

PENNSYLVANIA BULLETIN

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

No. 292, March 1999

PENNSYLVANIA



BULLETIN

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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
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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977, 978, 1067, 1388, 1389, 1390

THE GENERAL ASSEMBLY

Recent Actions During the 1999 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1999 Regular Session.

1999 ACTS—ACTS 1 AND 2 (numerical)

| <i>Act No.</i> | <i>Enactment Date</i> | <i>Bill No.</i> | <i>Printer's No.</i> | <i>Effective Date</i> | <i>Subject Matter</i> |
|----------------|-----------------------|-----------------|----------------------|-----------------------|---|
| 1999-01 | Feb. 9 | SB10 | PN313 | Immediately | Capital Facilities Debt Enabling Act—enactment |
| 1999-02 | Feb. 10 | SB273 | PN293 | Immediately | Second Class County Code—nomination petitions for district county council member and at large county council member |

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified of where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth, and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

Legislative Bills and Documents

Copies of Senate Bills and Documents may be obtained from: Document Room, Senate of Pennsylvania, Room 34A, Main Capitol Building, Harrisburg, PA 17120, (717) 787-6732.

Copies of House Bills and Documents may be obtained from: Document Room, House of Representatives, 35 Main Capitol Building, Harrisburg, PA 17120, (717) 787-5320.

CARL L. MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 99-395. Filed for public inspection March 12, 1999, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 67]

Internal Operating Procedures

The Commonwealth Court recently amended its internal operating procedures.

G. RONALD DARLINGTON,
Executive Administrator

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 67. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT APPELLATE JURISDICTION

§ 67.35. Rearguments; Petitions for Reargument.

The president judge shall distribute petitions for reargument and answers to them, **involving cases decided by a panel of the court or the court en banc**, to all judges of the court. After consideration pursuant to such circulation, the vote of the majority of the active judges of the court to grant or deny the petition for reargument shall govern, although comments from the court's senior judges shall be solicited. **Where a party files a petition for reargument of an order issued by a single judge, the executive administrator or the prothonotary shall submit the petition, together with any answer, to that judge for disposition.**

[Pa.B. Doc. No. 99-396. Filed for public inspection March 12, 1999, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CHS. 1—11, 20, 30, 50, 100,
200, 300, 1100, 1400—1700, 2000, 4000,
6000 AND 9000]

Proposal to Reorganize and Renumber the Rules of Criminal Procedure

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania reorganize and renumber the Rules of Criminal Procedure, and make a number of correlative changes to the rules. The proposed reorganization will present the rules in a more orderly fashion that more accurately reflects the movement of a criminal case through the criminal justice system, thereby making the rules more "user friendly" and easier to follow.¹ This proposal has not been

¹ For purposes of this Report, the Committee has included only the text of the rules that would be amended, not all the rules as renumbered.

submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The proposed reorganization and text of the amendments precedes the Report. Deletions appear in bold and brackets, and additions appear in bold.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901 no later than Wednesday, April 28, 1999.

By the Criminal Procedural Rules Committee

FRANCIS BARRY MCCARTHY,
Chair

Proposed Reorganization of Rules²

Rule

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- 100. Scope of Rules.
- 101. Purpose and Construction.
- 102. Citing the Criminal Procedural Rules.

Part A. Business of the Courts

- 103. Definitions.
- 104. Design of Forms.
- 105. Local Rules.
- 106. Continuances in Summary and Court Cases.
- 107. Contents of Subpoena.
- 108. Habeas Corpus Venue.
- 109. Defects in Form, Content, or Procedure.
- 110. Special Orders Governing Widely-Publicized or Sensational Cases.
- 111. Public Discussion of Pending or Imminent Criminal Litigation by Court Personnel.
- 112. Publicity, Broadcasting, and Recording of Proceedings.
- 113. Notice of Court Proceeding(s) Requiring Defendant's Presence.
- 114. Notice and Docketing of Orders.
- 115. Recording and Transcribing Court Proceedings.

Part B. Counsel

- 120. Attorneys—Appearances and Withdrawals.
- 121. Waiver of Counsel.
- 122. Assignment of Counsel.
- 123. Application for the Assignment of Counsel.
- 124. In Forma Pauperis. (Reserved)

² As an aid in following the reorganization, the Committee has prepared (1) a Derivation Table, which indicates the new rule numbers and titles with the "former" rule numbers listed next to them, and (2) a Disposition Table, which indicates the current rule numbers and titles with the "new" rule numbers listed next to them. See the Appendix that follows the Report.

Part C. Venue, Location, and Recording of Proceedings Before Issuing Authority

- 130. Venue.
- 131. Location of Proceedings Before Issuing Authority.
- 132. Continuous Availability and Temporary Assignment of Issuing Authorities.
- 133. Powers of Temporarily Assigned Issuing Authorities.
- 134. Objections to Venue.
- 135. Transcript of Proceedings Before Issuing Authority.

Part D. Procedures Implementing 42 Pa.C.S. §§ 4137, 4138, and 4139: Criminal Contempt Powers of District Justices, Judges of the Pittsburgh Magistrates Court and Judges of the Traffic Court of Philadelphia

- 140. Contempt Proceedings Before District Justices, Pittsburgh Magistrates Court Judges, and Philadelphia Traffic Court Judges.
- 141. Appeals from Contempt Adjudications by District Justices, Pittsburgh Magistrates Court Judges, or Philadelphia Traffic Court Judges.
- 142. Procedures Governing Defaults in Payment of Fine Imposed As Punishment for Contempt.

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- 200. Who May Issue.
- 201. Purpose of Warrant.
- 202. Approval of Search Warrant Applications by Attorney for the Commonwealth—Local Option.
- 203. Requirements for Issuance.
- 204. Person to Serve Warrant.
- 205. Contents of Search Warrant.
- 206. Contents of Application for Search Warrant.
- 207. Manner of Entry Into Premises.
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- 221. Summoning Investigating Grand Jurors.
- 222. Composition and Organization of the Investigating Grand Jury.
- 223. Administering Oath to Stenographer.
- 224. Administering Oath to Court Personnel.
- 225. Administering Oath to Grand Jury and Foreman.
- 226. Charge to Investigating Grand Jury.
- 227. Administering Oath to Witness.
- 228. Recording of Proceedings Before Investigating Grand Jury.
- 229. Control of Investigating Grand Jury Transcript/Evidence.
- 230. Disclosure of Testimony Before Investigating Grand Jury.
- 231. Who May Be Present During Session of an Investigating Grand Jury.

B(2). Statewide or Regional Investigating Grand Juries

- 240. Applicability of Investigating Grand Jury Rules.
- 241. Summoning Jurors for Statewide or Regional Investigating Grand Juries.
- 242. Providing Prospective Jurors for Statewide or Regional Investigating Grand Juries.
- 243. Location of Statewide or Regional Investigating Grand Juries.
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- 301. Procedures for Accelerated Rehabilitative Disposition in Summary Cases Before the Minor Judiciary.
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- 310. Motion for Accelerated Rehabilitative Disposition.
- 311. Application Process and Notice of Motion by Attorney for the Commonwealth.
- 312. Hearing, Explanation of Program.
- 313. Hearing, Manner of Proceeding.
- 314. Deferring Action Upon Admission to Program Before Information.
- 315. Deferring Adjudication of the Charges Upon Admission to Program After Information.
- 316. Conditions of the Program.
- 317. Procedure Upon Refusal to Accept the Conditions.
- 318. Procedure on Charge of Violation of Conditions.
- 319. Procedure for Obtaining Order for Dismissal Upon Successful Completion of the Program.
- 320. Expungement Upon Successful Completion of ARD Program.

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Committee Introduction to Chapter 4.

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- 400. Means of Instituting Proceedings in Summary Cases.
- 401. Means of Instituting Proceedings in Summary Cases Charging Parking Violations.

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Rule [301] 106. Continuances in summary and court cases.

[(a)] (A) The court **or issuing authority** may, in the interests of justice, grant a continuance, [of] on its own motion, or on the motion of either party.

(B) **When the matter is before an issuing authority, the issuing authority shall record on the transcript the identity of the moving party and the reasons for granting or denying the continuance. When the matter is in the court of common pleas, [The] the [court] judge shall on the record identify the moving party and state of record the [court's] reasons [justifying the] for granting or [denial of] denying the continuance.**

[(b)] (C) A motion for continuance on behalf of the defendant shall be made not later than [forty-eight] 48 hours before the time set for the trial. A later motion shall be entertained only when the opportunity therefor did not previously exist, or the defendant was not aware of the grounds for the motion, or the interests of justice require it.

Official Note: Formerly Rule 301, [Adopted] adopted June 30, 1964, effective January 1, 1965; amended June 8, 1973, effective July 1, 1973; amended June 29, 1977 and through November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; renumbered Rule 106 and amended _____, effective _____.

Committee Explanatory Reports:

Renumbered Rule 106:

Report explaining the reorganization of the rules and the provisions of Rule 106 published at 29 Pa.B. 1369 (March 13, 1999).

(This is an amalgamated rule, combining Rules 90 and 150.)

Rule 109. Defects in Form, Content, or Procedure.

A defendant shall not be discharged nor shall a case be dismissed because of a defect in the form or content of a

complaint, citation, summons, or warrant, or a defect in the procedures of these rules, unless the defendant raises the defect before the conclusion of the trial in a summary case or before the conclusion of the preliminary hearing in a court case, and the defect is prejudicial to the rights of the defendant.

Official Note: Former Rule 90 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986. Former Rule 150, formed from former Rule 114 (Informal Defects), and former Rule 115 (Substantive Defects), both adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; both revised January 31, 1970, effective May 1, 1970; combined, renumbered Rule 150 and amended September 18, 1973, effective January 1, 1974; amended April 8, 1982, effective July 1, 1982, Comment revised July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986. Rules 90 and 150 combined and renumbered Rule 109 _____, effective _____.

Comment:

This rule combines and replaces previous Rules 90 and 150.

This rule clarifies when a defendant should be discharged or a case dismissed because of a defect; it eliminates disputes as to what is an informal defect or a substantive defect. As a condition of relief regardless of whether the defect is in form, content, or procedure, the court or issuing authority must determine that there is actual prejudice to the rights of the defendant.

A complaint, citation, summons, or warrant may be amended at any time so as to remedy any defect in form or content that is not prejudicial to the rights of the defendant. Nothing in this rule shall prevent the filing of a new complaint or citation and the reissuance of process. Any new complaint or citation must be filed within the time permitted by the applicable statute of limitations.

Ordinarily, if a defendant does not raise a defect at the summary trial or before the conclusion of the preliminary hearing, the defendant cannot thereafter raise the defect as grounds for dismissal or discharge at a later stage in the proceedings. See *Commonwealth v. Krall*, 304 A.2d 488 (Pa. 1973). In a summary case, however, the provisions of this rule do not preclude a defendant from raising a defect for the first time after the summary trial when the interests of justice require it, as for example, when the defendant was not represented by counsel during the proceedings before the district justice or when the defendant could not reasonably have discovered the defect until after the conclusion of the summary trial.

Any defect properly raised under this rule shall be specifically described on the docket by the issuing authority. See Pa.R.Crim.P. 135.

If the issuing authority determines that a defect is prejudicial, it is intended that the decision recorded on the docket pursuant to Rule 135(b)(12) shall be "discharge of the defendant" or "dismissal of the case," rather than "not guilty."

Committee Explanatory Reports:

Renumbered Rule 109:

Report explaining the reorganization of the rules and the provisions of Rule 109 published at 29 Pa.B. 1369 (March 13, 1999).

(This is an amalgamated rule, combining Rules 27 and 328.)

Rule 112. Publicity, Broadcasting, and Recording of Proceedings.

(A) The court or issuing authority shall:

(1) prohibit the taking of photographs or motion pictures of any judicial proceedings or in the hearing room or courtroom or its environs during the judicial proceedings; and

(2) prohibit the transmission of communications by telegraph, telephone, radio, or television from the hearing room or the courtroom or its environs during the progress of or in connection with any judicial proceedings, whether or not the court is actually in session.

The environs of the hearing room or courtroom is defined as the area immediately surrounding the entrances and exits to the hearing room or courtroom.

(B) The court or issuing authority may permit the taking of photographs or radio or television broadcasting of judicial proceedings, such as naturalization ceremonies or the swearing in of public officials, which may be conducted in the hearing room or courtroom.

(C) Except as provided in paragraph (D), the mechanical or electronic recording of any judicial proceedings by anyone other than the official court stenographer in a court case, for any purpose, is prohibited.

(D) In a judicial proceeding before an issuing authority, the issuing authority, the attorney for the Commonwealth, or the defendant may cause a recording to be made of the judicial proceeding as an aid to the preparation of the written record for subsequent use in a case, but such recordings shall not be publicly played or disseminated in any manner unless in a court during a trial or hearing.

(E) If it appears to the court or issuing authority that a violation of this rule has resulted in substantial prejudice to the defendant, the court or issuing authority, upon application by the attorney for the Commonwealth or the defendant, may:

(1) Quash the proceedings at the preliminary hearing and order another preliminary hearing to be held before the same issuing authority at a subsequent time without additional costs being taxed.

(2) Discharge the defendant on nominal bail if in custody, or continue the bail if at liberty, pending further proceedings.

(3) Order all costs of the issuing authority forfeited in the original proceedings.

(4) Adopt any, all, or combination of these remedies as the nature of the case requires in the interests of justice.

Official Note: Former Rule 27, previously Rule 143, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 27 September 18, 1973, effective January 1, 1974; amended February 15, 1974, effective immediately; Comment revised March 22, 1989, effective July 1, 1989; amended June 19, 1996, effective July 1, 1996. Former Rule 328 adopted January 25, 1971, effective February 1, 1971; amended June 29, 1977 and November 22, 1977; effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised March 22, 1989, effective July 1, 1989. Rules 27 and 328 combined, renumbered Rule 112, and amended _____, effective _____.

Comment:

This rule combines and replaces Rules 27 and 328.

"Recording" as used in this rule is not intended to preclude the use of recording devices for the preservation of testimony as permitted by Rules 500 and 501.

Committee Explanatory Reports:

Former Rule 27:

Final Report explaining the June 19, 1996 amendments to former Rule 27 published with the Court's Order at 26 Pa.B. 3128 (July 6, 1996).

Renumbered Rule 112:

Report explaining the reorganization of the rules and the provisions of Rule 112 published at 29 Pa.B. 1369 (March 13, 1999).

This rule is derived from former Rule 86(A),
(D)—(F), (H), (I.)

Rule 460. Notice of Appeal.

(A) When an appeal is authorized by law in a summary proceeding, including a prosecution for violation of a municipal ordinance which provides for imprisonment upon conviction or upon failure to pay a fine, an appeal shall be perfected by filing a notice of appeal within 30 days after the conviction or other final order from which the appeal is taken. The notice of appeal shall be filed with the clerk of courts.

(B) The notice of appeal shall contain the following information:

- (1) the name and address of the appellant;
- (2) the name and address of the issuing authority who heard the case;
- (3) the magisterial district number in which the case was heard;
- (4) the name and mailing address of the affiant as shown on the complaint or citation;
- (5) the date of the conviction or other final order from which the appeal is taken;
- (6) the offense(s) of which convicted, if any;
- (7) the sentence imposed, and if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;
- (8) the type or amount of bail or collateral furnished to the issuing authority, if any;
- (9) the name and address of the attorney, if any, filing the notice of appeal; and
- (10) except when the appeal is from a conviction, the grounds relied upon for appeal.

(C) Within 5 days after filing the notice of appeal, a copy shall be served either personally or by mail by the clerk of courts upon the issuing authority, the affiant, and the appellee or appellee's attorney, if any.

(D) The issuing authority shall, within 20 days after receipt of the notice of appeal, file with the clerk of courts:

- (1) the transcript of the proceedings;
- (2) the original complaint or citation;
- (3) the summons or warrant of arrest, if any; and
- (4) the bail bond, if any.

(E) This rule shall provide the exclusive means of appealing from a summary conviction. Courts of common pleas shall not issue writs of certiorari in such cases.

(F) This rule shall not apply to appeals from contempt adjudications.

Official Note: Formerly Rule 86, which replaced prior Rule 67 and was adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; paragraphs (A), (D), (E), (F), (H), and (I) renumbered Rule 460 and amended _____, effective _____.

Comment:

This rule is derived from former Rule 86(A), (D), (E), (F), (H), and (I).

This rule applies to appeals in all summary proceedings, including prosecutions for violations of municipal ordinances which provide for the possibility of imprisonment, and default hearings.

Appeals from contempt adjudications are governed by Rule 141.

The narrow holding in *City of Easton v. Marra*, 326 A.2d 637 (Pa. Super. 1974), is not in conflict, since the record before the court did not indicate that imprisonment was possible under the ordinance there in question.

When the only issues on appeal arise solely from an issuing authority's determination after a default hearing pursuant to Rule 456, the matter must be heard de novo by the appropriate judge of the court of common pleas and only those issues arising from the default hearing are to be considered. It is not intended to reopen other issues not properly preserved for appeal. A determination after a default hearing would be a final order for purposes of these rules.

Rule 462(D) provides for the dismissal of an appeal when the defendant fails to appear for the trial de novo.

Certiorari was abolished by the Criminal Rules in 1973 pursuant to Article V Schedule Section 26 of the Constitution of Pennsylvania, which specifically empowers the Supreme Court of Pennsylvania to do so by rule. This Schedule section is still viable, and the substance of this Schedule section has also been included in the Judicial Code, 42 Pa.C.S. § 934. The abolition of certiorari continues with this rule.

Committee Explanatory Reports:

Former Rule 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997).

Renumbered Rule 460:

Report explaining the reorganization of the rules and the provisions of Rule 460 published at 29 Pa.B. 1369 (March 13, 1999).

(This rule is derived from Rule 86(B) and (C).)

Rule 461. Stays.

(A) In all summary cases in which a sentence of imprisonment has been imposed, execution of sentence shall be stayed until the time for appeal expires.

(B) In any summary case in which a notice of appeal is filed, the execution of sentence shall be stayed.

(C) Whenever the execution of sentence is stayed pursuant to this rule, the issuing authority may set collateral.

(D) During the 30-day appeal period, failure to pay fines and costs, or restitution, shall not be grounds for imprisonment, and shall not be grounds to preclude the taking of an appeal.

Official Note: Formerly Rule 86(B) and (C), adopted October 1, 1997, effective October 1, 1998; paragraphs (B) and (C) renumbered Rule 461 and amended _____, effective _____.

Comment:

This rule is derived from Rule 86(B) and (C).

Under paragraph (B), the stay applies to all "sentences" imposed after conviction, including sentences of imprisonment, fines and costs, or restitution, and sentences of imprisonment for defaults in payment pursuant to Rule 456.

Committee Explanatory Reports:

Former Rule 86(B) and (C):

Final Report explaining the October 1, 1997 addition of paragraphs (B) and (C) to Rule 86 published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997).

Renumbered Rule 461:

Report explaining the reorganization of the rules and the provisions of Rule 461 published at 29 Pa.B. 1369 (March 13, 1999).

(This rule is derived from Rules 86(G), and 1117(c).)

Rule 462. Trial De Novo.

(A) When a defendant appeals after conviction by an issuing authority in any summary proceeding, upon the filing of the transcript and other papers by the issuing authority, the case shall be heard de novo by the judge of the court of common pleas sitting without a jury.

(B) The attorney for the Commonwealth may appear and assume charge of the prosecution. When the violation of an ordinance of a municipality is charged, an attorney representing that municipality, with the consent of the attorney for the Commonwealth, may appear and assume charge of the prosecution. When no attorney appears on behalf of the Commonwealth, the affiant may be permitted to ask questions of any witness who testifies.

(C) In appeals from summary proceedings arising under the Vehicle Code or local traffic ordinances, other than parking offenses, the law enforcement officer who observed the alleged offense must appear and testify. Unless the presence of the law enforcement officer is waived in open court by the defendant, the failure of the officer to appear and testify shall result in a dismissal of the charges.

(D) If the defendant fails to appear, the trial judge may dismiss the appeal and enter judgment in the court of common pleas on the judgment of the issuing authority.

(E) If the defendant withdraws the appeal, the trial judge shall enter judgment in the court of common pleas on the judgment of the issuing authority.

(F) The verdict and sentence, if any, shall be announced in open court immediately upon the conclusion of the trial.

(G) At the time of sentencing, the trial judge shall:

(1) if the defendant's sentence includes restitution, a fine, or costs, state the date on which payment is due. If the defendant is without the financial means to pay the amount in a single remittance, the trial judge may provide for installment payments and shall state the date on which each installment is due;

(2) advise the defendant of the right to appeal to the Superior Court within 30 days, and that, if an appeal is filed, the execution of sentence will be stayed and the trial judge may set bail;

(3) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(4) issue a written order imposing sentence, signed by the trial judge. The order shall include the information specified in paragraphs (G)(1) through (G)(3), and a copy of the order shall be given to the defendant.

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998. Former Rule 1117 adopted January 24, 1968, effective August 1, 1968; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995. Former Rules 86(G), and 1117(c) combined, renumbered Rule 462, and amended _____, effective _____.

Comment:

This rule is derived from former Rule 86(G), and former Rule 1117(c).

The procedures for conducting the trial de novo in the court of common pleas set forth in paragraphs (B), (F), and (G) are comparable to the summary case trial procedures in Rule 454 (Trial in Summary Cases).

Pursuant to paragraph (B), the decision whether to appear and assume control of the prosecution of the trial de novo is solely within the discretion of the attorney for the Commonwealth. When no attorney appears at the trial de novo on behalf of the Commonwealth or a municipality, the trial judge may ask questions of any witness who testifies, and the affiant may request the trial judge to ask specific questions. In the appropriate circumstances, the trial judge may also permit the affiant to question Commonwealth witnesses, cross-examine defense witnesses, and make recommendations about the case to the trial judge.

Paragraph (D) makes it clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from the trial de novo. If the appeal is dismissed, the trial

judge should enter judgment and order execution of any sentence imposed by the issuing authority.

Committee Explanatory Reports:

Former Rule 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 concerning stays published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997).

Former Rule 1117:

Final Report explaining the October 28, 1994 amendments to former Rule 1117 published with the Court's Order at 24 Pa.B. 5841 (November 26, 1994).

Renumbered Rule 462:

Report explaining the reorganization of the rules and the provisions of Rule 462 published at 29 Pa.B. 1369 (March 13, 1999).

Rule [1117] 602. Presence of the Defendant.

[(a)] (A) * * *

[(b)] (B) * * *

[(c) In a summary case appealed for a trial de novo, if the defendant fails to appear as required by Rule 86, the trial judge may dismiss the appeal and enter judgment in the court of common pleas on the judgment of the issuing authority.]

Official Note: Formerly Rule 1117, [Adopted] adopted January 24, 1968, effective August 1, 1968; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995[.] ; **renumbered Rule 602 and amended _____, effective _____.**

Comment:

[Paragraph] Former Rule 1117(c) was moved to Rule 462 (Trial de novo) in 1999 as part of the reorganization of the rules. [added in 1994 to make it clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from the trial de novo. If the appeal is dismissed, the trial judge should enter judgment and order execution of any sentence imposed by the issuing authority.]

Committee Explanatory Reports:

Former Rule 1117:

Final Report explaining the October 28, 1994 amendments to former Rule 1117 published with the Court's Order at 24 Pa.B. 5841 (November 26, 1994).

Renumbered Rule 602:

Report explaining the reorganization of the rules and the provisions of Rule 602 published at 29 Pa.B. 1369 (March 13, 1999).

Rule [1108] 633. Examination and Challenges of Alternate Trial Jurors.

[(a)] (A) The trial judge may direct that a reasonable even number of jurors in addition to the principal jurors be called and impanelled to sit as alternate jurors.

[Alternate jurors in the order in which they are called shall replace principal jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. An alternate juror who does not replace a principal juror shall be discharged before the jury retires to consider its verdict.]

[(b)] (B) * * *

[(c)] (C) * * *

Official Note: Formerly Rule 1108, [Adopted] adopted January 24, 1968, effective August 1, 1968; amended June 30, 1975, effective September 28, 1975; amended July 1, 1980, effective August 1, 1980[.] ; **renumbered Rule 633 and amended _____, effective _____.**

Comment:

Paragraph [(b)] (B) of this rule sets forth the number of peremptory challenges for the selection of alternate trial jurors and is intended to replace the Act of May 1, 1935, P. L. 127, No. 50, 51, insofar as it applied to criminal trials. That Act was repealed by the Judiciary Act Repealer Act, [. Act of April 28, 1978, P. L. 202, No. 53, § 2(a);] 42 P. S. § 20002(a) [1156] [(1979)].

The number of peremptory challenges for the selection of principal trial jurors is governed by Rule [1126] 634. [The 1980 amendment to paragraph] Paragraph (B) [(b) is intended to reflect] reflects the different treatment, under Rule [1126] 634, of trials involving only one defendant and trials involving joint defendants.

Committee Explanatory Reports:

Renumbered Rule 633:

Report explaining the reorganization of the rules and the provisions of Rule 633 published at 29 Pa.B. 1369 (March 13, 1999).

(This rule is derived from Rule 1108(a).)

Rule 645. Seating and Discharge of Alternate Jurors.

(A) Alternate jurors, in the order in which they are called, shall replace principal jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties.

(B) An alternate juror who does not replace a principal juror shall be discharged before the jury retires to consider its verdict.

Official Note: Formerly Rule 1108, [Adopted] adopted January 24, 1968, effective August 1, 1968; amended June 30, 1975, effective September 28, 1975; amended July 1, 1980, effective August 1, 1980[.] ; **renumbered Rule 645 and amended _____, effective _____.**

Comment:

This rule is derived from the last two sentences of former Rule 1108(a). See Rule 633 for the procedures for the examination and challenges of alternate trial jurors.

Committee Explanatory Reports:

Renumbered Rule 645:

Report explaining the reorganization of the rules and the provisions of Rule 645 published at 29 Pa.B. 1369 (March 13, 1999).

(This is an amalgamated rule, combining Rules 39, 159, 340, 1415, and 2020.)

Rule 1101. Suspension of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly, as follows:

(A) The Act of June 15, 1994, P. L. 273, No. 45, § 1, 42 Pa.C.S. §§ 4137, 4138, and 4139, which provides, *inter alia*, that any punishment imposed for contempt will be "automatically stayed for a period of 10 days from the date of the imposition of the punishment during which time an appeal of the action" of a district justice, a Pittsburgh Magistrates Court judge, or a Philadelphia Traffic Court judge "may be filed with the court of common pleas of the judicial district," and which is implemented by Rules 140, 141, and 142, is suspended only insofar as the Act is inconsistent with the 30-day appeal period and 30-day automatic stay period set forth in Rule 141.

(B) The Act of April 29, 1959, P. L. 58, § 1209, 75 P. S. § 1209, repealed by Act of June 17, 1976, P. L. 162, No. 81, § 7 and replaced by Sections 6322, 6323, 6324, and 6325 of the Vehicle Code (75 Pa.C.S. §§ 6322—6325), are suspended insofar as these Sections are inconsistent with Rule 470.

(C) The Act of July 1, 1987, P. L. 180, No. 21, § 2, 42 Pa.C.S. § 1520, is suspended insofar as the Act is inconsistent with Rules 300, 301, 302, and Rules 310 through 320.

(D) The Public Defender Act, Act of December 2, 1968, P. L. 1144, No. 358, § 1 *et seq.* as amended through Act of December 10, 1974, P. L. 830, No. 277, § 1, 16 P. S. § 9960.1 *et seq.*, is suspended only insofar as the Act is inconsistent with Rule 122.

(E) Section 5720 of the Wiretapping and Electronic Surveillance Control Act, Act of October 4, 1978, P. L. 831, No. 164, 18 Pa.C.S. § 5720, is suspended as inconsistent with Rule 573 only insofar as the Section may delay disclosure to a defendant seeking discovery under Rule 573B(1)(g); and Section 5721(b) of the Act, 18 Pa.C.S. § 5721(b), is suspended only insofar as the time frame for making a motion to suppress is concerned, as inconsistent with Rules 579 and 581.

(F) Sections 9731, 9732, 9733, 9734, 9735, 9736, 9751, 9752, and 9759 of the Sentencing Code, 42 Pa.C.S. §§ 9731, 9732, 9733, 9734, 9735, 9736, 9751, 9752, and 9759 are suspended as being inconsistent with the rules of Chapter 7.

(G) The Act of November 21, 1990, P. L. 588, No. 138, § 1, 42 Pa.C.S. § 8934, which authorizes the sealing of search warrant affidavits, and which is implemented by Rule 212, is suspended only insofar as the Act is inconsistent with Rules 205, 206, and 211.

Official Note: Former Rule 39 adopted October 1, 1997, effective October 1, 1998. Former Rule 159 adopted September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; amended April 10, 1989, effective July 1, 1989; amended January 31, 1991, effective July 1, 1991. Former Rule 340 combined previous Rules 321 and 322, which were the prior suspension

rules, and was adopted June 29, 1977, effective September 1, 1977; amended April 24, 1981, effective June 1, 1981; amended January 28, 1983, effective July 1, 1983. Former Rule 1415 adopted July 23, 1973, effective 90 days hence; paragraph (g) added March 21, 1975, effective March 31, 1975; amended August 14, 1995, effective January 1, 1996. Former Rule 2020 adopted September 3, 1993, effective January 1, 1994. Former Rules 39, 159, 340, 1415, and 2020 combined, renumbered Rule 1101, and amended _____, effective _____.

Comment:

This rule is derived from former Rules 39, 159, 340, 1415, and 2020, the rules previously providing for the suspension of legislation.

Committee Explanatory Reports:

Former Rule 39:

Final Report explaining the provisions of new Rule 39 published with the Court's Order at 27 Pa.B. 5401 (October 18, 1997).

Former Rule 159:

Report explaining the January 31, 1991 amendments to former Rule 159 published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

Former Rule 1415:

Final Report explaining the August 14, 1995 amendments to former Rule 1415 published with the Court's Order at 25 Pa.B. 3472 (August 26, 1995).

Former Rule 2020:

Report explaining the provisions of former Rule 2020 published at 21 Pa.B. 3681 (August 17, 1991).

Renumbered Rule 1101:

Report explaining the reorganization of the rules and the provisions of Rule 1101 published at 29 Pa.B. 1369 (March 13, 1999).

Report*Proposed Reorganization of the Rules of Criminal Procedure, and Correlative Amendments*

The Committee is proposing that the Rules of Criminal Procedure be reorganized and renumbered so the rules are presented in a more logical order, which will make the rules easier to follow to the conclusion of a criminal proceeding.

Introduction

The impetus for this proposal stems from the Committee's history of the development of the Criminal Rules. From the Committee's inception, as it was developing statewide uniform procedures for criminal cases, in an effort to get rules in place in a timely fashion, the Committee was recommending blocks of new rules related to similar topics, rather than all the rules as a total package. As new segments were recommended, the new rules were not always integrated into the existing rules in an orderly manner, but rather were "fitted in" where there was room, so that, for example, the search warrant rules follow the sentencing rules, although they more logically belong at the beginning of the process. Over the years, the Committee has been frequently reminded of the illogic in the organization of some of the rules as it worked on rule projects. To address this organizational problem, when the opportunity has presented itself, albeit

in a piecemeal fashion, the Committee has undertaken the reorganization of groups of rules within specific Chapters.³

In our ongoing monitoring of all aspects of the criminal justice system, the Committee has been aware that, while the people who are presently involved with the criminal justice system on a regular basis are, for the most part, familiar with organization of the rules and are comfortable working with the current organization, there are numerous other individuals who are not regularly involved in the criminal justice system, and therefore are unfamiliar with the present organization of the rules, as well as new people who regularly become involved with the criminal justice system,⁴ and all these people encounter difficulties in working with the rules and moving cases through the system. The Committee also noted that, even for people who are regularly involved with criminal procedures, there are occasions when unfamiliar issues arise, and, because of the illogical order of the rules, a familiarity with the present organization does not always eliminate the difficulty they have in finding the relevant rules that address these unfamiliar issues.

No longer satisfied with the piecemeal approach to reorganization that has been the process in the past, the Committee agreed that the criminal justice system as a whole would be benefitted by the reorganization of all the rules in a logical progression that more closely mirrors the progression of a case through the system. We believe that the recommended changes will not significantly affect those who work with the rules on a daily basis, and will simplify the procedures for new people and others who less frequently come in contact with the criminal justice system.⁵

Discussion

Using the "Table of Rules" as a starting point, the Committee initially considered reorganizing the rules into four chapters: General Provisions, Summary Case Rules, Court Case Rules, and Municipal Court Rules, with the rules in each chapter preceded by the number of the chapter and a hyphen. However, after working with this format, the Committee thought it was too limiting and less informative than the present chapter system, and concluded that the organization would be clearer and the rules easier to use if they continued to be separated into multiple chapters, each covering a separate category of procedures.

The reorganization the members settled on has eleven chapters, starting with Chapter 1. The rules are numbered starting with 100, leaving some "gaps" in the numbers to allow for future growth. Within some chapters are subdivisions or Parts, similar to the subdivisions in the current rules, and, whenever possible, the rule numbering within each Part of a chapter starts with a different series of numbers, except in those cases in which the Parts are interrelated.

³ For example, in the early 1970s, the chapters dealing with preliminary proceedings and summary proceedings were reorganized by moving the summary case rules into a separate chapter. In 1985, after monitoring the application of Chapter 50 (Procedures in Summary Cases) and recognizing that there was confusion about the procedures, the Committee recommended the reorganization of the chapter. In 1994, the Committee recommended the reorganization of Chapter 100 (Procedures in Court Cases). Finally, in 1995, to address continuing problems with the application of the bail rules in practice, the Committee recommended the reorganization of Chapter 4000 (Bail).

⁴ The newcomers to the system include, by way of example, not only lawyers, judges, and members of the minor judiciary, but also, law enforcement officials, court personnel, probation and parole officers, bail agencies, and private citizens.

⁵ Experience has demonstrated that, although each of the "piecemeal" chapter reorganizations and renumberings initially met with some resistance, the early concerns were unfounded, and that, by making the rules in the chapter easier to follow, these limited reorganizations have been beneficial for the individuals using the rules.

In addition to the overall reorganization, there are a number of organizational rule changes that are described below in Part II. These rule changes include the proposed "new" rules that the Committee has developed by combining or separating existing rules. These rules are "new" only in the sense that they have not been previously combined or separated. There are no substantive changes. See, e.g., "new" Rule 109, combining former Rules 90 and 150, and "new" Rules 633 and 645, separating former Rule 1108. There are also a few rules marked (Reserved). These "reserved" rules cover substantive areas that have no counterpart in the current rules. These are procedural areas that the Committee may consider at a future time.

I. Reorganization⁶

(1) New Chapter 1 (General Provisions) covers all the procedures that apply generally to all cases, or at all stages of the proceedings, and includes the following current rules:

- (a) Rules 1 through 6;
- (b) Rule 301 (Continuances) made applicable to both summary and court cases;
- (c) Rule 9016 (Contents of Subpoena);
- (d) Rule 1701 (Habeas Corpus Venue);
- (e) Rules 302, 316, 317, and 318 governing the procedures relating to counsel, and a possible new rule governing in forma pauperis proceedings;⁷
- (f) Rules 27, 326, 327, and 328 that address the procedures related to public comment, publicity, and broadcasting, with Rules 27 and 328 combined into one rule applicable to all cases;
- (g) the rules in Chapters 20 and 30;
- (h) Rules 90 and 150 governing defects in form, content, or procedure in summary and court cases, combined into one rule applicable to all cases;
- (i) Rules 9024 and 9025 concerning notices; and
- (j) Rule 9030 concerning recording and transcribing court proceedings.

(2) New Chapter 2 (Investigations) is divided into two Parts consisting of (1) the search warrant rules, current Chapter 2000, and (2) the investigating grand jury rules, current Chapter 200, Parts II and III. These rules have been moved up in the organization because these procedures could occur at anytime, including before a case is instituted.

(3) The ARD rules, Rules 160—186, continue to be separate, and have been moved into new Chapter 3 (Accelerated Rehabilitative Disposition).

(4) New Chapter 4 (Procedures in Summary Cases) incorporates former Chapter 50 governing all the proceedings in summary cases, and is broken into Parts comparable to the Parts in current Chapter 50. The following changes have been made:⁸

(a) Rule 95 concerning the institution of proceedings involving parking violations has been moved to the beginning of the chapter because this rule also covers the institution of proceedings.

⁶ The rule numbers listed in this part of the discussion, unless otherwise indicated, refer to the current rules.

⁷ The Committee at a future meeting may consider developing a rule setting forth procedures for proceeding in forma pauperis.

⁸ The Committee at a future meeting may consider developing a new summary case motions rule. If one is developed, it would be added to the general procedures section, Part E of Chapter 4.

(b) The summary arrest procedures have been joined together in Part D (Arrest Procedures in Summary Cases), with the order of the arrest with warrant and arrest without warrant rules switched, so the summary case rules are in the same order as the court case rules, see part (5)(b)(i) below.

(c) A separate new part, Part F, has been created to more clearly set forth the procedures for appeals for trial de novo. "New" rules have been created from Rules 83, 86, and 1117 that cover the notice of appeal, stays pending and during the appeal, and the trial de novo. The new trial de novo rule provides that the trial will continue to be conducted in the court of common pleas, and sets forth procedures for conducting the trial de novo that are comparable to the trial provisions of Rule 83, including a provision to make it clear that the attorney for the Commonwealth has the discretion of whether to appear for the trial de novo.

(5) New Chapter 5 (Pretrial Procedures in Court Cases) incorporates the following current rules:

(a) Rules 9015 and 9015A concerning preservation of testimony have been moved into this Chapter as Part A (Preservation of Testimony), because the procedures in these rules only apply to court cases, but are generally applicable to all stages of the proceedings in a court case.

(b) Rules 101—124 of current Chapter 100 (Procedure in Court Cases) have been moved into Part B (Instituting Proceedings), with the following changes:

(i) Rule 101 has been renamed "Instituting Proceedings in Court Cases"; and

(ii) Rule 102 concerning warrantless arrests has been moved to Part B(3) (Arrest Procedures in Court Cases), and follows the arrest warrant rules.

(c) Current Chapter 4000 (Bail) has been moved to new Part C, with Rule 4009 concerning bail after the finding of guilt moved to follow Rule 4001 concerning bail before verdict. Rule 4017 concerning the detention of witnesses has been moved to follow Rule 4009, because the detention of witness rule goes to the issue of setting bail, albeit for witnesses. The divisions in current Chapter 4000 are retained in new Part C.

(d) Rules 140—151, the rules governing court case proceedings before issuing authorities, follow the bail section as Part D (Proceedings in Court Cases Before Issuing Authorities).

(e) Rules 224—229, 231, and 232 concerning the procedures related to informations have been moved to be Part E (Informations). Chronologically, an information is prepared after the case is held for court.

(f) Most of the rules in Chapter 300, except where noted otherwise, have been moved into Part F (Procedures Following Filing of Information), Part F(1) (Motion Procedures), and Part G (Plea Procedures). The rules from Chapter 300 and other rules have been reorganized in Part F as follows:

(i) Part F includes Rule 311 (Pretrial Conference), Rule 303 (Arraignment), Rule 304 (Bill of Particulars), and Rule 305 (Pretrial Discovery and Inspection).

(ii) Part F(1) includes Rules 305—310 concerning pretrial motions, Rules 9020, 9021, 9022, and 9023, which cover motions procedures generally, Rules 312—315 and 323—324, which deal with specific pretrial motions, and Rules 1127 (Joinder—Trial of Separate Indictments or Informations) and 1128 (Severance of Offenses or Defendants), which usually are implemented by a pretrial

motion. In addition, Rule 323 (Suppression of Evidence) has been moved to follow Rule 310 (Disposition of Pretrial Motions) to make it more chronologically organized.

(iii) Part G includes Rules 319 (Pleas and Plea Agreements) and 320 (Withdrawal of Plea of Guilty).

(6) New Chapter 6 (Trial Procedures in Court Cases) includes the rules in Chapter 1100, which have been reorganized and modified as follows:

(a) Part A (General Provisions) includes those rules from Chapter 1100 that apply generally to all trials: Rule 1100 (Prompt Trial), Rules 1105 (Presence of Judge) and 1117 (Presence of the Defendant), 1115 (Exceptions), 1116 (Opening Statements and Closing Arguments), 1118 (Mistrial), 1124 (Challenges to Sufficiency of Evidence), 1124A (Challenges to Weight of Evidence), and 1125 (Motion for Judgment of Acquittal After Discharge of Jury);

(b) Part B (Non-Jury Procedures) sets forth the rules that govern non-jury trials, including Rule 1101 (Waiver of Jury Trial), Rule 1102 (Procedure When Jury Trial is Waived) and 1122 (Time for Court Action Following Non-Jury Trial); and

(c) Part C (Jury Procedures) sets forth the rules that govern jury trials, and is divided into two subparts: (1) impaneling the jury, Part C(1), which includes Rules 1106 (Examination and Challenges to Trial Jurors), 1107 (Juror Information Questionnaire), 1108 (Alternate Trial Jurors), 1128 (Number of Peremptory Challenges) and 1109 (Exhaustion of the Jury Panel); and (2) the conduct of the jury trial, Part C(2), which includes Rule 1103 (Consent to be Tried by Less Than Twelve Jurors), Rules 1110—1114, and Rules 1119—1121.

(i) Rule 1108 (Alternate Trial Jurors) has been broken into two rules. The provisions of Rule 1108 that govern the examination and selection of alternate trial jurors, "new" Rule 633, follow the juror information questionnaire rule. The second two sentences of Rule 1108(A) have been separated to form "new" Rule 645 (Seating and Discharge of Alternate Jurors). Rule 645 follows Rule 1113 (Note Taking by Jurors) to be chronologically more accurate.

(ii) Rule 1103 (Consent to be Tried by Less Than Twelve Jurors), which applies at anytime after the jury is sworn and before verdict, has been moved to follow present Rule 1110 (Swearing The Trial Jury to Hear the Case).

(7) New Chapter 7 (Post-Trial Procedures in Court Cases) incorporates current Chapter 1400. The Chapter is divided into two parts: (1) sentencing procedures, which includes Rules 1401—1409, and (2) post-sentence procedures, which includes Rules 1410—1411 and Rule 9017 (Contents of Order of Expungement). Rule 9017 was included here because an expungement request ordinarily would not occur until after sentencing.

(8) New Chapter 8 incorporates, without change, current Chapter 350 (Special Rules for Cases in Which the Death Sentence is Authorized). These rules have been moved to immediately precede the post-conviction collateral proceedings because they apply before post-conviction proceedings and are self-contained and impact on a narrow set of cases.

(9) New Chapter 9 incorporates, without change, current Chapter 1500 (Post-conviction Collateral Proceedings).

(10) New Chapter 10 incorporates, without change, current Chapter 6000 (Philadelphia Municipal Court).

(11) New Chapter 11 has no counterpart in the present rules, and includes all the suspension rules joined in one "new" rule, Rule 1101 (Suspension of Acts of Assembly), and Rule 9998 (Abolition of Practice and Procedure Under Repealed Statutes).

II. Rule Changes

In order to further the purpose of the reorganization, the Committee agreed that, in addition to renumbering all the rules within the scheme of the reorganization, some of the current rules would have to be amended, a few other rules would have to be combined into "new" rules, and still other rules would have to be divided into two or more separate rules. As noted previously, there are no substantive changes to these rules; the changes merely accommodate the overall reorganization of the rules.

The rule changes that are needed to accomplish the reorganization are described below.

(1) Rule 301 (Continuances) is renumbered Rule 106, and amended to make it applicable to both summary and court cases.

(2) "New" Rule 109 (Defects in Form, Content, or Procedure), combines Rules 90 and 150 into one rule, applicable to both summary and court cases.

(3) "New" Rule 112 (Publicity, Broadcasting, and Recording of Proceedings) combines Rules 27 and 328 into one rule, applicable to both summary and court cases. The Committee used Rule 27 as the basis for the "new" rule, and incorporated the provisions of Rule 328 governing ceremonial proceedings.

(4) There are three "new" rules governing summary appeals for a trial de novo that were developed from Rules 83 (Trial in Summary Cases), 86 (Appeals), and 1117 (Presence of the Defendant), as follows:

(a) "new" Rule 460 (Notice of Appeal) incorporates the

provisions of Rule 86(A), (D), (E), (F), (H), and (I), and the Comment;

(b) "new" Rule 461 (Stays) incorporates the provisions of Rule 86(B) and the Comment; and

(c) "new" Rule 462 (Trial De Novo) incorporates provisions from Rules 86 and 1117, and implements trial procedures comparable to the procedures in Rule 83, as follows: paragraph (A) incorporates Rule 86(G); paragraph (B) follows the procedures set forth in Rule 83(B); paragraph (C) follows the procedures set forth in Rule 86(G); paragraph (D) is derived from Rule 1117(c); paragraph (E) is new to the rules, and addresses the situation when a defendant withdraws a summary appeal; and paragraphs (F) and (G) follow the procedures set forth in Rule 83(D) and (E). In addition, the first paragraph of the Comment has been added to emphasize that the attorney for the Commonwealth has the discretion whether to appear for the trial de novo. The last paragraph of the Comment is taken from the Rule 1117 Comment.

(5) Rule 1117 (Presence of the Defendant) is renumbered Rule 602, and amended by the deletion of paragraph (c) and the correlative paragraph from the Comment, which were moved to "new" Rule 462.

(6) Rule 1108 (Alternate Trial Jurors) is renumbered Rule 633 (Examination and Challenges of Alternate Trial Jurors), and amended by the deletion of the last two sentences of paragraph (A). These provisions, which address procedures at a later stage in the proceedings—the seating of alternate jurors during the trial and the discharge of alternate jurors when the jury retires to deliberate—have been moved to form "new" Rule 645 (Seating and Discharge of Alternate Jurors).

