

PENNSYLVANIA BULLETIN

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Department of Community and Economic
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

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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.

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Printing Format

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

Fiscal Notes

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

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

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THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CHS. 20 AND 300]

Advanced Communication Technology; Publicity and Broadcasting of Court Proceedings

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules of Criminal Procedure 27 (Publicity and Recording of Proceedings) and 328 (Photography and Broadcasting in the Courtroom and its Environs). These changes update the rules and clarify that the prohibitions in the rules are not intended to apply to the use of advanced communication technology for court proceedings such as preliminary arraignments and arraignments. 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 rule changes precedes the Report.

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, September 22, 1999.

By the Criminal Procedural Rules Committee

J. MICHAEL EAKIN,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 20. ISSUING AUTHORITIES: VENUE, LOCATIONS, AND RECORDING OF PROCEEDINGS

Rule 27. Publicity and Recording of Proceedings.

[(a)] (A) During a hearing or summary trial, the issuing authority shall **prohibit**:

(1) **[prohibit]** the taking of photographs, **[and]** motion pictures **of, or the video recording** of the proceedings or in the hearing room during the proceedings; **[and]**

(2) the transmission of communications by **[telegraph,]** telephone, radio, **[or]** television, **or advanced communication technology**, in or from the hearing room, **except as provided in these rules**; and

[(2)] (3) [prohibit] the mechanical **or electronic** recording of the proceedings by anyone for any purpose, **[provided that]** **except as provided in paragraph (B)**.

(B) [the] The issuing authority, the attorney for the Commonwealth, or the defendant **[,]** may cause **[such]** a **mechanical or electronic** recording to be made 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.

[(b)] (C) If it appears to the court that a violation of paragraph **[(a)] (A) or (B)** has resulted in substantial prejudice to the defendant, the court, 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 therefor;

(2) discharge the defendant on nominal bail if in custody, or continue his bail if at liberty, pending further proceedings;

(3) order all costs of the issuing authority forfeited in the original proceedings; **and**

(4) adopt any, all, or combination of the remedies herein established as the nature of the case shall require in the interests of justice.

Official Note: Formerly 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; **amended** , **effective**

Comment

"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 9015 and 9015A.

The prohibitions under paragraph (A) are not intended to preclude the use of advanced communication technology for purposes of court proceedings such as preliminary arraignments and arraignments. See Rule 3 for the definition of advanced communication technology.

Committee Explanatory Reports:

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

Report explaining the proposed amendments concerning using advanced communication technology for court proceedings published at 29 Pa.B. 4426 (August 21, 1999).

CHAPTER 300. PRETRIAL PROCEEDINGS

Rule 328. Photography, **video recording, advanced communication technology**, and broadcasting in the courtroom and its environs.

(A) The taking of photographs, **video recording, or use of advanced communication technology** in the courtroom or its environs, or radio or television broadcasting from 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, is

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

(B) This rule is not intended to prohibit the taking of photographs, **video recording, or using advanced communication technology for**, or radio or television broadcasting of proceedings such as naturalization ceremonies or the swearing in of public officials which may be conducted in the courtroom.

Official Note: 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; **revised** , **effective** .

Comment

This rule governs the publicizing and broadcasting of court proceedings. The prohibitions under this rule are not intended to preclude the use of advanced communication technology for purposes of court proceedings such as preliminary arraignments and arraignments. See Rule 3 for the definition of advanced communication technology.

See also Rule 27 for provisions concerning publicity of preliminary hearings and summary trials.

This rule is not intended to preclude the use of recording devices for the preservation of testimony as permitted by Rules 9015 and 9015A.

Committee Explanatory Reports:

Report explaining the proposed amendments concerning using advanced communication technology for court proceedings published at 29 Pa.B. 4426 (August 21, 1999).

REPORT

Proposed Amendments to Pa.Rs.Crim.P. 27 and 328

Advanced Communication Technology: Publicity and Broadcasting of Court Proceedings

The Committee has undertaken an ongoing review of the Criminal Rules concerning the use of advanced communication technology (ACT) procedures in criminal proceedings. As part of that review, the Committee considered that Rules 27 (Publicity and Recording of Proceedings) and 328 (Photography and Broadcasting in the Courtroom and its Environs) should be updated to encompass the advances in technological means of publicizing and broadcasting proceedings, and to delete the provision in Rule 27 referring to "telegraph" as being obsolete.

