Mahanoy, 301 Morea Road, Frackville, PA 17932  
**Duration:** 1 year  
**Contact:** MaryAnn Ulrich, (717) 731-7134

**1312310** Breathing System, set-up, ready to operate. For a copy of bid package fax request to (717)787-0725.

**Department:** PA Emergency Management Agency  
**Location:** Lewistown, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1357220** Latest Model Two Wheel Drive 8,500 lb GVWR Diesel Engine Utility Body Truck. For a copy of bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1388110** Hospital Beds. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** SCI, Laurel Highlands, Somerset, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

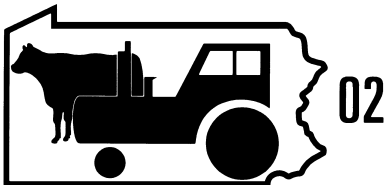
**ADV 103** Indiana University of PA (IUP), Indiana, PA 15705 is seeking bids to furnish and deliver 43 each, Frost-Free Refrigerators, Color: White, Size: 14.4 cu ft for student apartments in Campus Towers and to remove and dispose of 39 ea existing refrigerators. Requests for a bid package should be made in writing, referencing Advertisement # ADV 103 and directed to Patty Bash—Purchasing Agent, IUP, 650 S. 13th St., PA 15705, Fax # (724) 357-2670, Phone (724) 357-3077; or e-mail: pabashgrove.iup.edu. Requests for a bid package will be accepted until 2-9-01. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Duration:** N/A  
**Contact:** Patricia Bash, (724) 357-3077

**492** Handicap accessible kitchen cabinets .

**Department:** Public Welfare  
**Location:** White Haven Center, RR 2, Box 2195, White Haven, PA 18661  
**Contact:** Sandra A. Repak, PA, (570) 443-4232

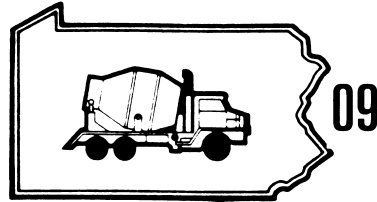
## SERVICES



### Agricultural Services

**B-13887/B-13900** VENDOR TO SUPPLY A VARIETY OF PESTICIDES FOR VEGETABLE AND FIELD CROPS FOR 2001 GROWING SEASON. LICENSE #701002

**Department:** Corrections  
**Location:** SCI-GRATERFORD, OFF RT. 29, GRATERFORD, PA 19426  
**Duration:** ONE YEAR  
**Contact:** KELLY RICHARDSON, (610) 489-4151



### Construction & Construction Maintenance

**DGSA952-99** PROJECT TITLE: Parking Lot and Playground Surfacing. BRIEF DESCRIPTION: Bituminous pavement overlay of parking lot and installation of a rubber playground surface with associated landscaping. ESTIMATED RANGE: Under \$100,000.00. Paving 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. Tel: 717/787-3923. Bid Date: WEDNESDAY, February 21, 2001 AT 2:00 P.M.

**Department:** General Services  
**Location:** Labor and Industry Building, Harrisburg, Dauphin County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**FDC-450-944** Design and Construction Work to rehabilitate an existing bridge along the Delaware Canal near Raubsville in Bucks County. Removal of steel I-beam and timber superstructure; reinforced concrete bearing seats and wingwall caps; pre-stressed concrete box beams; reinforced concrete deck; masonry work; timber mounted railing; excavating; backfilling; E & S measures; 230 L.F. of road work. NOTE: Requests for Bid Documents will be taken ON or AFTER February 12, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Lower & Upper Makefield Townships  
**Duration:** 365 days  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-429-950** Construct Concrete Wall in Dam Spillway at Lackawanna State Park in Lackawanna County. Work includes approximately 55 C.Y.'s of cast-in-place concrete, vertical and horizontal dowels, weepholes, grout injection, and trash rack. NOTE: Requests for Bid Documents will be taken ON or AFTER February 12, 2001.

**Department:** Conservation and Natural Resources  
**Location:** North Abington Township  
**Duration:** 90 days or to December 31, 2001  
**Contact:** Construction Management Section, (717) 787-5055

**K00062 (Rebid)** Edinboro University is seeking bid for Project K00062; Van Houten Dining Hall HVAC Renovations. The project includes installation of new make-up air units for kitchen hood system, including ductwork, dampers, balancing, controls, electrical work and ceiling restoration. Bids are due 2:00 p.m., March 13, 2001 in the Purchasing Office, 220 McNeerney Hall. A pre-bid meeting is scheduled for February 15, 2001, 2:00 p.m. in the South Dining Room, Van Houten Dining Hall. To obtain a bid package, contact Tom Anderson, phone (814) 732-2704, fax (814) 732-2281. Non-refundable cost of bid package is \$35.00 (pick-up), \$40.00 (mailed). MBE/WBE firms are encouraged to respond.

**Department:** State System of Higher Education  
**Location:** Edinboro University of Pennsylvania  
**Duration:** 180 calendar days from Notice to Proceed  
**Contact:** Tom Anderson, Contract Specialist, (814) 732-2704

**#00877003** Contractor to supply all labor, tools, excavation, equipment, building materials, and appurtenances to install new asphalt paving in parking lots at buildings #1 and #5 at the Ebensburg Center.

**Department:** Public Welfare  
**Location:** Ebensburg Center, DPW, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931  
**Duration:** All work under contract must be completed within within 120 calendar days from the effective date of the contract.  
**Contact:** Cora M. Davis, Purchasing Agent, (814) 472-0288

**FC-050M** Construction of a 40 ft. x 80 ft. steel pole storage building at the Southwest Regional Law Enforcement Office, 236 Lake Road, Somerset, Somerset Township, Somerset County, PA.