(7) "New" Rule 1101 (Suspension of Acts of Assembly) combines all the suspension rules, Rules 39, 159, 340, 1415, and 2020, into one rule.

Appendix

Pennsylvania Rules of Criminal Procedure

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| 1404. | Disclosure of Pre-Sentence Reports. | New Rule 703 |
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 6002. Procedure in Summary Cases. New Rule 1002
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| 6009. | Notice to Municipal Court Judge and Attorney for the Commonwealth of Appeal or of Petition for Certiorari. | New Rule 1009 |
| 6010. | Procedure on Appeal. | New Rule 1010 |
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| 9015. | Preservation of Testimony After Institution of Criminal Proceedings. | New Rule 500 |
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| 9024. | Notice of Court Proceeding(s) Requiring Defendant's Presence. | New Rule 113 |
| 9025. | Notice and Docketing of Orders. | New Rule 114 |
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[Pa.B. Doc. No. 99-397. Filed for public inspection March 12, 1999, 9:00 a.m.]

PART I. GENERAL
[234 PA. CODE CH. 50]
Proposal to Revise Comment to Rule 60

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania approve the revision of the Comment to Rule of Criminal Procedure 60. This Comment revision adds a cross-reference to Section 902 of the Game and Wildlife Code, 34 Pa.C.S. § 902, to make it clear that under the statute, it is not feasible for Deputy Wildlife Conservation Officers to issue citations, and that in cases instituted by a Deputy, the citation must be filed pursuant to Rule 60. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed Comment revision precedes the Report. Deletions appear in bold and brackets, and additions appear in bold.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901 no later than April 12, 1999.

By the Criminal Procedural Rules Committee:

FRANCIS BARRY MCCARTHY,
Chair

Annex A
TITLE 234. RULES OF CRIMINAL PROCEDURE
PART I. GENERAL
CHAPTER 50. PROCEDURE IN SUMMARY CASES
PART IIB. PROCEDURES WHEN CITATION FILED
Rule 60. Filing of Citation.

* * * * *

Official Note: Previous rule, originally adopted as Rule 116 June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; readopted January 31, 1970, effective May 1, 1970; renumbered as Rule 60 and amended to apply only to summary cases September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 76. Present Rule 60, adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; **Comment revised _____, 1999, effective _____.**

Comment:

[This rule is derived from previous Rule 51A, subparagraphs (1)(b) and (3)(b).]

A law enforcement officer should file a citation with the issuing authority when, due to the circumstances of the case, the law enforcement officer is unable to issue the citation directly to the defendant at the time of the offense. Examples of situations when the law enforcement officer would be unable to issue a citation include, but are not limited to, when the officer receives information that the defendant has committed a summary violation from a witness but the defendant is not then present [,]; when a witness is not present at the scene and the officer wants to question the witness before completing the investigation [,]; or when the officer is summoned to

another case that requires prompt action. **See Section 902 of the Game and Wildlife Code, 34 Pa.C.S. § 902, which provides, inter alia, that "Deputy Wildlife Conservation Officers shall not be authorized to issue citations . . . and shall provide the information to the Wildlife Conservation Officer." Under this statute, it would not be feasible for the Deputy Wildlife Conservation Officer to issue the citation, and, therefore, pursuant to this rule, the citation would be filed.**

When a defendant acknowledges guilt pursuant to Section 926 of the Game and Wildlife Code, [() 34 Pa.C.S. § 926, (Supp. 1988)] or Section 925 of the Fish and Boat Code, [() 30 Pa.C.S. § 925, (Supp. 1988)] but does not pay the fine and costs or the check issued for the fine and costs cannot be cashed, the officer of the commission should file a citation with the issuing authority to institute a summary criminal proceeding.

When determining whether the filing of a citation was the correct procedure under the rules, the courts have considered whether there was a reasonable basis for filing, whether there were compelling reasons to prevent issuing the citation, and whether the defendant was prejudiced by the filing. See, e.g., *Commonwealth v. Odle*, 16 D. & C.3d 750 (Cambria County 1980); *Commonwealth v. Lombardo*, 4 D. & C.3d 106 (Clearfield County 1977). **[Also see] See also Rule 90, which would permit discharge or dismissal when the institution or proceedings by incorrect means or prejudicial to the rights of the defendant.**

When evidence is discovered after the issuance of a citation [which] that gives rise to additional charges against the defendant resulting from the same incident, the [police] law enforcement officer must file with the issuing authority an additional citation alleging such additional summary offenses, or a complaint when the additional charges include a misdemeanor or felony. For proceedings on such charges when a complaint is filed, see Chapter 100 of these Rules.

With regard to the "proper" issuing authority as used in these rules, see Rule 21.

Committee Explanatory Reports:

Report explaining the proposed revision of the Comment concerning 34 Pa.C.S. § 902 published at 29 Pa.B. 1386 (March 13, 1999).

Report

Proposed Revision of the Comment to Pa.R.Crim.P. 60

Filing Citations in Summary Cases

The Committee is proposing the revision of the Comment to Rule 60 (Filing of Citation) that would add a

cross-reference to Section 902 of the Game and Wildlife Code, 34 Pa.C.S. § 902. This cross-reference makes it clear that, under the statute, it is not feasible for Deputy Wildlife Conservation Officers to issue citations, and that in cases instituted by a Deputy, the citation must be filed pursuant to Rule 60.

On December 21, 1998, the Governor signed Act 166 of 1998, effective July 1, 1999. The Act amends, inter alia, Section 902 of the Game and Wildlife Code, 34 Pa.C.S. § 902, by adding a provision that:

Deputy Wildlife Conservation Officers shall not be authorized to issue citations . . . and shall provide the information to the Wildlife Conservation Officer.

Communications with the Committee questioned the effect of this legislation on the Criminal Rules, and expressed concerns about how Deputy Wildlife Conservation Officers should proceed under the rules.

The Committee reviewed Act 166 and the Criminal Rules. From this review, the members, relying on the principles of statutory construction that the Legislature does not intend an effect that is unreasonable or unconstitutional, 1 Pa.C.S. § 1922, reasoned that the intent of the legislation must be to provide a layer of review by a full-time Wildlife Conservation Officer. Thus, the Wildlife Conservation Officer would be acting in the capacity of a reviewing officer to ensure that the information on the citation prepared by a Deputy constitutes an offense that should be pursued by the filing of the citation. This reviewing function is comparable to the reviewing function performed by a district attorney in a court case pursuant to Pa.R.Crim.P. 107 (Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Option). We reasoned further that, to give effect to both this statutorily created review process and the Criminal Rules, under Section 902 and Pa.R.Crim.P. 60 (Filing of Citation), when a Deputy Wildlife Conservation Officer is instituting a summary criminal proceeding, it is not feasible for the Deputy to issue the citation to the defendant. Therefore, Rule 60 requires that the citation be filed.

Although agreeing that Rule 60 adequately provides for the situation in which there is a statutorily mandated review process, given the apparent confusion the Act 166 amendments to Section 902 are causing, the Committee concluded that it would be helpful to include in the Rule 60 Comment a citation to 34 Pa.C.S. § 902, with a clarifying explanation.

[Pa.B. Doc. No. 99-398. Filed for public inspection March 12, 1999, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Rules of Court of Common Pleas; No. 1 of 1999 Rules Docket

Order Amending Local Rules of Court

And Now, to wit, this 12th day of February, 1999, pursuant to action of the Board of Judges and effective thirty days after publication in the *Pennsylvania Bulletin*, the following Allegheny County Rules of Civil Procedure are hereby amended:

Arbitration: Forms for Local Rule 1303*(a)(2) and Local Rule 1303*(a)(3).

By the Court

ROBERT A. KELLY,
President Judge

Form for Local Rule 1303*(a)(2)

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | |
|-----|---------------------------|
| | ARBITRATION DOCKET |
| | No. _____ - _____ - _____ |
| VS. | HEARING DATE _____ |
| | |

PLAINTIFF

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE, The Allegheny County Bar Association
920 City-County Building, 414 Grant Street,
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-5555

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Room 523 of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania, on _____, 1999 at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU *BEFORE* THE HEARING.

DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD *AT THE SAME TIME AND DATE* BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. *THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.*

NOTICE: YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD IMMEDIATELY BEFORE A JUDGE WITHOUT THE ABSENT PARTY OR PARTIES. *THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.*

Form for Local Rule 1303*(a)(3):

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | | |
|-------|-----------|---------------------------|
| _____ | | ARBITRATION DOCKET |
| _____ | | NO. _____ - _____ - _____ |
| VS. | PLAINTIFF | HEARING DATE _____ |
| _____ | | |

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the attached copy of the suit papers, YOU MUST complete and detach two of the copies of the attached "Notice of Intention To Appear". One completed copy of the "Notice of Intention to Appear" must be filed or mailed to the Prothonotary's Office, First Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to: _____ within TWENTY (20) days from the date these papers were mailed. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE, The Allegheny County Bar Association
920 City-County Building, 414 Grant Street,
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-5555

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Room 523 of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania, on _____, 1999 at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD IMMEDIATELY BEFORE A JUDGE WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

[Pa.B. Doc. No. 99-399. Filed for public inspection March 12, 1999, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Amendments to Local Rules of Civil Procedure;
No. 99-0349

Administrative Order No. 6-1999

And Now, this 26th day of February, 1999, it is hereby

Ordered and Decreed that, effective thirty (30) days after publication of this Order in the *Pennsylvania Bulletin*, all Carbon County Local Rules of Civil Procedure are

Amended as follows: In all Rules where the area code appears as "717", the new area code of "570" shall be substituted therefor.

The Carbon County District Court Administrator is Ordered and Directed to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

By the Court

JOHN P. LAVELLE,
President Judge

[Pa.B. Doc. No. 99-400. Filed for public inspection March 12, 1999, 9:00 a.m.]

CARBON COUNTY

Temporary Detention of Prisoners; No. 134 MI 98

Administrative Order No. 5-1999

And Now, this 22nd day of February, 1999, it is hereby

Ordered and Decreed that, effective immediately, this Court's Administrative Order No. 15-1998 providing for the temporary detention of any individual arrested between the hours of 12 a.m. and 8 a.m. at the Carbon County Prison be and is hereby *Rescinded*.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts Office.

By the Court

JOHN P. LAVELLE,
President Judge

[Pa.B. Doc. No. 99-401. Filed for public inspection March 12, 1999, 9:00 a.m.]

DELAWARE COUNTY

Adoption of Civil Rule 1303; Misc. No. 90-18200

Order

And Now, this 9th day of February, 1999, it is hereby *Ordered and Decreed* that Local Rule 1303 be adopted as follows:

Rule 1303: Hearing. Notice.

(A)(1) (i) All arbitration cases will be assigned a date and time for hearing at the time of the initial filing by the plaintiff or appellant from a judgment by a District Justice. The hearing date shall be the first available date no less than two hundred seventy (270) days from the date of initial filing.

(ii) A notice prepared and attached by the Office of Judicial Support shall indicate the hearing time and date, which notice shall be attached at the time of initial filing. The aforementioned notice shall be affixed both to the original and all service copies of the complaint or praecipe for writ of summons or, in the case of appeal from District Justice judgments, the notice of appeal.

(iii) The notice attached by the Office of Judicial Support to the original filing shall also include the following statement:

"This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge."

(iv) In the case of a joinder complaint, the moving party shall provide to the parties being joined a copy of the original notice setting forth the time, place and location of the arbitration hearing, as well as a copy of the notice referred to in (a)(1)(iii).

(v) In no event shall less than thirty (30) days' written notice of the date, time and place of hearing be given to the parties or their attorneys of record.

(b)(2) Should the court decide to hear the matter pursuant to Pa.R.C.P. 1303(b)(2), the trial court may choose to

(i) enter a judgment of nonsuit if the plaintiff is not ready or fails to appear; or

(ii) enter a judgment of non pros if neither party is ready or appears; or

(iii) hear the matter and make a decision, if the defendant is not ready or fails to appear.

(b)(3) Should a nonsuit be entered under this Rule, it is subject to the filing of a motion under Rule 227.1(a)(3) for post-trial relief to remove the nonsuit.

(b)(4) Should a judgment of non pros be entered under this Rule, it is subject to the filing of a petition under Rule 3051 for relief from a judgment of non pros.

(b)(5) Should an adverse judgment be entered under this Rule against a defendant who failed to appear, that defendant may file a motion for post-trial relief which may include a request for a new trial on the ground of a satisfactory excuse for the defendant's failure to appear.

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 99-402. Filed for public inspection March 12, 1999, 9:00 a.m.]

YORK COUNTY

FEE

Establishing the Schedule of Fees for the Prothonotary of York County, A Third Class County; Misc. Civil 99 MI 00026

Administrative Order and Approval

And Now, To Wit, This 17th Day of February 1999, *The Court* pursuant to Act # 98-164 of the Pennsylvania Legislature, hereby approves the implementation of the Act and for the provision of the automation fee effective with the following fees effective, April 15, 1999:

PROTHONOTARY FEE BILL—
EFFECTIVE APRIL 15, 1999

PROTHONOTARY AUTOMATION FEE AS
INDICATED IN ACT # 98-164 IS INCLUDED IN
ALL NEW FILING FEES

| | | | |
|---|---------|--|--------|
| | | Appointment of Master: | 135.00 |
| | | Fault Divorce | 200.00 |
| | | Equitable Distribution | 200.00 |
| | | Alimony | 200.00 |
| | | Alimony Pendente Lite, Counsel Fees, Costs & Expenses | 50.00 |
| | | EXECUTIONS | |
| | | Præcipe for Writ | 23.00 |
| | | Attachment Proceeding Each Garnishee | .50 |
| | | Reissuance | 7.00 |
| | | Interrogatories & Answers | 5.00 |
| | | EXEMPLIFIED RECORDS | |
| | | Incoming Exemplified Records | 27.50 |
| | | Outgoing Exemplified Records (Specify In-State or Out of State) | 15.75 |
| | | FAXING | |
| | | Faxing of a record (long distance) | 10.00 |
| | | FICTITIOUS NAME | |
| | | (No registration after 3/17/83) | |
| | | Individuals | |
| | | Amend, Cancel or Withdraw | 5.25 |
| | | Change of Address | 1.00 |
| | | Corporate | |
| | | Amendment | 3.00 |
| | | Change of Address | 1.50 |
| | | Cancellation | 1.00 |
| | | JUDGMENTS | |
| | | By Confession | 27.50 |
| | | By Praecipe, Stipulation, or Order | 14.25 |
| | | By Transcript | 27.25 |
| | | Incoming Exemplified Record | 27.50 |
| | | Outgoing Exemplified Record (Specify In-State or Out of State) | 15.75 |
| | | LIENS | |
| | | Municipal or Federal | 27.00 |
| | | Commonwealth | 27.50 |
| | | MECHANICS LIENS | |
| | | Claim (same as Commencement of new Action) | 95.00 |
| | | Stipulation or Waiver | 20.75 |
| | | MISCELLANEOUS | |
| | | Petition for Change of Name | 28.50 |
| | | All other filings | 12.00 |
| | | NOTARY PUBLIC | |
| | | Registration of Signature | 3.00 |
| | | PETITIONS TO OPEN OR STRIKE JUDGMENTS | |
| | | Shall be considered as commencing a new action | |
| | | If filed to NO # | 95.00 |
| | | If filed to SU # | free |
| | | POWERS OF ATTORNEY | |
| | | Registration—first name | 3.50 |
| | | Each additional name | 1.00 |
| | | Revocation—first name | 2.50 |
| | | Each additional name | 1.00 |
| | | PROTECTION FROM ABUSE | 95.00 |
| | | Copying charge (If copies are not provided) | 20.00 |
| | | State Surcharge | 25.00 |
| | | Issuance of a Bench Warrant | 13.00 |
| | | REVIVALS | |
| | | Adverse Proceedings | 36.75 |
| | | Amicable Proceedings | 27.25 |
| | | RESPONSIVE PLEADINGS | |
| | | Answer/Petition/P. O./Etc. | 5.00 |
| ACKNOWLEDGEMENTS | | | |
| Sheriff or Treasurer Deeds | \$ 7.75 | | |
| APPEALS | | | |
| Appellate Court | 47.50 | | |
| Appellate Court Fee | 55.00 | | |
| (Two separate checks for Appeal) | | | |
| District Justice | 95.00 | | |
| ARBITRATIONS | | | |
| Appointment of Arbitrator | 23.50 | | |
| Arbitration Appeal | 25.00 | | |
| (County must be reimbursed for arbitrators fees) | 240.00 | | |
| ASSIGNMENTS | 7.75 | | |
| CERTIFICATES | | | |
| Notary Public or Magistrate | 3.00 | | |
| Duplicate Divorce Decree | 7.00 | | |
| Resumption of Prior Name Subsequent to Divorce | 4.75 | | |
| CERTIFICATIONS | | | |
| First Page | 4.50 | | |
| Additional Pages, Each | 1.50 | | |
| CHECKS RETURNED AS NON NEGOTIABLE | 20.00 | | |
| COMMENCEMENT OF CIVIL ACTION | | | |
| Commencement of Action | 95.00 | | |
| Conciliator Appointment | 100.00 | | |
| Custody (except when filed with a divorce action) | 87.00 | | |
| Reactivation of case made inactive per Local Rule 6036 | 15.00 | | |
| COPIES | | | |
| Docket entries made at public printer (per page) | .25 | | |
| Docket entries made by Prothonotary staff (per page) | 1.00 | | |
| Documents made by public (per page) | .25 | | |
| Documents made by Prothonotary staff (per page) | 1.00 | | |
| DIVORCE | | | |
| Commencement of Action (+ \$5.00 each count other than divorce & \$10.00 when a custody count is included) | 97.00 | | |
| Administrative fee payable at commencement of suit | 50.00 | | |
| Discontinuance or withdrawal | 5.00 | | |

| | |
|---|--------|
| (Only if commencement of Action fee is less than \$50.00) | |
| REMOVAL OR TRANSFER OF RECORD TO ANOTHER COURT SATISFACTIONS | 20.00 |
| Cases filed prior to 1/2/97 | |
| Release, Postponement, subordination by | |
| Praecipe or power of attorney (Filed prior to '97) | 5.00 |
| (Additional fees may accumulate on civil litigation prior to '97) | |
| Commonwealth Satisfactions (Filed prior to '97) | 5.50 |
| SECURED TRANSACTIONS | |
| Financing Statement (per debtor) | 56.50 |
| Oversize extra attachments & non Standard | |
| Forms add on an additional | 131.00 |
| Termination Statement | 56.50 |
| Continuation | 56.50 |
| Assignment | 56.50 |
| Release | 56.50 |
| Amendment | 56.50 |
| SUBPOENAS | 3.00 |
| Must be completed before submitted for signature and seal | |

****NOTE****

Counterclaims, Additional Defendants and Garnishment proceedings are not considered commencement of a new action.

Sci Fa proceedings of any lien, other than revival, shall be considered as commencing a new action.

Petition to Open and/or Strike Judgments shall be considered as a commencement of a new action.

The Prothonotary shall not be required to enter on the docket any suit or action nor order of court or enter any judgment thereon or perform any services whatsoever for

any person, political subdivision of the Commonwealth until the requisite fee is paid.

*******SPECIAL NOTE*******

ONLY CASH OR BUSINESS CHECKS, CERTIFIED CHECKS, MONEY ORDERS, OR TRAVELERS CHECKS PAYABLE TO THE "PROTHONOTARY OF YORK COUNTY" ARE ACCEPTABLE FOR PAYMENT OF FEES. A FEE OF \$20.00 WILL BE CHARGED FOR RETURNED CHECKS.

It Is Further Ordered that in accordance with Pa.R.C.P. 239 the District Court Administrator shall;

(a) File 7 certified copies hereof with the Administrative Office of Pennsylvania Courts.

(b) Distribute 2 certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(c) File 1 certified copy hereof with the Civil Procedural Rules Committee, and 1 certified copy hereof with the Criminal Procedural Rules Committee.

(d) Cause a copy hereof to be published in the York Legal Record once a week for 2 successive weeks at the expense of the County of York.

(e) Cause to be printed an adequate supply of the Rules hereby amended and promulgated for distribution to the Judges and the members of the Bar of this Court, and for sale at cost to any other interested parties, such printing to be done at the expense of the County of York in accordance with the provisions of the Act of July 9, 1976, P. L. 586, Sec. 2, 42 Pa.C.S.A. Section 3722.

(f) Supervise the distribution thereof to all Judges and all members of the Bar of this Court.

By the Court

JOHN C. UHLER,
President Judge

[Pa.B. Doc. No. 99-403. Filed for public inspection March 12, 1999, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Fees

The State Board of Veterinary Medicine (Board) amends § 31.41 (relating to schedule of fees). The amendment readjusts fees for veterinarian and animal health technician license applications, temporary permits and continuing education provider approvals to equal the actual cost of processing requests and issuing documents.

A. Effective Date

The new fees will be effective on publication in the *Pennsylvania Bulletin*.

B. Statutory Authority

Section 13(a) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.13(a)), requires the Board to establish fees by regulation. Section 13(b) of the act requires the Board to increase fees to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures.

C. Purpose and Need for the Amendment

The existing fees for applications, approvals and permits were established in the Board's first biennial reconciliation of revenue and expenses in 1988. Fees for processing applications and approvals were based upon actual costs. Fees for these services reflected an administrative overhead charge per application of \$7.62. In FY 1996-97, the administrative overhead charge per application was \$16.69. Much of the increase can be attributed to an increase in personnel costs, the fact that the Bureau now pays rent for office space (not applicable in 1988), and upgraded computer equipment.

D. Summary of Comments and Responses on Proposed Rulemaking

Notice of proposed rulemaking was published at 28 Pa. B. 2289 (May 16, 1998). The Board received one comment from a public commentator who felt the fee increase for the animal health technician was unreasonable in comparison to the fee increase for the veterinarian. The commentator felt the licensed veterinarian was in a better financial position to incur the additional expense. However, as noted in Part C of this Preamble, the fees charged reflect the actual cost of providing the service.

No comments were received from the House Professional Licensure Committee. In addition, the Independent Regulatory Review Commission (IRRC) offered no comments, suggestions or changes.

E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the amendment, the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the licensed community.

F. Fiscal Impact

The amendment increases the application fee for veterinarians and animal health technicians, increases the continuing education program approval fee and decreases the temporary permit fee in this Commonwealth. A veterinarian will pay an additional \$15 for an initial or reactivated license. An animal health technician will pay an additional \$20 for initial certification and a continuing education provider will pay an additional \$10 for program approval. A temporary permit fee will be reduced \$20. The amendment should have no other fiscal impact on the private sector, the general public or political subdivisions.

G. Paperwork Requirements

The amendment requires the Board to alter some of its forms to reflect the new fees; however, the amendment should not create additional paperwork for the private sector.

H. Sunset Date

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

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 28 Pa.B. 2289 to IRRC and the Chairpersons of the House Professional Licensure Committee and Senate Consumer Protection and Professional Licensure Committee for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

In preparing this final-form regulation, the Board has considered the comments received from IRRC, the Committees and the public.

This final-form regulation was deemed approved by the House and Senate Committees on February 17, 1999. Under section 5.1(e) of the Regulatory Review Act, the regulation was deemed approved by IRRC on February 18, 1999 under section 5(e) of the Regulatory Review Act.

K. Public Comment

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

L. Findings

The Board finds that:

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

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

(3) This amendment does not enlarge the purpose of proposed rulemaking at 28 Pa. B. 2289.

(4) This amendment is necessary and appropriate for the administration and enforcement of the authorizing acts identified in Part B of this Preamble.

M. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending § 31.41 to read as set forth at 28 Pa.B. 2289.

(b) The Board shall submit this order and 28 Pa.B. 2289 to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall certify this order and 28 Pa.B. 2289 and deposit them with the Legislative Reference Bureau as required by law.

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

JEFFREY M. OTT, V.M.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 1278 (March 6, 1999).)

Fiscal Note: Fiscal Note 16A-577 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 99-404. Filed for public inspection March 12, 1999, 9:00 a.m.]

STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS
[49 PA. CODE CH. 36]
Continuing Education

The State Board of Certified Real Estate Appraisers (Board), by this order, amends §§ 36.41, 36.42, 36.261 and 36.262 to read as set forth in Annex A.

Omission of Proposed Rulemaking

Under authority of section 204(2) and (3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(2) and (3)) (CDL), the Board has omitted the procedures for proposed rulemaking in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202). As more fully explained, proposed rulemaking has been omitted because: (1) all affected certificateholders of the Board have been given actual notice of the Board's intention to adopt the amendments in advance of this final rulemaking; and (2) public comment is unnecessary in that the amendments, in substantial part, reflect Federal appraisal standards mandated for certified general and residential appraisers.

Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1 (relating to regulatory review and promulgation), the Board provided draft copies of the amendments for review and comment to the major trade organizations that represent the Board's certificateholders. None of the trade organizations raised objections to the amendments.

Description and Purpose of Amendments

§ 36.41 (relating to continuing education requirement)

The Real Estate Appraisers Certification Act (REACA) (63 P. S. §§ 457.1—457.19), enacted in July 1990, established the certification classes of general appraiser and residential appraiser to perform appraisals in Federally-related transactions under the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), Pub.L. No. 101-73, 103 Stat. 183. Federally-related appraisals are those performed for Federally-regulated financial institutions when the transaction amounts exceed a certain level, currently \$250,000 in most cases. Section 10(b) of the REACA (63 P. S. § 457.10(b)), requires the Board to impose a continuing education requirement for biennial renewal of certification "if, and only to the minimum extent, required pursuant to the [FIRREA]." The Appraisal Qualifications Board (AQB) of The Appraisal Foundation is charged with establishing education and experience qualifications for appraisers under the FIRREA. The AQB initially promulgated a continuing education requirement for certified general and residential appraisers of 10 hours annually or 20 hours biennially; on February 14, 1994, the AQB increased the continuing education requirement for certified appraisers to 14 hours annually or 28 hours biennially, effective January 1, 1998.

The AQB's initial continuing education requirement is reflected in the current version of § 36.41, which provides that certified general and residential appraisers shall complete 20 hours of continuing education, including at least 4 hours on the Uniform Standards of Professional Appraisal Practice (USPAP), as a condition of biennial renewal of their certifications. Section 36.41 further provides that persons who receive initial certifications after January 1 of a renewal year (that is, an odd-numbered year) are not required to complete continuing education as a condition of biennial renewal of their certifications that year.

The amendments to § 36.41 increase the biennial continuing education requirement for certified general and residential appraisers from 20 hours to 28 hours in accordance with the AQB's current standard. The amendments also require that in addition to the mandatory 4 hours on the USPAP, certified general and residential appraisers shall complete at least 2 of the 28 hours on the REACA and the Board's regulations and policies. This new mandatory subject area will provide certified appraisers with a fuller understanding of their statutory and regulatory obligations. The amendments also make editorial changes to § 36.41.

§ 36.42 (relating to continuing education subject matter)

Section 36.42 lists 15 subject areas that are acceptable for continuing education under § 36.41. The amendment adds four subject areas to the list: mass appraisal model building, mass appraisal model calibration, assessment administration and mapping. The revised § 36.42 has the same continuing education subject areas as those in the revised § 36.262 for certified Pennsylvania evaluators. The continuing education subject areas for the certification classes should be the same because of the similarity between the appraising and assessment professions, and because many certificateholders are credentialed as both certified appraisers and certified Pennsylvania evaluators.

The amendments to § 36.42 also make editorial changes to the wording of some of the subject areas to mirror the language used by the AQB.

§ 36.261 (relating to continuing education requirement)

The Board regulates certified Pennsylvania evaluators under the Assessors Certification Act (ACA) (63 P. S. §§ 458.1—458.16). Certified Pennsylvania evaluators, who include county assessors and employes of revaluation, or mass appraisal, companies, are involved in the valuation of real property for ad valorem tax purposes. Section 4(d) of the ACA (63 P. S. § 458.4(d)), requires that certified Pennsylvania evaluators complete, as a condition of biennial renewal of their certifications, "a minimum of 20 hours of continuing education relating to assessment and appraisal practices." The current version of § 36.261 sets forth a 20-hour biennial continuing education requirement for certified Pennsylvania evaluators. Section 36.261 further provides that persons who receive initial certifications after January 1 of a renewal year are not required to complete continuing education as a condition of biennial renewal of their certifications that year.

The Board and the Assessors Association of Pennsylvania, a trade organization representing certified Pennsylvania evaluators, interpret section 4(d) of the ACA as permitting the imposition of a continuing education requirement in excess of 20 hours biennially. Increasing the continuing education hours for certified Pennsylvania evaluators to a level equal to the Federal standard applicable to certified general and residential appraisers will help to ensure that persons engaged in assessment activities maintain the same proficiency and skills as those engaged in appraisal activities. Accordingly, the amendments to § 36.261 increase the biennial continuing education requirement for certified Pennsylvania evaluators to 28 hours. The amendments to § 36.261 also require that certified Pennsylvania evaluators complete at least 4 of the 28 hours on the USPAP and at least two hours on the ACA and the Board's regulations and policies. The 6 hours in these mandatory subject areas will provide certified Pennsylvania evaluators with a solid grounding in the current professional and ethical standards relating to the assessing profession. The amendments to § 36.261 also make editorial changes.

§ 36.262 (relating to continuing education subject matter)

Section 36.262 lists 19 subject areas that are acceptable for continuing education purposes. The amendments make editorial changes to the wording of some of the subject areas to be consistent with the AQB's terminology.

Effective Date and Notice to Certificateholders

The amendments will become effective upon publication in the *Pennsylvania Bulletin*. The increased continuing education requirements will apply to the 1999-2001 biennial renewal period, which begins July 1, 1999; certificateholders will have to comply with the increased requirements to renew their certifications for the 1999-2001 biennial renewal period.

In July 1997, the Board mailed detailed notices to all current certificateholders advising them of the increased continuing education requirements. All persons certified since July 1997 have received the notices with their certifications.

Statutory Authority

Section 10(b) of the REACA empowers the Board to prescribe continuing education requirements, consistent with those promulgated under the FIRREA, for certified general and residential appraisers. Section 4(d) of the ACA empowers the Board to prescribe continuing education requirements for certified Pennsylvania evaluators. Additionally, section 5(2) of the REACA (63 P. S.

§ 457.5(2)) and section 3 of the ACA (63 P. S. § 458.3), empower the Board to promulgate regulations necessary to administer the provisions of the certification statutes.

Fiscal Impact and Paperwork Requirements

The amendments will cause certificateholders to incur costs in meeting the increased continuing education requirements. The costs cannot be quantified because of the large number and types of continuing education courses and providers available; however, the costs are not believed to be substantial or burdensome. Certificateholders credentialed as both certified Pennsylvania evaluators and certified general or residential appraisers will be permitted to count the same courses toward both sets of continuing education requirements, except the separate 2-hour segments on the REACA and the ACA. It is also possible that some county governments may elect to absorb the increased continuing education costs incurred by certified Pennsylvania evaluators in their employ.

The amendments will cause the Board to incur minor additional costs in processing the biennial renewal of certifications. The Board anticipates that these costs will be defrayed by biennial renewal fees charged to certificateholders.

The amendments will require certificateholders to maintain records of their compliance with the increased continuing education requirements. The amendments also will require the Board to revise its biennial renewal forms. The amendments will not impose new paperwork requirements on the Commonwealth's other agencies or its political subdivisions.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on January 25, 1999, the Board submitted copies of the amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. On the same date, the Board submitted a copy of the amendments to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, the amendments were approved by the House and Senate Committees on February 14, 1999. Under section 5.1(e) of the Regulatory Review Act, the amendments were approved by IRRC on February 14, 1999.

Additional Information

Persons desiring additional information about the amendments may submit inquiries to Cheryl B. Lyne, Administrator, State Board of Certified Real Estate Appraisers, P. O. Box 2649, Harrisburg, PA 17105-2649. The telephone number of the Board's administrative office is (717) 783-4866.

Findings

The Board finds that:

(1) Public notice of the Board's intention to amend the regulations adopted by this order under the procedures in sections 201 and 202 of the CDL has been omitted under section 204(2) and (3) of the CDL because: (i) all persons affected by the regulations adopted by this order have been given actual notice in advance of final rulemaking of the Board's intention to amend the regulations; and (ii) public comment is unnecessary because the regulations

adopted by this order are, in substantial part, based on Federal standards mandated by the REACA.

(2) The amendment of the Board's regulations in the manner provided in this order is necessary and appropriate for the administration of the REACA and the ACA.

Order

The Board, acting under the REACA and the ACA, orders that:

(a) The Board's regulations, 49 Pa. Code Chapter 36, are amended by amending §§ 36.41, 36.42, 36.261 and 36.262 to read as set forth in Annex A.

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

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

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

DAVID J. KING,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 1278 (March 6, 1999).)

Fiscal Note: 16A-708. 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 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

Subchapter A. GENERAL PROVISIONS CONTINUING EDUCATION

§ 36.41. Continuing education requirement.

Continuing education for certified general and residential appraisers is necessary to ensure that they maintain and increase their skill, knowledge and competency in real estate appraising. Continuing education of 28 classroom hours per biennium, including at least 4 hours on the Uniform Standards of Professional Appraisal Practice and at least 2 hours on the act, this chapter and the policies of the Board, shall be required of a certified general or residential appraiser as a condition of biennial renewal of certification. A certified general or residential appraiser whose initial certification becomes effective between January 1 and June 30 of a renewal year will not be required to furnish proof of continuing education as a condition of biennial renewal of certification in that renewal year.

§ 36.42. Continuing education subject matter.

(a) The following subjects are acceptable for continuing education:

- (1) Ad valorem taxation.
- (2) Arbitration.
- (3) Business courses related to the practice of real estate appraisal.

- (4) Development cost-estimating.
- (5) Ethics and standards of professional practice.
- (6) Land use planning, zoning and taxation.
- (7) Management, leasing, brokerage and timesharing.
- (8) Property development.
- (9) Real estate appraisal.
- (10) Real estate financing and investment.
- (11) Real estate law.
- (12) Real estate litigation.
- (13) Real estate appraisal related computer applications.
- (14) Real estate securities and syndication.
- (15) Real property exchange.
- (16) Mass appraisal model building.
- (17) Mass appraisal model calibration.
- (18) Assessment administration.
- (19) Mapping.

(b) Credit toward the classroom hour requirement will be granted only when the length of the education offering is at least 2 hours. A classroom hour is defined as 50 minutes out of each 60 minute segment.

(c) Credit for the classroom hour requirement may be obtained from colleges or universities and community or junior colleges. Subject to Board approval under § 36.31 (relating to provider registration/appraisal courses), credit for the classroom hour requirement may also be obtained from real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers.

(d) Educational offerings which cover real estate appraisal related topics other than those listed in subsection (a) may be acceptable for continuing education credit if the applicant can demonstrate to the Board that the topic or program contributed to the applicant's professional competence and is consistent with the purpose of continuing education as stated in § 36.41 (relating to purpose).

(e) Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted include teaching, program development, authorship of textbooks or similar activities which the applicant can demonstrate to the Board are equivalent to obtaining continuing education.

Subchapter C. CERTIFIED PENNSYLVANIA EVALUATORS

CONTINUING EDUCATION

§ 36.261. Continuing education requirement.

Continuing education of 28 classroom hours per biennium, including at least 4 hours on the Uniform Standards of Professional Appraisal Practice and at least 2 hours on this chapter and the policies of the Board, shall be required of a certified Pennsylvania evaluator as a condition of biennial renewal of certification. A certified Pennsylvania evaluator whose initial certification becomes effective between January 1 and June 30 of a renewal year will not be required to furnish proof of continuing education as a condition of biennial renewal of certification in that renewal year.

§ 36.262. Continuing education subject matter.

(a) Continuing education subject matter shall relate to assessment and appraisal practices. The following subjects are acceptable for continuing education:

- (1) Ad valorem taxation.
- (2) Arbitration.
- (3) Business courses related to the practice of real estate appraisal.
- (4) Development cost-estimating.
- (5) Ethics and standards of professional practice.
- (6) Land use planning, zoning and taxation.
- (7) Management, leasing, brokerage and time sharing.
- (8) Property development.
- (9) Real estate appraisal.
- (10) Real estate financing and investment.
- (11) Real estate law.
- (12) Real estate litigation.
- (13) Real estate appraisal related computer applications.
- (14) Real estate securities and syndication.
- (15) Real property exchange.
- (16) Mass appraisal model building.
- (17) Mass appraisal model calibration.
- (18) Assessment administration.
- (19) Mapping.

(b) Credit for the classroom hour requirement will be granted only if the length of the educational offering is at least 2 hours. A classroom hour is defined as 50 minutes out of each 60 minute segment.

(c) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges. Subject to Board approval under § 36.241 (relating to provider registration/appraisal or assessment courses) credit for the classroom hour requirement may also be obtained from real estate appraisal of assessment related organizations, State or Federal agencies or commissions, proprietary schools and other providers.

(d) Educational offerings which cover real estate appraisal or assessment related topics other than those listed in subsection (a) will be acceptable for continuing education credit if the applicant can demonstrate to the Board that the topic or program contributed to the applicant's professional competence.

(e) Continuing education credit will also be granted for participation, other than as a student, in appraisal or assessment educational processes and programs. Examples of activities for which credit will be granted include teaching, program development, authorship of text books or similar activities if the applicant can demonstrate to the Board that these activities are equivalent to obtaining continuing education.

[Pa.B. Doc. No. 99-405. Filed for public inspection March 12, 1999, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

Importation and Transportation of Horseshoe Crabs

The Fish and Boat Commission (Commission) proposes to add § 63.31 (relating to importation and transportation of horseshoe crabs). The Commission is publishing this addition as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposal relates to the importation and transportation of horseshoe crabs.

A. *Effective Date*

The proposal, if approved on final rulemaking, will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

B. *Contact Person*

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

C. *Statutory Authority*

The proposal is published under the statutory authority of section 2102(c) of the code.

D. *Purpose and Background*

The proposal is designed to update, modify and improve Commission regulations relating to the importation and transportation of fish. The specific purpose is described in more detail under the summary of proposal.

E. *Summary of Proposal*

Late in 1998, the Commission's Law Enforcement and Fisheries staff became aware of issues related to landing in Commonwealth ports of horseshoe crabs taken from ocean waters. These animals are protected in New Jersey and Delaware, and the Atlantic States Marine Fisheries Commission is working on efforts to provide coastal wide protections.

The immediate issue late last year was resolved when Delaware was able to take action to prevent the transportation of these fish through Delaware waters. However, there is still a need for the Commission to take some action (similar to that the Commission took with respect to weakfish) to close any possible loopholes permitting landing of these fish in this Commonwealth.

F. *Paperwork*

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

G. *Fiscal Impact*

The proposal will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed regulation will impose no new costs on the private sector or the general public, except on those individuals who will now have to land horseshoe crabs in ports located in states other than this Commonwealth.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed regulation to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." 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.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-94. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.31. Importation and transportation of horseshoe crabs.

It is unlawful for a person to import into or transport in this Commonwealth horseshoe crabs for the purpose of sale at wholesale or retail. It is unlawful to sell, offer for sale or purchase any horseshoe crabs.

[Pa.B. Doc. No. 99-406. Filed for public inspection March 12, 1999, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 139]

Deer Damage Areas

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 12, 1999, meeting, proposed the following:

Add § 139.16 (relating to deer damage areas) which provides regulatory language for the enrollment and participation of certain landowners in the Deer Damage Areas Program as designated by the Executive Director.

This amendment will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal of this regulation is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposal was made public at the January 12, 1999, meeting of the Commission, and comments on this proposal may be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until March 26, 1999.

*Proposed Additional of § 139.16*1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 12, 1999, meeting proposed adding § 139.16. The proposed section will establish conditions and procedures for designating deer damage areas where antlerless deer may be taken during the antlered deer season. Currently, the authorization to take an antlerless deer during the antlerless deer season on designated deer damage areas is established as part of the seasons and bag limits, § 139.4 (relating to seasons and bag limits for the license year), with no formal procedures for designating these areas. The proposal, which is being made under authority contained in section 2102 of the code (relating to regulations), would remedy this defect.

2. *Purpose and Authority*

Some years ago, the Commission authorized as part of the seasons and bag limits the taking of an antlerless deer during antlered deer season with the appropriate license on areas suffering severe agricultural damage. Requirements and procedures to be followed to establish deer damage areas were never promulgated as a regulation. Since the program has been accepted by the agricultural and hunting communities, the current proposal will remedy this situation.

Section 2102 of the code authorizes the Commission to promulgate regulations relating to seasons and bag limits and game and wildlife. This section provides the authority for the current proposal.

3. *Regulatory Requirements*

The proposed regulation formally establishes qualifications and procedures which have been informally followed for some time. The main requirement for land to be designated as a deer damage area is that it be enrolled in the Commission's cooperative farm game program or safety zone program.

4. *Persons Affected*

Landowners or lessees of farmland and hunters who wish to hunt on the land would be affected by this proposal.

5. *Cost and Paperwork Requirements*

Application to be designated as a deer damage area can be made either in writing or by telephone. Signs furnished by the Commission must be posted on lands so designated. Because of low volume, the Commission anticipates that the cost of application and signs will be fairly small.

6. *Effective Dates*

The proposed regulation will be effective upon publication of final adoption in the *Pennsylvania Bulletin* and will remain in effect until modified or rescinded by the Commission.

7. *Contact Person*

For further information or to comment on the proposed regulation contact James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

DONALD C. MADL,
Executive Director

Fiscal Note: 48-107. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.16. Deer damage areas.

(a) This section provides for the hunting and taking of antlerless deer during the antlered deer season on certain lands designated by the Executive Director as "deer damage areas."

(1) To qualify as a designated deer damage area, the landowner or lessee of the eligible farmland shall be enrolled as a participant in the Commission's cooperative farm game program or safety zone program. The land enrolled in the program shall remain open to public hunting throughout the hunting license year.

(2) Interested landowners shall contact their respective Commission regional office in writing or by phone between July 1 and August 31 of each year. If contacting the office by mail, correspondence shall be postmarked by August 31.

(3) Commission officers will contact interested landowners by October 10 and provide them with the program details and assist them with the sign-up procedures.

(4) Deer damage area signs provided by the Commission shall be conspicuously posted on the boundary of the property by the landowner/cooperator on all contiguous acres of the farm under agreement. Posting should be completed prior to the opening of the fall archery deer season, but no later than October 31.

(5) Failure to meet any conditions in paragraph (1), (2), (3) or (4) will cause the farm to be removed from the deer damage area program.

(b) Hunters shall have the appropriate antlerless license for the county in which the deer damage area is found before hunting or taking an antlerless deer.

[Pa.B. Doc. No. 99-407. Filed for public inspection March 12, 1999, 9:00 a.m.]

[58 PA. CODE CHS. 141 AND 143]

Hunting and Trapping; Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 12, 1999, meeting, proposed the following:

Amend Chapter 141 (relating to hunting and trapping), to make editorial amendments in § 141.41(1) (relating to general) to be consistent with the language in 34 Pa. Code (relating to Game and Wildlife Code) (code) and make editorial amendments to paragraph (2) that provide for the wearing of daylight fluorescent orange while hunting.

Amend § 141.43(d) (relating to deer), with addition of further requirements for the wearing and display of daylight fluorescent orange material while hunting in the proposed early flintlock muzzleloading antlerless deer season.

Amend Chapter 143 (relating to hunting and furtaker licenses), to provide additional amendatory language to § 143.51 (relating to application and issuance of surplus tags) to allow for the sale of surplus antlerless deer

licenses within the Commission's administrative field regions of the Northwest, Northcentral, Southcentral, Northeast and Southeast.

Amend the flintlock muzzleloading deer license language in § 143.84 (relating to application) by removing restrictions on when the license (stamp) can be purchased; and removing the requirement of surrendering the antlerless deer license application when purchasing a muzzleloading license (stamp).

These amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposal is the code.

This proposal was made public at the January 12, 1999, meeting of the Commission, and comments on this proposal may be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until March 26, 1999.

Proposed Amendments to §§ 141.41 and 141.43

1. Introduction

To provide for the safety of hunters in the field and to simplify regulatory provisions relating to the wearing of fluorescent orange-colored material while hunting, the Commission at its January 12, 1999, meeting proposed changes to §§ 141.41 and 141.43 to require the wearing of daylight fluorescent orange-colored material during the proposed early flintlock muzzleloader season and to make some editorial changes. These changes are proposed under the authority contained in section 2102 of code (relating to regulations).

2. Purpose and Authority

As part of the proposed 1999-2000 seasons and bag limits, the Commission decided to propose a 3-day early flintlock muzzleloader antlerless deer season. Since this season would overlap the small game season, it was decided to require the wearing of daylight fluorescent orange-colored material which necessitated the adding of a subsection to § 141.43. In addition, the following changes to § 141.41 were proposed:

a. Change the term "mammals" to "animals" in paragraph (1) to be more consistent with terminology in the code.

b. Remove mention of turkey in paragraph (2) because there are more specific requirements for turkey hunting § 141.45 (relating to turkey).

c. Delete the last sentence of paragraph (2) because the exception is already provided for in section 2524 of the code (relating to protective material required).

Section 2101(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning ... the ways, manner, methods, and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife ..." This provision provides the authority for the proposed changes.

3. Regulatory Requirements

The proposed changes require the wearing of daylight fluorescent orange-colored material during the early flintlock muzzleloader antlerless deer season.

4. Persons Affected

Those desiring to hunt during the early flintlock muzzleloader antlerless deer season will be affected by the proposed changes.

5. Cost and Paperwork Requirements

There will be no additional costs or paperwork.