The Committee also agreed that the rules would have to be amended to make it clear that the prohibitions in the rules on recording are not intended to apply to the court's use of ACT to facilitate proceedings such as preliminary arraignments and arraignments, and that both rules should be expanded to include more contemporary means of recording and transmitting to accommodate ACT.¹ Accordingly, the Committee agreed to the following changes to Rules 27 and 328:

1. Rule 27:

a. Paragraph (A) would be amended by separating it into two paragraphs. New paragraph (A) would include only the prohibitions under the rule. New paragraph (B)

¹ The Court has pending proposed rule changes that would provide the procedures for conducting preliminary arraignments and arraignments using ACT. See 28 Pa.B. 3934 (August 15, 1998) for the Committee's explanatory Report.

would set forth who could make an electronic or mechanical recording, and for what purpose.

b. Present paragraph (A)(1) would be broken down into two paragraphs. New paragraph (A)(1) would retain the prohibitions against taking photographs and motion pictures, and a prohibition against the video recording of proceedings would be included. New paragraph (A)(2) would delete the reference to "telegraph," and add a prohibition against the transmission of communications by using ACT.

c. The language in present paragraph (A)(2), prohibiting "the mechanical recording of the proceedings by anyone for any purpose," would become new paragraph (A)(3), and a prohibition against electronic recording would be added. In addition, to make it clear that the rule applies to the recording of proceedings for publicity purposes, and not to judicial uses, the language "except as provided in paragraph (B)" would be inserted at the end of the paragraph.

d. The second part of present paragraph (A)(2) would become paragraph (B), and would make it clear that the issuing authority, the attorney for the Commonwealth, or the defendant can make a mechanical or electronic recording as an aid to the preparation of the written record for subsequent use in a case, and would retain the proscription against publicly playing or disseminating the recording.

e. A new paragraph would be added to the Comment to make it clear that the paragraph (A) prohibitions are not intended to preclude the use of ACT for the purposes of court proceedings. The Comment also would include a cross-reference to Rule 3 for the definition of "advanced communication technology."

2. Rule 328:

a. Rule 328 would be amended to include the terms "video recording" and "advanced communication technology" in the title, and paragraphs (A) and (B) to make it clear that in addition to taking photographs, or radio or television broadcasting, the provisions of the rule are intended to apply to video recording and using ACT.

b. The Comment would be amended to make it clear that the rule applies to the publicizing and broadcasting of court proceedings, and that the prohibitions under the rule are not intended to preclude the use of ACT for purposes of court proceedings. The Comment also would include a cross-reference to Rule 3 for the definition of "advanced communication technology."

[Pa.B. Doc. No. 99-1356. Filed for public inspection August 20, 1999, 9:00 a.m.]

PART I. GENERAL

[234 PA. CODE CHS. 100 AND 2000]

Use of Advanced Communication Technology in Arrest and Search Warrants

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 119 (Requirements for Issuance) and 2003 (Requirements for Issuance), and adopt correlative changes to Rules 121 (Duplicate and Alias Warrants of Arrest) and 122 (Execution of Arrest Warrant). This proposal provides for the use of advanced communication

technology for the application for and issuance of arrest and search warrants. 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 rule changes precedes the Report.

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, September 22, 1998.

By the Criminal Procedural Rules Committee

J. MICHAEL EAKIN,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 100. PROCEDURE IN COURT CASES

PART III. SUMMONS AND ARREST WARRANT PROCEDURES IN COURT CASES

PART B. ARREST WARRANT PROCEDURES

Rule 119. Requirements for Issuance.

(A) In the discretion of the issuing authority, advanced communication technology may be used to submit a complaint and affidavit(s) for an arrest warrant and to issue an arrest warrant.

[(a)] (B) No arrest warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.

(C) Immediately prior to submitting a complaint and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority by telephone, or any other device which, at a minimum, allows for simultaneous audio communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant.

[(b)] (D) At any hearing on a motion challenging an arrest warrant, no evidence shall be admissible to establish probable cause for the arrest warrant other than the affidavits provided for in paragraph [(a)] (B).