**Department:** Fish and Boat Commission  
**Location:** 236 Lake Road, Somerset, PA  
**Duration:** Work to be completed by June 30, 2001.  
**Contact:** Kathi Tibbott, Purchasing Agent, (814) 359-5131

**DGS377-15C1** PROJECT TITLE: Prefabricated Metal Buildings. BRIEF DESCRIPTION: This Bid Package shall include all work associated with furnishing and erecting three pre-engineered metal buildings excluding foundations, masonry walls, doors and windows. The three buildings are Bldg. 14 (Warehouse), Bldg. 15 (Vehicle Maintenance) and Bldg. 6 (Prison Industries). ESTIMATED RANGE: \$1,000,000.00 to \$2,000,000.00. Prefabricated Metal Buildings. PLANS DEPOSIT: \$200.00 per set payable to OK/DMJM. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40.00 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, 13 West, Pittsburgh, PA 15222., Attn: Tom Dirkes, Tel: 412/394-6888. Bid Date: WEDNESDAY, March 7, 2001 at 11:00 A.M. A Pre-Bid Conference has been scheduled for Thursday, February 22, 2001 at 9:00 A.M. at the M.A.C.A. Building located in Marienville, Forest County, PA. Contact: Tom Dirkes, Tel: 412/394-6888. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 270 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS206-3PHASE4** PROJECT TITLE: Renovate and Expand Headquarters Building (Building Improvements). BRIEF DESCRIPTION: Interior and exterior building renovations involving site work, general, HVAC, plumbing and electrical construction. Hazardous abatement work is required. ESTIMATED RANGE: \$2,000,000.00 to \$5,000,000.00. General, HVAC, Plumbing and Electrical Construction. PLANS DEPOSIT: \$125.00 per set payable to: The Wolf Partnership, Architects. 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 or provide your express mail account number to the office listed below. Mail requests to: The Wolf Partnership, Architects, 701 Hamilton Mall, 2nd Floor, Allentown, PA 18101-2407, Tel: 610/432-4368. Bid Date: WEDNESDAY, March 7, 2001 at 1:00 P.M. A Pre-Bid Conference has been scheduled for Wednesday, February 21, 2001 at 10:00 A.M. at Troop "M" Headquarters, PA State Police in the Conference Room, Bethlehem, PA. Contact: Paul Schmitz, Tel: 610/432-4368. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

**Department:** General Services  
**Location:** Troop "M" Headquarters, PA State Police, Bethlehem, Lehigh County, PA  
**Duration:** 300 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS377-1EX2** PROJECT TITLE: Roofing. BRIEF DESCRIPTION: This Bid Package shall include furnishing and installing all roofs, rigid, rigid roof insulation, soffits, fascia, roof hatches and flashing on buildings. This contract does not include roofing for the SC1.1 Pre-Engineered Metal Buildings Contract and the SC3.1 Staff Residence Building Contract. ESTIMATED RANGE: \$2,000,000.00 to \$5,000,000.00. Roofing Construction. PLANS DEPOSIT: \$200.00 per set payable to OK/DMJM. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40.00 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, 13 West, Pittsburgh, PA 15222., Attn: Tom Dirkes, Tel: 412/394-6888. Bid Date: WEDNESDAY, March 7, 2001 at 11:00 A.M. A Pre-Bid Conference has been scheduled for Thursday, February 22, 2001 at 11:00 A.M. at the M.A.C.A. Building located in Marienville, Forest County, PA. Contact: Tom Dirkes, Tel: 412/394-6888. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 390 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGSA251-433** PROJECT TITLE: Upgrade HVAC System: BRIEF DESCRIPTION: Remove existing heating and cooling systems and install new natural gas heating and HVAC systems. Install new electric panels and circuits for new heating and HVAC systems. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. HVAC and Electrical 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. Tel: 717/787-3923. Bid Date: WEDNESDAY, February 28, 2001 at 11:00 A.M.

**Department:** General Services  
**Location:** PennDOT Maintenance Facility, Somerset, Somerset County, PA  
**Duration:** 140 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGSA251-481** PROJECT TITLE: Replace Heating System. BRIEF DESCRIPTION: Remove asbestos containing pipe insulation. Remove the existing steam heating system and a rooftop packaged cooling unit. Install new natural gas fired heating equipment and a rooftop gas heat/electric cooling unit. Renovate an existing ductwork system and install new electric circuits and panels for new heating and HVAC systems. ESTIMATED RANGE: \$200,000.00 to \$500,000.00. HVAC, Electrical and Asbestos Abatement 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. Tel: 717/787-3923. Bid Date: WEDNESDAY, February 28, 2001 at 11:00 A.M.