Proposed Amendment to § 143.51

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on January 12, 1999, proposed changing § 143.51 to allow the sale of surplus antlerless deer licenses in five regions of this Commonwealth in addition to counties in the Southwest region. This change was proposed under section 2722(g) of the code (relating to regulations).

2. Purpose and Authority

Sale of surplus antlerless deer licenses during the 1998-99 hunting license year was limited to counties in the Southwest administrative region and it had a significant impact on how close those counties came to antlerless goals. As a result, the Commission has decided to propose the sales in the other five administrative regions of this Commonwealth.

Section 2722(g) of the code directs the Commission to adopt regulations for the administration, control and performance of license issuance. The proposed change is made under that authority.

3. Regulatory Requirements

The proposed change should increase antlerless license sales without imposing additional requirements.

4. Persons Affected

County treasurers and their employes and persons wishing to hunt antlerless deer in this Commonwealth will be affected by the proposed change.

5. Cost and Paperwork Requirements

The change will not result in additional costs or paperwork.

Proposed Amendment to § 143.84

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on January 12, 1999, proposed a change to § 143.84 to dispense with the requirement that purchasers of flintlock muzzleloader licenses surrender their antlerless deer license application at the time they purchase their muzzleloader license. The change is being proposed under the authority contained in section 2722(g) of the code.

2. Purpose and Authority

Some time ago, to limit what seemed to be a skyrocketing population of flintlock muzzleloader hunters, the Commission established a requirement that these hunters choose between an antlerless deer license and a muzzleloader license. Antlerless deer licenses, however, have, in recent years not sold very well, impacting deer population management. To counter this trend, the Commission is proposing to allow muzzleloader hunters to also obtain an antlerless license.

Section 2722(g) of the code directs the Commission to adopt regulations for the administration, control and performance of license issuance. The change is proposed under this authority.

3. Regulatory Requirements

The proposed change will relax current regulatory requirements.

4. *Persons Affected*

County treasurers and their employes and persons wishing to hunt antlerless deer in this Commonwealth will be affected by the change.

5. *Cost and Paperwork Requirements*

The change will not result in additional costs or paperwork.

Effective Date

The proposed amendments will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

Contact Person

For further information on the changes, contact James R. Fagan, Director, Bureau of Law Enforcement, (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

DONALD C. MADL,
Secretary

Fiscal Note: 48-109. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
Subchapter C. BIG GAME

§ 141.41. General.

It is unlawful to:

(1) Hunt for big game birds or **[mammals] animals** with arrows other than those tipped with broadheads of a cutting-edge design.

(2) Hunt for or assist to hunt for deer **[,] or bear [or turkey]** during the regular firearms season without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc. **[This paragraph does not apply to a season for using muzzleloading firearms or season for using bows and arrows only.]**

§ 141.43. Deer.

* * * * *

(d) *Prohibitions.* It is unlawful to:

* * * * *

(5) Hunt for or assist to hunt for deer during any flintlock muzzleloading season that precedes the regular firearms season for deer without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc.

* * * * *

**CHAPTER 143. HUNTING AND FURTAKE
LICENSES**

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.51. Application and issuance of surplus tags.

(a) **[County treasurers shall accept and process surplus applications from applicants in possession of a current flintlock muzzleloader license (stamp)**

beginning the third Monday in August. Surplus applications accepted by county treasurers on the third Monday in August shall have the applicant's flintlock muzzleloader license number written in the upper corners of the surplus application. The applicant shall write or indicate "Flintlock/Muzzleloader" in the lower left corner of the official envelope.

(b)] Except as provided in [subsection (a) and] § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the fourth Monday in August, residents and nonresidents of this Commonwealth shall be eligible to receive a surplus tag in one of the following counties: Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland or in a county within the Commission's administrative regions of the Northwest, Northcentral, Southcentral, Northeast or Southeast region.

[(c)] (b) ***

[(d)] (c) ***

[(e)] (d) ***

[(f)] (e) ***

**Subchapter E. FLINTLOCK (MUZZLELOADER)
DEER LICENSES**

§ 143.84. Application.

(a) Application may be made when purchasing a regular hunting license, or **any time** thereafter, upon presentation of the regular hunting license **[and matching antlerless license application]**.

(b) **[An application for the license may not be submitted or a license issued after July 31, except to replace a license which was lost. The official affidavit for replacement of a lost license shall be filed when applying for a replacement license.**

(c) **When applying for a flintlock firearm deer season license, the applicant shall surrender the entire current antlerless deer license application.**

(d) **The issuing agent shall write the word VOID, in ink, boldly across the face of the surrendered antlerless deer license application and attach it to the application for the flintlock license.**

(e)] ***

[(f) A resident serving on active duty in the Armed Forces of the United States or in the United States Coast Guard is not bound by this section as it applies to surrendering the antlerless application or deadline for application.]

[Pa.B. Doc. No. 99-408. Filed for public inspection March 12, 1999, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Notice of Application Period for Agricultural Land Conservation Assistance Grant Program

Notice is given of the commencement of an application period for grants under the Agricultural Land Conservation Assistance Grant Program administered by the Department of Agriculture. The program is authorized by sections 7.1 and 7.3 of the act of June 18, 1982 (P. L. 549, No. 159) (3 P. S. §§ 1207.1 and 1207.3). Regulations for the program were published in the *Pennsylvania Bulletin* on March 6, 1999.

Applications for the program will be accepted by the Department of Agriculture beginning April 6, 1999, for a 45-day period ending May 21, 1999. Information and grant application forms may be obtained from Raymond Pickering, Bureau of Farmland Protection, Department of Agriculture, 2301 N. Cameron Street, Room 404, Harrisburg, PA 17110-9408.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 99-409. Filed for public inspection March 12, 1999, 9:00 a.m.]

Quarantine Notice

Under the authority granted it under § 2104 of the Agriculture Code (3 Pa.C.S. § 2104), the Pennsylvania Department of Agriculture hereby establishes a limited Quarantine in an effort to keep the "small hive beetle" scientifically designated *Aethina tumida*, from entering the Commonwealth.

Background. The small hive beetle has been found in Florida, Georgia, South Carolina and North Carolina, and has not yet been found in the Commonwealth of Pennsylvania. The movement of honey bees by man contributes to the spread of small hive beetles.

When small hive beetles are introduced into a colony of bees, they pose a serious threat to the health and survival

of the colony. For this reason, small hive beetles pose a serious threat to the economic well-being of the bee industry, and to the economic well-being of those segments of the fruit and vegetable production industries that depend on commercial bee hives for pollination of plants.

The Bee Law provisions (3 Pa.C.S. §§ 2101-2117) of the Agriculture Code provide authority for this Quarantine Order.

Conditions of Quarantine.

1. For purposes of this Order, the term "small hive beetle" shall mean the species of insect scientifically known as *Aethina tumida*.

2. The transportation of honey bees into the Commonwealth of Pennsylvania from states where the small hive beetle has been found (Florida, Georgia, South Carolina and North Carolina), or is subsequently found, is prohibited unless the appropriate official of the state of origin issues written certification that the honey bees are free of small hive beetles and their larvae. The written certification shall accompany the honey bees in transit.

3. A Beekeeper who receives a shipment of honey bees from a state in which small hive beetles have been found (Florida, Georgia, South Carolina and North Carolina), or are subsequently found, shall maintain adequate and complete records of the point of origin of the honey bees, as well as the written certification that the honey bees are free of small hive beetles and their larvae.

4. The Department of Agriculture will conduct surveys throughout Pennsylvania as deemed necessary to detect the presence of small hive beetles. Beekeepers shall provide Department of Agriculture personnel with free access to their hives and records, as they are required to do under § 2110 of the Agriculture Code (3 Pa.C.S. § 2110).

5. This Order is effective March 2, 1999, and shall remain in force until further notice.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 99-410. Filed for public inspection March 12, 1999, 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 March 2, 1999.

BANKING INSTITUTIONS**Holding Company Acquisitions**

| <i>Date</i> | <i>Name of Corporation</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 3-1-99 | ACNB Corporation, Gettysburg, to acquire 100% of the voting shares of Farmers National Bancorp, Inc., Newville, and indirectly Farmers National Bank of Newville | Gettysburg | Effective |

New Charter Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|-----------------------|
| 2-26-99 | Community Bank of Chester County Exton Chester County | 629 N. Pottstown Pike Exton Chester County | Commenced Business |

Community Bank of Chester County is a wholly-owned subsidiary of CBCC, Inc., Exton, a new Pennsylvania bank holding company.

Conversions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 2-27-99 | First National Bank of Jermyn Jermyn Lackawanna County <i>To:</i> First Liberty Bank & Trust Jermyn Lackawanna County | Jermyn | Effective |

Represents conversion from a Nationally-chartered banking institution to a State-chartered banking institution. Subject bank is a wholly-owned subsidiary of First Liberty Bancorp, Inc., Jermyn, a bank holding company.

Branches Acquired by Conversion:

| | |
|---|--|
| 1700 Keyser Avenue Scranton Lackawanna County | 67 Salem Avenue Carbondale Lackawanna County |
| 210 Church Street Jessup Lackawanna County | Route 502 Daleville Lackawanna County |
| 500 Davis Street Scranton Lackawanna County | |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 2-24-99 | 1st Summit Bank Johnstown Cambria County | Johnstown | Approved |

Purchase of assets/assumptions of liabilities of two branch offices of Laurel Bank, Johnstown, located at:

| | |
|--|---|
| 117 Route 286 Indiana Indiana County | 922 North Philadelphia Avenue Indiana *Indiana County |
|--|---|

*Upon consummation of the transaction, the Philadelphia Avenue branch office will be consolidated in the Route 286 office.

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 2-27-99 | Marine Midland Bank, Buffalo, New York, and First Commercial Bank of Philadelphia, Philadelphia, Pennsylvania Surviving Institution— Marine Midland Bank, Buffalo, New York | Buffalo, New York | Effective |
| 2-27-99 | First Liberty Bank & Trust, Jermyn, and NBO National Bank, Olyphant Surviving Institution— First Liberty Bank & Trust Jermyn | Jermyn | Effective |
| | <i>Branches Acquired by Merger:</i> 128 Lackawanna Street Olyphant Lackawanna County 1300 Wyoming Avenue Scranton Lackawanna County | 45 South Main Street Pittston Luzerne County | |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 2-25-99 | Elderton State Bank Elderton Armstrong County | Water Street and and Route 85 Rural Valley Armstrong County | Approved |

Branch Discontinuances

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 2-27-99 | Fulton Bank Lancaster Lancaster County | 38 E. Roseville Rd. Lancaster Lancaster County | Effective |

Articles of Amendment

| <i>Date</i> | <i>Name of Bank</i> | <i>Purpose</i> | <i>Action</i> |
|-------------|--|--|------------------------------|
| 3-2-99 | USBANCORP Trust Company Johnstown Cambria County | To amend Article One of the Articles of Incorporation to provide for a change in corporate title to "USBANCORP Trust and Financial Services Company." | Approved and Effective |

SAVINGS ASSOCIATIONS**CONVERSIONS**

| <i>Date</i> | <i>Name of Association</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 2-26-99 | American Eagle Savings and Loan Association Boothwyn Delaware County <i>To:</i> American Eagle Savings Bank Boothwyn Delaware County | Boothwyn | Effective |
| | Represents conversion from a Pennsylvania State-chartered mutual savings association to a Federally-chartered mutual savings bank. | | |

CREDIT UNIONS

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Credit Union</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 3-2-99 | Philadelphia Telco Credit Union, Trevose, and Air Shields Employees Credit Union, Hatboro Surviving Institution—Philadelphia Telco Credit Union, Trevose | Trevose | Filed |

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 99-411. Filed for public inspection March 12, 1999, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council; Meeting Notice

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Wednesday, March 24, 1999. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA

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

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

RANDY COOLEY,
Chairperson

[Pa.B. Doc. No. 99-412. Filed for public inspection March 12, 1999, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Professional Standards and Practices Commission; Application of Joseph Gatto for Reinstatement of Teaching Certificate; Doc. No. RE 97-02; Notice of Hearing

Under the Teacher Certification Law, act of December 12, 1973 (P. L. 397, No. 141) as amended, (24 P. S. §§ 2070.1—2070.18), the Professional Standards and Practices Commission (Commission) has initiated hearing

procedures to consider the application of Joseph Gatto for reinstatement of his Biology teaching certificate.

On or about November 24, 1997, Joseph Gatto filed an application for reinstatement of his teaching certificate under section 16 of the Teacher Certification Law (24 P. S. § 2070.16), §§ 35.1 and 35.2 of the General Rules of Administrative Practice and Procedure (1 Pa. Code §§ 35.1 and 35.2) and 22 Pa. Code § 233.14 (relating to reinstatement). Under section 16 of the Teacher Certification Law, the Department of Education (Department) on October 6, 1998, recommended to the Commission that the application be denied. In accordance with the Teacher Certification Law, and the General Rules of Administrative Practice and Procedure, the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as might be necessary, and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties desiring to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with §§ 35.27—35.32 of the General Rules of Administrative Practice and Procedure (1 Pa. Code §§ 35.27—35.32) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with § 35.23 of the General Rules of Administrative Practice and Procedure (1 Pa. Code § 35.23).

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, at 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate, should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,
Executive Director

[Pa.B. Doc. No. 99-413. Filed for public inspection March 12, 1999, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

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

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

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

PA 0050105. Sewage, **Lower Frederick Township**, P. O. Box 253, Zieglerville, PA 19492.

This application is for renewal/increase of an NPDES permit to discharge treated sewage from the Lower Frederick Township STP in Lower Frederick Township, **Montgomery County**. This is an existing discharge to the Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.16 mgd are as follows:

| Parameter | Average Monthly (mg/l) | Average Weekly (mg/l) | Instantaneous Maximum (mg/l) |
|-------------------------|--|--------------------------|---------------------------------|
| CBOD ₅ | | | |
| (5-1 to 10-31) | 15 | 22.5 | 30 |
| (11-1 to 4-30) | 25 | 37.5 | 50 |
| Suspended Solids | 30 | 45 | 60 |
| Ammonia (as N) | | | |
| (5-1 to 10-31) | 3 | 4.5 | 6 |
| (11-1 to 4-30) | 9 | 13.5 | 18 |
| Phosphorus (as P) | | | |
| (4-1 to 10-31) | 2 | 3 | 4 |
| Total Residual Chlorine | | | |
| (Years 1 and 2) | 1.0 | | 1.5 |
| (Years 3, 4 and 5) | 0.5 | | 1.2 |
| Fecal Coliform | 200 colonies/100 ml as a geometric average | | |
| Dissolved Oxygen | monitor only | | |
| pH | within limits of 6.0—9.0 standard units at all times | | |

The proposed effluent limits for Outfall 001, based on an average flow of 0.2 mgd are as follows:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|--|----------------------------------|---|
| CBOD ₅ | | | |
| (5-1 to 10-31) | 15 | 22.5 | 30 |
| (11-1 to 4-30) | 25 | 37.5 | 50 |
| Suspended Solids | 30 | 45 | 60 |
| Ammonia (as N) | | | |
| (5-1 to 10-31) | 3 | 4.5 | 6 |
| (11-1 to 4-30) | 9 | 13.5 | 18 |
| Phosphorus (as P) | | | |
| (4-1 to 10-31) | 2 | 3 | 4 |
| Total Residual Chlorine | | | |
| (Years 1 and 2) | 1.0 | | 1.5 |
| (Years 3, 4 and 5) | 0.5 | | 1.2 |
| Fecal Coliform | 200 colonies/100 ml as a geometric average | | |
| Dissolved Oxygen | monitor only | | |
| pH | within limits of 6.0—9.0 standard units at all times | | |

The EPA waiver is in effect.

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

PA 0088005. Sewage, SIC: 6515, **Robert L. Boyd**, P. O. Box 43, Lurgan, PA 17232.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary to the Conodoguinet Creek, in Lurgan Township, **Franklin County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Carlisle Borough Water Plant located in Carlisle, Cumberland County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0012 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|---|
| CBOD ₅ | 25 | 50 |
| Total Suspended Solids | 30 | 60 |
| NH ₃ -N | | |
| (5-1 to 10-31) | 4.5 | 9 |
| (11-1 to 4-30) | 13.5 | 27 |
| Total Residual Chlorine | 0.5 | 1.6 |
| Dissolved Oxygen | minimum of 5.0 at all times | |
| pH | from 6.0—9.0 inclusive | |
| Fecal Coliforms | | |
| (5-1 to 9-30) | 200/100 ml as a geometric average | |
| (10-1 to 4-30) | 4,700/100 ml as a geometric average | |

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

The EPA waiver is in effect.

PA 0085162. Industrial waste, SIC: 3996, **Armstrong World Industries, Inc. (Lancaster Plant)**, Liberty and Charlotte Streets, Lancaster, PA 17603.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Little Conestoga Creek, in Lancaster City, **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, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was 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 0.05 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 |
| Temperature | | | monitor |

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

The EPA waiver is in effect.

PA 0082741. Industrial waste, SIC: 4941, **Elizabethtown Borough**, 600 South Hanover Street, Elizabethtown, PA 17022.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Conoy Creek, in Mount Joy Township, **Lancaster County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Elizabethtown Water Company located in Mount Joy 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 1.0 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 | |

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

The EPA waiver is in effect.

PA 0087947. Sewage, SIC: 6514, **Columbia Gas Transmission**, 525 Highlands Boulevard, Coatesville, PA 19320.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Beaverdam Creek in Straban Township, **Adams County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Supply Co. located on the Susquehanna River in York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.00078 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|---|
| CBOD ₅ | 10 | 20 |
| Suspended Solids | 10 | 20 |
| NH ₃ -N | | |
| (5-1 to 10-31) | 3.0 | 6.0 |
| (11-1 to 4-30) | 9.0 | 18.0 |
| Total Residual Chlorine | monitor and report | monitor and report |
| Dissolved Oxygen | minimum of 5.0 at all times | |
| pH | from 6.0—9.0 inclusive | |
| Fecal Coliforms | | |
| (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 | |

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

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3666.

PA 0009318. SIC: 3357, **Alcan Cable**, 409 Reighard Avenue, Williamsport, PA 17701-4195.

This proposed action is for renewal of an NPDES permit for discharge of treated industrial waste to Fox Hollow Run in Williamsport, **Lycoming County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the PA American Water Company located approximately 30 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.063 mgd, are:

| <i>Specific Substance</i> | <i>Monthly Average (mg/l)</i> | <i>Daily Maximum (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------------|-----------------------------------|---------------------------------|---|
| TSS | monitor | | monitor |
| Oil and Grease | 15 | | 30 |
| Temperature (°F) | | | |

| <i>Specific Substance</i> | <i>Monthly Average (mg/l)</i> | <i>Daily Maximum (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---------------------------|-------------------------------|-----------------------------|-------------------------------------|
| Jan 1—31 | | 61 | |
| Feb 1—29 | | 63 | |
| Mar 1—31 | | 102 | |
| Apr 1—15 | | 77 | |
| Apr 16—31 | | 110 | |
| May 1—15 | | 91 | |
| May 16—Aug 31 | | 110 | |
| Sep 1—15 | | 107 | |
| Sep 16—30 | | 93 | |
| Oct 1—15 | | 96 | |
| Oct 16—31 | | 80 | |
| Nov 1—15 | | 86 | |
| Nov 16—30 | | 61 | |
| Dec 1—31 | | 58 | |
| pH | | 6.0—9.0 su at all times | |

The proposed effluent limits for Outfall 002, based on a design flow of 0.063 mgd, are:

| <i>Specific Substance</i> | <i>Monthly Average (mg/l)</i> | <i>Daily Maximum (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---------------------------|-------------------------------|-----------------------------|-------------------------------------|
| TSS | | 19 | 25 |
| Oil and Grease | 15 | 29 | 30 |
| BOD ₅ | | 26 | 32.5 |
| Copper | 0.1 | 0.2 | 0.25 |
| Phenols (T) | 0.05 | 0.1 | 0.13 |
| pH | 6.0—9.0 at all times | | |

Other Conditions:

(1) TRE requirement for Copper and Phenols. Limits effective 3 years from permit issuance date. Monitoring and reporting required in the interim.

The EPA waiver is in effect.

PA 0114308. Orange Township Sewer Authority, R. D. 2, Box 58, Orangeville, PA 17859.

This application is for renewal of an NPDES permit for discharge of treated sewage from the Sand-bur and Creekside STP in Orange Township, **Columbia County**. This is an existing discharge to Fishing Creek.

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.013 mgd, are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|------------------------------|-------------------------------------|
| CBOD ₅ | 25.0 | 40.0 | 50.0 |
| Suspended Solids | 30.0 | 45.0 | 60.0 |
| Total Chlorine Residual | 1.0 | | 2.3 |
| Fecal Coliform | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric average | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric average | | |
| pH | 6.0—9.0 su at all times | | |

Other Conditions:

(1) Total Chlorine Residual limits effective 3 years from permit issuance date. Monitoring and reporting required in the interim.

The EPA waiver is in effect.

PA 0113263. SIC: 4952, Liberty Joint School Authority, 241 Main Street, Bloosburg, PA 16912.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to dry swale tributary to Blockhouse Creek in Liberty Borough, **Tioga County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Jersey Shore Water Company located 5 river miles downstream on Pine Creek.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0128 mgd, are:

| <i>Parameter</i> | <i>Average Monthly</i> | <i>Instantaneous Maximum</i> |
|--------------------------------|-----------------------------------|------------------------------|
| CBOD ₅ | 10 | 20 |
| Total Suspended Solids | 10 | 20 |
| Total Cl ₂ Residual | 2 | 4.6 |
| NH ₃ -N | | |
| (5-1 to 10-31) | 3 | 6 |
| (11-1 to 4-30) | 9 | 18 |
| Fecal Coliform | | |
| (5-1 to 9-30) | 200/100 ml as a geometric average | |
| (10-1 to 4-30) | 200/100 ml as a geometric average | |
| pH | 6.0—9.0 at all times | |

Other Conditions: none.

The EPA waiver is in effect.

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

PA 0091936. Sewage, **Indiana County Municipal Service Authority**, P. O. Box 351, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated sewage from the Aultman STP in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tributary of Aultman 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 Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of .025 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 2.5 | 3.8 | | 5.0 |
| (11-1 to 4-30) | 7.5 | 11.0 | | 15.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 3,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | | | | |
| (1st month—36th month) | monitor and report | | | |
| (37th month—expiration) | 0.3 | | | 0.7 |
| Dissolved Oxygen | not less than 4 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA 0093556. Sewage, **North Union Township Municipal Services Authority**, R. D. 1, Box 135A, Lemont Furnace, PA 15456.

This application is for renewal of an NPDES permit to discharge treated sewage from the Bethel Court Sewage Treatment Plant in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Redstone Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the California Water Company located on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.00714 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------|--------------------------------|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 7.0 | 10.5 | | 14.0 |
| (11-1 to 4-30) | 21.0 | 31.5 | | 42.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |

| Parameter | Concentration (mg/l) | | | |
|-------------------------|--|-------------------|------------------|--------------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | 1.4 | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA 0203700. Sewage, **Hutterian Brethren, Inc.**, Route 40, P. O. Box 240, Farmington, PA 15437.

This application is for renewal of an NPDES permit to discharge treated sewage from the Hutterian Brethren Spring Valley Sewage Treatment Plant in Wharton Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Deadman Run, which are classified as a high quality-cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the North Fayette County Municipal Authority on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.042 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------------|--|-------------------|------------------|--------------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | | | | |
| (5-1 to 10-31) | 10 | | | 20 |
| (11-1 to 4-30) | 15 | | | 30 |
| Suspended Solids | 10 | | | 20 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 3 | | | 6 |
| (11-1 to 4-30) | 8 | | | 16 |
| Nitrite and Nitrate | 10 | | | 20 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | | | | |
| (1st month—36th month) | monitor and report | | | |
| (37th month—expiration) | 0.2 | | | |
| Dissolved Oxygen | not less than 7.0 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA 0216402. Sewage, **Duquesne Light Company**, P. O. Box 457, Greensboro, PA 15338.

This application is for renewal of an NPDES permit to discharge treated sewage from Warwick Mine No. 3—Portal No. 3 STP in Dunkard Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tributary of Dunkard Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the East Dunkard Water Works.

Outfall 008: existing discharge, design flow of .011 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------------|--|-------------------|------------------|--------------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 3 | | | 6 |
| (11-1 to 4-30) | 9 | | | 18 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 3,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | | | | |
| (1st month—36th month) | monitor and report | | | |
| (37th month—expiration) | 0.4 | | | |
| Dissolved Oxygen | not less than 4 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA 0216437. Sewage, **Duquesne Light Company**, Box 457, Greensboro, PA 15338.

This application is for renewal of an NPDES permit to discharge treated sewage from Warwick Mine No. 3, 3 North Shaft STP in Dunkard Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Meadow Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the East Dunkard Water Authority.

Outfall 016: existing discharge, design flow of .0125 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 2.5 | | | 5.0 |
| (11-1 to 4-30) | 7.5 | | | 15.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 5,500/100 ml as a geometric mean | | | |
| Total Residual Chlorine | | | | |
| (1st month—36th month) | monitor and report | | | |
| (37th month—expiration) | 0.2 | | | 0.5 |
| Dissolved Oxygen | not less than 5 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

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

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

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

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

| <i>NPDES No.</i> | <i>Facility Name and Address</i> | <i>County and Municipality</i> | <i>Tributary Stream</i> | <i>New Permit Requirements</i> |
|------------------|---|--------------------------------|-------------------------|--------------------------------|
| PA 0032093 | DCNR—Bureau of State Parks—Shawnee State Park 132 State Park Rd. Schellsburg, PA 15559-7300 | Bedford Napier Twp. | Shawnee Branch | TRC |

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

**Applications under the Pennsylvania Clean
Streams Law**

(Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department). Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit application and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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.

**Industrial waste and sewerage applications under
The Clean Streams Law (35 P. S. §§ 691.1—
691.1001).**

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

WQM Permit No. 4699403. Sewage. **Limerick Township Municipal Authority**, P. O. Box 29, Royersford, PA 19468. This project is for the construction and operation to relocate an existing 8-inch gravity sewer line to serve Limerick Greene Housing for the elderly located in Limerick Township, **Montgomery County**.

WQM Permit No. 1592402. Sewerage. **Willistown Township**, 688 Sugartown Road, Malvern, PA 19355. This is for the renewal of a wastewater treatment plant with absorption bed to serve Plumstock STP located in Willistown Township, **Chester County**.

WQM Permit No. 1599402. Sewerage. **West Grove Borough Authority**, P. O. Box 61, 117 Rosehill Avenue, West Grove, PA 19390. This project is for the rerate of a sewage treatment plant to handle a maximum monthly flow to serve West Grove Borough Authority located in West Grove Borough, **Chester County**.

WQM Permit No. 4699404. Sewerage. **Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936-9605. This project is for the construction and operation of eight individual grinder pumps and low pressure sewer lines located in Montgomery Township, **Montgomery County**.

WQM Permit No. 0999403. Sewerage. **Council Rock School District**, Administration Building, 301 Twining Ford Road, Richboro, PA 18954. This project is for construction to replace an onlot sewage treatment plant with spray irrigation to serve Wrightstown Elementary School located in Wrightstown Township, **Bucks County**.

Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications, should contact Mary DiSanto at (717) 705-4732.

A. 3499401. Sewage, submitted by **Twin Boroughs Sanitary Authority**, P. O. Box 118, Mifflin, PA 17057 in Walker Township, **Juniata County** to construct sewers to serve the Village of Mexico was received in the Southcentral Region on February 22, 1999.

Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

WQM Permit No. 5999401. Sewerage. Submitted by **Delmar Township**, R. D. 5, Box 70A, Wellsboro, PA 16901. This application to construct and operate a wastewater collection system and treatment plant to serve the Stony Fork area of Delmar Township was received in the Northcentral Regional Office on February 19, 1999.

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

A. 0499401. Sewerage. **Kathleen Stevenson**, 121 Ridge Road, Freedom, PA 15042. Application for the construction and operation of a small flow sewage treatment to serve the Stevenson Residence located in New Sewickley Township, **Beaver County**.

A. 1199401. Sewerage. **Gaye Lacko**, Box 6, 342 Wendreth Avenue, Summerhill, PA 15958. Application for the construction and operation of a small flow sewage treatment to serve the Lacko Residence located in Croyle Township, **Cambria County**.

A. 6399401. Sewerage. **Art and Sheila Harding**, 245 County Line Road, Bridgeville, PA 15017. Application for the construction and operation of a small flow sewage treatment to serve the Harding Residence located in Cecil Township, **Washington County**.

A. 6399403. Sewerage. **John Teyssier**, 557 Swihart Road, McDonald, PA 15057. Application for the construction and operation of a small flow sewage treatment to serve the Teyssier Residence located in Cecil Township, **Washington County**.

A. 6599402. Sewerage. **Clarence Soforic**, R. D. 4, Box 2260, Mt. Pleasant, PA 15666. Application for the construction and operation of a small flow sewage treatment to serve the Soforic Residence located in Mt. Pleasant Township, **Westmoreland County**.

A. 0299403. Sewerage. **Michael Raimondi**, 464 Coal Pit Run Road, Bridgeville, PA 15017. Application for the construction and operation of a small flow sewage treatment to serve the Raimondi Residence located in South Fayette Township, **Allegheny County**.

A. 0299404. Sewerage. **Christopher Ard**, 4192 Moreno Drive, Palm Harbor, FL 34685. Application for the construction and operation of a small flow sewage treatment to serve the Ard Residence located in Richland Township, **Allegheny County**.

A. 0299405. Sewerage. **Anthony L. Weiss**, 298 Harmony Road, Pittsburgh, PA 15237. Application for the construction and operation of a small flow sewage treat-

ment to serve the Weiss Residence located in Marshall Township, **Allegheny County**.

A. 6399402. Sewerage. **David Cook**, 9 Fieldcrest Drive, McDonald, PA 15057. Application for the construction and operation of a small flow sewage treatment to serve the Cook Residence located in Robinson Township, **Washington County**.

A. 6599403. Sewerage. **Dennis O'Hara**, 3013 7th Street, Lower Burrell, PA 15068. Application for the construction and operation of a small flow sewage treatment to serve the O'Hara Residence located in Washington Township, **Westmoreland County**.

A. 6599404. Sewerage. **Milcho Silianoff**, R. R. 4, Box 22, Greensburg, PA 15601. Application for the construction and operation of a small flow sewage treatment to serve the Silianoff Residence located in Salem Township, **Westmoreland County**.

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

WQM Permit No. 6299402. Sewage, **Jeffrey S. Kania, SRSTP**, 680 Hatch Run Rd., Warren, PA 16365. This project is for the construction of a single residence sewage treatment plant in Glade Township, **Warren County**.

INDIVIDUAL PERMITS

(PAS)

NPDES Individual

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

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

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

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

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

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

Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

NPDES Permit PAS10S036-1. Stormwater. **Canterbury Estates**, Romec, Inc., Route 940, Box 99, Pocono Lake, PA 18347 has applied to discharge stormwater from a construction activity located in Stroud Township, **Monroe County** to Flagler Run and Wigwam Run.

Lehigh County Conservation District, Lehigh County Agricultural Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104-5728, (610) 391-9583.

NPDES Permit PAS10Q028-R. Stormwater. **Brookhaven Development Corp.**, Byron Ashbrook, 2910 Lingberg Avenue, Allentown, PA 18103 has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

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

Cumberland County Conservation District, District Manager, 43 Brookwood Avenue, Suite 4, Carlisle, PA 17013, (717) 240-7812.

NPDES Permit PAS-10-H083. Stormwater. **South Middleton School District**, 4 Forge Road, Boiling Springs, PA has applied to discharge stormwater from a construction activity located in South Middleton Township, **Cumberland County**, to Yellow Breeches Creek.

Franklin County Conservation District, District Manager, 550 Cleveland Avenue, Chambersburg, PA 17201, (717) 264-8074.

NPDES Permit PAS-10-M103. Stormwater. **Aldine Martin**, Heritage Estates, 111 Williamson Avenue, Greencastle, PA 17225 has applied to discharge stormwater from a construction activity located in Antrim Township and Greencastle Borough, **Franklin County**, to Muddy Run.

SAFE DRINKING WATER

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

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

A. 1599504. Public water supply. **Borough of Oxford**, P. O. Box 380, Oxford, PA 19636-0380. This proposal involves the construction of an air stripping tower to remove VOC's from well No. 7 and well No. 12. Also, this

project includes new piping, clear well and booster pump in Oxford Borough, **Chester County**.

A. 0999503. Public water supply. **Borough of Chalfont**, 40 Main Street, Chalfont, PA 18914. This proposal involves the installation of an air stripping tower on well No. 8A for the removal of tetrachloroethylene. Also, this project includes modifications to the existing well house building and replacement of the well pump in New Britain Borough, **Bucks County**.

A. 1599502. Public water supply. **Independence Park**, 341 Freemont Road, Nottingham, PA 19362. This proposal involves the installation of nitrate treatment ion exchange unit at the Independence Park Mobile Home System, in West Nottingham Township, **Chester County**.

A. 0999502. Public water supply. **Upper Southampton Township Municipal Authority**, 945 Street Road, Southampton, PA 18966. This proposal involves the installation of an iron sequestration systems at well Nos. 3, 7, 9 and booster station No. 1 in Upper Southampton Township, **Bucks County**.

A. 1599501. Public water supply. **Coventry Terrace Mobile Home Park**, The Caryle Group, Inc., 9073 Nemo Street, West Hollywood, CA 90069. This proposal involves the use of an existing water supply system which serves Coventry Terrace Mobile Home Park. The system consists of disinfection, pH adjustment and emergency power in East Coventry Township, **Chester County**.

Northeast Regional Office: Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

3599501. Public water supply. **Pennsylvania American Water Company**, Abington District. This proposal involves the installation of 10,000 linear feet of 16" diameter pipeline and improvements to the Brook Street Pump Station. It is located in South Abington Township, **Lackawanna County**. *Engineer: Karam & Associates, John Scheuer, P.E.*

3999501. Public water supply. **Parkland School District, Kernsville Elementary School**, Terry DeGroot. This proposal involves the addition of orthophosphate and soda ash to control corrosion and lead levels. It is located in South Whitehall Township, **Lehigh County**.

Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

3899501. Fredericksburg Sewer & Water Authority, Bethel Township, **Lebanon County**, *Responsible Official: James A. Heisey, Authority Chairperson, P. O. Box 161, Fredericksburg, PA 17026. Type of Facility: Installation of equipment for addition of sodium fluoride to water supply. Consulting Engineer: Jeffrey D. Steckbeck, Steckbeck Engineering Assoc., 43 N. Cornwall Road, Lebanon, PA 17042. Application received: February 18, 1999.*

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

5026048. Polar Water Company, 45 West Nobles-town Road, Pittsburgh, PA 15106. Modification to bottled water plant located in **Allegheny County**.

6399502. Pennsylvania-American Water Company, 800 West Hershey Park Drive, Hershey, PA 17033. Construction of chemical feed systems to improve filtration performance, control Zebra Mussels and improve settling

in the sludge clarifier at the E. H. Aldrich Plant serving Union Township, **Washington County**.

5699501. Citizens Water Company, 513 Dean Street, P. O. Box 26, Confluence, PA 15424. Installation of chemical feed solution pumps for pH adjustment and corrosion control serving Lower Turkeyfoot Township, **Somerset County**.

6599501. Highridge Water Authority, 17 Maple Avenue, Blairsville, PA 15717. Construction of the United Pump Station to serve an area of East Wheatfield Township, **Indiana County**.

3289503-A2. Blairsville Municipal Authority, 203 East Market Street, Blairsville, PA 15717. Construction of a direct connection and prechlorination system for Well No. 2 prior to entering the Blairsville Water Treatment Plant located in Derry Township, **Westmoreland County**.

2689504-A3. North Fayette County Municipal Authority, University Drive, Ranch Road, Box 368, Dunbar, PA 15431. Construction of two water storage tanks, modification of an existing pump station and installation of transmission lines and distribution lines serving South Union and Georges Townships, **Fayette County**.

Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6899.

A. 2599502. Public water supply. **Greene Township Municipality**, 9333 Tate Road, Erie, PA 16510. This proposal involves the sequestering, injection and static mixing to minimize iron and manganese concentration to provide cleaner drinking water to households hooked up to the water system in Greene Township, **Erie County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

site for any contamination identified in reports submitted to and approved by the Department. 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 cleanup 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 proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site.

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

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

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Former Addy Asphalt Property (84 Scott Street), City of Wilkes-Barre, **Luzerne County.** Rick A. Rose, Jr., Rose Camp, Inc., 454 South Main Street, Wilkes-Barre, PA 18711 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds, petroleum hydrocarbons and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. See additional *Pennsylvania Bulletin* notice.

Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

JSP International (Former Spang Tool Facility), 150 E. Brook Lane, East Butler, PA, East Butler Township, **Butler County,** has submitted a Notice of Intent to Remediate site soil, ground water and surface water contaminated with PCBs, lead, heavy metals, solvents, BTEX, free cyanide and the surface water with total cyanide. The applicant proposes to remediate the site to meet the site-specific standards. The Notice of Intent to Remediate was reported to have been published in the *Butler Eagle* on January 29, 1999.

SOLID AND HAZARDOUS WASTE BENEFICIAL USE DETERMINATIONS

Request for Determination of Applicability received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.

Permit No. WMGM001. Received an application from **Toro Energy, Inc.**, 4925 Greenville Avenue, Suite 1022, Dallas, TX 75206, for determination of applicability issued to Allegheny Energy Resources, Inc. for use of landfill gas (LFG) to produce a medium BTU LFG as a substitute for natural gas or other fuel. The Department accepted the application as administratively complete on February 23, 1999.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

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

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

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

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

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

structed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the act.

OPERATING PERMITS

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

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

39-309-046C: Lafarge Corp. (5160 Main Street, Whitehall, PA 18052) for operation of cement kiln no. 3 at the Whitehall Plant, Whitehall Township, **Lehigh County**.

39-309-049A: Lafarge Corp. (5160 Main Street, Whitehall, PA 18052) for operation of cement kiln no. 2 at the Whitehall Plant, Whitehall Township, **Lehigh County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

49-303-005A: Meckley's Limestone Products, Inc. (R. R. 1, Box 950, Herndon, PA 17830) for operation of a batch asphalt concrete plant and associated air cleaning device (a fabric collector) in Lower Mahanoy Township, **Northumberland County**.

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

OP-03-00151: T.J.S. Mining, Inc. (R. D. 1, Box 260D, Dutch Run, Shelocta, PA 15774) for operation of coal preparation plant at Dutch Run Prep Plant in Plumcreek Township, **Armstrong County**.

OP-65-00767: Westmoreland Waste LLC (1428 Delberts Drive Unit 2, Monongahela, PA 15063) for operation of municipal waste landfill at Sanitary Landfill in Monessen, **Westmoreland County**.

OP-65-00847: ABB Power T&D Co., Inc. (125 Theobald Avenue, Greensburg, PA 15601) for operation of manufacturing switchgear and switchboard at Power Circuit Breaker Plant in Greensburg, **Westmoreland County**.

OP-04-00252: Alex E. Paris Contracting Co., Inc. (Route 18, Atlasburg, PA 15004) for operation of flyash disposal site at the Paris Flyash Site in Hanover Township, **Beaver County**.

Notice of Intent to Issue Title V Operating Permits

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

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V

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

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

Southeast Regional Office: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Edward Brown, (610) 832-6242.

TVOP-23-00034: Villanova University (Ithan Avenue and Route 30, Villanova, PA 19085) located in Radnor Township, **Delaware County**. The facility's major emission points include: 4 boilers, 34 emergency generators and 33 miscellaneous small combustion units such as hot water boilers and space heaters which emit major levels of nitrogen oxide compounds (NOx) and sulfur oxide compounds (SOx).

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

01-05023: Carmeuse Pennsylvania, Inc. (P. O. Box 160, Annville, PA 17003) for the Hanover lime plant in Oxford Township, **Adams County**. The facility is a major source of sulfur oxides (SOx) emissions.

36-05082: Clark Filter (3649 Hempland Road, Lancaster, PA 17601) for operations of paper coating and curing lines at the Hempfield Division Plant in West Hempfield Township, **Lancaster County**. The facility is a major emitter of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs).

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, Attn: Mohammad Zaman, (717) 327-3637.

TVOP-59-00005: Magee Rieter Automotive Systems (480 West Fifth Street, Bloomsburg, PA 17815) for their manufacturing facility located in Bloomsburg Borough, **Columbia County**. The Magee Rieter Automotive Systems facility manufactures: carpet; sheet vinyl; tile; and sundry items. The facility's main sources include: two coal fired boilers, two no. 4 oil-fired boilers, two propane-fired dryers, 13 propane-fired heaters and miscellaneous emergency equipment which emit major quantities of nitrogen oxides (NOx). As a result of emissions of major quantities of NOx the facility is a major stationary source as defined in Title 1, Part D of the Clean Air Act Amendments. The facility is therefore subject to Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The facility also emits carbon monoxide, sulfur dioxide, volatile organic compounds and particulate matter. This facility is also subject to all applicable requirements of Reasonably Available Control Technology (RACT).

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Attn: Mark Wayner, (412) 442-4161.

65-860B: Fansteel Hydro Carbide (P. O. Box 363, Latrobe, PA 15650) located in **Westmoreland County**. The facility is used in the production of cemented tungsten carbide. This facility is a major facility for volatile organic compounds (VOC) emissions. This plan approval is for the installation of two attritor mills in the mixing room and two Rota-Cone vacuum dryers in the drying room. The attritors will be controlled with an already existing chiller unit and the two dryers are equipped with condensers. This is considered to meet best available technology (BAT).

PLAN APPROVALS

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

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

06-1007U: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612) for no. 4 mill and swing frame grinders controlled by two fabric collectors in Reading, **Berks County**.

06-5085A: Conestoga Landfill Inc. (P. O. Box 128, Morgantown, PA 19543) for a municipal waste landfill controlled by permanent and temporary flares in New Morgan Borough, **Berks County**. This source is subject to 40 CFR 60, Subpart WWW, Standards of Performance for New Stationary Sources.

07-03019: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) for installation of a stone crushing plant controlled by wet suppression in Greenfield Township, **Blair County**.

28-310-002E: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) for modification of a stone processing plant located in Guilford Township, **Franklin County**. The modification involves replacing an existing Cedarapids hammer mill with a Telsmith crusher. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

34-310-001E: Jay Fulkroad & Sons Inc. (R. R. 1, Box 3060, McAlisterville, PA 17049) for construction of two screens and a primary crusher at the facility located in Fayette Township, **Juniata County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

36-05019C: Grinnell Corp. (1411 Lancaster Avenue, Columbia, PA 17512) for construction of a fabric collector and other modifications to the south melt deck at the facility located in Columbia Borough, **Lancaster County**.

67-309-070E: Global Stone PenRoc, Inc. (P. O. Box 1967, York, PA 17405-1967) for modification to the West Filler Plant in West Manchester Township, **York County**. This modification is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

18-313-019D: Croda, Inc. (P. O. Box 178, Mill Hall, PA 17751-0178) for construction of a chemical process reactor (R-17) and installation of air cleaning devices (a thermal

fume incinerator and a packed bed scrubber) on various quaternary ammonium compound chemical process reactors in Bald Eagle Township, **Clinton County**.

19-322-002C: White Pines Corp. (R. R. 1, Box 69, Millville, PA 17846) for construction of a rock crushing and screening plant and associated air cleaning device (a water spray dust suppression system) in Pine Township, **Columbia County**. This plant is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

12-399-014B: GKN Sinter Metals (R. R. 2, Box 47, Emporium, PA 15834) for construction of two powdered metal parts sintering furnaces (PF59 and 60) at Plant 6 in Emporium Borough, **Cameron County**.

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

PA-32-055C: Edison Mission Energy (1750 Power Plant Road, Homer City, PA 15748) for construction of Unit 1 at Homer City Generation in Center Township, **Indiana County**.

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

PA-10-028E: Armstrong Cement & Supply Corp. (100 Clearfield Road, Cabot, PA 16023) for installation of three baghouses on existing cement storage silos in Cabot, **Butler County**.

PA-10-028F: Armstrong Cement & Supply Corp. (100 Clearfield Road, Cabot, PA 16023) for reconstruction/installation of a control device, electrostatic precipitator, on Kilns 1 and 2 in Cabot, **Butler County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Proposed Revision to the State Implementation Plan for Oxides of Nitrogen (NOx) and Volatile Organic Compounds (VOC); Public Hearing

Approval of Reasonably Available Control Technology (RACT) Plan for: G-Seven LTD. (Hatfield Township, Montgomery County)

The Department of Environmental Protection (Department) has made a preliminary determination to approve a RACT plan as an amendment to the State Implementation Plan (SIP) for the above facility. The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in the RACT approval for this facility to comply with current regulations.

This preliminary determination, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determination for this facility:

G-Seven LTD. (Operating Permit OP-46-0078)

| <i>Source</i> | <i>VOC Emission Limit</i> | <i>RACT Determination</i> |
|--------------------------------|-------------------------------|--------------------------------|
| Furniture Finishing Operations | Control Technology Guidelines | Compliance with Section 129.52 |
| Cleanup Operations | 11 tons/year | Work Practice Standard & LDAR |

Glue Operations and Combustion Units are de minimis VOC sources. This facility is a minor for NOx source.

One public hearing will be held for the purpose of receiving comments on the proposed SIP revision. The hearing will be held at 2 p.m. on April 15, 1999, at the Department's Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to the Department on the proposed SIP revision and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Lynda Rebarchak, DEP Community Relations Coordinator, at (610) 832-6219 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before April 15, 1999.