Official Note: Adopted April 26, 1979, effective as to arrest warrants issued on or after July 1, 1979; Comment revised August 9, 1994, effective January 1, 1995 [.] ; amended , effective .

Comment

Paragraph (A) recognizes that an issuing authority may issue an arrest warrant using advanced

communication technology or order that the law enforcement officer appear in person to apply for an arrest warrant.

This rule does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to issuance of a warrant. All affidavits in support of an application for an arrest warrant must be sworn to before the issuing authority prior to the issuance of the warrant.

* * * * *

For a discussion of the requirement of probable cause for the issuance of an arrest warrant, see *Commonwealth v. Flowers*, [245 Pa. Super. 198,] 369 A.2d 362 (Pa. Super. 1976).

The affidavit requirements of this rule are not intended to apply when an arrest warrant is to be issued for noncompliance with a citation, or with a summons, or with a court order.

An affiant seeking the issuance of an arrest warrant may use advanced communication technology as defined in Rule 3.

When advanced communication technology is used, the issuing authority is required by this rule to (1) determine that the evidence contained in the affidavit(s) establishes probable cause, and (2) verify the identity of the affiant. Verification methods include, but are not limited to: a "call back" system, in which the issuing authority would call the law enforcement agency or police department that the affiant indicates is the entity seeking the warrant; a "signature comparison" system whereby the issuing authority would keep a list of the signatures of the law enforcement officers whose departments have advanced communication technology systems in place, and compare the signature on the transmitted information with the signature on the list; or an established "password" system.

See Rule 3 for the definition of "copy."

Under Rule 140, the defendant receives a copy of the warrant and supporting affidavit at the time of the preliminary arraignment.

Committee Explanatory Reports:

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Report explaining the proposed amendments concerning using advanced communication technology in warrant procedures published at 29 Pa.B. 4429 (August 21, 1999).

Rule 121. Duplicate and Alias Warrants of Arrest.

[(a)] (A) [Where] When a warrant of arrest has been issued and it appears necessary or desirable to issue duplicates thereof for execution, the issuing authority may issue any number of duplicates. Each duplicate shall have the same force and effect as the original. Costs may be taxed only for one such warrant and only one service fee shall be charged.

[(b)] (B) After service and execution of an original or duplicate warrant, an alias warrant may be issued if the purpose for which the original or duplicate has been issued has not been accomplished.

Official Note: Original Rule 113 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 113 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 121 September 18, 1973, effective January 1, 1974; amended August 9, 1994, effective January 1, 1995 [.] amended ; effective .

Comment

This rule permits the use of advanced communication technology for the issuance of duplicate and alias arrest warrants.

Under this rule, warrant information transmitted by using advanced communication technology has the same force and effect as a duplicate or alias arrest warrant. This rule does not require that the transmitted warrant information be an exact copy of the original warrant for purposes of execution under Rule 122. Nothing in this rule, however, is intended to curtail the Rule 140(b) requirement that the issuing authority provide the defendant with an exact copy of the warrant. See Rule 119 (Requirements for Issuance). See also Rule 3 for the definitions of "advanced communication technology" and "copy."

Committee Explanatory Reports:

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Report explaining the proposed amendments concerning using advanced communication technology in warrant procedures published at 29 Pa.B. 4429 (August 21, 1999).

Rule 122. Execution of Arrest Warrant.

[(a)] (A) A warrant of arrest may be executed at any place within the Commonwealth.

[(b)] (B) A warrant of arrest shall be executed by a police officer.

Official Note: Formerly Rule 124, adopted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 122 and Comment revised August 9, 1994, effective January 1, 1995 [.] ; Comment revised ; effective .

Comment

No substantive change in the law is intended by paragraph [(a)] (A) of this rule; rather, it was adopted to carry on those provisions of the now repealed Criminal Procedure Act of 1860 that had extended the legal efficacy of an arrest warrant beyond the jurisdictional limits of the issuing authority. The Judicial Code now provides that the territorial scope of process shall be prescribed by the Supreme Court's procedural rules. 42 Pa.C.S. §§ 931(d), 1105(b), 1123(c), 1143(b), 1302(c), 1515(b).

For the definition of police officer, see Rule 3 [(n)].