**Department:** General Services  
**Location:** PennDOT Maintenance Facility, Mercer, Mercer County, PA  
**Duration:** 140 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**6797-19CREBID** PROJECT TITLE: Metal Panels & Louvers. The Sports & Exhibition Authority ("Owner") will receive sealed bids for trade packages as identified below for Additions and Renovations to the David L. Lawrence Convention Center (the "Project"). The Architect for the Project is Rafael Vinoly Architects, P.C., The Construction Manager is Turner Construction Company, P.J. Dick Incorporated and ATS, Inc., a joint venture. APPROXIMATE VALUE: \$6,000,000.00 TO \$10,500,000.00. Bid Packages can be examined and bids will be received by Owner at the field office of the Construction Manager located at 951 Penn Avenue, (Basement level) Pittsburgh, PA 15222. Bid Date: TUESDAY, February 13, 2001 at 2:00 P.M. A Non-Mandatory Pre-Bid Meeting will be held on Thursday, February 1, 2001 at 2:00 P.M. at TPA Construction Office, 951 Penn Ave. (basement level), Pittsburgh, PA. Contact: Ralph Shipe, Tel: 412/227-2010. Inquires regarding the bidding should be made to the Construction Manager at its field office located at 951 Penn Avenue, Pittsburgh, PA. 15222. Attn: Ralph Shipe, Tel: 412/227-2010. FAX No: 412/227-2015. Bid Packages may be obtained through Accu-Copy 412/281-0799. Determination of Responsibility. Bids will be awarded to bidders determined to be "responsible" by the Owner based upon criteria applicable to the particular Bid Package. Bidders must complete and submit a Determination of Responsibility ("DOR") with the bid.

**Department:** General Services  
**Location:** 951 Penn Avenue (basement level), Pittsburgh, PA 15222  
**Contact:** Ralph Shipe, (412) 227-2010

**6797-50REBID** PROJECT TITLE: Fire Protection. The Sports & Exhibition Authority ("Owner") will receive sealed bids for trade packages as identified below for Additions and Renovations to the David L. Lawrence Convention Center (the "Project"). The Architect for the Project is Rafael Vinoly Architects, P.C.. The Construction Manager is Turner Construction Company, P.J. Dick Incorporated and ATS, Inc., a joint venture. APPROXIMATE VALUE: \$2,000,000.00 TO \$5,000,000.00. Bid Packages can be examined and bids will be received by Owner at the field office of the Construction Manager located at 951 Penn Avenue, (Basement level) Pittsburgh, PA 15222. Bid Date: TUESDAY, February 6, 2001 at 2:00 P.M. Inquires regarding the bidding should be made to the Construction Manager at its field office located at 951 Penn Avenue, Pittsburgh, PA. 15222, Attn: Ralph Shipe, Tel: 412/227-2010. FAX No: 412/227-2015. Bid Packages may be obtained through Accu-Copy 412/281-0799. Determination of Responsibility. Bids will be awarded to bidders determined to be "responsible" by the Owner based upon criteria applicable to the particular Bid Package. Bidders must complete and submit a Determination of Responsibility ("DOR") with the bid.

**Department:** General Services  
**Location:** 951 Penn Avenue (basement level), Pittsburgh, PA 15222  
**Contact:** Ralph Shipe, (412) 227-2010

**DGS574-2AREVISEDREBID** PROJECT TITLE: Construction of Up to 96 Additional High Security Cells for the Restricted Housing Facility. BRIEF DESCRIPTION: Construction of a new 2-story women's restricted housing unit to provide up to 96 additional high security cells. Building construction work consists of sitework, concrete footings/slabs, precast concrete and structural steel framing, masonry walls, membrane roofing, windows, metal stud partitions, interior finishes and security hardware includes HVAC, plumbing, fire protection and electrical systems. ESTIMATED RANGE: \$5,000,000.00 to \$10,000,000.00. General, HVAC, Plumbing and Electrical Construction. PLANS DEPOSIT: \$175.00 per set payable to: HLM DESIGN OF THE NORTHEAST ARCHITECTURE, ENGINEERING AND PLANNING. 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 or provide your express mail account number to the office listed below. Mail requests to: HLM Design of the Northeast Architecture, Engineering and Planning, One Commerce Square, 2005 Market Street, Suite 610, Philadelphia, PA 19103, Tel: 215/564-9977. Bid Date: WEDNESDAY, March 7, 2001 at 2:00 P.M.

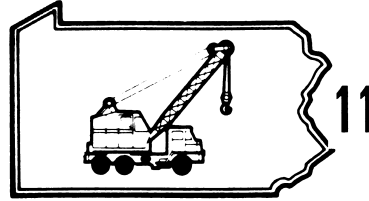
**Department:** General Services  
**Location:** State Correctional Institution, Muncy, Lycoming County, PA  
**Duration:** 300 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**401-BL-621.1** Re-insulation of South Breecing—Provide all labor, equipment and material necessary to remove existing roof breecing insulation and replace with new mineral wool and enclosure of aluminum jacket. In addition remove and replace the front, rear, left and right masonry walls of the E. Keeler, Typer CP-300 Boiler # 4 and the Detrick Arch located in the university heating plant. Bid documents will be available shortly and will contain all prebid and bidding information—to obtain a copy of the bid documents submit a non-refundable \$40.00 deposit to Bloomsburg University, Waller Building, Room 38, Bloomsburg, Pa. 17815—Telephone (570) 389-4311.

**Department:** State System of Higher Education  
**Location:** Bloomsburg  
**Duration:** 60 days  
**Contact:** Joseph C. Quinn, (570) 380-4311

**DGS4953-51** PROJECT TITLE: Restoration of Brown Sandstone Wall Surfaces. BRIEF DESCRIPTION: Work consists of cleaning, restoring and repointing sandstone walls. Perform masonry restoration cleaning, repair and repoint existing sandstone walls. 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 Service, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, February 21, 2001 at 2:00 P.M. A Contractor's qualification form is included in the bid package and must be completed and submitted prior to award. The contractor must demonstrate the qualifications and experience of key full-time personnel, gained within the last ten (10) years, in masonry repointing and restoration cleaning.