Individuals in need of accommodations as provided for in the Americans With Disabilities Act who would like to attend the hearing should contact Lynda Rebarchak at (610) 832-6219 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

Copies of the pertinent documents are available for review at the Department's Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6268.

| <i>Source</i> |
|-------------------------------------|
| Milling and Screening Area |
| Filter Press Area |
| Mixing & Loadout Area |
| Distillation |
| Tank Farm |
| Cleaver Brooks Boiler CB-400-300 |
| Cleaver Brooks Boiler CB-400-250 |

The main sources at the Lansford Borough, Carbon County facility are listed as follows and a summary of the preliminary RACT determination for this facility:

| <i>Source</i> |
|----------------------------|
| Milling and Screening Area |

| <i>VOC Ract Limit</i> |
|--|
| Inspection, Operation & Maintenance with good engineering practice |
| Inspection, Operation & Maintenance with good engineering practice |
| Inspection, Operation & Maintenance with good engineering practice |
| Inspection, Operation & Maintenance with good engineering practice |
| 3.0 lbs/hr, 15 lbs/day or 2.7 tons/year on a 12 month rolling sum |
| 3.0 lbs/hr, 15 lbs/day or 2.7 tons/year on a 12 month rolling sum |
| 3.0 lbs/hr, 15 lbs/day or 2.7 tons/year of a 12 month rolling sum |

| <i>VOC Ract Limit</i> |
|--|
| Inspection, Operation & Maintenance with good engineering practice |

Proposed Revision of the State Implementation Plan for Volatile Organic Compounds (VOCs); Public Hearing

Approval of Reasonable Available Control Technology (RACT) Plans for:

Silberline Manufacturing Company Inc., Lansford Borough, Carbon County

Silberline Manufacturing Company Inc., Rush Township, Schuylkill County

The Department of Environmental Protection (Department) has made a preliminary determination to approve RACT plans and amendments to the State Implementation Plan (SIP) for Silberline Manufacturing Co., Inc.

The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with correct regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into Plan Approvals/Operating Permits for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The main sources at the Rush Township, Schuylkill County facility are listed as follows and a summary of the preliminary RACT determination for this facility:

Source

Filter Press Area

Mixing & Loadout Area

Distillation

Tank Farm

York Shipley Boiler
150 HPYork Shipley Boiler
80 HP*VOC Ract Limit*

Inspection, Operation & Maintenance with good engineering practice

Inspection, Operation & Maintenance with good engineering practice

Inspection, Operation & Maintenance with good engineering practice

3.0 lbs/hr, 15 lbs/day or 2.7 tons/year on a 12 month rolling sum

3.0 lbs/hr, 15 lbs/day or 2.7 tons/year on a 12 month rolling sum

3.0 lbs/hr, 15 lbs/day or 2.7 tons/year of a 12 month rolling sum

A public hearing will be held for the purpose of receiving comments on the proposed Plan Approvals/Operating Permits and the proposed SIP revisions. The hearing will be held on April 14, 1999, at 10 a.m. at the Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Mark Carmon, Community Relations Coordinator, at (717) 826-2531 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with disabilities who wish to attend the hearing and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Richard Shudak of DEP at (717) 826-2531 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wish to comment, should provide written comment to Thomas DiLazaro, Regional Air Quality Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790. Comments should be submitted within 30 days of this publication in the *Pennsylvania Bulletin*.

All the pertinent documents are available for review from 8 a.m. to 4 p.m. in the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. Appointments for scheduling a review may be made by calling (717) 826-2531.

MINING**APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015);

the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the

conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

Coal Applications Received

17890103. Thunder Coal Company (R. D. 1, Box 477, Grampian, PA 16838), revision to an existing bituminous surface mine permit for a change in permit acreage from 101.5 to 42.6 acres, Penn Township, **Clearfield County**. Receiving streams: unnamed tributaries 1, 2, 3 and 4 to Kratzer Run to Anderson Creek to West Branch Susquehanna River. Application received February 12, 1999.

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

33813012. P & N Coal Company, Inc. (240 W. Mahoning Street, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip and auger operation in Gaskill Township, **Jefferson County** affecting 598.0 acres. Receiving streams: Unnamed tributary to Clover Run and unnamed tributaries to East Branch Mahoning Creek and Lost Run to Clover Run to East Branch Mahoning Creek. Application received February 19, 1999.

43840105. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface, auger and tiple refuse disposal operation in Pine Township, **Mercer County**, affecting 98.0 acres. Receiving streams: Unnamed tributary to Swamp Run to Wolf Creek to Slippery Rock Creek to Connoquenessing Creek. Application for reclamation only. Application received February 24, 1999.

33990103. Falls Creek Energy Co., Inc. (R. D. 6, Box 231, Kittanning, PA 16201). Commencement, operation and restoration of a bituminous surface strip operation in McCalmont Township, **Jefferson County** affecting 71.6 acres. Receiving streams: Camp Run to Sandy Lick Creek to Redbank Creek to Allegheny River. Application received February 24, 1999.

33813020. John R. Yenzi, Jr. (P. O. Box 287, Anita, PA 15711). Revision to an existing bituminous surface strip operation in Winslow Township, **Jefferson County**, affecting 270.0 acres. Receiving streams: Two unnamed tributaries to Front Run; Front Run; Unnamed tributary to Trout Run. Revision to include fly ash and bottom ash. Application received February 25, 1999.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit

comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

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

E23-376. Encroachment. St. Katherine of Siena, 104 South Aberdeen Avenue, Radnor, PA 19087. To construct and maintain a building addition over an existing stream enclosure for the St. Katherine of Siena School expansion project and to parge the interior of the masonry enclosure conveying Ithan Creek (CWF, MF) at a point near the intersection of Midland Avenue and Aberdeen Avenue (Valley Forge, Quadrangle N: 7.65 inches; W: 1.05 inches) in Radnor Township, **Delaware County**.

E15-608. Encroachment. PA DOT, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To widen and maintain an existing bridge over West Valley Creek (CWF-MF) on Pottstown Pike (SR 0100) by extending 20 feet on each end to accommodate the addition of two travel lanes. This site is located just south of the intersection of Route 30 and Route 100 (Downingtown, PA Quadrangle N: 5.0 inches; W: 0.5 inch) in West Whiteland Township, **Chester County**.

E15-609. Encroachment. Mark Foresman, Eastern Shore Natural Gas, 350 South Queen Street, Dover, DE 19901. To construct, operate and maintain approximately 4.7 miles of 16-inch natural gas line which will require six crossings of two tributaries of the West Branch of White Clay Creek (TSF-MF) and four crossings of a tributary to the East Branch of Big Elk Creek (HQ-TSF-MR) and adjacent wetlands. Total impact to the wetland will be 1.39 acres. The proposed pipeline will be situated within an existing 35-foot wide Eastern Shore Natural Gas Company (ESNG) pipeline easement located between the Dalesville Compressor Station and the northern side of State Road (beginning Oxford, PA Quadrangle N: 19.2 inches; W: 1.9 inches and ending West Grove, PA Quadrangle N: 9.2 inches; W: 15.4 inches) in Londonderry and Penn Townships, **Chester County**.

E46-832. Encroachment. Plymouth Township, 700 Belvoir Road, Norritown, PA 19401. To construct and maintain the following activities in and along the 100 year floodplain of an unnamed tributary to Saw Mill Run: 1) Install 100 linear feet of 60-inch wide by 46-inch high CMPA stream enclosure which extends from Yale Road westward; 2) Install 208 linear feet of 71-inch wide by 47-inch high CMPA stream enclosure connected to above mentioned enclosure and end just downstream of Harvard Circle; 3) To relocate the existing channel which empties into an existing basin, and to construct approximately 300 linear foot new channel to bypass the basin and eliminate the existing flooding problems on adjacent properties. The site is located approximately 300 feet

south of the intersection of Harvard Road and Yale Road (Lansdale, PA USGS Quadrangle N: 0.50 inch; W: 6.00 inches) in Plymouth Township, **Montgomery County**.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-5485.

E48-279. Encroachment. **Green-Waltz Water Company**, 2521 Delabole Road, Bangor, PA 18013. To place fill in 0.37 acre of PEM wetlands for the purpose of constructing a water storage tank and distribution system adjacent to Greenwalk Creek (HQ-CWF). This permit is for a project that has already been completed and is considered an after-the-fact approval. The site is located approximately 0.4 mile southeast of the intersection of S. R. 1016 (Delabole Road) and T-680 (O. W. Road) (Bangor, PA Quadrangle N: 20.2 inches; W: 14.5), Washington Township, **Northampton County** (Philadelphia District, U. S. Army Corps of Engineers).

E52-159. Encroachment. **Gary and Anita Geresi**, 76 Copperleaf Terrace, Staton Island, NY 10304. To place rock fill to a depth of approximately 12 inches, extending approximately 24 feet from the shoreline and having a width of 12 feet, in Fawn Lake (HQ-CWF), for the purpose of providing a stabilized surface for handicapped access to the lake. The project includes a minor road crossing of wetlands impacting a de minimis area of wetlands equal to 0.01 acre, utilizing the Department's General Permit BDWM-GP-7. The project is located at 60 Fawn Lake Drive, (Narrowsburg, NY-PA Quadrangle N: 1.1 inches; W: 9.8 inches), Lackawaxen Township, **Pike County** (Philadelphia District, U. S. Army Corps of Engineers).

E54-264. Encroachment. **Port Carbon Borough**, 301 First Street, P. O. Box 71, Port Carbon, PA 17965. To repair and maintain the existing retaining walls along Mill Creek (CWF), with work consisting of replacing four existing stone masonry wall sections, ranging from 15 to 33 feet in length, with concrete block walls. The wall height varies from 6 to 8 feet. The project is located immediately upstream of the confluence of Mill Creek and the Schuylkill River (Pottsville, PA Quadrangle N: 12.5 inches; W: 5.7 inches), Port Carbon Borough, **Schuylkill County** (Philadelphia District, U. S. Army Corps of Engineers).

E64-200. Encroachment. **Honesdale Wendico LLC**, 65 Oak Street, Deposit, NY 13754. To place fill within the floodway of along the left bank of a tributary to Holbert Creek (HQ-CWF), and to construct and maintain a pedestrian bridge, having a span of 33.5 feet and an underclearance of approximately 6.5 feet, across a tributary to Holbert Creek, for the purpose of constructing an employe parking area for Wendy's Restaurant. The project is located on the south side of T-405, approximately 1,000 feet southwest of the intersection of T-405 and S. R. 2009 (White Mills, PA Quadrangle N: 9.8 inches; W: 12.5 inches), Texas Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

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

E05-275. Encroachment. **Breezewood Enterprises, Inc.**, James Bittner, P. O. Box 287, Breezewood, PA 15533. To fill in 0.28 acre of wetland and to construct and maintain a 72-inch diameter corrugated metal pipe (CMP) by 589 feet stream enclosure along the channel of an unnamed tributary to Tubbs Mill Run to expand a parking

lot located about 700 feet southeast of the US 30 and I-70 Interchange No. 28 (Breezewood, PA Quadrangle N: 22.35 inches; W: 15.6 inches) in East Providence Township, **Bedford County**.

E07-310. Encroachment. **Northern Blair County Regional Sewer Authority**, R. R. 4, Box 236A, Tyrone, PA 16686. To construct and maintain a sewage collection system that will cross 10 stream channels and impact about 1.5 acres of wetlands in the Bald Eagle Creek (TSF) watershed for the purpose of correcting malfunction private in ground septic systems located in areas locally known as Vail and Bald Eagle (Tyrone, PA Quadrangle N: 15.0 inches; W: 8.5 inches) in Snyder Township, **Blair County**.

E67-660. Encroachment. **Crown American Properties**, Kevin Evans, Pasquerilla Plaza, Johnstown, PA 15091. To construct and maintain an 18 linear foot culvert extension to an existing 16' x 6' concrete culvert and to realign 75 feet of concrete channel upstream of this culvert in Willis Run (CH93-WWF) located on SR 0030 just east of SR 0074 for the purpose of constructing a new access ramp to the West Manchester Mall (West York, PA Quadrangle N: 17.7 inches; W: 2.4 inches) in West Manchester Township, **York County**.

E67-661. Encroachment. **James L. Mulay**, 2200 Nena Drive, York, PA 17404. To construct and maintain a 3,540 square foot building in the floodway of the Little Conewago Creek (CH-93 TSF) for the purpose of building a car wash facility located on SR 0074 at the intersection of Pine Road (T-505) (West York, PA Quadrangle N: 19.0 inches; W: 8.0 inches) in Dover Township, **York County**.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1267. Encroachment. **Woodville Associates, LTD**, 5020 Thoms Run Road, Oakdale, PA 15071. To place and maintain fill in approximately 0.19 acre of wetland (PEM) for the purpose of constructing the Woodville Associates Retail Facility located just north from the intersection of S. R. 50 (Washington Pike) and Thoms Run Oakdale Road (Pittsburgh West, PA Quadrangle N: 1.4 inches; W: 13.1 inches) in Collier Township, **Allegheny County**.

E65-720. Encroachment. **Township of Penn**, P. O. Box 452, Harrison City, PA 15136. To construct and maintain a 10.5-foot deep, 160-foot wide x 300-foot long stormwater detention basin in and along an unnamed tributary to Bushy Run (WWF) located approximately 450 feet north of the end of Patrick Drive (Irwin, PA Quadrangle N: 18.3 inches; W: 1.1 inches) in Penn Township, **Westmoreland County**.

E04-264. Encroachment. **Bet-Tech International, Inc.**, 1150 Brodhead Road, Monaca, PA 15001. To perform maintenance dredging and to operate and maintain a barge docking facility along the left bank side of the Ohio River (WWF) near River Mile 22.6 (Beaver, PA Quadrangle N: 8.5 inches; W: 1.2 inches) in Center Township, **Beaver County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-292. Encroachment. **Karns City Area School District**, 1446 Kittanning Pike, Karns City, PA 16041. To place and maintain a 72-inch-diameter by 712-foot-long

reinforced concrete pipe stream enclosure, associated fill and outlet protection in a tributary to South Branch Bear Creek (WWF, drainage area 686 acres) as part of the expansion of the existing athletic field at the Karns City Junior/Senior High School. The project is located directly west of athletic (football) field at the Karns City Junior/Senior High School on SR 0268 approximately 2,000 feet south of the intersection of SR 0268 and SR 1010 in Karns City (Chicora, PA Quadrangle N: 20.6 inches; W: 14.1 inches) located in Fairview Township, **Butler County**.

E10-295. Encroachment. **Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16066-6499. To authorize the following as part of the project to widen SR 0228 from two lanes to four lanes: 1. To place and maintain an extension to an existing 48-inch-diameter culvert enclosure from 105 feet to 125 feet (drainage area 177 acres, UNT to Brush Creek); 2. To place and maintain an extension to an existing 54-inch-diameter culvert from 94 feet to 150 feet (drainage area 157 acres, UNT to Brush Creek); 3. To realign approximately 600 linear feet of a watercourse (drainage area 112 acres, UNT to Brush Creek) by creating approximately 620 linear feet of new stream channel; 4. To construct temporary stream crossings for construction access; 5. To place fill in a total of 0.04 acre of two separate wetland areas (de minimis); (Mars, PA Quadrangle N: 11.0 inches; W: 11.0 inches) located in Cranberry Township, **Butler County**. This project will start at the SR 0228/I-79 interchange and will continue east on SR 0228 to the Cranberry Township/Seven Fields Borough boundary line.

E42-262. Encroachment. **Kane Hardwood Div. of Collins Pine Co.**, P. O. Box 807, Kane, PA 16735. To install and maintain a 78-inch-wide by 42-inch-tall by 20-foot-long culvert and associated fill across a tributary to Crane Run (EV, Wild Trout) as a permanent road crossing. The project is located across a tributary to Crane Run approximately 7,000 feet southwest of the intersection of Forest Service Road No. 126 and Forest Service Road No. 133 (Ludlow, PA Quadrangle N: 1.5 inches; W: 5.9 inches) located in Wetmore Township, **McKean County**.

E43-270. Encroachment. **Christner Realty, Inc.**, 235 Alpha Drive, Pittsburgh, PA 15238. To place fill in a total of 0.22 acre of a wetland area (PEM/PSS) in two separate locations as part of the Phase IV development of Lots 12 and 14 in the Village Park Residential Subdivision. This project will also include creation of 0.66 acre of replacement wetlands (PSS). The project is located within the Village Park Subdivision approximately 1,400 feet north of the intersection of SR 0173 and Airport Road (Grove City, PA Quadrangle N: 1.3 inches; W: 10.3 inches) located in Pine Township, **Mercer County**.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA10-003CO. Environmental Assessment. **Rodger L. Fleming** (126 Dinnerbell Road, Butler, PA 16002). To construct and maintain two nonjurisdictional dams in the watershed of a tributary to Robinson Run (WWF) impacting approximately 0.38 acre of wetlands (PEM and PFO)

for the purpose of wildlife management located approximately 3,800 feet east of the intersection of State Route 8 and Dinnerbell Road (S. R. 2012) (Butler, PA Quadrangle N: 1.2 inches; W: 4.9 inches) in Penn Township, **Butler County**.

EA22-011CO. Environmental Assessment. **Dauphin County Commissioners** (P. O. Box 1295, Harrisburg, PA 17108-1295). To remove a partially breached jurisdictional dam across Spring Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 1,700 feet southeast of the intersection of Derry Street and S. R. 441 in the "Five Senses Gardens" section of the Capitol Area Greenbelt (Harrisburg East, PA Quadrangle N: 0.45 inch; W: 12.20 inches) in Swatara Township, **Dauphin County**.

EA39-007CO. Environmental Assessment. **King Interests** (504 Carnegie Center, Princeton, NJ 08540). To construct and maintain a nonjurisdictional dam in the watershed of Cedar Creek (HQ-CWF) impacting approximately 0.21 acre of wetlands (PEM and PFO) to control stormwater at the proposed Luther Crest Medical Offices located approximately 1,900 feet northwest of the intersection of S. R. 1002 and S. R. 3008 (Allentown West, PA Quadrangle N: 16.65 inches; W: 8.85 inches) in South Whitehall Township, **Lehigh County**.

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

EA09-006SE. Environmental Assessment. **Realen Homes Inc.**, 725 Talamore Drive, Ambler, PA 19002. A request for an environmental assessment to construct, operate and maintain a nonjurisdictional dam and adjoining roadway across an unnamed tributary to Core Creek (WWF-MF) associated with the Villages at Flowers Mill Residential Subdivision. The project is situated approximately 100 feet east of the intersection of Wood Lane (T-345) and Langhorne-Yardley Road (S. R. 2049) (Langhorne USGS Quadrangle N: 11.7 inches; W: 4.6 inches) in Middletown Township, **Bucks County**.

WATER ALLOCATIONS

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

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

WA2-944C. Water Allocation. **The Municipal Authority of the Borough of Edgeworth, Allegheny County**. The applicant is requesting the right to acquire 2,150,000 gallons per day of water, on a peak day basis, from the Ambridge Water Authority and 500,000 gallons per day of water, also on a peak day basis, on an emergency basis from Sewickley Water Authority, **Allegheny County**.

WA56-535A. Water Allocation. **Citizens Water Company**, 513 Dean Street, P. O. Box 26, Confluence, PA 15424. The applicant is requesting the right to withdraw 200,000 gallons per day of water from Drake Run, **Somerset County**.

ACTIONS

**FINAL ACTIONS TAKEN UNDER THE
PENNSYLVANIA CLEAN STREAMS
LAW AND THE FEDERAL CLEAN
WATER ACT**

[National Pollution Discharge Elimination System
Program (NPDES)]

**DISCHARGE OF CONTROLLED INDUSTRIAL
WASTE AND SEWERAGE WASTEWATER**
(Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

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, Market Street State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P.S. §§ 691.1—691.1001).

Southeast Regional Office: Regional Water Management

Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.

NPDES Permit No. PA0051934. Sewage. **Limerick Township**, P. O. Box 29, Royersford, PA 19468 is authorized to discharge from a facility located at Limerick Township Municipal Authority WWTP, 29 King Road, Royersford, PA, Limerick Township, **Montgomery County** to an unnamed tributary to Schuylkill River.

NPDES Permit No. PA0011720. Industrial waste. **Rhodia Inc.**, CN 7500 Prospect Plains Road, Cranbury, NJ is authorized to discharge from a facility located at Rhodia Morrisville Plant, 2300 South Pennsylvania Avenue, Morrisville, PA 19067-2594, Falls Township, **Bucks County** into Biles Creek.

WQM Permit No. 1598424. Sewerage. **Owen J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465. Approval for the addition of dechlorination system to the existing treatment plant to serve French Creek Elementary School located in South Coventry Township, **Chester County**.

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

NPDES Permit No. PA-0063282. Sewerage. **Fairland Sewer Company, Inc.**, 5426 Route 873, Schnecksville, PA 18078 is authorized to discharge from a facility located in North Whitehall Township, **Lehigh County**, to an unnamed tributary of Fells Creek.

NPDES Permit No. PA-0060470. Sewerage. **Geisinger Foundation—Marworth**, Lily Lake Road, Waverly, PA 18471 is authorized to discharge from a facility located in North Abington Township, **Lackawanna County**, to an unnamed tributary to Ackerly Creek.

NPDES Permit No. PA-0063851. Sewerage. **Sweet Valley Mobile Home Village**, R. R. 3, Hunlock Creek, PA 18621 is authorized to discharge from a facility located in Ross Township, **Luzerne County**, to an unnamed tributary to Roaring Brook.

INDIVIDUAL PERMITS
(PAS)

The following approvals from coverage under NPDES Individual Permit for discharge of stormwater from construction activities have been issued.

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County and Municipality</i> | <i>Receiving Stream</i> |
|-------------------------|--|----------------------------------|-------------------------|
| PAS10F072 | Keystone Land Development R. R. 1, Box 3787 Port Matilda, PA 16870 | Centre County Patton Township | Buffalo Run |

INDIVIDUAL PERMITS
(PAR)

Approvals to Use NPDES and/or Other General Permits

The following parties have submitted Notice of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface 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. 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 general permit. The Department of Environmental Protection approves the following coverages under the specific General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

*List of NPDES and/or other
General Permit Type*

| | |
|-------|---|
| PAG-1 | General Permit for Discharges from Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater From Construction Activities |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit for Discharges From Single Residence Sewage Treatment Plant |
| PAG-5 | General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge By Land Application |
| PAG-8 | General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-9 | General Permit for Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site |

General Permit Type—PAG-2

| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|--|-------------------|--|---|--|
| Clarion County Toby Township | PAR101521 | PA Department of Environmental Protection Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476 | Unnamed Tributary to Wild Cat Run | Northwest Region Water Management Program Manager 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942 |
| Erie County Union Township | PAR10K124 | Union City Country Club, Inc. 9400 Club Rd., P. O. Box 108 Union City, PA 16438 | Unnamed Tributary to South Branch of Walnut Creek | Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203 |
| Centre County Spring Township | PAR10F076-1 | The Oaks Lutheran Retirement Community 200 Rachel Drive Pleasant Gap, PA 16823 | Unt. Logan Branch | Centre County CD 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817 |
| Bradford County Wysox Township | PAR604801 | County Recovery Service Inc. R. D. 2, Box 88B Wysox, PA 18854 | Unt. to Wysox Creek | Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664 |
| Clinton County Pine Creek Township | PAR604806 | Staiman Brothers Inc. 201 Hepburn St. Williamsport, PA 17703-1235 | West Branch of Susquehanna | Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664 |

NOTICES

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| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|--|-------------------|--|--|--|
| Bethel Township Berks County | PAR-10-C221 | Stephen R. MacLean Penn DOT Engineering District 5-0 SR 0078 Section 07M 1713 Lehigh Street Allentown, PA 17103 | Crosskill Creek | Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657 |
| Hamburg Borough Berks County | PAR-10-C249 | Windcliffe Residential II Robert H. Brown Cherrywood Associates 975 Easton Road Warrington, PA 18976 | Schuylkill River | Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657 |
| Muhlenberg Township Berks County | PAR-10-C236 | Empire Steel Castings Facility Empire Steel Castings Inc. P. O. Box 139 Reading, PA 19603-0139 | Laurel Run | Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657 |
| Caernarvon Township Berks County | PAR-10-C242 | Wooldridge Construction of PA, Inc. Pennwood Farms 1500 Greenhill Road West Chester, PA 19380 | UNT Conestoga River | Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657 |
| Sinking Spring Borough Berks County | PAR-10-C247 | Columbia Courg Fiorino Grande Grande Construction 424 Miller Road Sinking Spring, PA 19608 | Municipal Storm Sewer | Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657 |
| Richmond Township Berks County | PAR-10-C252 | East Penn Manufacturing Co. Rick Greenly Proj Mgr Deka Road Lyon Station, PA 19536 | Saony Creek | Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657 |
| Ruscomomanor Township Berks County | PAR-10-C227 | Golden Oaks Res Dev Filippini Real Estate Inc. 520 North Temple Blvd. Temple, PA 19560 | Furnace & Willow Creeks | Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657 |
| Douglass Township Berks County | PAR-10-C225 | Valley Brook Subdivision Noryal B. Yorgey 289 Grist Mill Road Boyertown, PA 19512 | Ironstone Creek | Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657 |
| Upper Bern Township Berks County | PAR-10-C251 | Kreisers Fuel Service Inc. Ernest Spitler R. D. 3, Box 7065 Jonestown, PA 17038 | Wolf Creek | Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657 |
| Hampden Township Cumberland County | PAR-10-H112-1 | Whelan Crossing West Richard Yingst 7100 Fishing Creek Valley Road Harrisburg, PA 17112 | Holtz Run | Cumberland County CD 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812 |

| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|---|-------------------|--|--|--|
| Greencastle Borough Franklin County | PAR-10-M165 | Town & Country Subdivision James R. Kegerreis 10214 Orenda Drive Greencastle, PA 17225 | Conococheague Creek | Franklin County CD 550 Cleveland Avenue Chambersburg, PA 8074 (717) 264-17201 |
| Rapho Township Lancaster County | PAR-10-O-356 | Lake Roeder Hillard & Beers 324 Beaver Valley Pike Willow Street, PA 17584 | Chickies Creek | Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361 |
| Earl Township Lancaster County | PAR-10-O-359 | Petra Christian Fellowship 565 Airport Road New Holland, PA 17557 | Unt. Mill Creek | Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361 |
| Martic Township Lancaster County | PAR-10-O-361 | PP&L Inc. Holtwood 482 Old Holtwood Road Holtwood, PA 17532 | Susquehanna River | Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361 |
| Manchester Township York County | PAR-10-Y360 | Heindel Track Louise Heindel 2665 Roosevelt Avenue York, PA 17404 | Unt. to Little Conewago Creek | York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Manchester Township York County | PAR-10-Y370 | Chester Brooks Kinsley Equities Box 131-AA R. D. 1 Seven Valleys, PA 17360 | Unt. to Little Conewago Creek | York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Spring Grove Borough York County | PAR-10-Y371 | Spring Forge Dev. c/o Robert A. Kinsley Inc. 2700 Water Street York, PA 17403 | Unt. Codorus Creek | York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Manchester Township York County | PAR-10-Y372 | Spring Meadows Michael Rutter 75 Lightner Road York, PA 17404 | Unt. to Little Conewago Creek | York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Lackawanna County Blakely Borough Dickson City Borough | PAR10N080 | Charles M. Mattei PA Dept. of Transportation District 4-0 P. O. Box 111 Scranton, PA 18501 | Hull Creek | Lackawanna CD (570) 281-9495 |
| Lehigh County Lower Milford Township | PAR10Q111 | John Katzbeck Real Estate John Katzbeck 42 A Main Street Coopersburg, PA 18036 | Saucon Creek | Lehigh CD (610) 391-9583 |
| Luzerne County Dallas Township | PAR10R173 | John E. Hlabing, III 20 Winding Way Dallas, PA 18612 | Susquehanna River | Luzerne CD (570) 674-7991 |
| Luzerne County Butler Township | PAR10R172 | Kevin Lamont Lamont Development Co. 1820 Butler Drive Drums, PA 18222 | Little Nescopeck Creek | Luzerne CD (570) 674-7991 |
| Schuylkill County East Brunswick Township West Brunswick Township | PAR105777 | Hawk Ridge Estates Phase II Dave Miller and Sons R. R. 2, Box 2055A Orwigsburg, PA 17961 | Unnamed Tributary to Little Schuylkill River | Schuylkill CD (717) 674-7991 |

NOTICES

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| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|--|-------------------|--|---|---|
| Schuylkill County Cass Township Butler Township | PAR105778 | Walter E. Bortree, District Engineer PennDOT, District 5-0 1713 Lehigh Street Allentown, PA 18103 | Little Mahanoy Creek and West Branch of Schuylkill River | Schuylkill CD (717) 622-3742 |
| <i>General Permit Type—PAG-3</i> | | | | |
| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
| Westmoreland County East Huntingdon Township | PAR116104 | Sony Electronics, Inc. 1001 Technology Drive Mt. Pleasant, PA 15666-1767 | Belson Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Allegheny County City of Pittsburgh | PAR226108 | Lozier Corporation 6336 Pershing Drive Omaha, NE 68110 | Saw Mill Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Armstrong County Kittanning Borough | PAR236105 | Standard Products Company 2130 West 110th Street Cleveland, OH 44102-3590 | Allegheny River | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Somerset County Paint Township | PAR606113 | Ronald Honkus 2030 Seanor Road Windber, PA 15963 | Stonycreek River | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Fayette County North Union Township | PAR806103 | United Defense LP. Ground Systems Division, Fayette Facility 300 University Drive Lemont Furnace, PA 15456 | UNT of Gist Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Lackawanna County Simpson Borough | PAR-112211 | Gentex Corp. P. O. Box 315 Carbondale, PA 18407 | Lackawanna River | Northeast Regional Office Water Management (570) 826-2511 |
| Lackawanna County Carbondale City | PAR-202207 | Fred Warner 107 Dundaff St. Carbondale, PA 18407 | Lackawanna River | Northeast Regional Office Water Management (570) 826-2511 |
| Schuylkill County Ashland Borough | PAR-202221 | Fred Warner 107 Dundaff St. Carbondale, PA 18407 | N/A | Northeast Regional Office Water Management (570) 826-2511 |

| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|--|-------------------|---|--|--|
| Lehigh County Allentown City | PAR-702205 | Crafco, Inc. P. O. Box 1639 Jackson, MS 39215-1639 | Lehigh River | Northeast Regional Office Water Management (570) 826-2511 |
| Lackawanna County Carbondale City | PAR-232224 | Tredegar Film Products P. O. Box 499 254 Pike St. Carbondale, PA 18407 | Lackawanna River | Northeast Regional Office Water Management (570) 826-2511 |
| Lackawanna County Scranton City | PAR-802214 | A-P-A Transport Corp. 2100 88th St. N. Bergen, NJ 07047 | Keyser Creek | Northeast Regional Office Water Management (570) 826-2511 |
| Lehigh County Allentown City | PAR-802201 | A-P-A Transport Corp. 2100 88th St. N. Bergen, NJ 07047 | Lehigh River | Northeast Regional Office Water Management (570) 826-2511 |
| Monroe County Smithfield Township | PAR-142203 | Rock-Tenn Co. 504 Thrasher St. Norcross, Georgia 30071 | Brodhead Creek | Northeast Regional Office Water Management (570) 826-2511 |
| Luzerne County Wright Township | PAR-232218 | Dana Perfumes Corp. 470 Oak Hill Rd. Crestwood Park Mountaintop, PA 18707 | N/A | Northeast Regional Office Water Management (570) 826-2511 |
| Lehigh County Allentown City | PAR-602214 | Sussman Brothers & Company P. O. Box 24 Allentown, PA 18105-0024 | Lehigh River | Northeast Regional Office Water Management (570) 826-2511 |
| Lehigh County Washington Township | PAR-602205 | Ronald L. Silliman 4162 Best Station Rd. Slatington, PA 18080-3751 | Trout Creek | Northeast Regional Office Water Management (570) 826-2511 |
| Lehigh County Upper Saucon Township | PAR-212210 | Eastern Industries, Inc. 4401 Camp Meeting Rd. Suite 200 Center Valley, PA 18034-9454 | Saucon Creek | Northeast Regional Office Water Management (570) 826-2511 |
| Northampton County Bethlehem City | PAR-702209 | Eastern Industries, Inc. 4401 Camp Meeting Rd. Suite 200 Center Valley, PA 18034-9454 | N/A | Northeast Regional Office Water Management (570) 826-2511 |
| Lehigh County Allentown City | PAR-212213 | Monarch Precast Concrete Corp. 425 N. Dauphin St. Allentown, PA 18103-2199 | Lehigh River | Northeast Regional Office Water Management (570) 826-2511 |
| Northampton County Plainfield Township | PAR-602216 | J.F.R. Salvage, Inc. P. O. Box 17 Wind Gap, PA 18091 | N/A | Northeast Regional Office Water Management (570) 826-2511 |
| <i>General Permit Type—PAG-4</i> | | | | |
| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
| Adams County Butler Township | PAG043507 | John R. Longanecker 10 Windbriar Lane Gettysburg, PA 17325 | Opposum Creek | Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |

*General Permit Type—4 PAG-8**Facility Location*

| <i>County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|---|-------------------|---|--|--|
| Borough of Mechanicsburg Cumberland County | PAG-08-3528 | Mechanicsburg WWTP 842 West Church Road Mechanicsburg, PA 17055 | N/A | Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707 |

*General Permit Type—4 PAG-9**Facility Location*

| <i>County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|----------------------------------|-------------------|--|--|--|
| Kutztown Borough Berks County | PAG-09-3517 | Fischer's Sanitary Service 482 East Main Street Kutztown, PA 19530 | N/A | Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707 |

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

Plan approvals granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

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

Location: Fallowfield Township, Ghennes Heights, Lockview, Rodgers Stop, Waner and Redd's Beach areas of the Township, Washington County.

Project: Approval of the official Sewage Facilities Plan Update for Fallowfield Township, Washington County. Project involves construction of sanitary sewage collection and conveyance facilities with conveyance for treatment to the Authority of the Borough of Charleroi Sewage Treatment Plant which discharges to the Monongahela River. The Department's review of the Sewage Facilities Plan Update has not identified any significant environmental impacts resulting from this review.

Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Ave., Harrisburg, PA 17110.

Location: Cumberland Township, Adams County, 1370 Fairfield Rd., Gettysburg, PA 17325.

The approved plan provides for upgrade and expansion of the North STP to a capacity of .5 mgd using a sequencing batch reactor technology. Additionally, the South STP will be upgraded and expanded to a .65 mgd capacity using sequencing batch reactor technology. 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.

Location: Ayr Township, Fulton County, P. O. Box 212, McConnellsburg, PA 17233.

The approved plan provides for an onlot disposal system maintenance program to address the entire Township. Additionally, a maintenance agreement will be developed for use with small flow treatment facilities and denitrification units. The Department's review of the

sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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

Borough of Harveys Lake, Luzerne County.

The Department has completed its review of the Official Plan for the Borough of Harveys Lake. The Department has found that the Official Plan is now acceptable and hereby grants planning approval.

The chosen alternative consists of: continuation of the repair and rehabilitation of existing wastewater pumping stations; the initiation of design and ultimate construction of sewage collection system extensions to serve about 57 equivalent dwelling units at West Point Road, Ridge Avenue, Grandview Avenue and Carpenter Road; continuation of the elimination of sources of infiltration/inflow; and the continual and future use of onlot disposal systems throughout the remaining unsewered portions of the Borough, under the guidance of revised ordinances and a sewage management program.

The Department's review of the Official Plan has not identified any significant environmental impacts resulting from the proposals. In accordance with the provisions of the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.2(a)) (Act 537), and the Department's regulations, 25 Pa. Code Chapter 71, the Department will hold the Borough responsible for the complete and timely implementation of the chosen alternative, as stated in Section VI Evaluation of Alternatives (Page 26 through 36 of the Official Plan) and in the Implementation Schedule (Pages iv and v of the Official Plan).

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

Permit No. 0489510-T1-A2. Public water supply. **NOVA Chemicals, Inc.**, Beaver Valley Site, 400 Frankfort Road, Monaca, PA 15061-2298.

Type of Facility: Addition of zinc orthophosphate (NALCO 7390) and appurtenances for corrosion control.

Permit for Construction Issued: January 15, 1999.

Permit No. 6598503. Public water supply. **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717.

Type of Facility: Booster pump station, water storage tank and distribution lines in Derry Township.

Permit for Construction Issued: January 27, 1999.

Permit No. 0298508. Public water supply. **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244.

Type of Facility: Booster pumping station and two existing water storage tanks.

Permit for Construction Issued: January 26, 1999.

Permit No. 3298502. Public water supply. **Lower Indiana County Municipal Authority**, P. O. Box 444, Black Lick, PA 15716.

Type of Facility: Modifications to the John Urban Pump Station which allows water to be served by the Blairsville Municipal Authority.

Permit for Construction Issued: January 26, 1999.

Permit No. 0298507. Public water supply. **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108.

Type of Facility: Well No. GP-3.

Permit for Construction Issued: February 4, 1999.

Permit No. 5026383. Public water supply. **Harmony Brook, Inc., d/b/a Culligan Store Solutions**, 1030 Lone Oak Road, Suite 110, Eagan, MN 55121-2251.

Type of Facility: Special Permit-By-Rule, WalMart Super Center #2588.

Permit for Operation Issued: February 8, 1999.

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Permit No. 1498504. The Department issued an operating permit to **Martha Furnace Mobile Home Park**, 107 Peppermint Lane, Julian, PA 16844, Huston Township, **Centre County**, for operation of one green sand filter, three treated water storage tanks, two booster pumps, two hydropneumatic tanks, a chlorination system, a potassium permanganate system and associated equipment.

Permit No. 5395502. The Department issued an operating permit to **Charles Cole Memorial Hospital**, R.R. 1, Box 205, Coudersport, PA 16915, Eulalia Township, **Potter County**, for operation of the North and South Wells as sources of public water supply, of the disaffection and sequestration treatment facilities and of the finished water storage tank, transmission lines and water distribution system.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following final report:

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Former Addy Asphalt Property (84 Scott Street), City of Wilkes-Barre, Luzerne County. Rick A. Rose, Jr., Rose Camp, Inc., 454 South Main Street, Wilkes-Barre, PA 18711, has submitted a Final Report concerning the remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds, petroleum hydrocarbons and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. See additional *Pennsylvania Bulletin* notice.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans

and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediations Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has acted upon the following plans and reports:

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Shoemaker Residence, Lemon Township, Wyoming County. David Crowther, Geologist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 submitted a Final Report (on behalf of his client, Linda Shoemaker, 13219 Raccoon Ford Road, Culpepper, VA 22701) concerning the remediation of site soils and groundwater found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds and polycyclic aromatic hydrocarbons (PAHs). The report demonstrated attainment of the Statewide human health standard and was approved by the Department on February 18, 1999.

Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

JSP International (Former Spang Tool Facility), 150 E. Brook Lane, East Butler, PA, East Butler Township, Butler County, has submitted a Remedial Investigation Report concerning the remediation of site soil, groundwater and surface water found to be contaminated with PCBs, lead, heavy metals, solvents, BTEX, free cyanide and the surface water with total cyanide. The report was approved by the Department on February 1, 1999, for site-specific standard. A Notice of the Report was reported to have been published in the *Butler Eagle* on January 29, 1999.

SOLID AND HAZARDOUS WASTE OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Regional Office: Regional Solid Waste Manager, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428.

Permit No. 101406. J.D.D. Corporation, 364 West Trenton Avenue, Morrisville, PA 19067. This permit was revoked, because the Class I Demolition Waste Landfill is no longer considered to be a regulated disposal facility. Facility located in Morrisville Borough, **Bucks County.** Permit revoked in the Southeast Regional Office on January 22, 1999.

Permit No. 100874. Atlantic Precast Concrete, Inc., 8900 Old Route, 13-P. O. Box 129, Tullytown, PA 19007. This permit was revoked, because an inspection that was conducted on July 24, 1996, indicated that only unregulated waste was being disposed at the site. Facility located in Tullytown Borough, **Bucks County.** Permit revoked in the Southeast Regional Office on January 22, 1999.

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.

Permit No. 300818. Permit to operate a captive residual waste landfill was received from **Pennsylvania Power Company,** 1 East Washington Street, P. O. Box 891, New Castle, PA 16103-0891, located in Taylor Township, **Lawrence County.** Permit was issued in the Regional Office on February 23, 1999.

AIR QUALITY OPERATING PERMITS

General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GPI-22-3019: Harrisburg Housing Authority (100 Hall Manor, Harrisburg, PA 17104) authorized use of the general permit for five natural gas/No. 2 fuel oil Cleaver Brooks boilers in Harrisburg, **Dauphin County.**

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

GP-10-324: Butler Area School District, Butler Senior High School (120 Campus Lane, Butler, PA 16001) issued February 16, 1999, for installation of a 10.5 MMBTU gas fired boiler in Butler, **Butler County.**

GP-43-311: Vista Resources, Clarks Mills Compressor Station (Gravatt Road, Clarks Mills, PA 16114) issued February 26, 1999, for installation of a natural gas compressor engine and dehydrator in New Vernon Township, **Mercer County**.

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

OP-23-0012: Epsilon Products Co. (Post Road and Blueball Avenue, Marcus Hook, PA 19061) amended February 24, 1999, for Polypropylene Plant No. 1 in Marcus Hook Borough, **Delaware County**.

46-340-002: Montenay Energy Resources of Montgomery County (1155 Conshohocken Road, Conshohocken, PA 19428) amended February 25, 1999, for two L & C Steinmuller in Plymouth Township, **Montgomery County**.

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

30-00110: Equitrans, Inc. (790 Jefferson Road, Waynesburg, PA 15370) issued February 8, 1998, for Pratt natural gas compressor station in Franklin Township, **Greene County**. Administrative operating permit amendment for change in responsible official.

30-00109: Equitrans, Inc. (P. O. Box 337, Rogersville, PA 15359) issued February 8, 1998, for Rogersville natural gas compressor station in Center Township, **Greene County**. Administrative operating permit amendment for change in responsible official.

63-00642: Equitrans, Inc. (4111 Gastonville-ElRama Road, Box 346, Finleyville, PA 15332) issued August 11, 1997, for Hartson natural gas compressor station in Union Township, **Washington County**. Administrative operating permit amendment for change in responsible official.

65-00898: Three Rivers Pipeline Co., Inc. (Sleepy Hollow Road (I-871), Greensburg, PA 15601) issued January 28, 1998, for Sleepy Hollow natural gas compressor station in Salem Township, **Westmoreland County**. Administrative operating permit amendment for change in responsible official.

32-00316: Three Rivers Pipeline, Inc. (Muir Road, New Florence, PA 15944) issued February 5, 1998, for Pennview natural gas compressor station in West Wheatfield Township, **Indiana County**. Administrative operating permit amendment for change in responsible official.

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

CP-23-0002: Stoney Creek Technologies, LLC (3300 West 4th Street, Trainer, PA 19061) issued for operation of a Facility VOC's/NOx RACT in Trainer Borough, **Delaware County**.

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

OP-26-119B: Anchor Glass Container Corp. (4343 Anchor Plaza Parkway, Tampa, FL 33634) for operation of No. 1 Deco Lehr at Plant 5 in South Connellsville Borough, **Fayette County**.

OP-26-119C: Anchor Glass Container Corp. (4343 Anchor Plaza Parkway, Tampa, FL 33634) for operation of No. 2 Deco Lehr at Plant 5 in South Connellsville Borough, **Fayette County**.

65-000-042: Ranbar Electrical Materials, Inc. (Route 993, P. O. Box 607, Manor, PA 15665) for operation of VOC sources at Manor Products in Manor Borough, **Westmoreland County**.

63-000-080: Lukens Steel Corp. (P. O. Box 494, Washington, PA 15301) for operation NOx, sources at Houston Plant in Houston Borough, **Washington County**.

OP-65-093B: Hyde Park Foundry (Railroad Street, P. O. Box 187, Hyde Park, PA 15641) for operation of electric induction furnace at National Roll Company in Hyde Park Borough, **Westmoreland County**.

PLAN APPROVALS

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

PA-46-0005G: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486) issued February 23, 1999, for operation of a NOx control device gas/oil turbine in Upper Gwynedd Township, **Montgomery County**.

PA-46-0172: Gemplus Corp. (101 Park Drive, Montgomeryville, PA 18936) issued February 24, 1999, for operation of a screen and lithographic printing in Montgomery Township, **Montgomery County**.

PA-23-0002: Stoney Creek Technologies, LLC (3300 West 4th Street, Trainer, PA 19061) issued February 24, 1999, for operation of an SACI and process vessels in Trainer Borough, **Delaware County**.

PA-46-0108: Highway Materials, Inc. (1128 Crusher Road, Perkiomenville, PA 18074) issued March 1, 1999, for operation of an asphalt batch plant in Marlborough Township, **Montgomery County**.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

39-309-046C: Lafarge Corp. (5160 Main Street, Whitehall, PA 18052) issued February 23, 1999, for modification of cement kiln no. 3 at the Whitehall Plant, Whitehall Township, **Lehigh County**.

39-309-049A: Lafarge Corp. (5160 Main Street, Whitehall, PA 18052) issued February 23, 1999, for modification of cement kiln no. 2 at the Whitehall Plant, Whitehall Township, **Lehigh County**.

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

01-310-026B: ISP Minerals, Inc. (P. O. Box O, Blue Ridge Summit, PA 17214) issued February 22, 1999, for

installation of a rock crushing, screening and conveying system controlled by a fabric filter at Charmian, Hamiltonban Township, **Adams County**. These sources are subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

06-1069C: East Penn Mfg. Co., Inc. (P. O. Box 147, Lyon Station, PA 19536) issued February 13, 1999, for construction of the battery assembly and formation controlled by a fabric collector at their Assembly Plant S-1, in Richmond Township, **Berks County**. These sources are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

21-320-012: Fry Communications, Inc. (800 West Church Road, Mechanicsburg, PA 17055) for installation of one five-unit single web offset press and one nine-unit double web offset press with respective integrated controls at Building 4 in Silver Spring, **Cumberland County**.