Section 8953 of the Judicial Code, 42 Pa.C.S. § 8953, provides for the execution of warrants of arrest beyond the territorial limits of the police officer's primary jurisdiction. See also *Commonwealth v. Mason*, [507 Pa. 396,] 490 A.2d 421 (Pa. 1985).

Pursuant to Rule 140, the defendant is to receive a copy of the warrant and the supporting affidavit at the time of the preliminary arraignment.

For purposes of executing an arrest warrant under this rule, warrant information transmitted by using advanced communication technology has the same force and effect as an original arrest warrant. This rule does not require that the transmitted warrant information be an exact copy of the original warrant. Nothing in this rule, however, is intended to curtail the Rule 140(b) requirement that the issuing authority provide the defendant with an exact copy of the warrant. See Rule 119 (Requirements for Issuance). See also Rule 3 for the definitions of "advanced communication technology."

Committee Explanatory Reports:

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Report explaining the proposed amendments concerning using advanced communication technology in warrant procedures published at 29 Pa.B. 4429 (August 21, 1999).

CHAPTER 2000. SEARCH WARRANTS

Rule 2003. Requirements for Issuance.

(A) In the discretion of the issuing authority, advanced communication technology may be used to submit a search warrant application and affidavit(s) and to issue a search warrant.

[(a)] (B) No search warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.

(C) Immediately prior to submitting a search warrant application and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority by telephone, or any other device which, at a minimum, allows for simultaneous audio communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant.

[(b)] (D) At any hearing on a motion for the return or suppression of evidence, or for suppression of the fruits of evidence, obtained pursuant to a search warrant, no evidence shall be admissible to establish probable cause other than the affidavits provided for in paragraph [(a)] (B).

[(c)] (E) No search warrant shall authorize a nighttime search unless the affidavits show reasonable cause for such nighttime search.

Official Note: Adopted March 28, 1973, effective in 60 days [.] ; amended , effective .

Comment

Paragraph (A) recognizes that an issuing authority may issue a search warrant using advanced

communication technology or order that the law enforcement officer appear in person to apply for a search warrant.

[(a) This rule] Paragraph (B) does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to issuance of a warrant. All affidavits in support of an application for a search warrant must be sworn to before the issuing authority prior to the issuance of the warrant. "Sworn" includes "affirmed." See Rule 3.

[(b)] This subsection] Paragraph (D) changes the procedure discussed in *Commonwealth v. Crawley*, [209 Pa. Super. 70,] 223 A.2d 885 (Pa. Super. 1966), aff'd per curiam, [432 Pa. 627,] 247 A.2d 226 (Pa. 1968). See *Commonwealth v. Milliken*, [450 Pa. 310] 300 A.2d 78 (Pa. 1973).

[(c) This section] Paragraph (E) imposes a new requirement in Pennsylvania practice. The requirement of a showing of reasonable cause for a nighttime search highlights the traditional doctrine that nighttime intrusion into a citizen's privacy requires greater justification than an intrusion during normal business hours.

An affiant seeking the issuance of a search warrant may use advanced communication technology as defined in Rule 3.

When advanced communication technology is used, the issuing authority is required by this rule to (1) determine that the evidence contained in the affidavit(s) establishes probable cause, and (2) verify the identity of the affiant. Verification methods include, but are not limited to: a "call back" system, in which the issuing authority would call the law enforcement agency or police department that the affiant indicates is the entity seeking the warrant; a "signature comparison" system whereby the issuing authority would keep a list of the signatures of the law enforcement officers whose departments have advanced communication technology systems in place, and compare the signature on the transmitted information with the signature on the list; or an established "password" system.

See Rule 3 for the definition of "copy."

Committee Explanatory Reports:

Report explaining the proposed amendments concerning using advanced communication technology in warrant procedures published at 29 Pa.B. 4429 (August 21, 1999).