**Department:** General Services  
**Location:** Northwest Office Building, Harrisburg, Dauphin County, PA  
**Duration:** 90 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556



### Demolition—Structural Only

**031954** Demolition and removal of dwellings and commercial buildings. Each parcel may be bid separately. These buildings are located in the Borough of Towanda and North Towanda Township, Bradford County.

**Department:** Transportation  
**Location:** Borough of Towanda and North Towanda Township  
**Duration:** Thirty (30) days  
**Contact:** Joel K. Hart, (570) 368-4237

**031959** Demolition and removal of a dwelling and out buildings. The buildings are located in Lower Mahanoy Township, Northumberland County.

**Department:** Transportation  
**Location:** Along S. R. 225 in Lower Mahanoy Township, Northumberland County.  
**Duration:** Thirty (30) days  
**Contact:** Joel K. Hart, (570) 368-4237



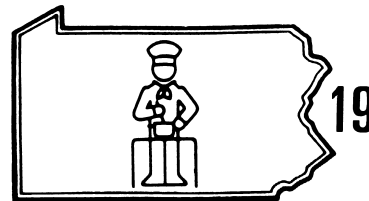
### Financial and Insurance Consulting

**A-12** PHEAA seeks qualified vendors to perform student loan default collection services. A Request for Proposal (RFP) will be distributed to those vendors who can successfully satisfy the minimum pre-qualification requirements. Effective February 9, 2001 interested vendors may obtain a Pre-qualification Document by accessing the PHEAA web site at [www.pheaa.org](http://www.pheaa.org). Upon accessing the site, open "About PHEAA" and select "Doing Business with PHEAA". Specific bid information and instructions will be available via a link on that page. All Pre-qualification Documents must be received in the PHEAA Purchasing Office, Room 206, 1200 N 7th Street, Harrisburg, PA no later than 3:00 p.m. on Monday, February 26, 2001. Questions regarding this ad may be directed to the PHEAA Purchasing Office at (717) 720-2702.

**Department:** PHEAA  
**Location:** PA HIGHER EDUCATION ASSISTANCE AGENCY, 1200 North Seventh Street, Harrisburg, PA 17102  
**Contact:** Donna Orris, (717) 720-2702

**IFB No. 01-I-001** The Department of State has a need in the State Athletic Commission to provide insurance to participants in events under the jurisdiction of the Department of State's Athletic Commission.

**Department:** State  
**Location:** 116 Pine Street, 2nd Floor, Harrisburg, PA 17101  
**Duration:** 3 years  
**Contact:** Judith Holjes, (717) 787-3945

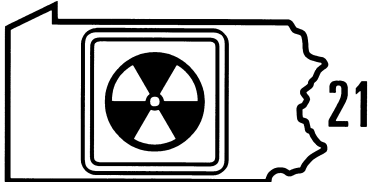


### Food

**#040201** Vendors to supply perishable foods to the Youth Development Center in New Castle for the quarter—April, May, June, 2001. Categories include: Shell eggs; Fresh Bread, Rolls, & related products; Fresh Pastries; Fresh Pies & Cakes; Fresh Fruits & Vegetables; Fresh Prepared Fruits & Vegetables; Frozen Fruits & Vegetables; Ice Cream & Ice Cream Products; Fresh Cheese & Dairy Products; Fresh Meats; Miscellaneous Prepared Foods; Fresh Poultry; and Fresh Fish.

**Department:** Public Welfare  
**Location:** Youth Development Center, RR 6, Box 21A, Frew Mill Road, New Castle, PA 16101  
**Duration:** April, May, June 2001  
**Contact:** Kathy Zeigler, (724) 656-7308

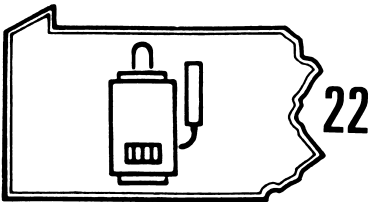




### Hazardous Material Services

**00700-018-00-AS-1** Decontamination of Feed Mill at the Landis Valley Museum, Lancaster, PA, Lancaster County. Scope includes removal of raccoon fecal matter from barn. A Mandatory pre-bid meeting & sign-in will be held on February 27, 2001 at 2:00 pm at Lanis Valley Museum, Lancaster, PA for all firms interested in submitting bids for the project. For directions contact the Project Manager, Kent Steinbrunner at (717) 783-9931. All interested bidders should submit a \$25.00 (non-refundable & made payable to PHMC) check and a request for a bid package in writing to: PA. Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 —ATTENTION: Judi Yingling (717) 772-2401. All proposals are due on Thursday, March 15, 2000 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

**Department:** Historical and Museum Commission  
**Location:** Landis Valley Museum, 2451 Kissel Hill Road, Lancaster, PA 17601  
**Duration:** April 1, 2001 to October 31, 2001  
**Contact:** Judi Yingling, (717) 772-2401



### HVAC Services

**SP1117500019** Contractor to provide regular preventive maintenance service for Cleveland Boiler Room Control and provide emergency service on an "as-needed" basis. Equipment includes Cleveland Controls, central instrumentation and combustion control consoles. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2001 through June 30, 2004  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520

**CL-535 HVAC Improvements, Gemmill** Clarion University of Pennsylvania is soliciting bid for improvement of the outdoor intake at Gemmill Student Complex. Work includes removal and replacement of specific outside air intakes on roof and ceiling unit ventilator, replacement of one air handling unit, extension of Johnson Control Metasys system to serve new equipment and furnishing and installing all control equipment. Pre-bid meeting: 10 A.M., February 21, 2001 in McEntire Maintenance Building. Bids due: 2:00 P.M., March 6, 2001. Bid packages available from contact person upon receipt of \$20, nonrefundable, check made payable to the University.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, PA  
**Duration:** 120 days from Notice to Proceed  
**Contact:** Judy McAninch, Contract Specialist, (814) 393-2240