PA-36-03084: Lancaster Aluminum Co., Inc. (Ten Wynfield Drive, Lititz, PA 17543) issued February 22, 1999, for installation of the secondary aluminum production facility in Warwick Township, **Lancaster County**.

PA-67-03055: Vulcan Materials Co. (322 North Baker Road, York, PA 17404) issued February 22, 1999, for installation of a stone crushing plant in West Manchester Township, **York County**. This source is 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

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

PA-25-316A: Ethan Allen, Inc. (77 South Main Street, Union City, PA 16438) issued February 22, 1999, for installation of a baghouse at the woodworking facility in Union City, **Erie County**.

PA-61-187B: A. G. Industries, Inc. (671 Colbert Avenue, Oil City, PA 16301) for modifications to the HVOF powder coat system in Oil City, **Venango County**.

42-399-017A: Borden Chemical, Inc. (Hutchins Road, Mt. Jewett, PA 16740) for modification to the resin kettle in Sergeant Township, **McKean County**.

42-399-018D: Borden Chemical, Inc. (Hutchins Road, Mt. Jewett, PA 16740) for modification to the storage tanks in Sergeant Township, **McKean County**.

42-399-21A: Borden Chemical, Inc. (Hutchins Road, Mt. Jewett, PA 16740) for modification to the boiler in Sergeant Township, **McKean County**.

Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

09-320-013B: H & N Packaging, Inc. (202 Oak Avenue, Chalfont, PA 18914) issued February 23, 1999, for operation of a graphic arts printing facility in Chalfont Borough, **Bucks County**.

46-313-091A: Rhone-Poulenc Rorer Pharmaceuticals, Inc. (500 Arcola Road, Collegeville, PA 19426) issued February 23, 1999, for operation of a process development laboratory in Upper Providence Township, **Montgomery County**.

PA-46-0010: Montenay Energy Resources of Montgomery Co. (1155 Conshohocken Road, Conshohocken, PA 19428) issued February 25, 1999, for operation of a residual waste and MW incinerators in Plymouth Township, **Montgomery County**.

PA-15-0027A: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) issued February 25, 1999, for operation of a drum dryer dust collector in Tredyffrin Township, **Chester County**.

46-302-214: McNeil Consumer Products Co. (7050 Camp Hill Road, Fort Washington, PA 19034) issued February 26, 1999, for operation of a 600 HP Johnston boiler in Whitmarsh Township, **Montgomery County**.

46-313-117D: Merck & Co., Inc. (770 Summeytown Pike, West Point, PA 19486) issued February 26, 1999, for operation of a catalytic oxidizer in Upper Gwynedd Township, **Montgomery County**.

PA-15-0016B: Worthington Steel Co. (45 North Morehall Road, Malvern, PA 19355) issued March 1, 1999, for operation of a coil coating line in East Whiteland Township, **Chester County**.

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

67-318-110C: Crown Cork and Seal Co., Inc. (1650 Broadway, Hanover, PA 17331) granted January 21, 1999, to authorize temporary operation for the side seam line nos. 2 and 3, and inside spray operations, covered by this Plan Approval until May 1, 1999, in Penn Township, **York County**.

67-329-001: Modern Trash Removal of York, Inc. (RD 9, Mount Pisgah Road, York, PA 17402) granted March 1, 1999, to authorize temporary operation for three landfill gas fired engines in Lower Windsor Township, **York County**. These sources are subject to 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.

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

PA-65-173A: Dynamic Metal Forming, Inc. (7544 Route 18 North, Koppell, PA 16136) for operation of a replacement degreaser tank at Scottdale Plant in Scottdale Borough in **Westmoreland County**.

56-307-001F: FirstMiss Steel, Inc. (230 Box 509, Hollsopple, PA 15935) for operation of an oxygen converter at Stony Creek Plant in Quemahoning Borough, **Somerset County**.

56-307-001E: FirstMiss Steel, Inc. (230 Box 509, Hollsopple, PA 15935) for construction of an electric arc furnace at Stony Creek Plant in Quemahoning Borough in **Somerset County**.

04-307-094A: J&L Specialty Steel, Inc. (1500 West Main Street, Midland, PA 15059) for installation of direct roll A&P line at Midland Facility in Midland Borough, **Beaver County**.

PA-56-266A: Double D. Energy Association, LLC (106 E. Market St., Suite 615, Warren, OH 44481) for construction of a coal agglomeration at Shade Township Facility in Shade Township, **Somerset County**.

PA-65-881A: Innovative Carbide, Inc. (P. O. Box 389, 11099 Route 993, Irwin, PA 15642) for installation of metal powder mixing and drying in North Huntingdon Township, **Westmoreland County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Permits Issued

32870101. Transfer from **Andray Mining Company** to **Urey Coal Company** (222 Forest Ridge Road, Indiana, PA 15701), commencement, operation and restoration of bituminous strip-auger mine in Banks and Montgomery Townships and Glen Campbell Borough, **Indiana County**, affecting 145.4 acres, receiving stream unnamed tributaries to Cush Creek and Cush Creek. Application received September 30, 1998. Issued February 19, 1999.

56920111. Permit Renewal, **Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650), commencement, operation and restoration of bituminous strip mine, coal preparation plant and coal refuse disposal in Jenner Township, **Somerset County**, affecting 80.0 acres, receiving stream unnamed tributary to Quemahoning Creek. Application received November 13, 1998. Issued February 22, 1999.

11980102. **E. P. Bender Coal Company, Inc.** (P. O. Box 594, Carrolltown, PA 15722), commencement, operation and restoration of a bituminous strip-auger mine in Reade Township, **Cambria County**, affecting 240.0 acres, receiving stream UNTS to Fallentimber Run and Fallentimber Run. Application received April 15, 1998. Permit issued February 19, 1999.

56980107. **Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650), commencement, operation and restoration of a bituminous strip-auger mine in Milford Township, **Somerset County**, affecting 277.0 acres, receiving stream unnamed tributaries to/and Casselman River and South Glade Creek. Application received October 9, 1998. Permit issued February 22, 1999.

Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.

26-98-01. **M & Y Services, Inc.** (P. O. Box 9, Uniontown, PA 15401-0009). No Cost Government Financed Reclamation Contract issued for the removal and reclamation of an entire abandoned coal refuse deposit located in German Township, **Fayette County**, affecting 13.4 acres. Receiving streams: unnamed tributaries to Middle Run, to the Monongahela River. No Cost Contract Application received: August 6, 1998. No Cost Contract issued: February 24, 1999.

03940103R. **Seven Sisters Mining Co., Inc.** (200 U. S. Route 22, Delmont, PA 15626). Renewal issued for continued reclamation only of a bituminous surface/auger mining site located in South Bend Township, **Armstrong County**, affecting 38.5 acres. Receiving streams: unnamed tributary to Fagley Run and Fagley Run. Application received: January 26, 1999. Renewal issued: February 25, 1999.

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

17793044. **River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847), renewal of an existing bituminous surface mine permit in Karthaus Township, **Clearfield County**, affecting 112 acres. Receiving streams: unnamed tributary to Marks Run, to Marks Run to Upper Three Runs and Saltlick Run to West Branch Susquehanna River. Application received December 18, 1998. Permit issued February 11, 1999.

17980107. **Moravian Run Reclamation Company, Inc.** (605 Sheridan Drive, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 58 acres. Receiving streams: unnamed tributary to Haslett Run to Haslett Run; Haslett Run to West Branch Susquehanna River. Application received March 19, 1998, permit issued February 23, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

49980101. **High Mountain Coal Company** (307 West Main Street, Girardville, PA 17935), commencement, operation and restoration of an anthracite surface mine operation in East Cameron Township, **Northumberland County** affecting 115.0 acres, receiving stream—none. Permit issued February 19, 1999.

54851340C3. **Neumeister Coal Company** (RR1, Box 327D, Ashland, PA 17921), correction to an existing deep mine operation in Foster Township, **Schuylkill County** affecting 5.0 acres, receiving stream—none. Correction issued February 23, 1999.

40930202C. **Rossi Excavating Company** (9 West 15th Street, Hazleton, PA 18201), correction to an existing coal refuse reprocessing operation to add surface mining in Hazle Township, **Luzerne County**, affecting 447.7 acres, receiving stream—none. Correction issued February 24, 1999.

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

Noncoal Permits Secured

25980301. **Ray Showman Jr. Excavating, Inc.** (P. O. Box 646, Waterford, PA 16441), Commencement, operation and restoration of a sand and gravel operation in Waterford Township, **Erie County** affecting 82.2 acres. Receiving streams: Unnamed tributary to LeBoeuf Creek. Application received: February 17, 1998. Permit Issued: February 15, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

7875SM2C. **Lafarge Corporation** (5160 Main Street, Whitehall, PA 18052), correction to an existing quarry operation for an incidental boundary correction in Whitehall Township, **Lehigh County** affecting 100.2 acres, receiving stream—none. Correction issued February 23, 1999.

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

Small Noncoal (Industrial Mineral) Permits Issued

08980810. John Heeman (R. R. 1, Box 273, Wyalusing, PA 18853), commencement, operation and restoration of a small industrial mineral (bluestone) permit in Tuscarora Township, **Bradford County** affecting 1 acre. Receiving stream: unnamed tributary to Mill Creek. Application received July 7, 1998. Permit issued February 11, 1999.

08982802. Jerry L. Johnson (R. R. 1, Box 179A-1, Wyalusing, PA 18853), commencement, operation and restoration of a small industrial mineral permit in Wilmot Township, **Bradford County** affecting 5 acres. Receiving stream: Susquehanna River. Application received June 2, 1997. Permit issued February 16, 1999.

08980805. Ralph Sharer (R. D. 2, Box 126, Laceyville, PA 18623), commencement, operation and restoration of a small industrial mineral (bluestone) permit in Stevens Township, **Bradford County** affecting 3 acres. Receiving streams: unnamed tributary to Wolf Creek. Application received May 4, 1998. Permit issued February 23, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

36990801. David M. Wise (RR2, Box 2621, Mohnton, PA 19540), commencement, operation and restoration of a small quarry operation in West Cocalico Township, **Lancaster County** affecting 3.0 acres, receiving stream—Cocalico Creek. Permit issued February 24, 1999.

58980801. Dale G. Webster (RR2, Box 2480, Hallstead, PA 18822), commencement, operation and restoration of a bluestone quarry operation in Franklin Township, **Susquehanna County** affecting 3.0 acres, receiving stream—none. Permit issued February 24, 1999.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

E15-595. Encroachment Permit. Chester County. 14 East Biddle Street, West Chester, PA 19380-2616. To replace the existing deteriorated Chester County Bridge No. 275 which spans Beaver Creek (TSF-MF) along Hadfield Road (T-415). The proposed single span, steel I-beam with concrete deck bridge will have 35 feet of clear span, 4.75 feet of minimum underclearance and 26 feet in roadway width providing two lane traffic. The abutments and wing walls will be reinforced concrete and have rip-rap stone protection. Approximately 600 feet of roadway will be reconstructed at the bridge approaches. The project also includes construction of a temporary cofferdam structure. The site is located approximately 1,000 feet west from the intersection of Hadfield Road and Bondsville Road (Wagontown, PA Quadrangle N: 3.7 inches; W: 2.5 inches) in East Brandywine Township, **Chester County**.

E15-603. Encroachment Permit. Valley Forge Sewer Authority, 333 Pawling Road, Phoenixville, PA 19460. To replace the existing Perkiomen Sewage Pump Station situated within the 100-year floodway of the Schuylkill River (CWF). The site is located at 333 Pawling Road, approximately 500 feet north from the CONRAIL Railroad underpass of Pawling Road (Valley Forge, PA Quadrangle N: 21.0 inches; W: 13.4 inches) in Schuylkill Township, **Chester County**.

E23-373. Encroachment Permit. Ross Boat Repair and Storage Yard, Inc., 311 Warwick Avenue, Essington, PA 19029. To operate and maintain an existing floating dock facility which is located along the northern bank of the Delaware River at Ross Boat Repair and Storage Yard, Inc. This application also is a request to remove an approximately 29 foot × 72 foot area of unauthorized fill within the property boundary and the 100-year floodway of the Delaware River. The site is located southeast of the intersection of LaGrange Avenue and Front Street (Bridgeport, PA Quadrangle, N: 19.75-inches; W: 6.75-inches) in Tinicum Township, **Delaware County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E23-375. Encroachment Permit. Swarthmore Borough, 121 Park Avenue, Swarthmore, PA 19081-1536. To remove an existing dilapidated 10-inch sanitary sewer line crossing which bisects the waterway opening of an existing 48-inch culvert pipe which conveys an unnamed tributary of Little Crum Creek (WWF) under Oberlin Avenue, and to construct and maintain a 10-inch sanitary sewer line at a lower elevation at the same location. The site is located on Oberlin Avenue between Lafayette Avenue and Dartmouth Avenue, (Lansdowne, PA Quadrangle N: 4.8 inches; W: 12.9 inches) in Swarthmore Borough, **Delaware County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E46-795. Encroachment Permit. **Cheltenham Township**, 8230 Old York Road, Elkins Park, PA 19027-1589. To perform the following activities along the Tacony Creek (WWF) associated with the Glenside Avenue Bridge Replacement Project: 1. To remove a concrete slab bridge with a clear span of 19.5 feet and average underclearance of 8.5 feet and associated masonry abutments and concrete piers; 2. To install and maintain 40 linear feet of 24-foot by 7-foot reinforced concrete box culvert, associated wingwalls and roadway approach fill, at this location; 3. To install and maintain drainage and roadway improvements including an 18-inch and a 24-inch RCP stormwater outfall within the upstream wingwalls of the proposed culvert. The site is located approximately 400 feet southeast of the intersection of Rices Mill Road and Glenside Avenue (Germantown USGS Quadrangle, N: 17.55 inches; W: 2.80 inches) in Cheltenham Township, **Montgomery County**.

E46-823. Encroachment Permit. **Five Tower Bridge Associates**, 100 Front Street, Suite 900, West Conshohocken, PA 19428. To construct and maintain a ground level parking lot which is partially located in the floodway of the Schuylkill River, associated with construction of Five Tower Office Facility. The work will also include construction of an 18-inch RCP stormwater outlet structure and to remove an abandoned 36-inch by 38-inch storm drain along the bank of the Schuylkill River (WWF-MF). This site is located approximately 300 feet northeast of the intersection of Front Street and William Street (Norristown, PA Quadrangle N: 12.8 inches; W: 8.6 inches) in West Conshohocken Borough, **Montgomery County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E51-170. Encroachment Permit. **Delaware River Port Authority**, One Port Center, 2 Riverside Drive, Suite 1101, Camden, NJ 08103-1003. To construct, operate and maintain an aerial tram bridge across the Delaware River (WWF-MF) consisting of one tower, two nearby cellular sheet pile dolphin fender systems and an associated anchorage system within Pennsylvania. The total length of the aerial tram within Pennsylvania will be approximately 1,000 feet and the tower will be placed at least 50 feet outward from the edge of navigation channel. The minimum sag clearance of the cable system will be approximately 160 feet from the normal water surface elevation. The tram will extend from a proposed terminal along the waterfront in Camden, NJ to a proposed terminal near the terminus of Walnut Street at Penn's Landing, located approximately 2,800 feet downstream of the Benjamin Franklin Bridge (Philadelphia, PA-NJ USGS Quadrangle N: 13.0 inches; W: 2.1 inches) in the City and **County of Philadelphia**.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E64-193. Encroachment. **Paul R. and Bonita M. Mancina**, 1485 Wyoming Avenue, Forty Fort, PA 18704. To construct and maintain a stream enclosure of a Tributary to Wallenpaupack Creek, consisting of approximately 140 linear feet of 60-inch RCP culvert, followed by 26 linear feet of R-5 riprap apron. The enclosure will extend an exiting culvert under S. R. 0590. The project is located on the north side of S. R. 0590, approximately 0.6 mile west of the intersection of S. R. 0590 and S. R. 0191/0196 (Lake Ariel, PA Quadrangle, N: 5.4 inches; W: 4.9 inches), in Salem Township, **Wayne County**.

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

E07-305. Encroachment. **PA Department of Transportation**, Engineering District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove an existing bridge and to construct and maintain a single span prestressed concrete box beam bridge having a span of 55.4 feet and an underclearance of about 5.0 feet across Plum Creek (WWF) located on SR 0164, Segment 02700, Offset 0000, Station 337+ 04.60 at East Sharpsburg (Martinsburg, PA Quadrangle N: 15.3 inches; W: 17.1 inches) in Taylor Township, **Blair County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E31-149. Encroachment **PA Department of Transportation**, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove an existing bridge deck and partially remove five bridge piers and to construct and maintain a new bridge deck with reconstructed piers having spans of 105.33, 104.92, 104.83, 103.75, 103.50 and 105.00 feet with a minimum underclearance of 28.5 feet across the Juniata River (WWF) located on SR 0522, Section 002, Segment 0460, Offset 2259 at Mount Union Borough (Mount Union, PA Quadrangle N: 3.3 inches; W: 0.6 inch) in Mount Union Borough, **Huntingdon County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E34-090. Encroachment. **William Sheaffer**, P. O. Box 104, Beavertown, PA 17813. To remove silt and sediment from a 1,000 foot section of Leiningers Run at a point in the vicinity of T-415 (Richfield, PA Quadrangle N: 3.25 inches; W: 3.5 inches) in Susquehanna Township, **Juniata County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E12-108. Encroachment. **Michael W. Strickhouser**, P. O. Box 449, Biglerville, PA 17307. To construct and maintain a porch addition, bedroom addition and fence for a hunting camp in the floodway of First Fork Sinnemahoning Creek located off Route 872 approximately 3 miles north of Route 120 (Sinnemahoning, PA Quadrangle N: 20.8 inches, W: 7.7 inches) in Grove Township, **Cameron County**. This permit was issued under section 105.13(e) "Small Projects."

E12-111. Encroachment. **Joseph D. Kirk**, RR1, Box 53, Penfield, PA 15849. To construct and maintain a hunting and fishing cabin, 24 feet by 36 feet, in the floodway of First Fork Sinnemahoning Creek located off Route 872 approximately 3.5 miles north of Route 120 (Sinnemahoning, PA Quadrangle N: 20.8 inches; W: 7.8 inches) in Grove Township, **Cameron County**. This permit was issued under section 105.13e "Small Projects."

E17-325. Encroachment. **Gulich Township Supervisors**, P. O. Box 305, Smithmill, PA 16680. To construct and maintain two foot bridges with a width of 4 feet and span of 54 feet across Little Muddy Run, with one bridge located 150 feet below the Janesville Dam and the other bridge located 1,600 feet above the dam in Mountz Memorial Community Park (Ramey, PA Quadrangle N: 1.1 inches; W: 7.0 inches) in Gulich Township, **Clearfield County**. This permit was issued under sec-

tion 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-184. Encroachment. **United Water of Pennsylvania**, Bloomsburg Operations, 1113 Old Berwick Road, P. O. Box 364, Bloomsburg, PA 17815-0364. To place and maintain fill in the floodway of Fishing Creek to provide access to a water treatment facility. The fill operation shall consist of placing 2,000 cubic feet of clean, angular and nonerodible stone in the floodway of Fishing Creek that is located along the western right-of-way of SR 0011 approximately 1,300-feet west of the intersection of Creek Road and SR 0011 (Bloomsburg, PA Quadrangle N: 0.75 inch; W: 12.0 inches) in Hemlock Township, **Columbia County**. This permit was issued under section 105.3(e) Small Projects.

E49-216. Encroachment. **Nikomahs Camping & Fishing Assoc.**, 302 South Market St., Shamokin, PA 17872. To maintain 1) an existing metal trailer frame and wood deck bridge with a clear span of 18 feet and a minimum underclearance of 5 feet across an unnamed tributary of the Susquehanna River, 2) 5,000 linear feet of an existing at grade camp site access road in the left floodway of the river, both of which are located 1.3 miles downstream of the confluence of Gravel Run with the Susquehanna River (Riverside, PA Quadrangle N: 6.3 inches; W: 16.3 inches) in Upper Augusta Township, **Northumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E60-135. Encroachment. **Union County Development Corporation**, 219D Hafer Road, Lewisburg, PA 17837. To construct and maintain a new 4 foot x 10 foot x 72 foot box culvert and a 24-inch reinforced concrete pipe road crossings, widening of one existing culvert, three new stone pedestrian stream crossings, one new 8-inch sanitary sewer main crossings, two new water mains, and on an unnamed tributary to the Susquehanna River and to realign, construct and maintain two new 8-inch sanitary sewer mains and one new water main in an intermittent unnamed tributary to the Susquehanna River and to impact .50 acre of wetlands which shall be replaced onsite in the designated project wetland description of "wetland D" located .25 mile north of the intersection of SR 15 and SR 44 in Allenwood extending 1.89 north along SR 15 (Allenwood, PA Quadrangle, N: 21.5 inches; W: 3.5 inches, and the Montoursville, PA South Quadrangle, N: 1 inch, W: 4 inches) in Gregg Township, **Union County**. This permit was issued under section 105.13. This permit also includes 401 Water Quality Certification.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E65-716. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To operate and maintain the Chaintown Bridge having a clean normal span of 88.5 feet and an underclearance of 11.59 feet across Jacobs Creek (WWF) located on S. R. 1041, Section C10, at a point just south of S. R. 3081 (Dawson, PA Quadrangle N: 17.7 inches; W: 4.9 inches) in South Huntingdon and Lower Tyrone Townships, **Westmoreland and Fayette Counties**. The collapsed bridge was replaced under the Emergency Permit No. EP6598207. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E30-188. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing struc-

tures and to construct and maintain a single span bridge having a normal span of 55.0 feet and a minimum underclearance of 7.8 feet across South Fork Tenmile Creek (HQ-WWF) on S. R. 0021, Section P01, Station 15+58 (Rogersville, PA Quadrangle N: 1.49 inches; W: 7.3 inches) and a 1.0-foot depressed twin cell concrete box culvert, each cell measuring 11.0 feet x 6.5 feet in West Run (HQ-WWF) on S. R. 0021, Section P02, Station 24+91 (Rogersville, PA Quadrangle N: 1.53 inches; W: 6.87 inches). This permit also authorizes the construction and maintenance of rock bank protection along South Fork Tenmile Creek for a distance of 154.0 feet downstream and a distance of 47.0 feet upstream from its confluence with West Run, a rock lined outfall channel along West Run, an 18-inch outfall pipe along South Fork Tenmile Creek, a 220.0-foot long temporary diversion channel along West Run and a temporary roadway crossing consisting of three 42-inch CMP Culverts in the diversion channel. The project is located in Center Township, **Greene County**.

E65-685. Encroachment. **Lakefront Properties, L. P.**, 772 Pine Valley Drive, Pittsburgh, PA 15239. To construct and maintain a 20-foot x 8-foot R C arch culvert 80-foot long in an unnamed tributary to Beaver Run (HQ-CWF) for the purpose of providing access to the property. To place and maintain fill in 2.79 acres of wetlands (POW, PEM) for the purpose of constructing an office park. The permittee will construct and maintain 2.96 acres of replacement wetlands (POW, PEM) at an off-site location. The project is located southeast of S. R. 0022 and S. R. 0066 interchange (Slickville, PA Quadrangle N: 4.0 inches; W: 9.5 inches) in Salem Township, **Westmoreland County**.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment Approvals and Actions on 401 Certification

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA02-003CO. Environmental Assessment. **John E. Ewonce** (620 Moon Run Road, McKees Rocks, PA 15136). To rebuild, modify and maintain a partially breached nonjurisdictional dam (Middle Pond) and replace the outlet pipe of an existing nonjurisdictional dam (First Pond) in the watershed of a tributary to Moon Run (WWF) to control stormwater at the proposed Ewonce subdivision located approximately 2,600 feet north of the intersection of Herbert Road (S. R. 3091) and McKees Rocks Road (Pittsburgh West, PA Quadrangle N: 20.75 inches; W: 15.65 inches) in Kennedy Township, **Allegheny County**.

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of February 1999, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related

activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons

certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

| <i>Name</i> | <i>Address</i> | <i>Type of Certification</i> |
|---|---|---------------------------------------|
| Brian Bacchus Airtech Radon Services | 709 Sloop Road Pittsburgh, PA 15237 | Mitigation (Indiv.) Testing (Firm) |
| Mark Berardelli | 312 North Blakely Street Dunmore, PA 18512 | Testing |
| Donald Bobincheck | 116 Kenney Drive Sewickley, PA 15143 | Testing |
| Michael Flynn | 8 First Street Hughestown, PA 18640 | Testing |
| Thomas Gallagher Environmental Safeguard Services | 120 Washington Avenue Bethlehem, PA 18018 | Testing |
| Jeffrey Johnson L. Robert Kimball & Associates, Inc. | 415 Moon Clinton Road Moon Township, PA 15108 | Testing |
| George Lininger, Jr. | 122 Madison Avenue Waynesboro, PA 17268 | Testing |
| William Lovic | 196 Glenview Drive New Kensington, PA 15068 | Testing |
| Microbac Labs, Inc. | 1962 Wager Road Erie, PA 16509 | Testing Laboratory |
| Brian Mishler | P. O. Box 772 Latrobe, PA 15650 | Testing |
| William Robinson | 81 Lancaster Avenue, Suite 310 Malvern, PA 19301 | Testing |
| Martin Spiegel HomePro Systems of Delaware Valley, Inc. | P. O. Box 438 Swarthmore, PA 19081 | Testing |
| Janice Struder | P. O. Box 722 Thorndale, PA 19372 | Testing |
| John Wechter | 72 Gristmill Lane Royersford, PA 19468 | Testing |

Notice of an Amended Denial to Perform Radon-Related Activities in Pennsylvania

In the month of February 1999, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code § 240.201, amended the denial of the following person from performing radon-related activities in Pennsylvania.

| <i>Name</i> | <i>Address</i> | <i>Type of Certification</i> |
|---------------|---|------------------------------|
| Nick Gromicko | 501 Eland Village Phoenixville, PA 19460 | Testing |

Public Hearing Notice

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

NPDES Discharge of Stormwater from Construction Activities

JDN Development Company, Inc., 359 E. Paces Ferry Road, NE, Suite 450, Atlanta, GA 30305.

The Department of Environmental Protection (Department) will hold a public hearing on an individual National Pollution Discharge Elimination System (NPDES) permit application No. PAS10Q157. The NPDES permit application was submitted by JDN Development for discharges of stormwater from construction activities to

Little Lehigh Creek, a High Quality (HQ) Watershed as classified by Chapter 93, related to the proposed JDN Land Development and Subdivision located in Lower Macungie Township, **Lehigh County**.

The Department is in its final review stages of the project and has received a recommendation of approval from the Lehigh County Conservation District.

The public hearing will be held on Thursday, April 29, 1999, at 7 p.m. in the auditorium of the Eyer Middle School in Macungie.

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of such intent to Kate Crowley, Department of Environmental Protection, Water Manage-

ment Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing.

The Department requests that individuals limit their testimony to 5 minutes so that all individuals have the opportunity to testify. Written copies of oral testimony are requested. Relinquishing of time will not be allowed. All individuals attending the hearing will have the opportunity to testify if they so desire, however, individuals who preregister to testify will be given priority. If time permits, individuals can provide additional testimony beyond their allotted 5 minutes if all other individuals have presented their testimony.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Richard Shudack of DEP at (570) 826-2060 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

Those unable to attend the hearing can submit written testimony or comment to the Department until May 6, 1999.

The NPDES permit application is available for review at DEP's regional office, 2 Public Square in Wilkes-Barre. Appointments for scheduling a review can be made by calling DEP's regional Records Management Section at (570) 826-2511. The permit application is also for review at the Lehigh County Conservation District, Lehigh County Agricultural Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104-5728.

Recycling Grant Awards Under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection announces the following grants to counties for recycling education and data management programs under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) (53 P.S. § 4000.902).

Grant funds are used to develop and implement recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.501) are eligible to receive funding for an additional 10% of approved costs. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Todd Pejack, Recycling Grants Coordinator, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

**Act 101, Section 902
Recycling Grant Awards
for County Recycling Coordinator
Computer Equipment**

| <i>County</i> | <i>Grant Award</i> |
|---------------|--------------------|
| Adams | \$4,484 |
| Allegheny | \$3,960 |
| Armstrong | \$4,500 |
| Beaver | \$4,265 |
| Bedford | \$4,437 |

| <i>County</i> | <i>Grant Award</i> |
|----------------|--------------------|
| Berks | \$2,331 |
| Blair | \$4,500 |
| Bradford | \$4,500 |
| Bucks | \$4,449 |
| Butler | \$4,451 |
| Cambria | \$4,455 |
| Carbon | \$4,450 |
| Centre | \$3,936 |
| Chester | \$3,681 |
| Clearfield | \$3,955 |
| Clinton | \$3,792 |
| Columbia | \$4,500 |
| Crawford | \$3,803 |
| Cumberland | \$4,500 |
| Dauphin | \$4,500 |
| Delaware | \$4,500 |
| Elk | \$3,239 |
| Erie | \$4,500 |
| Fayette | \$4,450 |
| Franklin | \$4,395 |
| Greene | \$4,197 |
| Huntingdon | \$4,070 |
| Indiana | \$3,117 |
| Jefferson | \$4,500 |
| Juniata | \$4,179 |
| Lackawanna | \$4,144 |
| Lancaster | \$4,460 |
| Lawrence | \$4,500 |
| Lebanon | \$4,206 |
| Lehigh | \$3,968 |
| Luzerne | \$3,889 |
| Lycoming | \$4,500 |
| McKean | \$4,500 |
| Mercer | \$4,500 |
| Monroe | \$4,070 |
| Northumberland | \$4,500 |
| Perry | \$4,500 |
| Pike | \$3,827 |
| Potter | \$2,414 |
| Schuylkill | \$4,500 |
| Snyder | \$2,993 |
| Somerset | \$2,548 |
| Sullivan | \$4,500 |
| Susquehanna | \$4,500 |
| Tioga | \$4,500 |
| Union | \$2,394 |
| Venango | \$4,462 |
| Warren | \$3,599 |
| Wayne | \$4,119 |
| Westmoreland | \$2,790 |
| Wyoming | \$3,357 |
| York | \$4,500 |
| Total | \$231,336 |

[Pa.B. Doc. No. 99-414. Filed for public inspection March 12, 1999, 9:00 a.m.]

Availability of Final Strategy for Meeting Federal Requirements for Controlling the Water Quality Impacts of Concentrated Animal Feeding Operations

In compliance with the provisions of the Federal Clean Water Act, The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The

Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) announces the availability of the Final Strategy for Meeting Federal Requirements for Controlling the Water Quality Impacts of Concentrated Animal Feeding Operations (CAFO Strategy) and the related administrative and permit documents supporting this CAFO Strategy. These supporting documents include an "Application for a Water Quality Management Part II Concentrated Animal Feeding Operation (CAFO) Permit for Manure Storage Facilities," "Instructions for Completing an Application for a Water Quality Management Part II CAFO Permit for Manure Storage Facilities," "Water Quality Management Part II CAFO Permit for Manure Storage Facilities," NPDES Permit Application for CAFOs with less than 1001 Animal Equivalent Units (AEUs)," "NPDES Permit Application for CAFOs with more than 1000 AEUs," "Instructions for Completing an NPDES Application for CAFOs," "Concentrated Animal Feeding Operation Inspection Report," CAFO Nutrient Balance Sheet for Manure Land Application," "Responsibilities of CAFO Parties for Disposition of manure to be Land Applied," "Agreement for Importing Landowners" and an "Agreement for Brokers." The CAFO Strategy is now being implemented and the above documents are available for use.

In addition to the above documents, the Department completed a Comment and Response document as a result of testimony received at four public hearings held to obtain public input on the draft CAFO Strategy and related administrative and permit documents. Written comments received during a 120-day comment period following publication of the draft documents in the *Pennsylvania Bulletin* are also included in the Comment and Response document. The Comment and Response document will be mailed to all persons who submitted comments. This document is also available in its final form. All comments received have been reviewed and considered as appropriate in making the final revisions to the CAFO Strategy and related administrative and permit documents listed previously.

The final permit document package will be available on the Department's Web Site at: [HTTP://WWW.DEP.STATE.PA.US](http://WWW.DEP.STATE.PA.US).

The documents are available by writing or contacting Mary Miller, Division of Wastewater Management, Bureau of Water Quality Protection, Rachel Carson State Office Building (RCSOB), 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184, fax: (717) 772-5156.

Persons with a disability with questions regarding these documents or seeking information about the documents may use the AT&T Relay Service by calling (800) 654-5984 (TTD Users) or (800) 654-5988 (voice users).

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-415. Filed for public inspection March 12, 1999, 9:00 a.m.]

Availability Of Guidance

Guidance Documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1999 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final

Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1999.

Ordering Paper Copies Of DEP Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes To Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Final Guidance—Substantive Revision

DEP ID: 391-2000-010 Title: Implementation Guidance Section 95.6 Management of Point Source Phosphorus Discharges to Lakes, Ponds and Impoundments Description: This document provides guidance on the implementation of Section 95.6 Management of Point Source Phosphorus Discharges to Lakes, Ponds and Impoundments. It is applicable to discharges to watersheds and their tributaries that flow into lakes, ponds and impoundments that have a hydraulic residence time of 14 days or more, based on average annual flow conditions. This technical guidance considers the impact of both point and non-point sources on lake water quality. NOTE: The revisions include reorganization of the existing material, and the inclusion of a new section describing control strategy, a revised Phosphorus Control Decision Matrix, a discussion of Significance Analysis, Phase I TMDLs for Phosphorus, data requirements for the computer application, and a detailed explanation of the calculations that are carried out in the Lake for Windows computer application. Effective Date: March 20, 1999 Contact: Chuck Yingling at (717) 787-9637.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-416. Filed for public inspection March 12, 1999, 9:00 a.m.]

Availability of Proposed General National Pollutant Discharge Elimination System (NPDES) Permit for Concentrated Animal Feeding Operations (CAFOs)

In compliance with the provisions of the Federal Clean Water Act, The Clean Streams Law (35 P.S. §§ 691.1—691.1001 and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) seeks public comments on the proposed NPDES General Permit for CAFOs and the Notice of Intent to Operate under the General NPDES Permit for

CAFOs. The documents set forth the operational requirements and other terms and conditions of the permit and eligibility criteria to apply for coverage under the general permit.

The draft permit documents package is on file at the Department's Central Office in the Division of Wastewater Management, Bureau of Water Quality Protection at the location noted. The documents package can also be obtained by writing to the following address, by accessing the World Wide Web Address: [HTTP://WWW.DEP.STATE.PA.US](http://WWW.DEP.STATE.PA.US) or by calling the telephone number given: Mary Miller, Division of Wastewater Management, Bureau of Water Quality Protection, Rachel Carson State Office Building (RCSOB), 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184, fax: (717) 772-5156, E-mail Address: Miller.Mary@a1.DEP.STATE.PA.US.

The Department invites public comments on the proposed general permit documents. Comments must be submitted by April 12, 1999. Only comments received within the specified period will be considered in the formulation of the final documents for this general permit. Persons wishing to comment should include in the comments their name, address and telephone number and concise comments to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. A public meeting or hearing may be held if the Department considers the public interest and/or comments significant.

Written comments should be submitted at the previous address. The comments will also be accepted by electronic mail sent to the previous E-mail address. Persons with a disability with questions regarding these documents or seeking information about the documents may use the AT&T Relay Service by calling (800) 654-5984 (TTD users) or (800) 654-5988 (voice Users). Comments will not be accepted by facsimile or on voice mail. Following the specified comment period, the Department will review all submitted comments, prepare a written comment and response document and prepare a final general permit. A notice of availability of the final permit documents will be published in the *Pennsylvania Bulletin*. Persons wishing to receive a copy of the final documents may request them by contacting the previous address or telephone number.

Once the notice of availability of the final general permit is published for the applicant's use, an applicant may apply to the Department for coverage under the general permit. The permit coverage approval will be contingent upon the applicant's eligibility to apply for coverage, a demonstration of compliance with all requirements, terms and conditions of the permit and the Department's approval of coverage under the general permit.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-417. Filed for public inspection March 12, 1999, 9:00 a.m.]

Availability of Proposed Interim Guidances to Implement Great Lakes Initiative

In response to a notice issued by the United States Environmental Protection Agency's (EPA) January 14, 1999 Federal Register Notice (64 Fed Reg 24901) providing for the Notice of Availability of a Letter from the EPA

to the Commonwealth of Pennsylvania finding that certain provisions of the Pennsylvania Great Lakes Water Quality Guidance (or Great Lakes Initiative (GLI)) are inconsistent with Section 118 of the Clean Water Act and Water Quality Guidance for the Great Lakes System, the Department of Environmental Protection (Department) is making available for public comment a proposed interim guidance to address the EPA's concerns. The proposed interim guidance has been developed for implementation of the GLI in the Great Lakes System until final appropriate changes can be made to Department regulations, policies and technical guidances. The proposed interim guidance addresses issues related to aquatic life criteria for trivalent chromium; human health criteria for cyanide, 2,4-dinitrophenol and mercury; methodologies for the development of aquatic life criteria, bioaccumulation factors and human health criteria; antidegradation; site-specific modifications to criteria and values; total maximum daily loads, waste load allocations and load allocations; mixing demonstrations; reasonable potential to exceed water quality standards; intake pollutants; whole effluent toxicity testing; and compliance schedules. The proposed interim guidance will be used only in the Great Lakes System, but some parts of the guidance are intended to have Statewide application at a later date.

The Department had two overriding objectives in developing Pennsylvania's GLI: Statewide consistency and special protection of the unique resource known as the Great Lakes. The Pennsylvania GLI was finalized by amendments to 25 Pa. Code Chapter 93, relating to Water Quality Standards and Chapter 16 relating to Water Quality Toxics Management Strategy, Statement of Policy, which appeared in the *Pennsylvania Bulletin* on December 27, 1997 (27 Pa.B. 6817 and 6799) and were submitted to the EPA for approval along with supporting documentation, including implementation guidances. On December 18, 1998, the EPA issued a letter asserting that there are inconsistencies between the State and Federal GLI. The letter gives the State 90 days to respond. The EPA has stated it will promulgate portions of the Federal GLI for Pennsylvania if its concerns are not adequately addressed. The proposed interim guidance is a component of Pennsylvania's response to the EPA's comments.

The Department seeks public comment on the guidance before submission to the EPA and implementation in the Great Lakes System. The parts of the interim guidance that are intended to be extended for use Statewide at a later date include adoption of water quality aquatic life criteria for trivalent chromium (Cr+3), adoption of the GLI methodologies for water quality human health criteria, procedures for total maximum daily loads (TMDLs) and procedures to determine reasonable potential to exceed water quality standards. The other parts of the guidance offer specific protection to the Great Lakes. There will be additional opportunities for public comment when the final regulations, policies and technical guidances are amended to include these issues Statewide.

The proposed interim guidance is available on DEP's website at www.dep.state.pa.us (choose public participation) and from the contact listed. Comments must be received by April 12, 1999 (30 days after publication). Comments may be submitted in written or electronic form, but may not be submitted by facsimile.

The contact person is Mary A. Miller, Division of Wastewater Management, Bureau of Water Quality Protection, Rachel Carson State Office Building, 11th Floor, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-8184.

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

Following the comment period, the Department will consider all comments and prepare a final guidance. The final guidance will be announced through public notice in the *Pennsylvania Bulletin*.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-418. Filed for public inspection March 12, 1999, 9:00 a.m.]

1999 Governor's Awards Applications Available for DEP Clients

The Department of Environmental Protection's Office of Pollution Prevention and Compliance Assistance recently released the 1999 application for the Governor's Awards for Environmental Excellence. The award is presented annually by the Governor to companies, organizations, nonprofit organizations, government agencies and municipalities that demonstrate accomplishment as Pennsylvania's environmental innovators.

Award categories include pollution prevention, energy efficiency/renewable, technology innovation, management system, technical assistance provider, land use, industrial recycling, recycling and market development and education and outreach. If you or anyone you know of has actively demonstrated pollution prevention tactics, devised industrial innovations which help to save energy, developed goals and objectives which are environmentally sound, or have proactively worked to educate residents about the environmental benefits of P2/E2, let the Department of Environmental Protection know about it. We encourage you to participate in this highly rewarding program.

A panel of judges from both the public and private sector including educational institutions and environmental organizations will choose 1999 award recipients. Projects and programs will be evaluated on the following criteria: environmental impact; economic impact; energy impact/program results; innovation; management commitment; cooperative efforts; transferability; social impact and educational efforts.

Applications must be received no later than 4 p.m. on May 28, 1999. Postmarks are not acceptable. Mail or deliver to Department of Environmental Protection, P. O. Box 8772, 15th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8772.

For further information, contact Barbara Yurich directly at (717) 772-8908 or Gay Kreiser at (717) 772-8948 or access the application directly on DEP's website at www.dep.state.pa.us (choose Pollution Prevention and Compliance Assistance and then choose Governor's Award for Environmental Excellence).

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-419. Filed for public inspection March 12, 1999, 9:00 a.m.]

Technical Assistance Center for Small Water Systems Advisory Board; Special Committee Meeting

The Education, Training and Outreach Committee will hold a special meeting on Thursday, March 18, 1999, from 9:30 a.m. to 12:30 p.m. in the 5th Floor Conference Room of the Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting will be to review the final draft of the Water Operators Training Matrix and the Penn State Harrisburg Work Station proposal.

Questions concerning this schedule or agenda items can be directed to Donna Green at (717) 787-0122 or e-mail at Green.Donna@a1.dep.state.pa.us. This schedule, an agenda for the meeting and notices of meeting changes will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Donna Green directly at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-420. Filed for public inspection March 12, 1999, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property Division Bid Sales; Boat Sale

The Department of General Services, State Surplus Property Division, has four boats for sale that are located at the Department of Conservation and Natural Resources, Beltzville State Park in Lehighton, PA. The following boats will be for sale:

1. Smokercraft, Patrol Boat, Aluminum Hull with Mercruiser 125 HP I/O, 18 Foot Boat with Tee Nee Trailer, Model 1700, Age: Unknown
2. Smokercraft, 14 Foot Boat, Semi-V Aluminum, Year: Approximately 1972
3. Northern Plastics Corp, 3 Wheel Aquabike, Year: Approximately 1989
4. XANADU Products Inc., Catamaran Paddleboat, Year: Approximately 1989 (4 available)

Individuals who would like to receive more information or want to place a bid on these boats, call (717) 787-4085 or write to the Department of General Services, State Surplus Property Division, Room G-48, 2221 Forster Street, Harrisburg, PA 17125 before the bid opening on April 22, 1999, at 1 p.m.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 99-421. Filed for public inspection March 12, 1999, 9:00 a.m.]

State Surplus Property Program Bid Items for Political Subdivisions

Under the provisions of section 510 of The Administrative Code of 1929 (P. S. 165, No. 67), the Department of General Services, State Surplus Property Program is offering for sale to counties, boroughs, incorporated towns, cities and townships the following items:

| <i>Item</i> | <i>Make</i> | <i>Eq. No.</i> | <i>Location</i> |
|-------------------------------|-------------------|----------------|--------------------------------|
| Rubber Tired Loader | Case, W-20C | 296-2056 | PA Dot-Montoursville, PA |
| Rubber Tired Loader | John Deere, 544A | 039-1385 | PA Dot-Montoursville, PA |
| Tandem Grader & Wing Plow | John Deere, 672-A | 020-1678 | PA Dot-Montoursville, PA |
| Hydrostatic Belt Loader | Athey, 7-12D | 128-5369 | PA Dot, Sunbury, PA |
| Belt Loader | Athey | 093-5369 | PA Dot, Wellsboro, PA |
| Excavator | Koehring, T-644 | 002-6368 | PA Dot, Clarks Summit, PA |
| Rotary Tractor Belly Mower | Inter. Harvester | 162-4915 | PA Dot, Wilkes-Barre, PA |
| Sickle Bar Tractor Mower | Inter. Harvester | 253-4915 | PA Dot, Wilkes-Barre, PA |
| Sickle Bar Tractor Mower | Inter. Harvester | 449-4915 | PA Dot, Wilkes-Barre, PA |
| Sickle Bar Tractor Mower | Inter. Harvester | 450-4915 | PA Dot, Wilkes-Barre, PA |
| Bantam Hydraulic Excavator | Koehring, T-744 | 024-6368 | PA Dot, West Chester, PA |
| 5 Ton Tow Behind Roller | Yost, Vibratory | 928-1435 | PA Dot, West Chester, PA |
| 10 Ton Rubber Tire Roller | Bros, SD3500 | 129-2440 | PA Dot, West Chester PA |
| 9 Wheel Pneumatic Tire Roller | Galion, 3500 | 783-2435 | PA Dot, Chambersburg, PA |
| Motor Grader | Galion | 493-1672 | PA Dot, Chambersburg PA |
| 5 Ton Tandem Roller | Dresser Galion | 920-1435 | PA Dot, New Bloomfield, PA |
| Articulated Loader | Case | 308-2056 | PA Dot, Waynesburg, PA |
| Articulated Grader | Champion, 720A | 012-1682 | PA Dot, Waynesburg, PA |
| Articulated Loader | Case | 304-2056 | PA Dot, Greensburg, PA |
| Crawler Dozer Tractor | Caterpillar | 102-10-0103 | DCNR, S. Williamsport, PA |
| Truckster | Cushman | MIX-00-1027 | DCNR, Cross Fork, PA |
| Motor Grader | Huber, D-1300 | 110-01-0071 | DCNR, Laughlintown, PA |
| Backhoe Tractor | MultiHoe, MDA | 206-07-0002 | DCNR, Laurelton, PA |
| Front End Loader | John Deere, 544-A | 115-09-1140 | Military Affairs, Annville, PA |

The above will be sold to the highest responsible bidder by sealed bid sale. Those political subdivisions which are interested in procuring one or more of these items should contact the Department of General Services, State Surplus Property Division, P. O. Box 1365, Harrisburg, PA 17105 or call (717) 787-4085. Requests for bid proposals need to be made prior to the bid opening on April 9, 1999, at 1 p.m.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 99-422. Filed for public inspection March 12, 1999, 9:00 a.m.]