REPORT

Proposed Amendments to Pa.Rs.Crim.P. 119 and 2003; Correlative Changes to Pa.Rs.Crim.P. 121 and 122

Using Advanced Communication Technology for Search and Arrest Warrants

A. Background

When the Committee first considered amending the Criminal Rules to incorporate procedures for using advanced communication technology (ACT), we agreed to look at the issue broadly. Our initial undertaking concerned the rules governing preliminary arraignments and arraignments.¹ After developing that proposal, the Committee agreed that other criminal procedures also could

¹ The Court has pending proposed rule changes that would provide the procedures for conducting preliminary arraignments and arraignments using ACT. See 28 Pa.B. 3934 (August 15, 1998) for the Committee's explanatory Report.

be improved and updated by expressly providing for the use of ACT. During the next phase of our consideration of ACT, the Committee considered that the arrest and search warrant procedures in Pennsylvania could be streamlined by including in the warrant rules provisions allowing the use of ACT to obtain a warrant.

Before considering a specific proposal for Pennsylvania, the Committee examined the warrant procedures in other jurisdictions, including the Federal courts, and found that there a few statutes or rules specifically providing for the use of ACT to obtain an arrest warrant or a search warrant,² although few specifically prohibit its use. Our research did reveal that case law in several jurisdictions supports the use of ACT for obtaining warrants as long as the fundamental, constitutional requirements are satisfied and the spirit of the law relating to obtaining warrants is followed. See, e.g., *U.S. v. Richardson*, 943 F.2d 547 (5th Cir. 1991); *State v. Evans*, 822 P.2d 1198 (Or. Ct. App. 1991); *State v. Myers*, 815 P.2d 761 (Wash. 1991); *State v. Lindsey*, 473 N.W.2d 857 (Minn. 1991); *People v. Snyder*, 449 N.W.2d 703 (Ct. App. Mich. 1989).

In Pennsylvania, the Criminal Rules and the case law are silent concerning the use of technology for obtaining warrants. The members recognized, drawing on their own observations and experiences, that because of the stringent constitutional limitations and the procedural requirements in the Criminal Rules, law enforcement officers and issuing authorities are hesitant to use ACT without some express authorization, although we agreed that there did not appear to be any impediments to providing for the use of ACT to obtain and issue warrants, and that, with clearly enumerated procedures for the use of ACT, the process could be enhanced.

Once the Committee agreed that the Criminal Rules governing warrant procedures should be amended, we acknowledged that there are a sufficient number of "warrant" situations in which time and convenience are critically important, and agreed that when the equipment is available, using the new provisions should (1) reduce the amount of time it takes to go through the necessary steps to obtain a warrant, and (2) increase the convenience for an affiant to present the requisite paperwork to the issuing authority. In addition, the Committee recognized that proceeding with a warrant is favored over proceeding without a warrant, and expects that using ACT would reduce the number of warrantless arrests and seizures.

In view of our discussions concerning ACT and our research, the Committee agreed that the Criminal Rules should be amended to provide that, in the discretion of the issuing authority, arrest and search warrants could be obtained by using ACT. Accordingly, the Committee is proposing the amendment of Rules 119 (Requirements for Issuance) and 2003 (Requirements for Issuance), and the revision of Rules 121 (Duplicate and Alias Warrants of Arrest) and 122 (Execution of Arrest Warrant).

B. Discussion of Rule Changes

The Committee considered that, rather than incorporating ACT as a new rule in both Chapters 100 and 2000, the provisions should be placed into the existing rules to make it clear that these procedures are intended to be an alternative method to obtain a warrant. The Committee

² See, e.g., Ann. Cal. Penal Code § 1526, C.S.R.A. § 16 - 1 - 106 (Colorado), M.C.L.A. § 780.651 (Michigan).

also recognized, however, that there would be situations in which the issuing authority would want the affiant to appear in person to request the warrant, rather than permit the use of ACT. In view of this, we agreed that the new procedures should provide the issuing authority with the discretion to use ACT, and expect that (1) ACT generally would be allowed in all cases, and (2) the issuing authority would invoke the discretion to not use the technology on a case by case basis.

1. Requirements for Issuance: Rules 119 and 2003

Rule 119 sets forth the requirements for the issuance of arrest warrants, and Rule 2003 sets forth the requirements for the issuance of search warrants. Agreeing that Rule 119 is intended to parallel Rule 2003, the Committee agreed that the arrest warrant and search warrant rules should continue to parallel one another. Accordingly, the Committee is proposing amendments to Rules 119 and 2003 to include similar provisions allowing for the use of advanced communication technology. A new paragraph (A) would provide that in the discretion of the issuing authority, an affiant may use a form of advanced communication technology to submit a complaint (Rule 119) or affidavit of probable cause (Rule 2003) to the issuing authority, and the issuing authority may use advanced communication technology to issue the warrant.