**KURF-0001 (Revised)** KURF-0001 (Revised): Kutztown University is seeking qualified General, Mechanical, Plumbing and Electrical contractors for a Unit Price Contract who are able to perform maintenance and repairs to the Building Equipment Systems and Utility Systems at Kutztown University, Office of Planning and Construction, P. O. Box 730, Kutztown, PA 19530, phone (610) 683-4602. Proposal packages are available February 5, 2001 through pre-Proposal. A pre-proposal meeting has been scheduled for Thursday, February 15, 2001 at 10:00am in Room OM-26, Old Main Building. Proposals will be received March 5, 2001 no later than 2:00pm in Room 229, Office of Planning and Construction. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 365 days from NTP with up to 4 renewals  
**Contact:** Barbara Barish, (610) 683-4602

**050-328** Provide electrical repair service at Roadside rests along I-80 in Monroe County, Sites F & 41

**Department:** Transportation  
**Location:** Roadside Rests Site 41 and F along I-80 in Monroe County  
**Duration:** Two (2) year contract with three 1 year renewals  
**Contact:** Tim Kaercher, (610) 798-4189

**050-329** Provide plumbing service at roadside rests along I-80 in Monroe County. Sites identified by Site 41 & F

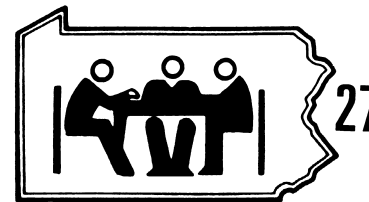
**Department:** Transportation  
**Location:** Roadside rest along I-80 Monroe County, Sites f & 41  
**Duration:** Two (2) year contract with three 1 year renewals  
**Contact:** Tim Kaercher, (610) 798-4189



### Janitorial Services

**Bid #8260** Furnish all labor, materials and equipment to perform janitorial services THREE (3) visits per week, including damp mop tile floors, sweep floors, vacuum carpets, dust furniture, general housecleaning twice a year and shampoo carpets at the PA State Police, Bethlehem Crime Lab & DNA Lab. Detailed Work Schedule & Bid must be obtained from Facility Management Division, 717-783-5484.

**Department:** State Police  
**Location:** Bethlehem Regional Laboratory, 2932 Airport Road, Bethlehem, PA 18107-2106  
**Duration:** 7/1/01 to 6/30/04  
**Contact:** Donna Enders, (717) 783-5484



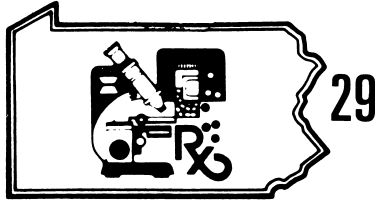
### Lodging/Meeting Facilities

**BOOT-2000** The Pennsylvania Emergency Management Agency plans to conduct the 2001 Pennsylvania Conference on Emergency Management on June 17, 18, 19 and 20, 2001. Facilities needed will be: up to 250 single lodging rooms; meals for up to 400 persons; conference facilities; including a large meeting room for plenary sessions (400 persons) and up to ten additional breakout rooms (150 persons each); and approximately 4000 sq. ft. of indoor and 6000 sq. ft. of outdoor display space. PEMA will award the contract based on lowest price after review of the facility. The acceptable locations will be the county of Lancaster, Dauphin, York or Lebanon. To receive a bid package please contact the Fiscal Management at (717) 651-2189 or send an email to aschaeffer@state.pa.us referencing BOOT-2000 and having the following information: contact person; hotel name; address; phone and fax number; and federal identification number.

**Department:** PA Emergency Management Agency  
**Location:** The acceptable locations will be the county of Lancaster, Dauphin, York or Lebanon.  
**Duration:** Ending June 30, 2001  
**Contact:** Amy Schaeffer, (717) 651-2189

**SP3500015537** Provide lodging, meeting rooms and meals for a two (2)-day meeting for approximately 300 attendees for the Department of Environmental Protection, Bureau of Program Integration and Effectiveness' meeting of eFACTS Users.

**Department:** Environmental Protection  
**Location:** Within a twenty-five (25) mile radius of the Capitol Complex, downtown Harrisburg, Pennsylvania through 10/31/01  
**Duration:** through 10/31/01  
**Contact:** Sharon Peterson, (717) 787-2471



## Medical Services

**SP-1102000003** The Contractor shall provide Dental Laboratory Services for inmates dental prothesis requirements as prescribed by the institutional dentist at the State Correctional Institution at Cresson. Bid prices will be from vendor's fee schedule which becomes part of bid proposal. Vendor to supply postage paid labels to Institutional Dental Clinic. Bid requirements on file in agency purchasing department.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 2001—June 30, 2003 (two fiscal years)  
**Contact:** Barbara A. Lloyd, Pur. Agent, (814) 886-8181

**LBP-2000-44** Vendor to provide ambulance service for local and long distance transports. For detailed specifications, please send fax request to (570) 961-4400.