State Surplus Property Program; Request for Bids

The Department of General Services, State Surplus Property is seeking contractors to remove mixed scrap metals, aluminum, batteries, tires, waste oils and scrap drums from State agencies throughout Pennsylvania. Contracts are for 1 year with an option to renew for an additional three 1-year terms. Most contracts begin on July 1, 1999. For more information on how to bid on these contracts, call (717) 787-4085 or write to the Department of General Services, State Surplus Property Division, 2221 Forster Street, G-48, Harrisburg, PA 17125 by April 22, 1999.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 99-423. Filed for public inspection March 12, 1999, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

State Board of Vocational Rehabilitation; Public Meeting

The State Board of Vocational Rehabilitation will hold its next public meeting in Harrisburg, PA.

Location: Harrisburg OVR District Office
2971-B North 7th Street
Harrisburg, PA 17110
Date: March 16, 1999
Time: 1 p.m. to 3 p.m.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 99-424. Filed for public inspection March 12, 1999, 9:00 a.m.]

Team Pennsylvania Human Resources Investment Council; Public Forums

The Team Pennsylvania Human Resources Investment Council, (HRIC) under the Workforce Investment Act of 1998 (WIA), announces a series of public forums to be conducted throughout this Commonwealth. The purpose of the forums is to provide individuals, advocates and other interested parties and/or organizations the opportunity to present their views and recommendations regarding the Commonwealth of Pennsylvania 5-year strategic plan for workforce development (Unified Plan).

HRIC will set the strategic direction and overall system measures to the individual Federal titles identified under the WIA. The process by which the Commonwealth of Pennsylvania will implement the strategic direction and overall system measures is outlined in the Unified Plan. The Unified Plan must be reviewed, and, as necessary, revised. The Unified Plan, in effect for the period 1999 through 2004, will be submitted on April 1, 1999, to the Assistant Secretary, Employment and Training Administration, United States Department of Labor. It is a blueprint for the provision of workforce development services to job seekers and employers in the Commonwealth of Pennsylvania. Customer input received through this series of public forums will be used to measure the effectiveness of the Unified Plan and will form the basis upon which it may be revised. Copies of the Unified Plan are available upon request or by email at www.dced.state.pa.us.

Testimony relevant to any aspect of workforce development services for job seekers or employers within the Commonwealth of Pennsylvania is invited. Input focusing on customer awareness/understanding of workforce development services, customer satisfaction with workforce development services and recommendations for improvements to workforce development services will be particularly helpful. Contact Julie Zorn at (717) 772-4966 to schedule time during the public comment period to present views and recommendations. Scheduling will be done on a first-come, first-served basis. Please prepare ten copies of views and recommendations for distribution to the panel.

All meeting sites are accessible and interpreters for people who are deaf or hard of hearing will be present at each public forum. For additional information, reasonable accommodation requests or alternative format requests call the HRIC at (717) 772-4966 or e-mail at Martha_Harris@dced.state.pa.us. Please identify which public forum you wish to attend.

Individuals who cannot participate in the forums are encouraged to submit ten copies of written comments to HRIC, 901 North Seventh Street, Suite 103, Harrisburg, PA 17102. Copies will become property of the HRIC. Written comments should be submitted by United States Mail or sent by email to workforce_comments@dced.state.pa.us by Friday, March 19, 1999.

HRIC public forums are scheduled as follows:

| | | |
|------------------------------|--|----------|
| Monday, March 15, 1999 | Community College of Allegheny County— Boyce Campus Monroeville, PA Performance Lecture Hall— Room S440 | 1—5 p.m. |
|------------------------------|--|----------|

| | | |
|--------------------------------|---|----------|
| Thursday, March 18, 1999 | Dixon University Center Harrisburg, PA Administration Building Conference Rooms A, B, and C | 2—5 p.m. |
|--------------------------------|---|----------|

| | | |
|------------------------------|--|----------|
| Friday, March 19, 1999 | Lehigh County Vocational- Technical School Schnecksville, PA Cafetorium | 2—5 p.m. |
|------------------------------|--|----------|

JOHNNY BUTLER,
Secretary

[Pa.B. Doc. No. 99-425. Filed for public inspection March 12, 1999, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Payments to Nursing Facilities; January 1, 1999 Proposed Rates

The purposes of this notice are to announce the proposed changes in payment rates for nursing facilities beginning January 1, 1999, and to identify the methodology and justification for these proposed rates. Under 42 U.S.C.A. § 1902(a)(13)(A), as amended by section 4711 of the Balanced Budget Act of 1997, P. L. 105-33, § 4711, a state must use a public process when it proposes to make changes in payment rates or payment methodologies for nursing facility services under its approved Title XIX State Plan. The Department of Public Welfare (Department) is not proposing to amend its State Plan or to change its regulations, 55 Pa. Code Chapter 1187, relating to the rate setting methodology used to set nursing facility payment rates. Rather, the Department is proposing to make changes in its nursing facility payment rates because those rate changes are required by the rate-setting methodology contained in its approved State Plan and regulations.

Rates

The proposed January 1, 1999, rates are available through the Bulletin Board System (BBS) at (800) 833-5091, at the local County Assistance Offices throughout this Commonwealth, or by contacting Connie Pretz in the Policy Section of the Bureau of Long Term Care Programs at (717) 772-2570.

Methodology

The methodology that the Department used to set the proposed rates is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

Justification

The justification for the proposed rates is that they were set under the rate-setting methodology required by the Commonwealth's approved State Plan and the current regulations.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 1998-1999 is \$66.914 million (\$30.998 million in State funds).

Interested persons are invited to submit written comments about the proposed rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to: Department of Public Welfare, Attention: Suzanne Love, Room 515 Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-193. (1) General Fund; (2) Implementing Year 1998-99 is \$30.998 million; (3) 1st Succeeding Year 1999-00 is \$33.816 million; 2nd Succeeding Year 2000-01 is \$33.816 million; 3rd Succeeding Year 2001-02 is \$33.816 million; 4th Succeeding Year 2002-03 is \$33.816 million; 5th Succeeding Year 2003-04 is \$33.816 million; (4) 1997-98 \$617.252 million; 1996-97 \$591.910 million; 1995-96 \$648.549 million; (7) Medical Assistance—Long Term Care; (8) recommends adoption. The Department's budget contains sufficient funds to cover the cost of this rate increase.

[Pa.B. Doc. No. 99-426. Filed for public inspection March 12, 1999, 9:00 a.m.]

Payments to Nursing Facilities; April 1, 1999 Proposed Rates

The purposes of this notice are to announce the proposed changes in payment rates for nursing facilities beginning April 1, 1999, and to identify the methodology and justification for these proposed rates. Under 42 U.S.C.A. § 1902(a)(13)(A), as amended by section 4711 of the Balanced Budget Act of 1997, P. L. 105-33, § 4711, a state must use a public process when it proposes to make changes in payment rates or payment methodologies for nursing facility services under its approved Title XIX State Plan. The Department of Public Welfare (Department) is not proposing to amend its State Plan or to change its regulations, 55 Pa. Code Chapter 1187, relating to the rate setting methodology used to set nursing facility payment rates. Rather, the Department is proposing to make changes in its nursing facility payment rates because those rate changes are required by the rate-setting methodology contained in its approved State Plan and regulations.

Rates

The proposed April 1, 1999, rates are available through the Bulletin Board System (BBS) at (800) 833-5091, at the local County Assistance Offices throughout this Commonwealth, or by contacting Connie Pretz in the Policy Section of the Bureau of Long Term Care Programs at (717) 772-2570.

Methodology

The methodology that the Department used to set the proposed rates is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

Justification

The justification for the proposed rates is that they were set under the rate-setting methodology required by

the Commonwealth's approved State Plan and the current regulations.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 1998-1999 is \$3.087 million (\$1.430 million in State funds).

Interested persons are invited to submit written comments about the proposed rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to: Department of Public Welfare, Attention: Suzanne Love, Room 515 Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-192. (1) General Fund; (2) Implementing Year 1998-99 is \$1.430 million; (3) 1st Succeeding Year 1999-00 is \$1.560 million; 2nd Succeeding Year 2000-01 is \$1.560 million; 3rd Succeeding Year 2001-02 is \$1.560 million; 4th Succeeding Year 2002-03 is \$1.560 million; 5th Succeeding Year 2003-04 is \$1.560 million; (4) 1997-98 \$617.252 million; 1996-97 \$591.910 million; 1995-96 \$648.549 million; (7) Medical Assistance—Long Term Care; (8) recommends adoption. The Department's budget contains sufficient funds to cover the cost of this rate increase.

[Pa.B. Doc. No. 99-427. Filed for public inspection March 12, 1999, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Mother's Day Bouquet 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 Mother's Day Bouquet.

2. *Price:* The price of a Pennsylvania Mother's Day Bouquet instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Mother's Day Bouquet instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$5, \$10, \$20, \$50, \$100, \$500 and \$5,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 4,080,000 tickets will be printed for the Pennsylvania Mother's Day Bouquet instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$5,000 (FIV THO) in the play area on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the play area on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching play symbols of \$50 (FIFTY) in the play area on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with three matching play symbols of \$20 (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with three matching play symbols

of \$10⁰⁰ (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

(j) A prize will be paid only for the highest Pennsylvania Mother's Day Bouquet instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

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 4,080,000 Tickets</i> |
|------------|------------|-------------------------|---|
| 3-\$1 | \$1 | 1:7.50 | 544,000 |
| 3-\$2 | \$2 | 1:18.75 | 217,600 |
| 3-\$5 | \$5 | 1:42.86 | 95,200 |
| 3-\$10 | \$10 | 1:150 | 27,200 |
| 3-\$20 | \$20 | 1:150 | 27,200 |
| 3-\$50 | \$50 | 1:4,800 | 850 |
| 3-\$100 | \$100 | 1:24,000 | 170 |
| 3-\$500 | \$500 | 1:30,000 | 136 |
| 3-\$5,000 | \$5,000 | 1:510,000 | 8 |

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Mother's Day Bouquet 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 Mother's Day Bouquet, prize money from winning Pennsylvania Mother's Day Bouquet 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 Mother's Day Bouquet 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 Mother's Day Bouquet or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-428. Filed for public inspection March 12, 1999, 9:00 a.m.]

Pennsylvania Wild Money 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 Wild Money.

2. *Price:* The price of a Pennsylvania Wild Money instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Wild Money instant lottery game ticket will contain one play area featuring one "Winning Numbers" area and one "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8

(EGT) and 9 (NIN). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN) and WILD Symbol (WILD).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$6.⁰⁰ (SIX DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$6, \$10, \$20, \$40, \$80 and \$1,000. The player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,240,000 tickets will be printed for the Pennsylvania Wild Money instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols is a WILD Symbol (WILD) and a prize play symbol of \$1,000 (ONE THO) appears under the Wild Symbol (WILD) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$80\$ (EIGHTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols is a WILD Symbol (WILD) and a prize play symbol of \$80\$ (EIGHTY) appears under the Wild Symbol (WILD) play symbol, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols is a WILD Symbol (WILD) and a prize play symbol of \$40\$ (FORTY) appears under the Wild Symbol (WILD) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols is a WILD Symbol (WILD) and a prize play symbol of \$20\$ (TWENTY) appears under the Wild Symbol (WILD) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$10.⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the Your Numbers" play symbols is a WILD Symbol (WILD) and a prize play symbol of \$10.⁰⁰ (TEN DOL) appears under the Wild Symbol (WILD) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$6.⁰⁰ (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a WILD Symbol (WILD) and a prize play symbol of \$6.⁰⁰ (SIX DOL) appears under the Wild Symbol (WILD) play symbol, on a single ticket, shall be entitled to a prize of \$6.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4.⁰⁰ (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols is a WILD Symbol (WILD) and a prize play symbol of \$4.⁰⁰ (FOR DOL) appears under the Wild Symbol (WILD) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols is a WILD Symbol (WILD) and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears under the Wild Symbol (WILD) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1.⁰⁰ (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols is a WILD Symbol (WILD) and a prize play symbol of \$1.⁰⁰ (ONE DOL) appears under the Wild Symbol (WILD) play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *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:

Match Any Of
Your Numbers
To Either Winning
Number With
Prize(s) Of:

| Prize(s) Of: | Win | Approximate Odds | Approximate No. of Winners Per 6,240,000 Tickets |
|--------------------------------|---------|------------------|--|
| \$1 | \$1 | 1:18.75 | 332,800 |
| \$1 w/WILD | \$1 | 1:11.54 | 540,800 |
| \$1 x 2 | \$2 | 1:60 | 104,000 |
| \$2 w/WILD | \$2 | 1:60 | 104,000 |
| \$2 | \$2 | 1:150 | 41,600 |
| \$2 x 2 | \$4 | 1:250 | 24,960 |
| \$4 w/WILD | \$4 | 1:250 | 24,960 |
| \$4 | \$4 | 1:500 | 12,480 |
| \$2 x 3 | \$6 | 1:750 | 8,320 |
| \$6 w/WILD | \$6 | 1:750 | 8,320 |
| \$6 | \$6 | 1:1,500 | 4,160 |
| \$2 x 5 | \$10 | 1:150 | 41,600 |
| \$10 w/WILD | \$10 | 1:150 | 41,600 |
| \$10 | \$10 | 1:300 | 20,800 |
| \$10 x 2 | \$20 | 1:1,500 | 4,160 |
| \$4 x 5 | \$20 | 1:500 | 12,480 |
| \$20 w/WILD | \$20 | 1:1,500 | 4,160 |
| \$20 | \$20 | 1:1,500 | 4,160 |
| \$20 x 2 | \$40 | 1:12,000 | 520 |
| \$2 x 2 + \$6 + \$10 + \$20 | \$40 | 1:4,800 | 1,300 |
| \$10 x 4 | \$40 | 1:12,000 | 520 |
| \$40 w/WILD | \$40 | 1:4,800 | 1,300 |
| \$40 | \$40 | 1:20,000 | 312 |
| \$10 x 2 + \$20 x 3 | \$80 | 1:17,143 | 364 |
| \$40 x 2 | \$80 | 1:24,000 | 260 |
| \$80 w/WILD | \$80 | 1:17,143 | 364 |
| \$80 | \$80 | 1:40,000 | 156 |
| \$1,000 | \$1,000 | 1:60,000 | 104 |
| \$1,000 w/WILD | \$1,000 | 1:60,000 | 104 |

WILD = Auto Win

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Wild Money 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 Wild Money, prize money from winning Pennsylvania Wild Money 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 Wild Money 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 Wild Money or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-429. Filed for public inspection March 12, 1999, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation under 71 P. S. § 513(e)(7) intends to sell certain land owned by the Department.

The following property is available for sale by the Department. A parcel of unimproved land located in Radnor Township, Delaware County. Vacant land was formerly identified as being owned by Richard S. Crampton, Nancy Crampton, and Martha T. Crampton at 108 Burnside Road, Villanova, Pennsylvania 19085 and

consists of 17,040 square feet more or less or Parcels Number 25 and 26 on the highway plan. The Department has determined that the land is no longer needed for present or future transportation purposes. The appraised value is \$19,000.00.

Interested public entities are invited to express their interest in purchasing this site within thirty (30) calendar days from the date of publication of this notice to Mr. Andrew Warren, District Administrator-Transportation, District 0600, 200 Radnor-Chester Road, St. Davids, PA 19087-5178, Attention: Matthew J. Kulpa, Jr., Real Estate Technician, King of Prussia Annex, Telephone No. (610) 768-3101.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-430. Filed for public inspection March 12, 1999, 9:00 a.m.]

Finding
Cambria County
Somerset County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to realign and reconstruct approximately 640 meters (2,100 feet) of SR 271 in Upper Yoder Township, Cambria County and Conemaugh Township, Somerset County. This project will require the acquisition of 0.842 hectares (2.08 acres) of right of way from the Laurel Ridge State Park. The effect of this project on the Laurel Ridge State Park will be mitigated by the mitigation measures outlined in the Categorical Exclusion Evaluation/Programmatic Section 4(f) Evaluation. The Programmatic Section 4(f) Evaluation meets the same requirements as Section 2002 of Pennsylvania Act 120.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no prudent and feasible alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-431. Filed for public inspection March 12, 1999, 9:00 a.m.]

Retention of Engineering Firms

Clearfield and Centre Counties
Project Reference No. 08430AG2302

The Department will retain an engineering firm to provide final design on the following projects:

1. The S. R. 0322, Section C08 and the S.R. 0322, Section A03 projects will be combined into one construction contract.

S. R. 0322, Section C08 project is the extension of Center Street in Philipsburg. The eastern terminus of the

project is at the intersection of Center Street (T. R. 322) and Locust Street and the western terminus of the project is at the intersection of Center Street and S. R. 0053. This project is part of the Philipsburg Transportation Improvement Projects to allow more fluent, continuous flow along S. R. 0322, S. R. 0350 and S. R. 0053 through Philipsburg. This project also involves changes and upgrades to Front Street in Philipsburg, and changes the traffic pattern from a one-way system to a two-way system. The project involves constructing 0.25 miles of two-lane roadway on new alignment and rehabilitating .25 miles of existing roadway.

S. R. 0322, Section A03 project is a bridge project within the limits of the S. R. 0322, Section C08 project. This bridge will carry S. R. 0322, S. R. 0350 and S. R. 0053 traffic over Moshannon Creek at the Centre County/Clearfield County line. This project will work hand in hand with the S. R. 0322, Section C08 project and be with the same construction contract. This project will also involve the removal of the existing bridge over the Moshannon Creek that carries S. R. 0322 traffic.

The estimated construction cost for the combined projects is \$3.6 million.

2. S. R. 0322, Section C09 is the 15th Street Connector project in Philipsburg. This project will route S. R. 0322 traffic around Philipsburg reducing the congestion on Presque Isle Street and Center Street in the downtown area. The eastern terminus begins where S. R. 0322 spans Cold Stream and the alignment continues onto 15th Street which will be redesigned to arterial standards. A new alignment will start from 15th Street going through the east side of the GPU substation, around the east side of the existing ball fields, and connecting to Railroad Street at the intersection with 9th Street Railroad Street will be redesigned to arterial standards from 9th Street to the western terminus at Center Street. The estimated construction cost is \$2.5 million.

The engineering firm will be required to perform surveys, preliminary design/Step 9, utility coordination, wetland mitigation plan, final roadway design, final right-of-way plan, structure design, signing, pavement marking and delineation design/plans, erosion and sedimentation control plan, traffic control plan, 105 & 404 Permits Traffic Signal design, Final Design Air and Noise analysis, geotechnical engineering, and prepare construction plans, specifications, and estimates.

This project will be performed in Metric units.

The anticipated duration of the agreement is fifteen (15) months for both projects.

This project is a complex project.

The letter of interest will be a maximum of five (5) pages, 8 1/2 x 11, one sided, plus an organizational chart, up to 11 x 17 size.

The Department will shortlist a minimum of three (3) firms. The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

Specialized experience and technical competence of firm.

Specialized experience, previous experience, technical competence of individuals who constitute the firm.

Special requirements of this final design assignment.

Past record of performance with respect to cost control, work quality, and ability to meet schedules.

The shortlisting for this project(s) will be done at the District. All firms submitting letters of interest will be notified by the District of the shortlisting date.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

The Letter of Interest and required information for this project must be received within six (6) calendar days of this Notice. The Deadline for receive of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the sixth day.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vasco A. Ordenez, P.E., District 2-0 at (814) 765-0439.

Any questions concerning the submittal of the Letter of Interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**York County
Project Reference No. 08430AG2303**

The Department of Transportation will retain an engineering firm for a multi-phase, specific project agreement to provide preliminary studies, environmental studies, preliminary engineering, final design, shop drawing review and consultation during construction. This project is for the relocation and realignment of S. R. 0083, Section 025, Interstate Route 83, for an approximate length of 34.56 km (2.8 miles) and includes S. R. 3036 (Business Route 83) for an approximate length of 3.51 km (2.18 miles). This project is located on S. R. 0083 from a point south of Interchange 4 to a point south of Interchange 6 and on S. R. 3036 (Business Route 83) from Interchange 5 to the York City/Spring Garden Township Line in York Township, York County. The design portion of the multi-phase project is expected to have an overall duration of approximately forty-eight months with shorter, varying schedules for individual phases. The estimated construction cost of the new roadway and structures is approximately \$38 million.

This is a complex project. Letters of interest will be limited to five (5) pages plus organizational chart and any additional resumes.

The selected firm will be required to provide a variety of services including the following; project administration; field surveys; plotting of topography and cross sections; utility investigation and coordination; geotechnical studies; core borings, foundation designs; preliminary right-of-way investigation; safety reviews; life cycle cost analysis/pavement survey report; pavement and drainage designs; value engineering; field views; environmental studies and documentation; interagency permits; preliminary line, grade and typical section development; and preliminary type, size, and location submission; final design activities including final Step 9 and TS&L; drainage and roadway design; highway lighting design; highway signing and pavement marking plans; right-of-plans; traffic control plans; erosion and sedimentation control plans; structural rehabilitation designs and structure designs; and preparation of a plans, specifications, and estimates package;

electronic data transfer; engineering services during construction including shop drawing review and consultation services.

The design of this project will be developed using metric units.

Welcom's Open Plan software will be used by the Department for project management and tracking.

A project specific Quality Development Plan prepared by the selected firm will be required for the project.

The Department is seeking a large, multi-disciplined firm with environmental, geotechnical, highway design, and structure design experience.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Specialized experience and technical competence with similar projects and their ability to provide innovative solutions to complex technical problems.
- b. Experience in highway design, structure design, geotechnical design, and hydrological/hydraulic analysis and design.
- c. Past record of performance with respect to cost control, work quality, and ability to meet schedules.
- e. The project team including subconsultants.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Barry G. Hoffman, P.E., Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, Attention: Mr. David Slimak.

The Letter of Interest and required information for this project must be received within twenty (20) calendar days of this Notice. The Deadline for receive of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the twentieth day.

Any technical questions concerning the requirements for this project should be directed to: Mr. David Slimak, District 8-0, at (717) 787-5366.

Any questions concerning the submittal of the Letter of Interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Fayette County
Project Reference No. 08430AG2304**

The Department of Transportation will retain an engineering firm to perform preliminary design, final design and services during construction (shop drawing review, plans recordation and construction consultation) for S. R. 3009, Section D10, the replacement of York Run Bridge spanning York Run located at segment/offset 0090/000 in Nicholson Township, Fayette County, Engineering District 12-0. The estimated construction cost is \$1.0 million.

The selected firm will be required to: perform field surveys; plot topography and cross sections; prepare Design Field View Submission; prepare a Categorical Exclusion Evaluation; prepare submission for utility verification and relocations engineering; develop erosion control details and narrative; prepare right of way plans; hydrologic and hydraulic analysis; obtain all permits;

complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soil reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; collect accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; roadway drainage design, prepare construction plans, specifications, and estimates; provide services during construction and provide efficient project management.

This is a complex project. Letters of Interest will be limited to five (5) pages plus organizational chart and any additional resumes. The Letter of Interest and required information must be received within twenty (20) calendar days of this notice.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

- a. Specialized experience and technical competence of firm. The specific experience of individuals who constitute the firms will be considered.
- b. Understanding of the Department's requirements, Design Manuals, policies and specifications.
- c. Past record of performance with respect to cost control, work quality, and the ability to meet schedules.
- d. Location of consultant with respect to the District. This will include ability/provisions for quick responses to District requests.
- e. Method of controlling quality of projects and submissions. Consideration will be given to coordination between disciplines, subconsultants, etc.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Michael H. Dufalla, P.E., District Engineer, Engineering District 12-0, at P. O. Box 459, North Gallatin Avenue Extension, Uniontown, PA 15401.

Any technical questions concerning the requirements for this project should be directed to: Mr. Brian S. Hart, P.E., District 12-0, at (724) 439-7156. Any questions concerning the submittal of the Letter of Interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Allegheny County
Project Reference No. 08430AG2305**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately thirteen (13) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services for the Etna Interchange Project which was designed as S. R. 0028, Section 036 which is divided into the following five (5) construction projects:

1. S. R. 0028, Section A24, Allegheny County Local Name: Etna Interchange—Phase I This project involves the reconstruction of Ramp D and widening and deck replacement on S. R. 0028 Southbound—Ravine Street Bridge.

2. S. R. 0028, Section A20, Allegheny County Local Name: Etna Interchange—Phase II This project involves the reconstruction of a portion of S. R. 0028 Southbound and widening of the SR. 0028 Southbound Bridge over S. R. 0008.

3. S. R. 0028, Section A21, Allegheny County Local Name: Etna Interchange—Phase III This project involves the reconstruction of a portion of S. R. 0028 Southbound, reconstruction of the S. R. 0028 Southbound Bridge over Butler Street and widening of the S. R. 0028 Southbound Bridge over CSX railroad tracks. Also included is reconstruction of the Ramp U merge and reconstruction of Ramp B and the Bridge on Ramp B.

4. S. R. 0028, Section A22, Allegheny County Local Name: Etna Interchange—Phase IV This project involves the reconstruction of a portion of S. R. 0028 Northbound and widening of the S. R. 0028 Northbound Bridge over CSX railroad tracks. Also included is the reconstruction of Ramp A and the Bridge on Ramp A. Ramp T and the Bridge on Ramp T will also be reconstructed.

5. S. R. 0028, Section A23, Allegheny County Local Name: Etna Interchange—Phase V This project involves the reconstruction of a portion of S. R. 0028 Northbound and widening of the S. R. 0028 Northbound Bridge over S. R. 0008. Also included is the widening of S. R. 0028 Northbound—Ravine Street Bridge and reconstruction of Ramp C.

These projects have been determined to be non-complex. The Letter of Interest shall be limited to three (3) pages, 8 1/2 x 11, one sided; plus an organizational chart; and resumes indicated below.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage
- b. Understanding of Department's requirements, policies, and specifications.
- c. Past Performance.
- d. Number of NICET certified inspectors in each payroll classification.
- e. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

| <i>Classification</i> | <i>No. of Inspectors</i> |
|--|--------------------------|
| Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent) | 1 (1) |
| Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent) | 1 (1) |
| Transportation Construction Inspector - Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent) | 1 (1) |
| Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent) | 7 (5) |
| Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent) | 2 (0) |

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

| Payroll Classification | Maximum Straight Time Reimbursement Per Hour Of Inspection |
|------------------------|--|
| (TCM-1) | \$46.27 |
| (TCIS) | \$40.54 |
| (TCI-Materials) | \$36.55 |
| (TCI) | \$35.47 |
| (TA) | \$24.39 |

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for

payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; one inspector certified in computer documentation and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

| | |
|----|---|
| 1 | Nuclear Densometer Gauge/License |
| 1 | Paint Test Kit |
| 1 | Vehicle for the Transportation of Nuclear Gauge |
| 10 | Two-Way Radios |

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

| <i>Classification</i> | <i>No. of Resumes</i> |
|-----------------------|-----------------------|
| TCM-1 | 2 |
| TCIS | 2 |
| TCI-M | 2 |
| TCI | 9 |

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. Raymond S. Hack, P.E., District Engineer, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Any technical questions concerning the requirements for this project should be directed to: Mr. Bob Collins, P.E., District 11-0, at (412) 429-4928.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification

Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that requests engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solici-

tions requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-432. Filed for public inspection March 12, 1999, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Cancellation of Meeting

The March 16, 1999, Environmental Quality Board meeting has been canceled. The next meeting is tentatively scheduled for April 20, 1999, at 10 a.m. in Room 105 of the Rachel Carson State Office Building (RCSOB), Harrisburg.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 99-433. Filed for public inspection March 12, 1999, 9:00 a.m.]

FISH AND BOAT COMMISSION

Additional Restrictions on Fish and Boat Commission Property

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.18 (relating to additional restrictions), has established the following additional restrictions for Commission property. These additional restrictions shall be effective when posted at the sites.

| <i>County</i> | <i>Area</i> | <i>Additional Restrictions</i> |
|---------------|----------------------|--|
| Beaver | Hereford Manor Lakes | During the period April 16, 1999 to May 31, 1999, the use or possession of beer and alcoholic beverages is prohibited and open fires are prohibited. |
| Washington | Dutch Fork Lake | During the period April 16, 1999 to May 31, 1999, the use or possession of beer and alcoholic beverages is prohibited and open fires are prohibited. |
| Washington | Canonsburg Lake | During the period April 16, 1999 to May 31, 1999, the use or possession of beer and alcoholic beverages is prohibited and open fires are prohibited. |

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 99-434. Filed for public inspection March 12, 1999, 9:00 a.m.]

Closure of Tamarack Lake, Crawford County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.15 (relating to Commission lakes or access areas under special time regulations), will temporarily close Tamarack Lake to all public access and use beginning at 12:01 a.m. on March 15, 1999. Tamarack Lake, a 562-acre lake, is located near Meadville, Crawford County. The Commission is closing Tamarack Lake to public use so that it may draw down the lake. This draw down is needed to facilitate repairs to the dam.

Tamarack Lake will be closed to all public use and access until further notice.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 99-435. Filed for public inspection March 12, 1999, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

The Independent Regulatory Review Commission (Commission) issued the following comments. The comment period is now closed. The final regulation must be submitted by the dates indicated:

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Issued</i> | <i>Final-Form Submission Deadline</i> |
|-----------------|--|---------------|---------------------------------------|
| 7-334 | Environmental Quality Board Mobile Equipment Repair and Refinishing (Notice of proposed rulemaking published at 28 Pa.B. 4867 (September 26, 1998)) | 2/25/99 | 12/10/00 |
| 7-341 | Environmental Quality Board Gasoline Volatility Requirements (Notice of proposed rulemaking published at 28 Pa.B. 4792 (September 26, 1998)) | 2/25/99 | 12/2/00 |
| 49-1 | PA Municipal Retirement Board Revisions to Rules and Regulations (Notice of proposed rulemaking published at 28 Pa.B. 5249 (October 17, 1998)) | 3/1/99 | 11/16/00 |

*Environmental Quality Board Regulation No. 7-334
Mobile Equipment Repair and Refinishing
February 25, 1999*

We have reviewed this proposed regulation from the Environmental Quality Board (Board) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regula-

tory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to economic impact, need, reasonableness and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

In the preamble to the proposed rulemaking, the Department of Environmental Protection (Department) requested comment on:

1) The application of the proposal to all facilities, regardless of size and amount of material used;

2) The use of a general permit as a permitting mechanism, as well as the possible use of a permit by rule for smaller facilities; and

3) Whether all provisions should apply to rural areas of the Commonwealth where volatile organic compound (VOC) reductions may not have a significant impact on attainment.

Our Comments will address these issues as well as the proposed regulations.

1. Statewide Permitting for Mobile Equipment Repair and Refinishing—Reasonableness

The amendments to Chapter 127 require Statewide permitting for mobile equipment repair and refinishing facilities (facilities). The purpose is to establish controls on the VOC emissions from such facilities.

Seven counties in the Southwest and the five-county Philadelphia area in the Southeast are nonattainment areas for the health-based standard for ozone. The proposal was developed as one result of stakeholder working groups established in those nonattainment areas. Both the Southeastern and the Southwestern Pennsylvania Working Group recommended strategies for ozone attainment and maintenance based on health-based standards and the requirements of the Clean Air Act. Is it reasonable then to require permitting Statewide? Does all of Pennsylvania exceed the health-based standard for ground-level ozone?

How will permitting of facilities Statewide help achieve the goal of health-based attainment levels in the nonattainment areas? Adopting this measure for noncompliance regions only, similar to the approach taken for the Vehicle Emission Programs, would seem to be more cost effective. If the Statewide permit requirement is maintained in the final-form regulation, the Board should explain how a Statewide requirement is beneficial in reaching the health-based standard for ozone in the nonattainment areas.

2. Permit by Rule as an Alternative to the General Permit—Need

A general permit would require each facility to apply for and meet the requirements of the general permit. A permit by rule would allow smaller facilities to be deemed to have a permit by just meeting the requirements of the regulation.

Is a general permit application really necessary for smaller facilities? Would all the information required in the general permit be necessary from the smaller facilities. We recommend the Board allow permit by rule for smaller facilities. This could be based on size, such as one to two bays, or the amount of coatings consumed at the facility.

3. Section 129.75(e). Allowable Content of VOCs in Mobile Equipment Repair and Refinishing Coatings—Clarity

Section 129.75(e) establishes the allowable VOC content of automobile coatings. Table III in Subsection (e) contains the standards for specific coating categories.

The Regulatory Analysis Form (RAF) indicates the proposed regulations are consistent with the proposed Federal limits on VOCs in automobile refinish materials. However, there are some differences between the proposed regulation and recently adopted Federal changes.

We recommend the Board update the standards in Table III to be consistent with the categories and amounts published by the Environmental Protection Agency in its final regulation (63 FR 48808 and 48819) published in the *Federal Register* on September 11, 1998.

4. Section 129.75(k)(3). *Minimization of Spills—Clarity*

Section 129.75(k) contains housekeeping, pollution prevention and training measures. Subsection (k)(3) requires the facility owner and operator to use handling and transfer procedures that "shall minimize spills" during transfer of refinishing products. This requirement is vague. The Board should include the procedures it expects facilities to implement in order to "minimize" spills. For instance, the Board could include using spouts on larger containers, maintaining covers on containers when not in use, etc.

5. Section 129.75(k)(4). *Training—Clarity*

Section 129.75(k)(4) requires the facility owner or operator to "ensure that a person who applies mobile equipment repair and refinishing coatings has completed training" in the proper use and handling of equipment and products.

The training requirement is vague. How will the owner or operator know when their employees have "completed training?" How much training, i.e. how many hours, are required? What are the standards for the quality and content of the training? The Board should provide more specific requirements as well as a method of validation, i.e. testing or records of employee training in handling and applying materials.

6. Section 129(i)(3). *Touch-up Repair—Clarity*

Section 129(i) lists exemptions for the application equipment requirements in Subsections (g) and (h). Subsection (i)(3) exempts the application of touch-up and repair finish materials by brush. However, Sections 129(g) and (h) list "brushcoating" as a covered activity. The Board should clarify how "brush coating" differs from "touch-up and repair by brush."

7. Section 129.75(l). *Permit Fees—Economic Impact and Clarity*

The proposal requires owners or operators of a facility to apply for a permit in accordance with Chapter 127. Facilities vary in size from one bay to very large operations. How will the cost of the permit be determined? Is the size of a facility and its ability to emit VOCs considered?

Section 129.75(l) provides that facilities shall apply for a permit in accordance with Chapter 127. The Regulatory Analysis Form indicates the fee will be \$250. This amount is consistent with the operating permit fee provisions of Section 127.703(b). However, Section 127.703(d) states the Department may establish application fees for general operating permits at the time the general permit is issued which do not exceed the other fees contained in Section 127.703.

Since the Board anticipates using general permits for these facilities, we recommend the Board specify the

amount of the permit fees in its final-form regulation. The Board should also explain whether the same application fee would be applied to all sizes of facilities. We further recommend that the Board demonstrate that the permit fee is consistent with the cost of permitting and compliance activity of the Department.

8. *Enforcement and Penalties—Clarity*

The proposal does not specify the manner of enforcement or the penalties for failing to meet its provisions. We recommend the Board address enforcement and penalties in the final-form regulation through a reference to the applicable provision in existing regulations, or through the addition of specific provisions to this subchapter.

Environmental Quality Board Regulation No. 7-341 Gasoline Volatility Requirements February 25, 1999

We have reviewed this proposed regulation from the Environmental Quality Board (EQB) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a (h) and (i)) specify the criteria the Commission must employ in determining whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to economic impact and reasonableness of the regulation. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

Section 126.302. Recordkeeping and reporting—Reasonableness and Economic Impact

The existing Subsection (c) requires each person in the gasoline distribution network to maintain compliance records for at least two years from the date of sale or transfer of the compliant fuel. The EQB proposes to amend that provision to also require the same records be kept on site at each point in the distribution network. Commentators have recommended that this amendment be modified to allow records to be kept at other, more central locations (e.g., at a supplier or a district office). Such records could be furnished within a reasonable time following a request for them.

We agree that the Department of Environmental Protection (DEP) may need immediate access to certain site records during the ozone season to confirm whether the gasoline in use, storage or transmission complies with applicable low Reid vapor pressure standards. On the other hand, the two-year duration of the proposed new requirement could impose additional and unnecessary recordkeeping costs on the regulated industry.

We recommend the regulation be further amended to require records be kept on site only for the duration of the current ozone season (i.e., either from May 1 to September 15, or from June 1 to September 15). The regulation should also be amended to require that the records be retained after the ozone season at a designated central location for the remainder of the two-year retention period.

Such further amendments will make Subsection (c) more reasonable and reduce its economic impact on the regulated community. If there is a need for records to be kept on site on a year round basis, the EQB should explain the reason in its response as part of the final-form rulemaking.

Pennsylvania Municipal Retirement Board Regulation No. 49-1
Revisions to Rules and Regulations
March 1, 1999

We have reviewed this proposed regulation from the Pennsylvania Municipal Retirement Board (Board) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

Section 81.2. Applicability of regulations. Clarity

This section provides that Chapters 81, 83, 85, 87 and 91 are equally applicable under all articles of the law. However, the Board is deleting Chapters 85 and 87. For this reason, the references to Chapters 85 and 87 should be deleted from the language of this section.

Section 81.9. Management and investment of fund; interest credits. Clarity

Subsection (b) provides that to facilitate the purchase and sale of securities, the Board may establish a "nominee registration process." It is not clear from the proposed language what a "nominee registration process" is. We understand that the Board, in conjunction with the State Treasurer's Office, registers securities for purchase and sale. We recommend that the Board include a brief explanation or define the term "nominee registration process" in the final-form regulation.

Section 81.10. Withdrawal provisions. Clarity

The Board is deleting the provisions pertaining to the application process that municipalities must follow in order to withdraw their plans in Section 83.14. However, Section 81.10 refers to the application process without specifying any of the procedures. The Board should clearly specify the procedures that municipalities must follow in order to formally withdraw their plans in the Board's regulations. The Board could satisfy this concern by providing a cross-reference to Section 881.214 (53 P. S. § 881.214) of the Pennsylvania Municipal Retirement Law in Section 81.10 which provides the withdrawal requirements for the municipalities.

Additionally, Subsection (a) is very lengthy. Because it is difficult to follow the Board's intent, we recommend that the Board clarify this section in the final-form regulation. For example, it could be restated as follows:

(a) Applications for withdrawal pursuant to Section 881.214 (53 P. S. § 881.214) of the Law must be approved by the Board. If the application is approved, the Board may require:

1) The withdrawing municipality to enter into a written agreement with the Board which would terminate its contractual relationship with the Board and fix the respective rights of the parties;

2) The withdrawing municipality to obtain individual waivers or releases from affected members, who will no longer be eligible for benefits.

Since the language in Subsection (b) indicates the requirements for the withdrawal application, the Board should consider placing Subsection (b) before the lan-

guage in Subsection (a) which relates to withdrawal applications approved by the Board.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-436. Filed for public inspection March 12, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Redomesticate to the Commonwealth of Pennsylvania by CIGNA Property and Casualty Insurance Company; Corrective Notice

The above-referenced transaction published in the March 6, 1999, edition of the *Pennsylvania Bulletin* incorrectly referenced the applicant as a "stock life insurance company." CIGNA Property and Casualty Insurance Company is organized as a stock fire insurance company.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-437. Filed for public inspection March 12, 1999, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Diann Brislin; file no. 99-181-00423; West American Insurance Company; doc. no. P99-02-021; March 25, 1999, at 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-438. Filed for public inspection March 12, 1999, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following lease:

Chester County, Wine & Spirits Shoppe # 1522, North Coventry Township.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space on Route 100 and Route 724, North Coventry Township.

Proposals due: April 2, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Jim Bradley, (215) 560-5310

The following Liquor Control Board leases will expire:

Philadelphia County, Wine & Spirits Shoppe # 5160, Leo Mall, 11725 Bustleton Avenue, Philadelphia, PA 19116-2515.

Lease Expiration Date: July 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 6,500 net useable square feet of new or existing retail commercial space on Bustleton Avenue, North of Red Lion Road and South of Byberry Road.

Proposals due: April 2, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Allegheny County, Wine & Spirits Shoppe #0267, Moon Plaza, 880 Narrows Run Road, Coraopolis, PA 15108-1168.

Lease Expiration Date: May 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial

space in a shopping center environment near the intersection of Narrows Run and Brodhead Roads in Moon Township.

Proposals due: April 2, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Beaver County, Wine & Spirits Shoppe #0401, 1009 7th Avenue, Beaver Falls, PA 15010-4539.

Lease Expiration Date: May 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,000 net useable square feet of new or existing retail commercial space in the Beaver Falls Central Business District.

Proposals due: April 2, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Clearfield County, Wine & Spirits Shoppe #1701, 315 E Market Street, Clearfield, PA 16830-2432.

Lease Expiration Date: June 30, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in a shopping center environment serving the Clearfield area. Free parking and rear loading facilities are preferred.

Proposals due: April 2, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 99-439. Filed for public inspection March 12, 1999, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Services Without Hearing

A-120010. Barkeyville Gas Company. Application of Barkeyville Gas Company for approval to begin to offer, render, furnish or supply natural gas services to the public in the Borough of Barkeyville and Irwin Township, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265,

Harrisburg, PA 17105-3265, with a copy served on the applicant on or before March 29, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: Barkeyville Gas Company

Through and By Counsel: William D. Wilson, Attorney, Wilson and Thompson, L.L.C., 1162 Elk Street, P. O. Box 310, Franklin, PA 16323.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-440. Filed for public inspection March 12, 1999, 9:00 a.m.]

Proposed Adoption of the Advanced Meter Standards Set Forth in the Advanced Meter Standards Report Issue Under 52 Pa. Code § 57.254(b); Doc. No. M-0099 1219

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David W. Rolka; Nora Mead Brownell; Aaron Wilson, Jr.

Public Meeting held
February 11, 1999

Proposed Order

By the Commission:

On October 16, 1998, the Public Utility Commission (Commission) adopted a revised final rulemaking order on Advanced Meter Deployment for Electricity Providers at Doc. No. L-00970128, 52 Pa. Code §§ 57.251—57.259. The regulations were published as final on December 26, 1998, in the *Pennsylvania Bulletin* at 28 Pa.B. 6302. Under 52 Pa. Code § 57.254(b) (relating to advanced meter standards) a qualified advanced meter, meter-related device or network shall be the customer's billing meter and shall meet the standards adopted by the Commission from time to time after consideration of the recommendations of the Metering Committee.¹

The Advanced Meter Standards Report under consideration contains recommendations of the Metering Committee for certain standards which will govern advanced metering services in the Commonwealth of Pennsylvania. (See Attachment 1) The recommended standards seek to maintain accuracy, performance and safety of advanced meter services while simultaneously facilitating technical innovation. As conditions change in the future, the Metering Committee indicated that it will, after receiving input from the Metering Working Group, recommend modifications to the Commission as necessary. The Advanced Meter Standards Report supplements the standards prescribed by the Commission in 52 Pa. Code § 57.254.

In compliance with 52 Pa. Code § 57.254(b), the Metering Committee (in conjunction with the Metering Working Group) met on September 25, 1998 to hear presentations on suggested advanced meter standards from various Members including Schlumberger, ITRON, ENRON, Strategic Energy Limited, CellNet Data Systems and the Pennsylvania Electric Association. The various presentations exhibited numerous commonalities which are re-

¹ The Metering Committee is a smaller subset of the Metering Working Group consisting of, to the extent possible, a balanced number of electric distribution companies (EDCs) and electric generation suppliers (EGSs) as well as representatives of an EDC electrical worker union, consumer and environmental representatives. The Metering Working Group is composed of seventy-seven (77) stakeholders on advanced metering issues. The Metering Working Group provided proposals and comments to the Metering Committee. See Section V of the Advanced Meter Standards Report for a Membership Listing.

flected in the Metering Committee Advanced Meter Standards Report. The Metering Working Group exchanged proposals and comments and subsequently agreed on the contents of the Advanced Meter Standards Report. The Metering Committee incorporated the proposals into its Advanced Meter Standards Report.

The Advanced Meter Standards Report is divided into five sections: I. Summary of Advanced Meter Standards; II. Table of Tests in ANSI C12.1 and C12.20; III. Certification Testing Requirements; IV. Registration and Centralized Database for Compliant Meter Type; and V. List of Metering Working Group and Metering Committee Members.

Section I summarizes the various American National Standards Institute (ANSI) Standards, the Edison Electric Institute (EEI) Metering Handbook, the National Electric Code (NEC) and local requirements, and applicable Federal Communications Commission (FCC) Regulations. This section also stresses that products and systems presently deemed used and useful by the State's utilities should be "grandfathered" for future use to avoid the prospect of premature removal of a product from service. Section II provides a checklist for various tests associated with ANSI C12 compliance. Section III describes the certification testing requirements to be met by advanced meter products used in Pennsylvania. Section IV requires manufacturers to file with the Commission a self-certification document for their type of meter which avers compliance with applicable Pennsylvania testing requirements. Section V lists the Metering Working Group and Metering Committee Membership.