The Committee is also recommending that a new paragraph (C) be added that would require the affiant to communicate with issuing authority before proceeding by ACT so that the issuing authority will be aware that the request for the warrant is going to be transmitted imminently. The new provisions would also require that the issuing authority verify the affiant's identity, and administer an oath to the affiant.

Former paragraphs (a) and (b) would become new paragraphs (B) and (D) respectively, without modification. Finally, Rule 2003 would maintain its provision for searches conducted at nighttime as a new paragraph (E).

The Committee is also recommending several revisions to the Comments to Rules 119 and 2003 to: 1) make it clear that ACT is permitted to be used to obtain both an arrest and a search warrant; 2) explain that the probable cause requirement has not been altered; 3) provide examples of permissible verification methods under the rules relating to warrants; and 4) add a cross-reference to Rule 3.

2. Rules 121 (Duplicate and Alias Warrants of Arrest) and 122 (Execution of Arrest Warrants)

Rule 121 provides the procedures for issuing duplicate and alias warrants of arrest and Rule 123 provides the procedures for the execution of arrest warrants. The Committee is proposing that the Comments to both rules be revised to: 1) make it clear that advanced communication technology is allowed to be used for the issuance of duplicate and alias warrants; 2) explain that when warrant information is transmitted, the information does not have to be an exact copy of the warrant; 3) clarify that the rule does not modify the Rule 140(b) requirement that the issuing authority provide the defendant with an exact copy of the warrant at the time of the preliminary arraignment; and 4) provide a cross-reference to Rule 3 for the definition of ACT. In addition, the Committee is proposing that the Rule 121 Comment be revised to make

it clear that advanced communication technology is permitted to be used to issue duplicate and alias arrest warrants.

[Pa.B. Doc. No. 99-1357. Filed for public inspection August 20, 1999, 9:00 a.m.]

PART I. GENERAL

[234 PA. CODE CH. 1100]

Jury Lists and Juror Qualification Forms

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 1104 (Juror Qualification Form, Lists of Trial Jurors, and Challenge to the Array). This proposal would remove ambiguous language and clarify that an attorney may inspect and copy or photograph the jury lists and the juror qualification forms. 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 rule changes precedes the Report.

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, P. O. Box 1325, Doylestown, PA 18901, no later than Wednesday, September 22, 1999.

By the Criminal Procedural Rules Committee

J. MICHAEL EAKIN,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 1100. TRIAL

Rule 1104. Juror Qualification Form, Lists of Trial Jurors, and Challenge to the Array.

(A) *Juror Qualification Form and Lists of Trial Jurors.* The officials designated by law to select persons for jury service shall:

* * * * *

(2) prepare, publish, and post lists of the names of persons to serve as jurors as provided by law; **[and]**

(3) upon the request of the attorney for the Commonwealth or the defendant's attorney, furnish **[a]** the list containing the names of prospective jurors **prepared pursuant to paragraph (A)(2) [summoned to try the case together with copies of the juror qualification forms returned by such prospective jurors]**; and

(4) **make available for review and copying copies of the juror qualification forms returned by the prospective jurors.**

(B) *Challenge to the Array.*

* * * *

Official Note: Adopted January 24, 1968, effective August 1, 1968; Comment revised January 28, 1983, effective July 1, 1983; amended September 15, 1993, effective January 1, 1994; the September 15, 1993 amendments suspended December 17, 1993 until further Order of the Court; the September 15, 1993 Order amending Rule 1104 is superseded by the September 18, 1998 Order, and Rule 1104 is amended September 18, 1998, effective July 1, 1999; amended May 14, 1999, effective July 1, 1999 ; **amended** , **1999, effective**

Comment

The qualification, selection, and summoning of prospective jurors, as well as related matters, are generally dealt with in Chapter 45, Subchapters A—C, of the Judicial Code, 42 Pa.C.S. §§ 4501—4503, 4521—4526, 4531—4532. “Law” as used in paragraph (B)(2) of this rule is intended to include these Judicial Code provisions. However, paragraphs (B) (1) and (2) of this rule are intended to supersede the procedures set forth in Section 4526(a) of the Judicial Code and that provision is suspended as being inconsistent with this rule. See PA. CONST. art. V[.], § 10; 42 Pa.C.S. § 4526(c). Sections 4526(b) and (d)—(f) of the Judicial Code are not affected by this rule.