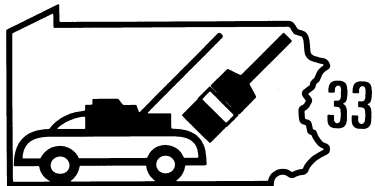
**Department:** Military Affairs  
**Location:** Northeastern Veterans' Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2001 through June 30, 2003 with renewal option.  
**Contact:** Barbara Partyka, PA-I, (570) 961-4354

**PSERS-HOP** The Public School Employees' Retirement System (PSERS) is soliciting for a vendor to provide Prescription Benefit Manager Services for PSERS Health Options Program. PSERS is looking for a firm or organization to fully insure and provide combined mail-service pharmacy and retail pharmacy network prescription; provide a pharmacy network prescription drug card benefit program and maintain a customer service unit with a PSERS-dedicated toll free telephone access for its Health Options Program. Program effective date January 1, 2002 thru December 31, 2004. Contact agency for complete specifications and bid package.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North 5th Street, Harrisburg, PA 17101  
**Contact:** Rebecca A. Sneed, (717) 720-4607

**552858** Contractor to provide ALS and/or BLS ambulance service for Warren State Hospital patients.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** 07/01/01—06/30/04  
**Contact:** Ms. Bobbie Muntz, PA III, (814) 726-4496



## Property Maintenance

**00701-000-00-AS-1** Exterior Painting and miscellaneous carpentry repairs to various buildings at the Ephrata Cloister, Ephrata, PA., Lancaster County. A Mandatory Pre-bid meeting will be held on February 27, 2001 at 9:00 am at the Ephrata Cloister, Ephrata, PA for all firms interested in submitting bids for the project. For directions contact the Project Manager, Kent Steinbrunner at (717) 783-9931 or the site at 717-733-6600. All interested bidders should submit a \$25.00 (non-refundable) check and a request for a bid package in writing to: PA, Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 —ATTENTION: Judi Yingling (717) 772-2401. All proposals are due on Thursday, March 15, 2001 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

**Department:** Historical and Museum Commission  
**Location:** Ephrata Cloister, 632 West Main Street, Ephrata, PA 17522  
**Duration:** April 1, 2001 to October 31, 2001  
**Contact:** Judi Yingling, (717) 772-2401

**080S65** This contract is to provide mowing, general maintenance, spring & fall cleanup, fertilizer, leaf raking/shredding and fall lime at PennDOT Engineering District 8-0's Roadside Rest Area/Welcoming Center, Site G, Franklin County, I-81 NB, 1 mile North of PA-MD State Line. Bid packages can be requested via Fax, 717-772-0975, or by telephone at 717-787-6408. All requests must include Contractor's (company) name, address, phone number, FAX number (if available) and contact person.

**Department:** Transportation  
**Location:** Rest Area/Welcoming Center, Site G I-81 NB, 1 Mile North of PA-MD State Line, Franklin Co., Antrim Twp.  
**Duration:** One (1) year period for a total of four (4) such renewals  
**Contact:** Jackie Koons-Felton, (717) 787-6408

**00671-000-00-AS-1** Project Name: Electrical Repairs: Various Buildings Description: Project involves replacement of electrical panels in approximately nine (9) locations through out the historic site. A new service to one building with sub-feeds to two others is also anticipated. A Pre-bid will be held at Old Economy Village, Ambridge, PA, Beaver County on February 14, 2001 at 9:00 am for all interested contractors. For directions, contact the site at 724-266-4500 or the project manager, Ted Strosser at 717-772-4992. All interested bidders should submit a \$25.00 (non-refundable) check (made out to PHMC) and a request for a bid package in writing to: PA, Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 — ATTENTION: Judi Yingling (717) 772-2401 or FAX to (717) 214-2988. All proposals are due on Wednesday, March 7, 2001 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Plaza Level, Room N118, 400 North Street, Harrisburg, PA 17120-0053.

**Department:** Historical and Museum Commission  
**Location:** Old Economy Village, 14th & Church Streets, Ambridge, PA 15003  
**Duration:** March 1, 2001 to October 31, 2001  
**Contact:** Judi Yingling, (717) 772-2401

**00701-009-00-AS-2** Roof Replacement—Candle Shop/Print Shop at the Ephrata Cloister, Ephrata, PA., Lancaster County. Scope: Remove existing and replace wood shingle roof to include flashing, gutters and downspouts. A Mandatory Pre-bid meeting will be held on February 27, 2001 at 11:00 am at the Ephrata Cloister, Ephrata, PA for all firms interested in submitting bids for the project. For directions contact the Project Manager, Kent Steinbrunner at (717) 783-9931 or the site at 717-733-6600. All interested bidders should submit a \$25.00 (non-refundable) check and a request for a bid package in writing to: PA, Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 —ATTENTION: Judi Yingling (717) 772-2401. All proposals are due on Thursday, March 15, 2001 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

**Department:** Historical and Museum Commission  
**Location:** Ephrata Cloister, 632 West Main Street, Ephrata, PA 17522  
**Duration:** April 1, 2001 to October 31, 2001  
**Contact:** Judi Yingling, (717) 772-2401

**045033** Mowing of select state routes in Susquehanna County.

**Department:** Transportation  
**Location:** PennDOT, District 4-5, RR 1, Box 40, Montrose, PA 18801  
**Duration:** Multi-year with possibility of renewal  
**Contact:** Dave Maciak, (570) 278-1171

**047033** Mowing of select state routes in Wyoming county.

**Department:** Transportation  
**Location:** PennDOT, District 4-7, 1 Franklin Ave., Tunkhannock, PA 18657  
**Duration:** Multi-year with possibility of renewal  
**Contact:** Dave Maciak, (570) 836-3141

**SP382100005** Services required for concrete deck replacement at Frances Slocum State Park Swimming Pool. To include some ADA improvements.