The Commission concurs with the Metering Committee Advanced Meter Standards Report and hereby adopts the recommendations therein to establish the standards an advanced meter product must satisfy prior to its inclusion in the Advanced Meter Catalog (Catalog) as required by 52 Pa. Code § 57.253(a)(2). The Commission emphasizes that the Advanced Meter Standards Report supplements the standards already prescribed under 52 Pa. Code § 57.254.

The Commission therefore requires that a proposed advanced meter product must satisfactorily pass the tests in the Advanced Meter Standards Report and comply with the requirements of 52 Pa. Code § 57.254 prior to its inclusion in the Catalog. To ensure that the testing is performed in strict accordance with the described testing criteria, an application for an advanced meter product submitted to the Commission for inclusion in the Catalog must include test results and a self-certification document regarding compliance with the Advanced Meter Standards Report and 52 Pa. Code § 57.254 requirements. The Commission further directs the Metering Committee, after receiving input from the Metering Working Group, to submit recommendations, as necessary in the future, for modifications to the Advanced Meter Standards Report under 52 Pa. Code § 57.254(b).

Accordingly, under 52 Pa. Code § 57.254(b) the Commission hereby proposes to adopt the advanced meter standards set forth in the Advanced Meter Standards Report;

Therefore,

It Is Ordered That:

1. The Secretary shall duly certify this Proposed Order and Advanced Meter Standards Report and deposit with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. This Proposed Order and Advanced Meter Standards Report shall be served forthwith upon all jurisdictional electric utilities, Electric Competition Legislative Stakeholders and Metering Working Group Members with a 10-day comment period commencing from the date of publication in the *Pennsylvania Bulletin*. Reply comments will not be permitted.

3. The contact persons for this proceeding are Charles F. Covage, Bureau of Conservation, Economics and Energy Planning, (717) 783-3835 (technical) and Stephen E. Gorka, Law Bureau, (717) 772-8840 (legal).

JAMES J. MCNULTY,
Secretary

ATTACHMENT 1

REPORT

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION ON ADVANCED METER STANDARDS

Pursuant to 52 Pa. Code § 57.254(b) Advanced Meter Deployment for Electricity Providers

METERING COMMITTEE JANUARY 1999

INTRODUCTION

This report contains recommendations of the Metering Committee to the Pennsylvania Public Utility Commission (Commission) for certain standards which will govern advanced metering services in the Commonwealth of Pennsylvania.² The recommended standards seek to maintain accuracy, performance, and safety of advanced meter services while simultaneously facilitating technical innovation. As conditions change in the future, the Metering Committee will, after receiving input from the Metering Working Group, recommend modifications to the Commission as necessary.

The Metering Working Group met on September 25, 1998 to hear presentations on suggested advanced meter standards from various members including Schlumberger, ITRON, ENRON, Strategic Energy Limited, CellNet Data Systems, and the Pennsylvania Electric Association (PEA). The various presentations exhibited numerous commonalities which are reflected in this report. After an exchange of comments on the report between Metering Working Group Members via E-Mail, the Metering Committee agreed to incorporate these proposals into its recommendations to the Commission.

This report is divided into five sections: I. Summary of Advanced Meter Standards; II. Table of Tests in ANSIC12.1 and C12.20; III. Certification Testing Requirements; IV. Registration and Centralized Database for Compliant Meter Type; and V. List of Metering Working Group and Metering Committee members.

Section I summarizes the various American National Standards Institute (ANSI) Standards, Edison Electric Institute (EEI) Metering Handbook, National Electric Code (NEC)/ Local Requirements, and applicable Federal Communications (FCC) Regulations. The section also stresses that products and systems deemed used and useful by the State's utilities today should be

² The Metering Committee is a smaller subset of the Metering Working Group consisting of, to the extent possible, a balanced number of electric distribution companies (EDCs) and electric generation suppliers (EGSs) as well as representatives of an EDC electrical worker union, consumer and environmental representatives. The Metering Working Group is composed of seventy-seven (77) stakeholders on advanced metering issues. The Metering Working Group provided proposals and comments to the Metering Committee. See Section V for a Membership Listing.

“grandfathered” for use going forward in order to avoid the prospect of premature removal of a product from service. Section II provides a checklist for various tests associated with ANSI C12 compliance. Section III describes the certification testing requirements that advanced meter products used in Pennsylvania must comply with. Section IV requires manufacturers to file with the Commission their meter type self-certification document to state compliance with applicable testing requirements. Section V lists the Metering Working Group and Metering Committee membership.

I. SUMMARY OF STANDARDS FOR ADVANCED METER PRODUCTS*

[Note: Use of most current version is implied unless otherwise indicated]

***Meter Product:** A device which measures, calculates, records and/or communicates energy consumption data for the purpose of determining the financial obligation for an entity consuming energy.

I.1 ANSI C12 Standards

I.1.1 ANSI C12.1-Code for Electricity Metering

Establishes acceptable performance criteria for new types of ac watt-hour meters, demand meters, demand registers, pulse devices, instrument transformers, and auxiliary devices. It states acceptable in-service performance levels for meters and devices used in revenue metering.

I.1.2 ANSI C12.6-Marking & Arrangement of Terminals for Phase Shifting Devices used in Metering

Applies to phase-shifting devices designed to provide the proper lagged voltages required for kvar and kva measurement.

I.1.3 ANSI C12.7-Watt-hour Meter Socket [Where applicable]

This standard covers the general requirements and pertinent dimensions applicable to watt-hour meter sockets rated up to and including 600 V and up to and including 320 continuous duty per socket opening.

I.1.4 ANSI C12.8 (R1997), Test Blocks and Cabinets for Installation of Self-Contained A-Based Meters

This standard covers the dimensions and functions of test blocks and cabinets used with self-contained A-base watt-hour meters. General requirements are specified for: spacings, temperature rise, assembly bolts, connectors, test clips, barriers, and mounting holes. Test-block dimensions and configurations, as well as test-block cabinets are also included.

I.1.5 ANSI C12.9-1993, Test Switches for Transformer-Rated Meters

This standard covers the dimensions and functions of meter test switches used with transformer-rated watt-hour meters in conjunction with instrument transformers. Some general requirements covered include: material and workmanship, name plates, moveable parts, alternate switch arrangements, insulating barriers, wiring terminals, mounting, spacings, and dimensions.

I.1.6 ANSI C12.10-Electromechanical Watt-hour Meters

Covers the physical aspects of both detachable and bottom connected watt-hour meters and associated registers. These include ratings, internal wiring arrangements, pertinent dimensions, markings, and other general specifications.

I.1.7 ANSI C12.13-Electronic TOU Registers for Electricity Meters

This standard covers electronic time-of-use registers for use in conjunction with electricity meters. It includes the following features of this register: 1) Numbers and format of displays, 2) Voltage, frequency, and temperature ratings, 3) Demand intervals, 4) Multiplying constants, 5) Timing systems, 6) Other general features, and 7) Communication requirements. Specifications for the watt-hour meter are not covered in this standard but can be found in ANSI C12.1-1988 [1] and ANSI C12.10-1987 [2]. The dates of the C12.1 and C12.10 standard are what they were when C12.13-1991 was approved. Both have been updated.

I.1.8 ANSI C12.18-Type 2 Optical Port

Details the criteria required for communications with an electronic metering device by another device via an optional port. The other device could be a handheld reader, a laptop or portable computer, a master station system, a power metering device, or some other electronic communications device. This document provides details for a complete implementation of an OSI-7 layer model. The protocol was designed to transport data in table format.

I.1.9 ANSI C12.20-0.2% & 0.5% Accuracy Class Meters

Gives requirements for accuracy performance, under various conditions, for accuracy class 0.2 and 0.5. Standard also calls for additional testing outlined in ANSI C12.1-1995.

I.1.10 IEC 61000-4-4 Or ANSI C37.90-Fast Transient Test. [Manufacturer's Choice as to Which Standard to Apply]

Relates to the immunity requirements and test methods for electrical and electronic equipment to repetitive electrical fast transients. Additionally defines ranges of test levels and establishes test procedures. The object of this standard is to establish a common and reproducible basis for evaluating the performance of electrical and electronic equipment when subjected to repetitive fast transients (bursts), on supply, signal and control ports. The test is intended to demonstrate the immunity of electrical and electronic equipment when subjected to types of transient disturbances such as those originating from switching transients (interruption of inductive loads, relay contact bounce, etc.). The standard defines:—test voltage waveform;—range of test levels;—test equipment;— test set-up;—test procedure.

I.1.11 ANSI Z1.4-Sampling Procedures and Tables for Inspection

This standard, which corresponds to MIL-STD-105, establishes sampling plans and procedures for inspection by attributes. Its tables and procedures are completely compatible with MIL-STD-105. It is also interchangeable with BSR/ASQC Z1.9-19XX for variable inspection.

I.1.12 ANSI Z1.9-Sampling Procedures and Tables for Inspection

This standard, establishing sampling plans and procedures for inspection by variables, corresponds to the military standard MIL-STD-414 and is interchangeable with ISO/DIS 3951. It contains tables and procedures of MIL-STD-414, suitably modified to achieve correspondence with ISO/DIS 3951 and matching with MIL-STD-105 and BSR/ASQC Z1.4-19XX.

I.2 EEI Electricity Metering Handbook, Current Edition

I.3 National Electrical Code [NEC] and Local Requirements

I.4 Applicable FCC Regulations

I.5 A non-ratcheted, bi-directional meter capable of reverse operation in a net-metering application must undergo testing for accuracy measuring reverse operation, such as self-generation output, comparable to the requirements outlined in the Advanced Meter Regulations, 52 Pa. Code §§ 57.251—57.259 and the Advanced Meter Standards Report, as they relate to forward operation.

FOOTNOTES:

1. Output Contacts if provided on a metering device shall be either Form "A" or Form "C". Form "C" is required if the output contacts are mechanical. The purpose of a mechanical Form "C" contact closure is to provide a means to verify the operation of the contacts by checking for "bounce" or defective closure of the switch.

2. If Instrument Transformers are utilized, ANSI C12.11 and ANSI C57.13 govern their design and use. Such transformers should comply as appropriate with these standards covering requirements for transformers, conformance and field testing of them, and the grounding of their secondaries and cases.

3. ANSI C12.19 and the pending ANSI C12.21 are considered to be premature for adoption at this time but will be considered for subsequent adoption in future years.

4. Devices and systems in use currently by any Pennsylvania utility (EDC) will continue to be valid for use for the length of their commercial life, assuming they generate the billing parameters required by the marketplace in a timely and appropriate fashion. Nothing in these standards is to be construed so as to obviate the use or procurement of existing devices and systems in the future or to create a 'technically' stranded asset.

II. TABLE OF TESTS IN ANSI C12.1 AND C12.20 STANDARDS

Table II.1 provides a summary list of tests in ANSI C12.1 and C12.20 Standards, a sunlight test, and ANSI C37.90.1 test. All shall be applied in conjunction with Section III of Certification Testing Requirements for Advanced Meter Products used in Pennsylvania. This list also shows the eight tests required to be performed in series.

Table II.1: List of Tests in ANSI C12.1 and C12.20 Standards

| Tests performed in series (Sections III.1.6., III.5. & III.6.) | Descriptions of Certification Tests | ANSI C12.1 | ANSI C12.20 |
|---|---|------------------|------------------|
| | No Load | Test # 1 | Test # 1 |
| | Starting Load | Test # 2 | Test # 2 |
| | Load Performance | Test # 3 | Test # 3 |
| | Effect of Variation of Power Factor | Test # 4 | Test # 4 |
| | Effect of Variation of Voltage | Test # 5 | Test # 5 |
| | Effect of Variation of Frequency | Test # 6 | Test # 6 |
| | Equality of Current Circuits | Test # 7 | Test # 7 |
| | Internal Meter Losses | Test # 8 | Test # 8 |
| | Temperature Rise | Test # 9 | Test # 9 |
| | Effect of Register Friction | Test # 10 | Test # 10 |
| | Effect of Internal Heating | Test # 11 | N/A |
| | Effect of Polyphase Loading | Not applicable | Test # 11 |
| | Effect of Tilt | Test # 12 | N/A |
| | Stability of Performance | Test # 13 | N/A |
| | Independence of Elements | Test # 14 | N/A |
| ✓ | Insulation | Test # 15 | Test # 12 |
| ✓ | Voltage Interruptions | Test # 16 | Test # 13 |
| ✓ | Effect of High Voltage Line Surges | Test # 17 | Test # 14 |
| | Effect of External Magnetic Field | Test # 18 | Test # 15 |
| | Effect of Variation of Ambient Temperature | Test # 19 | Test # 16 |
| | Effect of Temporary Overloads | Test # 20 | Test # 17 |
| | Effect of Current Surges in Ground Conductors | Test # 21 | Test # 18 |
| | Effect of Superimposed Signals | Test # 22 | Test # 19 |
| | Effect of Voltage Variation-secondary Time Base | Test # 23 | Test # 20 |
| | Effect of Variation of Amb. Temp.-second. Time Base | Test # 24 | Test # 21 |
| ✓ | Electrical Fast Transient/Burst | Test # 25 | Test # 22 |
| | Effect of Radio Frequency Interference | Test # 26 | Test # 23 |
| | Radio Frequency Conducted and Radiated Emission | Test # 27 | Test # 24 |
| ✓ | Effect of Electrostatic Discharge (ESD) | Test # 28 | Test # 25 |
| | Effect of Storage Temperature | Test # 29 | Test # 26 |
| ✓ | Effect of Operating Temperature | Test # 30 | Test # 27 |
| ✓ | Effect of Relative Humidity | Test # 31 | Test # 28 |
| | Mechanical Shock | Test # 32 | Test # 29 |
| | Transportation Drop | Test # 33 | Test # 30 |
| | Mechanical Vibration | Test # 34 | Test # 31 |
| | Transportation Vibration | Test # 35 | Test # 32 |
| | Weather Simulation | Test # 36 | Test # 33 |
| | Salt-spray | Test # 37 | Test # 34 |
| | Raintightness | Test # 38 | Test # 35 |
| | Test #A1: Sunlight Interference | Not yet included | Not yet included |
| ✓ | Test #A2: ANSI C37.90.1, Surge Withstand | Not yet included | Not yet included |

III. CERTIFICATION TESTING REQUIREMENTS

This Section describes the certification testing requirements that Advanced Meter Products used in Pennsylvania must comply with. This Section shall be used in conjunction with ANSI C12.1 and C12.20 Standards to cover issues that are not currently addressed in the ANSI C12.1 and C12.20 Standards. Some of these issues are: 1) duplication of the field electrical and environmental conditions is necessary to assure safety, 2) not all components of a meter product are required to be included in the meter product during certification testing, 3) reporting of certification tests is not based on all meter products

tested, 4) no certification rejection criteria is provided for declaration of success or failure upon completion of certification tests.

III.1 General

III.1.1 The tests specified shall be conducted by qualified facilities. A qualified facility is a facility that has access to the necessary equipment and personnel to perform the testing requirements specified in this document.

III.1.2 Complete performance testing is required for new meter types and for major design changes to existing meter types. If an incremental change or changes are

made to an existing meter type, applicable tests shall be performed to assure that Advanced Meter Products meet the certification testing requirements as stated in this section.

III.1.3 The manufacturer shall provide a certified test report documenting the tests and their results to the purchaser. The test report shall be signed by the appropriate manufacturer representative(s) and shall include appropriate charts, graphs, and data recorded during testing.

III.1.4 No Advanced Meter Products and metering equipment shall be installed before all tests, as outlined in this section, are conducted.

III.1.5 Advanced Meter Products selected for certification testing must be representative of production run Meter Products.

III.1.6 The following tests shall be conducted in sequence using the same Advanced Meter Products selected as specified in III.1.5 above: Insulation, Voltage Interruptions, Effect of High Voltage Line Surges, Effect of Fast Transient/Burst, Effect of Electrostatic Discharge (ESD), Effect of Operating Temperature, Effect of Relative Humidity, and ANSI C37.90.1 (Surge Withstand). Other tests required by ANSI C12.1 and C12.20 may be done either in parallel or in sequence with the same Advanced Meter Products or a separate group of Advanced Meter Products; however, with the understanding that the same Meter Products must be used for all test procedures within each ANSI-numbered or FCC-numbered test.

III.1.7 All test Advanced Meter Products shall be kept as a certification proof for one year after the conclusion of the testing. These tests of Advanced Meter Products shall be made available during this period to any purchaser for inspection, if requested.

III.1.8 Advanced Meter Products which fail during the test shall not be repaired or tested further, but can be analyzed to identify the cause of failure.

III.1.9 When the Advanced Meter Products under test fail to meet these testing requirements modifications may be made to the Advanced Meter Products. After the modifications, all tests shall be restarted.

III.1.10 If requested by the purchaser, the manufacturer shall notify the purchaser of the certification test schedule for purchaser's test witnessing.

III.1.11 If more than a minimum number of Advanced Meter Products are certification tested, the test results shall be based on and reported for all Meter Products tested.

III.2. Advanced Meter Product Failure Definition

During the certification process an Advanced Meter Product shall be designated as failed if any of the following events occur:

III.2.1 Failure of the Advanced Meter Product to perform all functions as specified in a test procedure.

III.2.2 Failure of the Advanced Meter Product to meet the fundamental technical performance specifications as specified by the manufacturer. The fundamental performance must include safety, accuracy and reliability of the Advanced Meter Product, and any other functions included in the Meter Product.

III.2.3 Signs of physical damage as a result of a test procedure.

III.2.4 The occurrence of a loss of data or other unacceptable mode of operation for the Advanced Meter Product as a consequence of a test procedure.

III.2.5 Failures of either hardware, firmware or software, or a combination thereof.

III.3 Meter Type Certification Rejection Criteria

The meter type certification will be rejected if any of the following events occur:

III.3.1 The Advanced Meter Products fail the certification tests as specified in Table III.3.1-a below:

Table III.3.1-a: Table of failures based on Advanced Meter Products tested

| # Meter Products Tested | Failures in different tests individually | | | |
|-------------------------|---|---|---|-----------|
| | 0 | 1 | 2 | 3 or more |
| 3 | <div style="position: absolute; top: 10%; left: 10%; border: 1px solid black; padding: 5px;">P A S S</div> <div style="position: absolute; top: 30%; left: 70%; border: 1px solid black; padding: 5px;">F A I L</div> | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 or more | | | | |

Examples: The following examples explain how to apply Table III.3.1-a. Also, reference to "the series tests" in this paragraph means tests required to be performed in the series manner as specified in Section III.1.6., and reference to "the parallel tests" means testing is not required to be performed in any particular sequence (either series or parallel).

Example 1: If 3 Advanced Meter Products are selected for the series testing and one failure occurs in any test procedure, the meter type certification will be rejected and the entire eight series tests will be started over from the beginning.

Example 2: If 9 Advanced Meter Products are selected for the series tests and the first, second, and third failures occur separately in three different tests or test procedures, the meter type certification will be rejected. These failures described here mean that a failure of the first Advanced Meter Product during one test procedure, a failure of a second Advanced Meter Product during another test procedure, and a failure of a third Meter Product during another test procedure different from the tests that the first two Advanced Meter Products have failed previously. Once such failures occur, the entire eight series tests will be started over from the beginning.

However, if 3 Advanced Meter Products are selected for a parallel test performed concurrently with the 9 Advanced Meter Products selected for the series tests, the rejection criteria for the 3 Advanced Meter Products tested in a parallel test shall not apply to the 9 Advanced Meter Products tested in series, or vice versa. In addition, if a group of Advanced Meter Products tested in a parallel test(s) fails according to the rejection criteria, only the particular failed test(s) needs to be repeated.

III.3.2 The failure of two or more Advanced Meter Products during the same test procedure.

III.4 Test Setup

III.4.1 The Advanced Meter Product shall be connected to its normal operating supply voltage with a fully charged power failure backup system and shall be energized throughout the duration of the test procedures, unless otherwise stated.

III.4.2 Before testing commences, if necessary, the Advanced Meter Product shall be energized for a reasonable period at room temperature for stress relief.

III.5 ANSI C12.1 Tests

All Advanced Meter Product certifications shall be performed in accordance with the certification tests described in ANSI C12.1 (NEMA, 1995), unless noted otherwise below.

*Additional test A1: sunlight interference test is needed for optical pick-up type retrofit modules (not within scope of existing ANSI C12.1-1995 tests) and is further defined below.

*Additional test A2: ANSI C37.90.1 Surge Withstand Testing The same set of selected Advanced Meter Products, as defined by unique meter numbers, will be tested with the following tests performed in series: 15, 16, 17, 25, 28, 30, 31 and A2. Other tests required by ANSI C12.1 may be done either in parallel or in sequence with the same Meter Products or a separate group of Advanced Meter Products; however, with the understanding, however, that the same Advanced Meter Products must be used for all test procedures within each ANSI-numbered or FCC-numbered test.

These ANSI C12.1 tests are listed and described in Table III-3 above.

III.6 ANSI C12.20 Tests

All Advanced Meter Product certifications shall be performed in accordance with the certification tests described in ANSI C12.20 (NEMA, 1998) for 0.2% and 0.5% accuracy class meters, unless noted otherwise below.

*Additional test A1: sunlight interference test is needed for optical pick-up type retrofit modules (not within scope of existing ANSI C12.20, NEMA-1998 tests) and is further defined below.

*Additional test A2: ANSI C37.90.1 Surge Withstand Testing

The same set of selected Advanced Meter Products, as defined by unique meter numbers, will be tested with the following tests performed in series: 12, 13, 14, 22, 25, 27, 28 and A2. Other tests required by ANSI C12.20 may be done either in parallel or in sequence with the same Advanced Meter Products or a separate group of Advanced Meter Products; however, with the understanding that the same Advanced Meter Products must be used for all test procedures within each ANSI-numbered or FCC-numbered test.

These ANSI C12.20 tests are listed and described in Table III-3 above.

III.7 Test A1 - Sunlight Interference Test

III.7.1 This test verifies the Advanced Meter Product accuracy and full functional operations under direct sunlight.

III.7.2 The meter cover shall be removed during this test.

III.7.3 The Advanced Meter Product shall be exposed to both the incandescent light source (Lab Test) and sunlight (Outdoor Sunlight Test).

Lab Test:

III.7.4 The incandescent light source, Smith Vector #710 or equivalent, shall be used to simulate the sunlight. The incandescent light shall be 600 watt and 3,200 K blackbody radiation as a minimum.

III.7.5 The Advanced Meter Product shall be exposed to the incandescent light source for a minimum of five minutes for each position of the incandescent light source.

III.7.6 The incandescent light source shall be pointed directly toward the Advanced Meter Product and positioned at a maximum direct distance of 19 inches from the center of the meter rotor shaft as follows:

1. Twelve positions around the meter base.
2. Eight positions at a 45° angle from the meter base.
3. One position at a perpendicular to the face of the meter.

III.7.7 Verify the Advanced Meter Product operations and report the direct and remote meter reads before and after each incandescent light exposure.

Outdoor Sunlight Test:

III.7.8 The sunlight conditions shall be outdoors, clear sky, bright sunny day, and no shades over the Advanced Meter Product.

III.7.9 The Advanced Meter Product shall be exposed to sunlight conditions for 24 hours accumulated over a two (2) to three (3) day period.

III.7.10 The Advanced Meter Product shall be set in a position as normally installed the field. All Advanced Meter Products under test shall be exposed to the sunlight conditions at the same time and evenly face different directions starting with one Advanced Meter Product facing towards the sunrise direction.

III.7.11 Record and compare direct and remote meter reads at every hour under the sunlight conditions.

III.7.12 To pass this test the Advanced Meter Product shall operate as specified with no observed anomalies and have an accuracy of $\pm 0.3\%$ on both direct and remote meter reads.

IV. REGISTRATION AND CERTIFICATION DATABASE FOR COMPLIANT METER TYPE:

Manufacturers shall file with the Public Utility Commission (Commission) their meter type self-certification document to state that their meter type meets the Commission certification testing requirements. After

Commission review and approval, the Commission will post a list of compliant meter types on its web site. The list will not include the proprietary information of meter products.

[Pa.B. Doc. No. 99-441. Filed for public inspection March 12, 1999, 9:00 a.m.]

Telecommunications

A-310781F0002. Bell Atlantic-Pennsylvania, Inc. and Choice One Communications, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Choice One Communications, Inc., for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Choice One Communications, Inc., by its counsel, filed on February 17, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Choice One Communications, Inc. Joint Petition are on file with the 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. 99-442. Filed for public inspection March 12, 1999, 9:00 a.m.]

Transfer by Sale Without Hearing

A-110500F0278. PP&L, Inc. Application of PP&L, Inc. for approval of the transfer by sale of property, known as PP&L's old West Shore Crew Quarters located in Hampden Township, Cumberland County, PA, to Allison Miner and Race Miner, c/o Two-Way Traffic, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before March 29, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: PP&L, Inc.

Through and By Counsel: Paul E. Russell, Associate General Counsel, PP&L, Inc., Two North Ninth Street, Allentown, PA 18101-1179.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-443. Filed for public inspection March 12, 1999, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

Contract No. 94-004-FU97—Structural demolition and/or removal for the Mon/Fayette Expressway in Washington and Allegheny Counties, PA.

Bid Opening Date—April 15, 1999, 11 a.m.

Bid Surety—5%

Plans, specifications and contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per set by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

A prebid site review of the project will be made on March 23, 1999. The inspection party will meet at the office of the project's Construction Manager, Trumbull Corporation, 600 Park Avenue, Monongahela, PA 15063, (412) 258-9234 at 10 a.m., and will proceed to each site under the direction of authorized Commission personnel.

Direct questions for this project to Bonnie Shepler at (717) 939-9551, Ext. 3290, fax (717) 986-9645 or e-mail at bshepler@turnpike.com.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-444. Filed for public inspection March 12, 1999, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such 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. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

1542118 Agricultural supplies—350 acre liquid fertilizer for corn; 350 acre herbicides for conventional tillage; 100 acre herbicides, as needed basis, for no-till planting.

Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8129630 Chemicals and chemical products—113,000 gal. liquid calcium chloride applied as a dust palliative.

Department: Transportation
Location: Honesdale, Wayne County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1500118 Communication equipment—1 lot contractor will configure and install GP4256NT access control/alarm monitoring server and works station computer.

Department: Corrections
Location: Frackville, Schuylkill County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1576118 Construction and building materials—3,400 feet razor wire to be 24/30 double coil Concertina; 102 feet green vinyl non-climbable type fence 10' high 3/8" mesh 11 gage steel core and vinyl; 12 ea. galvanized steel vinyl coated fence extension posts 4' x 6' 5/8"; 12 ea. galvanized custom fabricated 4' support brackets vinyl coated; 3,400 feet 7 gage galvanized tension wire supporting element; 160 hours estimated labor necessary to complete this project.

Department: Corrections
Location: Waynesburg, Greene County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8504840 Construction and building materials—1 ea. precast concrete box culvert.

Department: Transportation
Location: Kittanning, Armstrong County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8249740 Construction, mining, excavating and highway maintenance equipment—6 ea. latest model asphalt storage tanks.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1562358 Laboratory instruments and equipment—6 ea. perm tube calibrator.

Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1595358 Laboratory instruments and equipment—1 ea. Molbloc/Molbox mass flow calibration system.

Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8177250 Maintenance and repair shop equipment—120 ea. Keson fiberglass tape, open reel fiberglass tape, 50/15M English/metric; 120 ea. Keson fiberglass tape, open reel fiberglass tape, 100/30M English/metric; 5 ea. Lufkin Hi-VIZ Model HV30CM close reel steel metric tape, 3/8" W x 30M long blade graduated in meters, centimeters and millimeters; 100 ea. Lufkin Hi-VIZ Model HV1048CM locking case metric tape, 25MM (1") W x 8M long; 100 ea. Lufkin Model 1066DM red end engineers folding rule English/metric, heavy duty contractor's model; 120 ea. Alvin metric triangular scale Alvin No. 748PM 30CM metric triangular engineering scale; 15 ea. Rolatape Model 400M metric distance measuring wheel; 120 ea. Wensler dual range dial thermometer that read both Fahrenheit and Celsius 50 to 550 degrees Fahrenheit and 10 to 290 degrees Celsius; 120 ea. Taylor Bi-Therm pocket case dial thermometer that reads Celsius 40 degrees to +50 degrees Celsius; 120 ea. Reotemp Model Sur 50 surface thermometer that read both Fahrenheit and Celsius; 6 ea. Hastings nonconductive telescoping metric measuring rod that extends to 8 1/2 meters; 6 ea. Hastings carrying case; 4 ea. Bacharach pocket size sling psychrometer 7 1/2" long, 1" diameter with built in scale; 2 ea. James Rebar Datascan Model 4974, must be able to detect a maximum depth of 12"; 2 ea. Peak Pocket Comparator, pocket sized measuring and inspection comparator.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8176000 Miscellaneous—40 ea. vehicle classification traffic recorders.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

7297200 Motor vehicles, trailers and cycles—1 ea. 1999 Model Executive minivan, passenger type.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8206030 Paper and printing—4800 M pages Pennsylvania Airport Directory.

Department: Aviation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

791-98 Communication equipment—Furnish and install Tannoy 18 speakers, Cub 8 speaker brackets, Tannoy TX-1 controller, Symetrix 402 digital delay, Samson Servo 550 amplifier, Samson S1204 12 channel rack mount mixer, Sabine GRO 3102 graphic equalizer, Samson UR-6D wireless receiver, Marantz PMD 350 tape/CD players, Raxess SDR-3 mic drawers, Surgex SX-115R power conditioner, 12 channel wall box w/12 XLR inputs, Samson Q-Mic wired microphone, Samson UH-5 handheld wireless mic, Samson UT-5 wireless beltpack, Audio Technica 831 Lavelier w/P6 connector, 5 ft. 3 pin XLR cable, XLR wall plates for stage face mounting.

Department: Public Welfare
Location: Norristown State Hospital, Norristown, Montgomery County, PA
Duration: FY 98—99
Contact: Sue Brown, (610) 313-1026

PGC-2599 Weapons—20 revolvers—Smith and Wesson Model 686; 357 Magnum; 4" barrel; stainless steel finish; front sight—fixed ramp with red insert; rear sight—adjustable for windage and elevation; smooth combat trigger; factory stocks w/speed loader cut no substitution; 30 shotguns—Remington Model 870 police style pump action, 12 ga. 2 3/4" chamber, wood stocks, sights to be rifle-style with rear adjustable for windage and elevation, rubber recoil pad, 20" barrel, no substitution; 30 binoculars Tasco #10-840 "World Class Plus" 8 x 40 mm with case and neckstrap. No substitution.

Department: Game Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: T. R. Littwin (717) 783-6528

CW 9-99 Clothing and individual equipment—720 doz. PR socks, black, assorted sizes.

Department: State Police
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Robert D. Stare, (717) 783-5485

904 Plumbing, heating and sanitation equipment—Install 4 ea. gas-fired unit heaters at OMS No. 21 554 Airport Road, Johnstown, PA 15904 to include ceiling mounted unit heaters, gas lines from exterior meter to heating units and electrical lines from panels to units. Area to be heated is approximately 2,659 ft.

Department: Military and Veterans Affairs
Location: Johnstown, Cambria County, PA
Duration: FY 98—99
Contact: Emma Schroff, (717) 861-8518

GRA-4937 Textiles—The weave plant at State Correctional Institution at Graterford is looking to purchase approximately 8,000 yds. of 45" or 60" width woven continuous terry cloth, 100% cotton or 86% cotton/14% polyester. To be dyed cocoa brown/white. Delivered to the institution at Graterford.

Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 98—99
Contact: State Correctional Institution—Graterford, Rick F. Bower, (610) 489-4151, Ext. 2289

GRA 4936 Textiles—The hosiery plant at the State Correctional Institution at Graterford is looking to purchase approximately 24,000 pair of unfinished terry cushion sole or full terry crew socks. Socks to be dyed cocoa brown. Delivered to the institution in Graterford.

Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 98—99
Contact: State Correctional Institution—Graterford, Rick F. Bower, (610) 489-4151, Ext. 2289

5231 Medical, dental and vet equipment and supplies—Dental equipment—Adec Cascade 2140 unit with water; Venturi 300 watt power supply; Cascade light; collar for non-Adec mount; Air Max AMD 101 compressor; E3000 chair mount and hub; Strident mobile vacuum. Price to include removal of old equipment and installation of new equipment.

Department: Public Welfare
Location: Torrance State Hospital, Torrance, Westmoreland County, PA
Duration: FY 98—99
Contact: Linda J. Zoskey, (724) 459-4547

67066 Plumbing, heating and sanitation equipment—Toilet partitions and doors w/related hardware, brackets, headrail, pulls and latches and hooks, refurbish 11 stalls and 6 showers and one urinal. These partitions are needed to bring bathroom facilities into ADA compliance at the Locust Lake State Park Campground.

Department: Conservation and Natural Resources
Location: Locust Lake State Park, Barnesville, Schuylkill County, PA
Duration: FY 98—99
Contact: Leo G. Davidovich, (570) 467-2404

1249 Medical, dental and vet equipment and supplies—Medical supplies.

Department: Public Welfare
Location: Selinsgrove Center, Selinsgrove, Snyder County, PA
Duration: FY 98—99
Contact: Arletta K. Ney, (570) 372-5070

1250 Medical, dental and vet equipment and supplies—Medication cards.

Department: Public Welfare
Location: Selinsgrove Center, Selinsgrove, Snyder County, PA
Duration: FY 98—99
Contact: Arletta K. Ney, (570) 372-5070

6530-0100 Medical, dental and vet equipment and supplies—Clinical seat pressure measurement system with computer.

Department: Public Welfare
Location: Polk Center, Polk, Venango County, PA
Duration: FY 98—99
Contact: Patty A. Frank, (814) 432-0229

2010990010 Clothing and individual equipment—Cut, make and trim Pennsylvania State Police uniform trousers and breeches. State Police to provide Raeford summer weight and winter weight material. All other construction requirements to be acquired by winning vendor as per specification.

Department: State Police
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Alan F. Bowman, (717) 783-5485

4310-0115 Fire fighting, rescue and safety equipment—200 gallon Wildfire Pacific B1-11 fiberglass slip-on wildfire suppression unit, or equivalent with accessories.

Department: Conservation and Natural Resources
Location: Thornhurst, Lackawanna County, PA
Duration: FY 98—99
Contact: Gerald T. Kelly, (570) 963-4563

SERVICES

Agricultural Services—2

PGC-2595 The equivalent of game bird pheasant starter feed (180 tons). Mash—2.4 tons, Pellets—177.6 tons. Bulk delivery, to be unloaded either by pneumatic blower or auger. Delivery in 8—24 ton lots as requested by the game farm superintendent. Feed quantities are estimates only. Payment will be made only for amount actually ordered. Feed to be in strict accordance with Game Commission formula. (Revised 2/99). Game Commission reserves the right to cancel purchase order if vendor fails to comply with specifications. Additions to feed: Amprolium 0.0175% or 1.4 lbs. of Amprol 25%/ton—252 lbs. Also, vitamins and electrolytes stress pack (for example, Ag Stress) @ 1 lb./ton—100 lbs. Delivery to start approximately April 19, 1999 and end approximately July 31, 1999.

Department: Game Commission
Location: Loyalsock Game Farm, R. D. 2, Box 803, Montoursville, PA 17754
Duration: April 19, 1999 to July 31, 1999
Contact: C. Clair Souter, Superintendent, (570) 435-2043

PGC-2596 Equivalent of game bird pheasant starter feed (224 tons). Mash—4 tons, bagged in 100 lb. bags. Pellets—(5/32) 220 tons. Bulk delivery, unloaded either by pneumatic blower or auger in 8—24 ton lots, as requested by the superintendent. Delivery to begin April 19, 1999 and end July 15, 1999. Additions: Amprolium 0.0175% or 1.4 lbs of Amprol 25%/ton (314 lbs.). Also, vitamins and electrolytes stress pack (for example, Ag Stress) @ 1 lb./ton—100 lbs. Feed to be in strict accordance with Game Commission formula (revised 2/99). Feed and medication quantities are estimates only. Payment will be made only for amount actually ordered. Game Commission reserves the right to cancel purchase order if vendor fails to comply with specifications.

Department: Game Commission
Location: Western Game Farm, 25761 Highway 408, Cambridge Springs, PA 16403
Duration: April 19, 1999 to July 15, 1999
Contact: Larry Mears, Superintendent, (814) 398-2271

PGC-2597 Equivalent of game bird pheasant starter feed—180 tons. Pellet size—5/32, together with the following additions: Amprolium 0.0175% or 1.4 lbs. of Amprol (25%) ton. (252 lbs.) Also, vitamins and electrolytes stress pack (for example, Ag Stress) @ 1 lb./ton (100 lbs). Feed and medication quantities are estimates only. Payment will be made only for actual amount ordered. All feed to be in strict accordance with Game Commission formula, revised 2/99. Bulk delivery to be unloaded by either pneumatic blower or auger. Delivery in 8—24 ton lots as requested by the superintendent. Delivery to begin on or about April 19, 1999 and end approximately August 25, 1999. Feed to be in strict accordance with Game Commission formula. Agency reserves the right to cancel purchase order if vendor fails to comply with specifications.

Department: Game Commission
Location: Southwest Game Farm, R. D. 1, Box 51-A, New Bethlehem, PA 16242
Duration: April 19, 1999 to August 25, 1999
Contact: Robert W. Hodge, Superintendent, (814) 275-2509

PGC-2598 Equivalent of game bird pheasant starter feed—168 tons. Pellet size—5/32, together with the following additions: Amprolium 0.0175% or 1.4 lbs. of Amprol (25%)/ton. (140 lbs. In addition, vitamins and electrolytes stress pack (for example, Ag Stress) @ 1 lb./ton (168 lbs). Feed and medication quantities are estimates only. Payment will be made only for amount actually ordered. Bulk delivery to be unloaded either by pneumatic blower or auger. Delivery in 8—24 ton lots as requested by the superintendent. To begin on or about April 19, 1999 and end approximately August 15, 1999. All feed to be in strict accordance with Game Commission formula, revised 2/99, and agency reserves the right to cancel purchase order if vendor fails to comply with specifications.

Department: Game Commission
Location: Northcentral Game Farm, HC-31, Box 335, Williamsport, PA 17701
Duration: April 19, 1999 to August 15, 1999
Contact: Bruce Guinter, Superintendent, (570) 478-2527

Audio/Video—4

1998-6 Contractor shall install an intercom system for the State Correctional Institution at Cambridge Springs, PA (installation only).

Department: Corrections
Location: State Correctional Institution—Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403
Duration: 1 or 2 months beginning around 7/1/99
Contact: Quentin Hargenrater, Jr., (814) 398-5400

X102428 Provide access and airtime for Department-owned cellular telephones based in Wilkes-Barre, PA and purchase of cellular equipment as needed.

Department: Environmental Protection
Location: Northeast Regional Office, Wilkes-Barre, PA
Duration: 7/1/99—6/30/02 w/2 additional annual renewal terms
Contact: Dorothy A. Fuller, (570) 826-2202

Barber Services—5

SBC90678001 Contractor shall provide barber services for adjudicated male youth and shall be qualified to cut and style hair for Hispanic, African American and white males. Haircutting shall be performed on grounds of the Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020 and shall be provided to approximately 35 youth per week. Contract period shall be July 1, 1999 through June 30, 2002.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July 1, 1999 through June 30, 2002
Contact: Dorthia Williams, (215) 953-6412

Computer Related Services—8

081 The OA/Office for Information Technology is requesting vendors to submit proposals in response to ITQ—Information Technology Consulting—Reissue 002. This ITQ will provide Commonwealth agencies with IT consulting services which will include but not be limited to: operational, organizational, financial, planning, electronic commerce/EDI, telecommunications, help desk, research and analysis and consulting support services. Vendors should access the following internet address: www.state.pa.us/pa_EXEC/OIT/ITQ/ITQHOME.htm to obtain a copy of the ITQ.

Department: OA/Office of Information Technology
Location: Statewide services will be delivered to any requesting Commonwealth agency
Duration: Initial two (2) year with three (3) one year renewal options
Contact: Lillie Miller, (717) 705-1633

1881810004 The Commonwealth of Pennsylvania, Department of Revenue, Bureau of Imaging and Document Management desires to engage vendor services to provide data entry and verification of Penna. Mass Transit records. Bid proposals to be submitted for transaction code 310, price per thousand records. Prices and daily production volume must be stated in terms of 300 character records and firm for the period of April 1, 1999 to March 31, 2000. Records are to be recorded on 9 track 1600 B.P.I. magnetic tape.

Department: Revenue
Location: Bureau of Imaging and Document Management, 1854 Brookwood St., Harrisburg, PA 17104
Duration: April 1, 1999 to March 31, 2000
Contact: William A. Lupp, (717) 772-5465

Construction & Construction Maintenance—9

Project No. 920 Bituminous repavement of the driveway, ramp approach of OMS No. 28 and new POV parking area.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 1300 Penn St., Williamsport, Lycoming County, PA
Duration: April 1, 99—April 30, 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 9946 New concrete driveway and tank pad.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 580 US Route 15 South, Lewisburg, Union County, PA
Duration: April 1, 99—May 30, 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 9947 Concrete driveway and tank pad.

Department: Military and Veterans Affairs
Location: PAARNG Armory, RD 1, Box 342, Sunbury, Northumberland County, PA
Duration: April 1, 99—May 30, 2000
Contact: Emma Schroff, (717) 861-8518

DGS 141-7 Phase 1 Project title: Delaware Canal Improvement Program (recreational improvements). Brief description: Construction of 30.42 miles aggregate bike path, two comfort stations, two water supply wells, sanitary sewage treatment systems, drinking fountains, bituminous parking areas, aggregate walkways and related electrical and plumbing work. Estimated range: Over \$500,000. General, plumbing and electrical construction. Plans deposit: \$65 per set. Payable to: Department of Conservation and Natural Resources. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$10 or provide your express mail account number to the office listed. Department of Conservation and Natural Resources, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105-8451, (717) 787-5055. Bid date: Wednesday, April 7, 1999 at 1 p.m. A Prebid Conference has been scheduled for Monday, March 22, 1999 at 10 a.m. at the Delaware Canal State Park Office, 11 Lodi Hill Road, Upper Black Eddy, PA 18972. Contact: Robert Stakem, (717) 787-5055. All contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Delaware Canal State Park, Bucks and Northampton Counties, PA
Duration: 260 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 155-11 Project title: Replace bridges—Main Park Road. Brief description: Replacement of superstructure of two bridges. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$75 per set. Payable to: Department of Conservation and Natural Resources. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 or provide your express mail account number to the office listed. Department of Conservation and Natural Resources, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105-8451, (717) 787-7398. Bid date: Wednesday, April 14, 1999 at 11 a.m.

Department: General Services
Location: Shawnee State Park, Bedford, Bedford County, PA
Duration: 255 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 204-2 Project title: Construction of Annex Building and renovations of Headquarters Complex, Troop "F". Brief description: Work includes asbestos and lead abatement, extensive demolition on each floor, clear out between exterior walls all non-bearing construction, ceilings, floor coverings, mechanical and electrical systems, etc. Renovation includes new offices, furred exterior wall finishes, toilets and special rooms, elevator, replacement windows, exterior doors and frames and construction of a one story masonry bearing annex building. Estimated range: \$2,000,000 to \$5,000,000. General, HVAC, plumbing and electrical construction. Plans deposit: \$225 per set. Payable to: Hammel Associates, 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Hammel Associates, Architects, 26 West Orange Street, P. O. Box 7355, Lancaster, PA 17604-7355, (717) 393-3713. Bid date: Wednesday, April 14, 1999 at 2 p.m. A Prebid Conference has been scheduled for Friday, March 26, 1999 at 11 a.m. at Montoursville Headquarters, in the Lobby, Montoursville, PA. Contact: Chris Dawson, (717) 393-3713. All contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Montoursville Headquarters, Montoursville, Lycoming County, PA
Duration: 280 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-344 Project title: Basement renovations and new file room. Brief description: Renovations to the existing PennDot District Office No. 8 Building, involving general, HVAC and electrical construction. Estimated range: Over \$500,000. General, HVAC and electrical construction. Plans deposit: \$150 per set. Payable to: Randy Paul & Associates, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Randy Paul & Associates, Inc., 3738 Peters Mountain Road, Halifax, PA 17032, (717) 896-8320. Bid date: Wednesday, April 7, 1999 at 2 p.m.

Department: General Services
Location: PennDot District Office No. 8, Harrisburg, Dauphin County, PA
Duration: 180 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-351 Project title: Replace existing heating system. Brief description: Replace the steam heating system including boilers with gas fired radiant heaters and gas fired unit heaters. Install a new rooftop A/C unit with gas heat and modify ductwork in front office area. Upgrade electrical work to assist mechanical upgrades and remove asbestos containing materials. Estimated range: \$100,000 to \$500,000. Mechanical, electrical and asbestos removal construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the address listed. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, March 31, 1999 at 11 a.m.

Department: General Services
Location: PennDot Maintenance Building, Waynesburg, Greene County, PA
Duration: 170 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-534 Project title: New fuel facility. Brief description: Demolition of existing fuel facility and existing USTs. Installation of new USTs for diesel fuel and waste oil. Construction of new dispenser island and canopy. Estimated range: \$100,000 to \$500,000. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the address listed. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, April 14, 1999 at 2 p.m. A Prebid Conference has been scheduled for Tuesday, March 23, 1999 at 10 a.m. at PennDot Maintenance Building, Bellefonte, PA. Contact: Larry Wood, Tel: (717) 787-0466. All contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: PennDot Maintenance Building, Bellefonte, Centre County, PA
Duration: 160 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 509-105 Project title: Replace roof—Building No. 9. Brief description: Install new foam/stone roofing system including new 1/4" galvanized wire mesh around all drains and 2.5 lb. galvanized wire lath at all perimeters to existing built-up roof. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the address listed. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, March 31, 1999 at 1 p.m.