Paragraph (A) was amended in 1998 to require that the counties use the juror qualification forms provided for in Section 4521 of the Judicial Code, 42 Pa.C.S. § 4521. It is intended that the attorneys in a case may **[request and receive copies of] inspect and copy or photograph** the jury lists and the qualification forms for the prospective jurors summoned for their case. The information on the qualification forms is not to be disclosed except as provided by this rule or by statute. See also Rule 1107, which requires that jurors complete the standard, confidential information questionnaire for use during voir dire.

COMMITTEE EXPLANATORY REPORTS:

* * * *

Final Report explaining the May 14, 1999 amendments placing titles in paragraphs (A) and (B) published with the Court’s Order at 29 Pa.B. 2778 (May 29, 1999).

Report explaining the proposed amendments concerning copies of the juror qualification forms published with the Court’s Order at 29 Pa.B. 4431 (August 21, 1999).

REPORT

Proposed Amendments to Pa.R.Crim.P. 1104

Juror Qualification Forms

The Committee received correspondence concerning the Rule 1104 provision requiring that “the officials designated by law to select persons for jury service shall...upon the request of the attorney for the Commonwealth or the defendant’s attorney, furnish a list containing the names of prospective *jurors summoned to try the case* together with copies of the juror qualification forms returned by *such prospective jurors.*” (Emphasis added). See Rule 1104(A)(3). The correspondents questioned what was intended by “jurors summoned to try the case” and “such prospective jurors” in this provision of the rule. They were concerned that, if the phrases refer to the jurors who will be selected from the pool for a specific trial, the information may not be known until the day of trial. The correspondents noted that this is a major problem for

those judicial districts in which jurors are summoned on a specific day. On the other hand, if the phrases refer to the entire pool of jurors to whom the qualification forms had been sent, then it “would be a cumbersome, time consuming and expensive effort” to require the officials to furnish the copies of the juror qualification forms for all of the jurors summoned for a particular “trial term.”

After discussing the correspondence, the Committee agreed that the issues raised in the correspondence merited clarification in the rule. Although the correspondents’ confusion specifically focused on the meaning of the phrases highlighted above, the Committee also agreed that an additional, correlative matter concerning the scope of attorney’s access to the forms requires clarification in Rule 1104.

Acknowledging that there are no reasons why an attorney should not be given access to the jury lists and qualification forms,¹ the Committee considered why an attorney might want to have copies of them. We identified two reasons: (1) when the attorney is considering challenging the array; and (2) when the attorney wants to compare the answers on the qualification forms with the answers submitted by the jurors on the information questionnaires. See Rule 1107.

Although we agreed that an attorney should have access to the jury lists and qualification forms, the Committee also reasoned that after an attorney has the opportunity to review the lists and the forms, if the attorney wants copies or photographs of the lists or the completed juror qualification forms, the burden of making the copies or photographs should be on the attorney. We agreed that this requirement should prevent attorneys from pro forma requesting the forms, and would address the concerns of the correspondents that requiring the officials to make and pay for the copies would be a “cumbersome, time-consuming and expensive effort.”

Returning to the correspondents’ concerns about the phrase “prospective jurors summoned to try the case,” the Committee agreed with the correspondents that the language is confusing because there does not appear to be a uniform or widely accepted definition of the phrase “summoned to try the case.” See Rule 1104(A)(3). From our review and the members’ experiences in practice, the Committee identified three different time periods to which the language could refer: 1) the jurors selected for service from the annual master list prepared by the jury selection commission pursuant to 42 Pa.C.S. § 4521(a); 2) the pool of jurors summoned for service on a particular day; or 3) those jurors summoned for service and sent to a particular courtroom. Practically speaking, the members agreed that the intent of the rule when amended in 1998 was to allow the attorneys access to the forms and lists in advance of trial as an aid if there will be a challenge to the array.