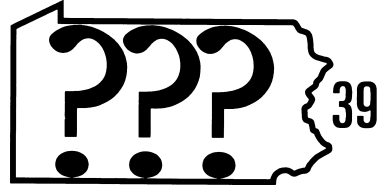
**Department:** Conservation and Natural Resources  
**Location:** Frances Slocum State Park  
**Duration:** Contract must be completed by May 19th, 2001  
**Contact:** Sandra Lewis, (215) 453-5030



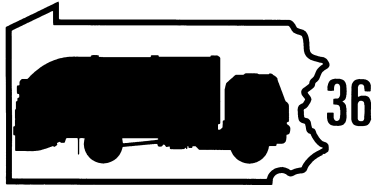
## Real Estate Services

**93172** LEASE SPACE TO THE COMMONWEALTH OF PA Proposals are invited to provide the Department of Health with 1,868 useable square feet of office/clinic space in Coudersport, Potter County, PA, with minimum parking for 5 vehicles. In areas where street or public parking is not available, an additional 10 parking spaces are required. Downtown locations will be considered. For more information on SFP #93172 which is due on March 26, 2001 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call 717-787-4394.

**Department:** Health  
**Location:** Room 505, North Office Building, Harrisburg, Pa. 17125  
**Contact:** John Hocker, (717) 787-4396



## Miscellaneous



## Sanitation

**SO-231** The State Correctional Institution at Somerset will be bidding a contract for repairs and repair parts for the Centauris/Computer Power Uninterruptible Emergency Power System at the Institution. The anticipated contract will be for a three year period. Interested vendors should request a bid package by contacting the institution directly.

**Department:** Corrections  
**Location:** State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001  
**Duration:** 7/01/01 through 6/30/04  
**Contact:** Theresa Solarczyk, Purchasing Agent II, (814) 443-8100 X311

**SP-1102000004** The Contractor shall provide Garbage Removal Services for the State Correctional Institution at Cresson. Services listed is an estimation and may be increased/decreased depending on institutional requirements. Bi-weekly pickups for one (1) each thirty (30) cubic yard compactor dumpster (Tuesday and Friday are days anticipated), and bi-weekly pickups for two (2) each six (6) cubic yard dumpsters (to be provided by vendor). Contractor shall also provide removal services for one (1) each thirty (30) cubic yard construction dumpster as needed. Anticipated of 10 pulls per each bid period. (This dumpster will be provided by vendor). Compactor is institutional owned. Dumpsters are to be provided by awarded vendor. Dumpsters to be air tight and have lids. Bid price will be per pick up/per day for each dumpster and unit compactor. Bid price for construction dumpster per pickup when needed. Turnaround time for unit compactor shall be three hours (pickup up 9:00 am— 12:00 Noon). Contractor must also have accommodation to thaw dumpsters in the event of freeze up due to inclement weather conditions. Pickup time for compactor/dumpsters shall be 9:00 am on days specified. Bid requirements on file in agency purchasing department.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 2001—June 30, 2003 (two fiscal years)  
**Contact:** Barbara A. Lloyd, Pur. Agent, (814) 886-8181



## Security Services

**1000-15318** Hand Geometry Readers

**Department:** Corrections  
**Location:** SCI-Graterford, P. O. Box 246, RTE 29, Graterford, Pa. 19426tion:  
**Contact:** Russ Ilgenfritz / Beth Procopio, (717) 975-4988

**012-9006-10** PennSERVE announces the availability of grant funding for operation of AmeriCorps Education Awards program for eligible Pennsylvania non-profit organizations. The program seeks to broaden the network of Pennsylvania's national service programs and to increase the number of communities using AmeriCorps members to better meet their education, public safety, environmental, and other human needs. Applicants may request up to \$400 per full-time member (pro-rated for part-time members) to defray a minor portion of program management costs. Education awards will be paid to AmeriCorps members who successfully complete service. Applications are due by 4:00 PM, Thursday, April 12, 2001. Requests for applications can be made by phone: 717-787-1971; by fax: 717-705-4215; or by e-mail: hkro@tstate.pa.us.

**Department:** Labor and Industry  
**Location:** PennSERVE; The Governor's Office of Citizen Service, 1306 Labor & Industry Bldg., 7th and Forster Streets, Harrisburg, PA 17120  
**Duration:** 1 year upon award  
**Contact:** Harry Krot, (717) 772-4425

**012-9006-09** PennSERVE announces the availability of grant funding for operation of AmeriCorps national service programs by nonprofit organizations, government agencies and educational institutions. A cash match is required based on funding levels. Priority areas are education, public safety, environment, and human needs. Application deadline is 4:00 pm on April 12, 2001. Applications are available by contacting PennSERVE by phone at 717-787-1971 or by fax at 717-705-4215 or by email at rejohanson@state.pa.us.