Department: General Services
Location: Norristown State Hospital, Norristown, Montgomery County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 552-28 Project title: Installation of integrated and updated fire alarm system for entire facility. Brief description: Provide fire alarm system complete with initiating devices, indicating devices, control panels, interface modules, conduit, cable, etc., necessary for completing systems in 12 buildings designated and connected to a central monitoring location. Estimated range: Over \$500,000. Electrical construction. Plans deposit: \$130 per set. Payable to: LLI Technologies Design Group. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: LLI Technologies Design Group, 806 Penn Avenue, Pittsburgh, PA 15222, Attn: Becky Parpin, (412) 338-4868. Bid date: Wednesday, April 7, 1999 at 11 a.m. A Prebid Conference has been scheduled for Tuesday, March 23, 1999 at 10 a.m. at the Polk Center in Maintenance Building No. 15, Polk, PA. Contact: Don Wills at (814) 432-0474. All contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Polk Center, Polk, Venango County, PA
Duration: 223 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 583-12 Project title: Upgrade water supply distribution system. Brief description: The work consists of installation of a water supply system which includes related work such as storm sewers, sanitary sewers, electrical work and steam pump discharge work. Estimated range: \$500,000 to \$1,000,000. General construction. Plans Deposit: \$100 per set. Payable to: Dynamic Design Engineering, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Dynamic Design Engineering, Inc., 416 Main Street—Suite 200, Johnstown, PA 15901, (814) 536-1651. Bid date: Wednesday, April 7, 1999 at 11 a.m. A Prebid Conference has been scheduled for Wednesday, March 17, 1999 at 10 a.m. at Ebensburg Center in Maintenance Office 0019, Building No. 18, Ebensburg, PA. Contact: Matt Sotosky: (814) 536-1651. All contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Ebensburg Center, Ebensburg, Cambria County, PA
Duration: 112 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 657-13 Phase 1 Project title: New Welcome Center—site development. Brief description: Work consists of site development to include grading, paving, storm drainage, bridge construction, landscaping, highway signing, utility extensions and highway lighting system. Estimated range: Over \$500,000. Electrical and civil construction. Plans deposit: \$265 per set. Payable to: Rummel, Klepper & Kahl, LLP. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Rummel, Klepper & Kahl, LLP, 1309 Bridge Street, New Cumberland, PA 17070, (717) 774-1386. Bid date: Wednesday, March 31, 1999 at 1 p.m.

Department: General Services
Location: Susquehanna County Welcome Center, Susquehanna County, PA
Duration: 450 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 939-12 Project title: Repair/improve parking lot. Brief description: Work consists of parking lot improvements, which includes landscaping, plaza development and entrance revisions. Estimated range: \$100,000 to \$200,000. General construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, April 7, 1999 at 2 p.m. A Prebid Conference has been scheduled for Friday, March 26, 1999 at 10 a.m. at Public Works Complex, Tent Building, Second Floor, Conference Room 208-D. Contact: Mel Jacobson, (717) 782-3495. All contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Public Works Complex, Harrisburg, Dauphin County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 1103-43 Phase 1 Project title: Renovation and addition to Alumni Hall and Chemistry Building. Brief description: Work consists of wide renovations of Alumni Hall including new interior finishes, casework, windows, doors and ceilings. Installation of new HVAC, plumbing and electrical distribution system including lighting and installation of new fire protection/sprinkler systems. Estimated range: \$2,000,000 to \$5,000,000. General, HVAC, plumbing, electrical and fire protection construction. Plans deposit: \$75 per set. Payable to: IKM Incorporated. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: IKM Incorporated, One PPG Place, Suite 200, Pittsburgh, PA 15222, (412) 281-1337. Bid date: Wednesday, April 7, 1999 at 11 a.m. A Prebid Conference has been scheduled for Friday, March 19, 1999 at 10 a.m. at The University of Pittsburgh, Room 302, Eberly Hall (formerly Alumni Hall) Pittsburgh, PA. Contact: Thomas Hartman, (412) 281-1337. All contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 400 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 982-2 Project title: Restoration and maintenance. Brief description: Install ADA entry lift and toilet room, wood and plaster restoration, painting, roofing, security system and miscellaneous electrical work. Estimated range: \$100,000 to \$500,000. General and electrical construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, March 31, 1999 at 1 p.m.

Department: General Services
Location: The Highlands, Fort Washington, Montgomery County, PA
Duration: 160 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

SBC80678001 The scope of work for this project shall include, but is not necessarily limited to, the following: 1. Excavate and prepare the subgrade. 2. Widen and overlay existing walkways. 3. Remove existing walkways where shown. 4. Provide new stone base for new paved walkway areas. 5. Provide and install new double wheel caster on two existing sally port gates. 6. Install two new concrete grade beams and asphalt patching at sally port gates.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: Until completion
Contact: Dorthia Williams, (215) 953-6412

C46:1-103.1 and C46:1-103.2 C46:1-103.1—Glenside area, stormwater pumping station, mechanical contract involves raising the elevation of an emergency generator; construction of a raised steel operator platform; removal of existing louvers and windows; construction of operating and dampening louvers; construction of a fuel tank inside the building with associated piping; removal of existing underground fuel tank; replacement of existing pump level controls; replacement of existing sump pump; and mechanical rehabilitation of stormwater pumps and motors. C46:1-103.2—Glenside area, stormwater pumping station, electrical contract involves removing all existing electrical equipment and controls; providing temporary power facilities during construction; and providing new electrical equipment including PLC pump controls.

Department: Environmental Protection
Location: Cheltenham Township, Montgomery County
Duration: 180 days after Notice to Proceed for each project
Contact: Construction Contracts Section, (717) 783-7994

C46:1-104.1 Glenside Area Flood Protection Project involves approximately 86 concrete repairs, 80 s. y. R-78 riprap, 60 c. y. common excavation and .5 acre seeding.

Department: Environmental Protection
Location: Cheltenham Township, Montgomery County
Duration: 160 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

S02:151-101.1 Girtys Run Bank Rehabilitation involves approximately 105 l. f. drilling and grouting rebar, 65 s. y. erosion control matting, 55 c. y. common excavation, 40 c. y. compacted backfill, bridge deck removal, 10 c. y. rock excavation and 30 c. y. each class A concrete and gravel drain.

Department: Environmental Protection
Location: Shaler Township, Allegheny County
Duration: 90 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

Court Reporting—10

1999-1 Contractor to provide court reporting services for hearings/depositions held before the Insurance Department. Approximately 450 hearings/depositions held annually, average of 50 pages per hearing. Hearings held primarily in Harrisburg, PA. When needed, hearings may be scheduled throughout the Commonwealth. Steno-Mask may not be utilized for hearings. Contract will be 2 years with three 1 year renewal options. Copies of bid specifications are available by writing to the following address or calling (717) 783-4316. Inquiries will be taken until April 2, 1999.

Department: Insurance
Location: Bureau of Administration—Office Services, 1326 Strawberry Square, Harrisburg, PA 17120
Duration: July 1, 1999 thru June 30, 2001
Contact: Frank McCracken, (717) 783-4316

Demolition—11

0028-A09 and A10 The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and removal of both industrial, commercial and residential dwellings located along State Route 0028 (also known as East Ohio Street) in the City of Pittsburgh, Allegheny County. Contractors will be required to demolish or remove all structures, outbuildings and site improvements. The contractor will also be required to comply with FHWA and State regulations. For bid information, specifications and further information, please contact Michael Sudar, District Property Manager at (412) 429-4830.

Department: Transportation
Location: City of Pittsburgh
Duration: 30 days from Notice to Proceed
Contact: Michael Sudar, (412) 429-4830

Elevator Maintenance—13

9901 Elevator maintenance.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: 07/01/99—06/30/2002
Contact: Stanley Rygelski, P.A., (570) 587-7291

45434 To provide maintenance, inspection and service for elevators located at the State Correctional Institution at Pittsburgh. Interested vendors can call John Murphy at (412) 761-1955, Ext. 251 for additional information.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Ave., P. O. Box 99901, Pittsburgh, PA 15233
Duration: July 1, 1999 to June 30, 2002
Contact: Ronald J. Dudek, Purchasing Agent, (412) 761-1955, Ext. 212

FM No. 7892 Furnish all labor, materials and equipment to provide a completed service and preventive maintenance program for three Dover passenger elevators and one Dover service elevator. Services shall include monthly scheduled preventive maintenance and servicing on each unit including all necessary additional service calls that are required.

Department: State Police
Location: Facility Management Division, Department Headquarters Building, 1800 Elmerton Ave., Harrisburg, PA 17110
Duration: 7/1/99 to 6/30/02
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM No. 7899 Furnish all labor and materials and equipment to provide a complete service and preventive maintenance program for one Schindler passenger elevator. Service shall include monthly scheduled preventive maintenance and servicing including all necessary additional service calls that are required.

Department: State Police
Location: Facility Management Division, Hazleton Headquarters, 250 Dessen Drive, West Hazleton, PA 18201
Duration: 7/1/99 to 6/30/02
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

Engineering Services—14

08430AG2304 To perform preliminary design, final design and services during construction for S. R. 3009, Section D10, the replacement of the York Run Bridge spanning York Run in Nicholson Township, Fayette County, Engineering District 12-0.

Department: Transportation
Location: Engineering District 12-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2305 To provide construction inspection services on S. R. 0028, Sections A24, A20, A21, A22 and A23, Phases I, II, III, IV and V of the Etna Interchange project in Allegheny County.

Department: Transportation
Location: Engineering District 11-0
Duration: Fifty-four (54) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

23-6003029 Provide dredging services to remove sand and gravel deposits that have built up in the marina and channel at the North East Marina, Erie County, PA. The area cannot be dredged from shore and requires the use of waterbourne equipment.

Department: Fish and Boat Commission
Location: North East Marina, 11950 East Lake Road, North East, PA 16428
Duration: May 1999
Contact: Kathi Tibbott, Purchasing Agent, (814) 359-5131

BOGM 99-02 Clean out and plug two orphan oil wells estimated to be 1,300 feet deep. Mr. and Mrs. Raymond D. Ostrum and Augie De Lucia properties.

Department: Environmental Protection
Location: Bradford Township and City of Bradford, McKean County
Duration: 45 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

C56:1-107.1 Paint Creek stilling basin modifications is a lump sum bid project.

Department: Environmental Protection
Location: Windber Borough, Somerset County
Duration: 60 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

S08:144-101.1 Orcutt Creek bank stabilization involves approximately 230 s. y. R-6 riprap, 250 c. y. common excavation and 80 c. y. unclassified fill.

Department: Environmental Protection
Location: Athens Township, Bradford County
Duration: 60 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

S14:04-102.1 Laurel Run bank stabilization project involves approximately 435 s. y. grouted riprap, 625 c. y. of common excavation and 210 c. y. unclassified fill.

Department: Environmental Protection
Location: Port Matilda Borough, Centre County
Duration: 60 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

Food—19

081-99-7000-42 Provide catering services for Commission meetings for the period July 1, 1999 to June 30, 2001. These meetings will be held in the Harrisburg Area. Attendance at these meetings will vary from 10 to 75 persons. Responses to this advertisement received 20 days after publication will not be honored. Option to renew contract for 2 additional years. Please request bid information for further requirements.

Department: Commission on Crime and Delinquency
Location: Executive Offices, 3101 North Front Street, Harrisburg, PA 17110
Duration: July 1, 1999 to June 30, 2001
Contact: Geary Kauffman, (717) 787-8077, Ext. 3026

AA-02094 Grocery and frozen food items.

Department: Military and Veterans Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd St., P. O. Box 6239, Erie, PA 16512-6239
Duration: April and May, 1999
Contact: Jeanette Gualtieri, (814) 878-4930

Fuel Related Services—20

Project No. 917 Installation of AST for heating fuel.

Department: Military and Veterans Affairs
Location: PAARNG Armory, RD 1, Lock Haven, Clinton County, PA
Duration: April 1, 99—Dec 30, 99
Contact: Emma Schroff, (717) 861-8518

Hazardous Material Services—21

PDA 417 The removal and disposal of infectious waste from the State Veterinary Laboratory at 2305 North Cameron Street, Harrisburg, PA. An estimated 50,000 pounds of "red bag" waste may be generated during the contract.

Department: Agriculture
Location: 2301 North Cameron Street, Harrisburg, PA 17110
Duration: July 1, 1999 to June 30, 2000
Contact: Lew Newpher, (717) 787-8808

HVAC—22

Project No. 918 Renovation of OMS No. 9, heating and electrical systems.

Department: Military and Veterans Affairs
Location: PAARNG, 820 Frank Avenue, New Castle, Lawrence County, PA
Duration: April 1, 99—March 30, 2000
Contact: Emma Schroff, (717) 861-8518

0830 Boiler maintenance and repair. Bid packages requested by contacting (717) 264-4171, Monday—Friday 7 a.m.—3 p.m.

Department: Transportation
Location: 619 N. Franklin St., Chambersburg, Franklin Co., PA 17201
Duration: 2 yr. contract, July 99—June 30, 2001
Contact: Perry Goetz, (717) 264-4171

9808 Emergency generator and transfer switch—HTE.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: April 1, 1999—October 31, 1999
Contact: Stanley Rygelski, P.A., (570) 587-7291

45433 The contractor shall provide maintenance and repairs to the automatic temperature controls of energy management systems at the State Correctional Institution at Pittsburgh. Interested vendors can call David Schultz at (412) 761-1955, Ext. 251.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Ave., P. O. Box 99901, Pittsburgh, PA 15233
Duration: July 1, 1999 to June 30, 2002
Contact: Ronald J. Dudek, Purchasing Agent, (412) 761-1955

00676-033-98-AS-1 Replacement of heating system—Elmer Buckman House. All labor, materials, tools and equipment required to install new boiler, piping, baseboard radiation and minor associated general construction including concrete cellar floor slab, chimney and other minor work. A mandatory Prebid meeting and sign in will be held on March 30, 1999 at 10 a.m. at the Washington Crossing Visitor Center, for all firms interested in submitting bids for the project. No bids will be accepted by any contractors who do not make the Mandatory Prebid. For directions, please contact the site at (215) 493-4076. All interested bidders should submit a \$25 check (nonrefundable) made payable to PHMC at the Mandatory Prebid Meeting. No bids will be accepted by any contractors who do not make the Mandatory Prebid. Bids are due on Thursday, April 15, 1999 at 2 p.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Sts., Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Washington Crossing Historic Park, P. O. Box 103, Washington Crossing, PA 18977, (215) 493-4076
Duration: May 1, 1999 to October 30, 1999
Contact: Judi Yingling or Mark Heeb, (717) 772-2401

50010-000-96-AS-2 Environmental test chamber—purchase packaged heating and cooling unit. Packaged heating and cooling unit and controls. A site visit is suggested. All site visits should be scheduled with Dwight Lindenberg, The State Museum of PA at (717) 787-5183. For directions, please contact the site at (717) 787-5183. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120—Attention: Judi Yingling, (717) 772-2401 or fax (717) 783-1073. Proposals are due on Wednesday, March 31, 1999 at 10 a.m. Bid opening will be held in 5th Floor, Room 526 of The State Museum of PA, corner of 3rd and North Sts., Harrisburg, PA 17120.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, The State Museum of Pennsylvania, 3rd and North Streets, P. O. Box 1026, Harrisburg, PA 17108-1026, (717) 787-5183
Duration: April 1, 1999 to August 30, 1999
Contact: Judi Yingling/Barry Loveland, (717) 772-2401

50010-000-96-AS-4 Environmental test chamber—electrical. Electrical work, including new electrical supply to mechanical unit, new branch wiring, and new lighting. A site visit is suggested. All site visits should be scheduled with Dwight Lindenberg, The State Museum of PA at (717) 787-5183. For directions, please contact the site at (717) 787-5183. All interested bidders should submit a request for a bid package in writing, to: PA Historical & Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120—Attention: Judi Yingling, (717) 772-2401 or fax (717) 783-1073. Proposals are due on Wednesday, March 31, 1999 at 10 a.m. Bid opening will be held in 5th Floor, Room 526 of The State Museum of PA, corner of 3rd and North Sts., Harrisburg, PA 17120.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, The State Museum of Pennsylvania, 3rd and North Streets, P. O. Box 1026, Harrisburg, PA 17108-1026, (717) 787-5183
Duration: April 1, 1999 to August 30, 1999
Contact: Judi Yingling/Barry Loveland, (717) 772-2401

FM No. 7893 Provide emergency and routine repair work to the heating, plumbing, electrical and air-conditioning systems as needed. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. No mark-up on materials permitted.

Department: State Police
Location: Facility Management Division, Butler Hdq. and Garage, 200 Barracks Road, Butler, PA 16001
Duration: 7/1/99 to 6/30/02
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM No. 7894 Provide emergency and routine repair work to the heating, plumbing, electrical and air-conditioning systems as needed. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. No mark-up on materials permitted.

Department: State Police
Location: Facility Management Division, Lancaster Hdq. and Garage, 2099 Lincoln Highway East, Lancaster, PA 17602
Duration: 7/1/99 to 6/30/02
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM No. 7895 Provide emergency and routine repair work to the heating, plumbing, electrical and air-conditioning systems as needed. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. No mark-up on materials permitted.

Department: State Police
Location: Facility Management Division, Hollidaysburg Hdq. and Garage, 1510 N. Juniata St., Hollidaysburg, PA 16648
Duration: 7/1/99 to 6/30/02
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM No. 7896 Provide emergency and routine repair work to the heating, plumbing, electrical and air-conditioning systems as needed. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. No mark-up on materials permitted.

Department: State Police
Location: Facility Management Division, Hazleton Headquarters and Garage, 250 Dessen Drive, West Hazleton, PA 18201
Duration: 7/1/99 to 6/30/02
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM No. 7897 Provide emergency and routine repair work to the heating, plumbing, electrical and air-conditioning systems as needed. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. No mark-up on materials permitted.

Department: State Police
Location: Facility Management Division, Dunmore Hdq. and Garage, 85 Keystone Industrial Park, Dunmore, PA 18512
Duration: 7/1/99 to 6/30/02
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM No. 7898 Provide emergency and routine repair work to the heating, plumbing, electrical and air-conditioning systems as needed. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. No mark-up on materials permitted.

Department: State Police
Location: Facility Management Division, Punxsutawney Hdq., 445 N. Findlay St., Punxsutawney, PA 15767
Duration: 7/1/99 to 6/30/02
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

KU 99-19 Kutztown University is seeking qualified mechanical contractors for the North Campus Steamline Replacement at Kutztown University. Bid packages are available for a nonrefundable fee of \$125 from: RPA Associates, Inc., 3 Park Plaza, Wyomissing, PA 19610, (610) 374-6144. Bid packages are available March 15, 1999 through prebid. A prebid meeting has been scheduled for Tuesday, March 23, 1999 at 10 a.m. in the Office of Planning and Construction. Bids are to be received on April 9, 1999 no later than 2 p.m. in the Office of Planning and Construction, Room 236. Bids will be opened on April 9, 1999 at 2 p.m. Nondiscrimination and equal opportunity are policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 75 days after Notice to Proceed
Contact: Barbara Barish, (610) 683-4602

PDA 416 To operate, service, maintain and repair a 500 pound per hour incinerator to dispose of pathological and laboratory waste. Service may be required for 1 or 2 days a week.

Department: Agriculture
Location: 2305 North Cameron Street, Harrisburg, PA 17110-9408
Duration: July 1, 1999 to June 30, 2000
Contact: Lew Newpher, (717) 787-8808

SP 80781010 Transformer replacement—Contractor to provide labor, materials and equipment to remove three PCB oil filled transformers (disposal by facility) and install one 300 KVA dry transformer and appropriate connections and protection devices. For detailed specifications, contact the Purchasing Office at (610) 670-4129.

Department: Public Welfare
Location: Wernersville State Hospital, Route 422, Wernersville, Berks County, PA 19565
Duration: Anticipated start date: May 1, 1999
Contact: Nancy Deininger, Purchasing Agent, (610) 670-4129

WC 650 West Chester University is soliciting sealed bids at 11 a.m. on March 30, 1999 for Project WC 650—Wayne Hall elevator and generator upgrade. The University will award two separate prime contracts. One for the elevators and the second for the electrical work. The elevator contractor will upgrade two existing elevators to ADA compliance; rebuild and/or reuse existing machinery equipment necessary for elevator operation and be responsible for coordination of all work. The electrical contractor will remove existing generator and provide and install a new diesel fueled generator with all new required auxiliary devices and equipment for a complete emergency power system. Also, provide connections and wiring for compliant emergency lighting system. A site visit will be held at 8 a.m. on March 18, 1999, meeting in the lobby of Wayne Hall (located on West Rosedale Avenue). Prevailing wages apply and contract bonds will be required.

Department: State System of Higher Education
Location: West Chester University—Wayne Hall, West Chester, PA 19383
Duration: 10 months from Notice to Proceed
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

Janitorial Services—23

11099013 Contractor will provide general cleaning and janitorial services to the Engineering District 11-0 offices building including the Traffic Management Center (annex) located at 45 Thoms Run Road, Bridgeville, Collier Township. Services consist of the complete day-to-day cleaning of all offices, meeting rooms, rest rooms, windows, changing light bulbs and other tasks in an approximately 57,100 sq. ft. building. The contractor is responsible for providing most of the supplies and equipment. The contractor is also responsible for moving and snow removal.

Department: Transportation
Location: Engineering District 11-0, Allegheny County
Duration: 07/01/99 through 06/30/02 with renewal options
Contact: Anthony Golembiewski, (412) 429-4942

Laundry/Dry Cleaning—25

APR No. 1 Vendor to furnish laundering, dry cleaning, pressing, repairs and alterations for Capitol Police uniforms at the Capitol Complex in Harrisburg, PA. Services required from July 1, 1999 thru June 30, 2000. Approximate number of uniforms to be serviced is: dry clean and press uniform trousers—10,000 pair; dry clean jackets and liners—200 each; launder and press long and short sleeve shirts—12,000 each; clean neckties—100 each; dry clean sweaters—100 each; dry clean wool blankets—20 each; sew on buttons, sew on emblems and rank chevrons, mend tears and rips, sew broken belt loops, hem trousers, and the like. Quantities cited above are estimates only and payment will be made only for actual services performed. Vendor agrees to pick up and deliver all cleaning to the first floor of the Capitol Police offices in the Capitol East Wing Building twice a week on a schedule convenient to both vendor and agency. Insurance coverage for garments while under vendor's possession is required for large amounts at one time. Invoicing will be made monthly.

Department: General Services
Location: Police and Safety, Suite 70E, Capitol Addition, Harrisburg, Dauphin County, PA 17125
Duration: July 1, 1999 thru June 30, 2000
Contact: Charles Klein, (717) 787-9635

SA223-99-LS Laundry services. Stony Acres Inc., a nonprofit subsidiary of East Stroudsburg University, is accepting requests for bids on Request for Proposal (RFP) Number SA 223-99-LS. Vendor to supply coin and card operated washers/dryers in the University residence halls. Fax bid requests or questions to Fred Moses at (570) 422-3420.

Department: State System of Higher Education
Location: East Stroudsburg University, East Stroudsburg, PA 18301-2999
Duration: 5 years
Contact: Fred Moses, General Manager, (570) 422-3291

Lodging/Meeting Facilities—27

9903 Shippensburg University is seeking vendors interested in submitting bids for conference facilities in the State College, PA area. Must have facilities for 45—50 individuals for lodging, meeting rooms and food service. Must also have audio/visual equipment available for rental. Please contact Pam King at (717) 532-1121 or fax request to (717) 530-4004 to be added to bidders list. All responsive bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: State College, PA area
Duration: Various dates from April 1, 1999 thru March 31, 2000
Contact: Pamela A. King, Purchasing Agent, (717) 532-1121

Medical Services—29

134399012 Mobile diagnostic x-ray services, on-site to residents of the Hollidaysburg Veterans Home. Reading, interpreting and reporting of findings to be done by a board certified radiologist. Stat x-ray services must be provided, if necessary, 7 days a week, 24 hours a day. Please fax requests to: Becky Clapper, Purchasing Agent, fax—(814) 696-5395.

Department: Military and Veterans Affairs
Location: Hollidaysburg Veterans Home, Rte. 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648
Duration: May 1, 99 through June 30, 2004
Contact: Becky Clapper, Purchasing Agent, (814) 696-5210

90882019 Neurosurgical/neurological services required to render medical outpatient services to Center's residents referred to his/her office by the Center's physicians. South Mountain Restoration Center is a skilled nursing facility and subject to the Prospective Payment System (PPS) and consolidated billing as implemented by the Balanced Budget Act of 1997. Services will be rendered in accordance with all conditions stated in Attachment I, and payment will be in compliance with billing instructions contained in Attachment II. Call Purchasing Agent to request copies of attachments.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: Anticipated 7/1/99 through 6/30/03
Contact: Joseph F. Merlina, Purchasing Agent, (717) 749-4030

9088020 Gastroenterologist required to render medical outpatient services to Center's residents referred to his/her office by the Center's physicians. South Mountain Restoration Center is a skilled nursing facility and subject to the Prospective Payment System (PPS) and consolidated billing as implemented by the Balanced Budget Act of 1997. Services will be rendered in accordance with all conditions stated in Attachment I, and payment will be in compliance with billing instructions contained in Attachment II. Call Purchasing Agent to request copies of attachments.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: Anticipated 5/1/99 through 6/30/03
Contact: Joseph F. Merlina, Purchasing Agent, (717) 749-4030

90882021 Gynecologist to render medical outpatient services to Center's residents referred to his/her office by the Center's physicians. South Mountain Restoration Center is a skilled nursing facility and subject to the Prospective Payment System (PPS) and consolidated billing as implemented by the Balanced Budget Act of 1997. Services will be rendered in accordance with all conditions stated in Attachment I, and payment will be in compliance with billing instructions contained in Attachment II. Call Purchasing Agent to request copies of attachments.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: Anticipated 5/1/99 through 6/30/03
Contact: Joseph F. Merlina, Purchasing Agent, (717) 749-4030

AA-02091 Psychiatric services.

Department: Military and Veterans Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd St., P. O. Box 6239, Erie, PA 16512-6239
Duration: 7/1/99 thru 6/30/04
Contact: Jeanette Gualtieri, (814) 878-4930

AA-02092 X-ray services.

Department: Military and Veterans Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd St., P. O. Box 6239, Erie, PA 16512-6239
Duration: 7/1/99 thru 6/30/04
Contact: Jeanette Gualtieri, (814) 878-4930

AA-02093 Occupational therapy.

Department: Military and Veterans Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd St., P. O. Box 6239, Erie, PA 16512-6239
Duration: 7/1/99 thru 6/30/02 with 2 renewals
Contact: Jeanette Gualtieri, (814) 878-4930

LBP-99-012 To provide ambulance service for local and long distance transports. For detailed specifications please contact the Northeastern PA Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 1999 through June 30, 2000
Contact: Joseph Libus, PA-2, (717) 961-4318

SP Bid No. 90777001 Direct occupational therapy treatment services.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: July 01, 1999—June 30, 2002
Contact: Stanley Rygelski, P.A., (570) 587-7291

99-03 The contractor shall provide limited, high priority, time constraint dental prosthetic work to the inmate population of the State Correctional Institution at Waymart as prescribed by the institution dentist. The contract will cover all basic charges, cast frames, acrylic dentures and repairs.

Department: Corrections
Location: State Correctional Institution—Waymart, Route 6, Waymart, Canaan Township, Wayne County, PA 18472
Duration: July 1, 1999 to June 30, 2002
Contact: John Ondash, (570) 488-2513

Photography Services—32

01 Photographic finishing services.

Department: General Services
Location: 333 Market Street, 2nd Floor, Harrisburg, PA 17126-0333
Duration: July 1, 1999—June 30, 2000
Contact: Sandy Geesey, (717) 783-1051

Property Maintenance—33

9807 Roof removal and replacement.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: 03/31/99—10/31/99
Contact: Stanley Rygelski, P.A., (570) 587-7291

Project No. 9949 Painting 60 ± wooden windows to include caulking, painting metal trim, gutters, scuppers, downspouts, exterior doors/frames, security bars/screens, building sign. Includes removal of lead paint and air samples.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 229 Walnut St., Columbia, Lancaster County, PA
Duration: April 1, 99—April 30, 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 9956 Exterior painting.

Department: Military and Veterans Affairs
Location: PAARNG Armory, Coal Hill Road, Clearfield, Clearfield County, PA
Duration: April 1, 99—April 30, 2000
Contact: Emma Schroff, (717) 861-8518

00677-003-97-AS-3 Replacement of jambs and thresholds—Bake and Brew House. Provide contract services for the replacement of jambs and thresholds at the Bake and Brew House at Pennsbury Manor located in Morrisville, PA in Bucks County. A site visit is suggested. All site visits should be arranged with the Site Administrator, Doug Miller at (215) 946-0400 located at Pennsbury Manor, Morrisville, PA. For directions, please contact the site at (215) 946-0400. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120—Attention: Judi Yingling, (717) 772-2401 or fax (717) 783-1073. Proposals are due on Friday, April 2, 1999 at 2 p.m. Bid opening will be held in 5th Floor, Room 526 of The State Museum of PA, corner of 3rd and North Sts., Harrisburg, PA 17120.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Pennsbury Manor, 400 Pennsbury Memorial Lane, Morrisville, PA 19067, (215) 946-0400.
Duration: May 1, 1999 to August 30, 1999
Contact: Judi Yingling/Galen Brown, (717) 772-2401

50010-000-96-AS-1 Environmental test chamber—General construction. General construction work, including new wall insulation, vapor barrier, partitions, door and frame, and finishes. A site visit is suggested. All site visits should be scheduled with Dwight Lindenberger, The State Museum of PA at (717) 787-5183. For directions, please contact the site at (717) 787-5183. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120—Attention: Judi Yingling, (717) 772-2401 or fax (717) 783-1073. Proposals are due on Wednesday, March 31, 1999 at 10 a.m. Bid opening will be held in 5th Floor, Room 526 of The State Museum of PA, corner of 3rd and North Sts., Harrisburg, PA 17120.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, The State Museum of Pennsylvania, 3rd and North Streets, P. O. Box 1026, Harrisburg, PA 17108-1026, (717) 787-5183
Duration: April 1, 1999 to August 30, 1999
Contact: Judi Yingling/Barry Loveland, (717) 772-2401

00677-002-98-AS-2 Carpentry repairs and window glass replacement—Manor. Provide contract services for carpentry repairs and window glass replacement at the Manor House at Pennsbury Manor, Morrisville, PA in Bucks County. A site visit is suggested. All site visits should be arranged with the Site Administrator, Doug Miller at (215) 946-0400 located at Pennsbury Manor, Morrisville, PA. For directions, please contact the site at (215) 946-0400. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120—Attention: Judi Yingling, (717) 772-2401 or fax (717) 783-1073. Proposals are due on Friday, April 2, 1999 at 2 p.m. Bid opening will be held in 5th Floor, Room 526 of The State Museum of PA, corner of 3rd and North Sts., Harrisburg, PA 17120.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Pennsbury Manor, 400 Pennsbury Memorial Lane, Morrisville, PA 19067, (215) 946-0400.
Duration: May 1, 1999 to August 30, 1999
Contact: Judi Yingling/Galen Brown, (717) 772-2401

50010-000-96-AS-3 Environmental test chamber—mechanical. Mechanical work, including minor mechanical demolition work, installation of new mechanical unit purchased under other contract, and all controls, piping and ductwork associated with new mechanical unit. A site visit is suggested. All site visits should be scheduled with Dwight Lindenberger, The State Museum of PA at (717) 787-5183. For directions, please contact the site at (717) 787-5183. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120—Attention: Judi Yingling, (717) 772-2401 or fax (717) 783-1073. Proposals are due on Wednesday, March 31, 1999 at 10 a.m. Bid opening will be held in 5th Floor, Room 526 of The State Museum of PA, corner of 3rd and North Sts., Harrisburg, PA 17120.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, The State Museum of Pennsylvania, 3rd and North Streets, P. O. Box 1026, Harrisburg, PA 17108-1026, (717) 787-5183
Duration: April 1, 1999 to August 30, 1999
Contact: Judi Yingling/Barry Loveland, (717) 772-2401

80872005 Supply all labor, scaffolding, ladders, tools, equipment and appurtenances to repair the flat roof portion, including parapet, gutters and downspouts on a Danville State Hospital building. Site visit required.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: Anticipated to begin May 1, 1999—6/30/99
Contact: Pamela Bauman, Purchasing Agent, (570) 271-4578

B-10432 Vendor to furnish and install tower stairs. Demolition of existing stairs to be included. Materials from the demolition will be left onsite at the State Correctional Institution—Graterford. Material to be primed and painted.

Department: Corrections
Location: State Correctional Institution—Graterford, Box 246, Rt. 29, Graterford, PA 19426
Duration: 6 months
Contact: K. Richardson, (610) 489-4151

Contract No. FDC-102-455 Renovations to existing modern and rustic cabins, and construction of a new washhouse at Black Moshannon State Park (excavating, paving, concrete, masonry, carpentry, roofing, painting, mechanical, plumbing and electrical).

Department: Conservation and Natural Resources
Location: Rush Township, Centre County
Duration: 120 days
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-305-465 Renovations to existing cabin and construct a new washhouse (excavating, paving, concrete, masonry, carpentry, roofing, painting, mechanical, plumbing and electrical). Project is in Cowans Gap State Park.

Department: Conservation and Natural Resources
Location: Todd Township, Fulton County, PA
Duration: 120 days
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-307-523 Construct an addition to the existing washhouse to make the facility ADA accessible (concrete, masonry, carpentry, roofing, painting, mechanical/plumbing, electrical, excavating and landscaping). Work is at Greenwood Furnace State Park.

Department: Conservation and Natural Resources
Location: Jackson Township, Huntingdon County
Duration: 60 days
Contact: Construction Management Section, (717) 787-5055

FDC-417-542 Renovate an existing washhouse to provide ADA accessibility (concrete, masonry, carpentry, plumbing and electrical work), at Ricketts Glen State Park.

Department: Conservation and Natural Resources
Location: Colley Township, Sullivan County
Duration: 60 days
Contact: Construction Management Section, (717) 787-5055

MI-738 Project title: Lyte Auditorium—ladies room. Scope of work: Demolition of existing ladies room, reconfigure to provide more fixtures and associated modifications needed for plumbing. Plans cost: \$15 nonrefundable.

Department: State System of Higher Education
Location: Lyte Auditorium, Millersville University, Millersville, Lancaster County, PA 17551-0302
Duration: 15 calendar days from the date of the Notice to Proceed
Contact: Jill M. Coleman, Dilworth Building, (717) 872-3730

Mowing Sites 47 and 48 Provide grounds maintenance at Rest Area Sites 47 and 48, I-81 North and Southbound, Dauphin County, East Hanover Twp. Bid packages may be obtained by contacting: Bill Tyson (717) 787-7600, 7:30 a.m. to 3:30 p.m., Monday thru Friday or request a bid package by fax. Fax (717) 772-0975. Please provide name, address, phone number, and company's Federal I.D. number.

Department: Transportation
Location: I-81 N. and S. Bound, East Hanover Twp., Dauphin County
Duration: Two years with an option to renew for an additional two year period
Contact: William Tyson, (717) 787-7600

SBC8678002 The scope of this project shall include, but is not necessarily limited to, the following: 1) Drain swimming pool. 2) Prepare pool for lead paint removal by an abrasive media pressure system. 3) Remove existing lead containing paint from concrete surfaces. 4) Route out all cracks and remove existing caulking systems. 5) Install new crack repair and caulking systems. 6) Apply a new pool coating system and refill the pool.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoese Road, Bensalem, PA 19020
Duration: Until completion
Contact: Mary Jo Scanlon, (215) 953-6405

SBC80678003 The scope of work for this project shall include, but is not necessarily limited to, the following: 1. Clean and strip existing wood block tiles. 2. Remove cracked, missing or damaged tiles and replace with new tiles. 3. Sand the entire floor (including new tiles) to one level. 4. Apply two coats of finish to the playing area and one coat to non-playing surfaces. 5. Install new court markings and lines to match those already existing. (Do not reinstall mascot figures on floor). 6. Clean up and cure finishes.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoese Road, Bensalem, PA 19020
Duration: Until completion
Contact: Mary Jo Scanlon, (215) 953-6405

SP 3864008005 Complete rehabilitation of 3 bathrooms in the Regional Park Office No. 4 building located at Nockamixon State Park, 2808 Three Mile Run Road, Perkasio, Bucks County, PA.

Department: Conservation and Natural Resources
Location: Bureau of State Parks, Regional Park Office No. 4, 2808 Three Mile Run Road, Perkasio, Bucks County, PA 18944
Duration: June 30, 1999
Contact: Regional Park Office, (215) 453-5016

SP 80781011 Chimney repairs—Contractor to provide labor, materials and equipment to perform repairs to brick chimney for the boiler house. Repair/replace damaged brick mortar joints, furnish and install new outside tension bonds, install mastic water table and perform corrosion control.

Department: Public Welfare
Location: Wernersville State Hospital, Route 422, Wernersville, Berks County, PA 19565
Duration: Anticipated start date: May 1, 1999
Contact: Nancy Deininger, Purchasing Agent, (610) 670-4129

WC 718 West Chester University is soliciting sealed bids for the retrofit of existing doors for automated operation. The work includes installing equipment for powered door operation in five buildings and remedial reconstruction for complete operation of all four leaves (inner and outer doors) in synopacted pattern, inner and outer, as opposed to the existing simultaneous operation of all leaves in Anderson Hall. Prevailing wages apply.

Department: State System of Higher Education
Location: West Chester University, West Chester, PA 19383
Duration: Indeterminate 1998-99
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

Real Estate Services—35

101 Lease office space to the Commonwealth of Pennsylvania. Proposals are invited to provide the PA Board of Probation and Parole with 4,574 useable square feet of new or existing office space with parking for 11 vehicles, in Blair County, PA within the following boundaries: within a 2 mile radius of the intersection of 6th Street and Union Avenue, Altoona, PA. The office must be situated within 3 blocks of a public transportation system. Proposals due: May 10, 1999. Solicitation No.: 92771.

Department: General Services
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1998—99
Contact: John A. Hocker, (717) 787-4394

010347 Requesting real estate appraisal bids for various types of properties on highway improvement projects throughout Engineering District 1-0. These projects include State Routes 4034-A51, 4034-A90, 0019-A04 and 0019-A05 in Erie County; State Route 0018-A01 in Mercer County; State Route 0948-02M in Forest County; State Route 0006-B01 in Crawford County; and State Routes 0322-01S and 3017-B00 in Venango County. Some of the assignments may require the retention of a machinery and equipment appraisal. All appraisers must be listed on the Department's prequalified fee appraiser roster for the appropriate class of each appraisal assignment.

Department: Transportation
Location: PennDOT District Office, 1140 Liberty Street, Franklin, PA 16323
Duration: 3/22/99—3/21/04
Contact: William R. Pixley, R/W Administrator, (814) 437-4203

0500 Right of Way Unit Notice is hereby given that the Department of Transportation, under 71 P. S., § 513(e)(7), intends to sell certain land owned by it. There is a parcel of property containing approximately 6,000 sq. ft. located on the north side of Silvev Road, just west of its intersection with S. R. 412 in the City of Bethlehem, Northampton County. It has been determined that the land is no longer required for present and future transportation purposes. Interested public entities are invited to express their interest in purchasing the property within 30 calendar days from this notice.

Department: Transportation
Location: Engineering District 5-0, 2460 Parkwood Drive, Allentown, PA 18103
Duration: N/A Sale of Excess Land
Contact: John M. Davis, Property Manager, (610) 791-6027

Sanitation—36

0880 Work under this contract includes rental of (1) 30 cubic yard roll-off container to be emptied once per month or on an as needed basis at stockpile 09 Ft. Indiantown Gap. Supply the Department with (2) 3 cubic yard containers to be emptied twice weekly at SP01, SR 422 Lebanon and SP05, SR 322 Quentin. This will be a 3 year contract. Bid packages can be obtained by calling (717) 272-6636. Bid opening date will be 3/26/99 at 1 p.m. at the Lebanon County Maintenance Office.

Department: Transportation
Location: SP No. 01, 05, 09
Duration: 3 year contract
Contact: Jodi Corbin, (717) 272-6636

1020 Contractor needed for removal of residual waste from Butler County, Maintenance District 1020, truck wash facility. Residual waste pickup will be as needed. Residual waste must be removed by a suction hose.

Department: Transportation
Location: 351 New Castle Road, Butler, PA 16001
Duration: 2-year contract with three (3) renewals
Contact: Andrew A. Skunda, (724) 284-8800

Miscellaneous—39

43742 To provide rabbi service at the State Correctional Institution at Pittsburgh. Interested vendors can call Rhoda A. Winstead at (412) 761-1955, Ext. 344 for additional information.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Ave., P. O. Box 99901, Pittsburgh, PA 15233
Duration: July 1, 1999 to June 30, 2000
Contact: Ronald J. Dudek, Purchasing Agent, (412) 761-1955, Ext. 212

2010980008 Acquisition of an entry level law enforcement officer written examination with accompanying study guide. Vendor must score exams and provide subsequent analyses. Approximately 10,000 to 12,000 tests must be shipped by about mid-June 1999.

Department: State Police
Location: Bureau of Personnel, Personnel Development Division, 1800 Elmerton Avenue, Harrisburg, PA
Duration: 6-1-99 through 12-31-99
Contact: Bradley DeGeorge, Personnel Development, (717) 787-3066

2010990009 Acquisition for a free standing, satellite based, automated weather reporting service and system to be utilized by the Pennsylvania State Police Aviation Section with operations in Reading, Hazleton, Harrisburg, Montoursville, Latrobe and Franklin, Pennsylvania. Detailed specifications may be secured from the Procurement and Supply Division, (717) 783-5485.

Department: State Police
Location: Bureau of Emergency and Special Operations, Aviation Units State-wide
Duration: 36 months
Contact: Capt. James J. Garofalo, (717) 783-4515

236003115 Act 101 (Higher Education Equal Opportunity Program). The Pennsylvania Department of Education (PDE) solicits proposals from 2 and 4-year institutions of higher education. Proposals are solicited to provide special academic support and counseling services for undergraduate students whose economic and educational disadvantages impair their ability to successfully pursue higher education opportunities. If appropriated by the General Assembly, project will be funded for a period of 1 year.

Department: Education
Location: Office of Equal Educational Opportunity, 333 Market St., 1st Floor, Harrisburg, PA 17126-0333
Duration: One year
Contact: Kathleen R. Kennedy, (717) 783-4393

012-9006-06 PennSERVE: The Governor's Office of Citizen Service announces the availability of education awards from the AmeriCorps program through a simplified application process for community service programs that can support most or all of the program and member/participant costs from sources other than AmeriCorps/Corporation for National Service. Applications can be obtained by calling (717) 787-1971. All applications are due to PennSERVE by 4 p.m., EST on Friday, April 16, 1999.

Department: Labor and Industry
Location: PennSERVE, 1304 Labor and Industry Bldg., Harrisburg, PA 17120
Duration: 1 year upon award
Contact: Renee F. Johnson, (717) 772-4426

CRE-0253 Contractor shall pickup and sample waste water from the institution. Samples shall be tested for BOD, CBPD, TSS, NJ2-H and phosphorus. All data compiled after analysis shall be tabulated in a spreadsheet and submitted to the institution. Samples to be picked up on Monday and Wednesday a.m.—Friday p.m. Contractor to supply bottles and laboratory analysis and pickup samples. Institution to supply a sigma collection sampler and access to all buildings. Testing to be done once a month for 12 months.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001
Duration: July 1, 1999—June 30, 2000 (12 months)
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181

RFP No. 99-R-002 The PA Department of State, Corporation Bureau, is seeking electronic information management and distribution services, contractor that is capable of expanding consumer access to public information collected and maintained by the Bureau. The objective of this RFP is to facilitate self-service, electronic access, 24 hours a day, 7 days a week, to nonproprietary, public domain information presently recorded and maintained in the Bureau's computer database and on microfilm.

Department: State
Location: Corporation Bureau, Harrisburg, PA
Duration: Five (5) year contract
Contact: Toniann D. Noss, Contracting Officer, (717) 783-7210

[Pa.B. Doc. No. 99-445. Filed for public inspection March 12, 1999, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

STATE CONTRACTS INFORMATION

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

| Requisition or Contract # | Awarded On | To | In the Amount Of |
|--|-----------------------|-----------------------------------|-----------------------------|
| 0012-11 | 03/01/99 | DRS Printing Services | 30,300.00 |
| 2599-01 | 03/01/99 | Vehicle Maintenance Program, Inc. | 88,826.15 |
| 1391118-01 | 03/01/99 | 3M Traffic Control Mat. Div. | 53,070.00 |
| 1441078-01 | 03/01/99 | Calapro, Inc. | 73,800.00 |

| Requisition or Contract # | Awarded On | To | In the Amount Of |
|--|-----------------------|--------------------------------------|-----------------------------|
| 1506118-01 | 03/01/99 | John R. Wald Company, Inc. | 234,449.00 |
| 2067117-01 | 03/01/99 | Outdoor Outfits Limited | 879,600.40 |
| 8062430-01 | 03/01/99 | Myers Tire Supply | 21,551.06 |
| 8198010-01 | 03/01/99 | CWS Company | 176,208.00 |
| | | GARY E. CROWELL, <i>Secretary</i> | |

[Pa.B. Doc. No. 99-446. Filed for public inspection March 12, 1999, 9:00 a.m.]