**Department:** Labor and Industry  
**Location:** PennSERVE; The Governor's Office of Citizen Service, 1306 Labor & Industry Bldg., 7th and Forster Streets, Harrisburg, PA 17120  
**Duration:** 1 year upon award  
**Contact:** Renee Johnson, (717) 787-1971

**PGC-2680** Agency is seeking contractor to build and plant approximately 31 acres of herbaceous openings on State Game Lands #044, Elk County, Pennsylvania. Work involves clearing stumps, roots, slash and small trees; planting clovers, birdsfoot, Orchard grass, and Timothy; and mulching with hay or straw. Maps and specifications are included in bid package which may be obtained through agency. Tours for interested contractors can be scheduled through Land Manager, Mr. John Dzemyan.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission Automotive and Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** Upon award through July 31, 2001  
**Contact:** Diane Shultz or Linda Beaver, (717) 787-6594

**01500003** The purpose of this notice is to provide prior public notice of the Department of Public Welfare's (the Department) intent to develop a list of qualified Behavioral Health Managed Care Organizations (BH-MCO) as potential contractors for the Health Choices Behavioral Health Program. The development of this List is the first in a two-step process for obtaining a Behavioral Health contractor should the need arise. Health Choices is a mandatory Managed Care program for Medicaid recipients in Pennsylvania. Additional information about the HealthChoices Behavioral Health program is available at the following website: [www.dpw.state.pa.us/omap/dpwomap.asp](http://www.dpw.state.pa.us/omap/dpwomap.asp) Please see Executive Agency DPW Notice in the PA Bulletin for further information.

**Department:** Public Welfare  
**Location:** Office of Mental Health and Substance Abuse, Room 247, Beechmont Building, P. O. Box 2675, Harrisburg, PA 17105  
**Duration:** N/A  
**Contact:** Ray Klabe, (717) 772-7984

**2500—Funeral Services** Contractor to provide basic professional funeral services to include removal of remains from Institution or local hospital, securing necessary permits, minimum casket and grave site including opening and closing. Contractor shall cremate all remains.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** 3 years July 1, 2001 to June 30, 2004  
**Contact:** Stephen Kaminski, (570) 675 1101 ext. 294

**PGC-2679** Agency is seeking a contractor to furnish and install three-strand electric streambank fencing on multiple, individual private farms located in northwestern Warren, eastern Erie, and central Lawrence Counties. Our goal is to have this work completed by June 30, 2001. Contractor will be required to furnish and install fence according to agency specifications and standards, which are delineated in the bid package. No minimum amount of fence construction is implied or guaranteed, however, the fencing of three multiple farm project sites is anticipated. Invoices will be honored upon completion of each site and approval of agency personnel.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Automotive and Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** Upon award through June 30, 2001.  
**Contact:** Diane Shultz or Linda Beaver, (717) 787-6594

**10873012** MAINTENANCE ON COMMUNICATION SYSTEM EQUIPMENT: To perform maintenance service on radio base station, remote control, hand held radios, car charging unit, and car radios, as needed by the institution, on an as needed basis. Contractor must pick up unit(s) to be repaired within 24 hours after notification and must have repaired unit(s) back at Harrisburg State Hospital within 72 hours after pick-up. Frequency checks on equipment to be made annually.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron & Maclay Streets, Harrisburg, PA 17106-1260  
**Duration:** The term of this contracty is anticipated to be begin July 1, 2001 through June 30, 2004.  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**SP 16 1 0391 258** THE SCRANTON STATAE SCHOOL FOR THE DEAF IS SEEKING PART TIME ON CALL SIGN LANGUAGE INTERPRETERS/ TRANSLITERATORS. CERTIFICATION IS REQUIRED IN ACCORDANCE TO MANAGEMENT DIRECTIVE 205.32. THE CONTRACT IS FOR FOUR ONE YEAR TERMS. DO NOT CALL FOR INFORMATION. ALL INFORMATION IS IN THE BID. FAX YOUR NAME, ADDRESS AND FAX NUMBER TO 570-963-4544 FOR THE PROCEDURE IN OBTAINING SEALED BID PACKAGE NUMBER SP 16 1 0391 258.

**Department:** Education  
**Location:** SCRANTON STATE SCHOOL FOR THE DEAF, DEPARTMENT OF EDUCATION, 1800 NORTH WASHINGTON AVENUE, SCRANTON, PA 18509-1799  
**Contact:** MERRILL MAYENSCHIN, FAX 570-963-4544

**110120009** Contractor to provide removal and replacement of failed glass throughout institution. All units are insulated and either 9/16 glass clad polycarbonate or 7/16 glass clad polycarbonate.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Rt 18, Albion, Pa. 16475-0001  
**Duration:** One time service/repair  
**Contact:** Lesley S. Jarrett, Purchasing Agent II, (814) 756-5778

**132-00** Supply and Install Razor Wire. Installation to be on 1,025 lineal feet of wall and fence surface located in the courtyard areas of building 51, a forensic unit.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401  
**Duration:** Within 90 days of receiving purchase order.  
**Contact:** Sue Brown, Purchasing Agent, (610) 313-1026

**2500—Radio Maintenance** Contractor to provide radio maintenance coverage to the State Correctional Institution at Dallas for all base stations, mobiles and walkie-talkies including removals and installs.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** 3 years July 1, 2001 to June 30, 2004  
**Contact:** Stephen Kaminski, (570) 675 1101 ext. 294

[Pa.B. Doc. No. 01-260. Filed for public inspection February 9, 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*

STATE CONTRACTS INFORMATION

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
1233350-01	1/29/01	Weisenbach Specialty Printing	46,470.00
1260210-01	1/29/01	Klingensmith	30,349.00
1267110-01	1/29/01	Starr Uni- form	58,942.00
1274110-01	1/29/01	Pasco Brookrage	40,650.00
1288350-01	1/29/01	Cosa Instru- ment Corp.	217,295.82

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
1291150-01	1/29/01	A L Moul En- terprises	19,750.00
8247120-01	1/29/01	Protection Services	17,500.00
0057-08	1/25/01	Advanced Communi- cations	160,526.04
0064-04	1/25/01	Huggins Printing Co.	165,016.20

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 01-261. Filed for public inspection February 9, 2001, 9:00 a.m.]