In view of these considerations, the Committee is proposing the following changes to Rule 1104. Paragraph (A)(3) would be fine-tuned to make it clear that upon request the jury official is required to furnish the list containing the names of prospective jurors that is required to be prepared, published, and posted under paragraph (A)(2). In addition, the troublesome phrase “prospective jurors summoned to try the case” would be deleted. A new paragraph (A)(4) would make it clear that,

¹ As part of our discussion, the Committee considered whether there would be any reason why an attorney should not receive the lists and juror qualification forms. We took a look at the case law in Pennsylvania, and were unable to find any cases addressing the issue. The Committee also reviewed the Pennsylvania statutes governing the selection of jurors, which also are silent on the issue of providing an attorney with the forms. See 42 Pa.C.S. § 4521, et seq.

when requested by the attorney, the official is required to make available for review and copying copies of the juror qualification forms returned by the prospective jurors. Finally, the Comment would emphasize that the attorneys may inspect and copy or photograph the jury lists and the qualification forms.

[Pa.B. Doc. No. 99-1358. Filed for public inspection August 20, 1999, 9:00 a.m.]

Title 25—LOCAL COURT RULES

ADAMS COUNTY

Local Rules of Court; Administrative Order No. 19 of 1999

And Now, this 10th day of August, 1999, a local rule 400.1 is enacted pursuant to Pa.R.C.P. 400.1(b)(1). This order and the following Local Rule 400.1 shall become effective thirty days after publication in the *Pennsylvania Bulletin*. The following rule shall continuously be available for inspection in the offices of Prothonotary and Clerk of Courts of this court. Copies may be purchased at the Prothonotary's Office for \$3.00. If the Prothonotary mails the copy, the cost will be \$6.00. Certified copies in the numbers listed, together with a 3.5 computer disc shall be provided as follows:

1. Seven to the Administrative Office, Pennsylvania Courts. In addition, a 3.5 computer disc with the rule therein shall be provided that office.

2. Two to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. One each to Civil Procedural Rules Committee, and Domestic Relations Committee.

By the Court

OSCAR F. SPICER,
President Judge

Rule 400.1. Service Of Original Process.

Original process shall be served within the Commonwealth

(i) by the sheriff or a competent adult in the actions in equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and

(ii) by the sheriff in all other actions.

[Pa.B. Doc. No. 99-1359. Filed for public inspection August 20, 1999, 9:00 a.m.]

CARBON COUNTY

Adoption of Local Rules of Judicial Administration LCarb. R.J.A. 5000.5 Requests for Transcripts and LCarb. R.J.A. 5000.7 Fees for Transcripts; No. 99-1552 063MI99 99-9274

Administrative Order No. 8-1999

And Now, this 9th day of August, 1999, it is hereby

Ordered and Decreed that the Carbon County Court of Common Pleas hereby *Adopts* Local Rules of Judicial

Administration LCarb. R.J.A. 5000.5 governing requests for transcripts and LCarb. R.J.A. 5000.7, having obtained prior approval from the Pennsylvania Supreme Court, governing the fees charged for the preparation and transcription of Court proceedings, pursuant to Pa.R.J. A. 5000.7(e), for all transcripts requested on or after January 1, 2000.

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 and 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 Prothonotary's Office, Clerk of Courts, and Orphans Court.

By the Court

JOHN P. LAVELLE,
President Judge

Rule LCarb. R.J.A. 5000.5. Requests for Transcripts.

1. Court Reporters shall prepare transcripts for all completed trials and hearings in chronological order based upon the date of the receipt of the transcription order or request, or the date of the deposit of the partial transcription fee, whichever date is later. Only the Judge may direct the Court Reporter to complete a given transcript or transcripts out of chronological sequence.

2. Should a Court Reporter be unable to comply with the deadlines set by the applicable state rules or specific orders of the Court in a given case, the Reporter shall immediately advise his or her immediate supervisor, the District Court Administrator, and the judge or judges involved of that fact.

3. All Court Reporters shall file with the Court Administrator a monthly report of ordered or requested transcripts in chronological order indicating the date of each order/request/deposit, the approximate length of the record ordered to be transcribed, the status of the transcription, the deadline set by rule or order and the expected date of lodging.

4. Where a Court Reporter is unable to meet applicable deadlines for transcription, the District Court Administrator, after consultation with the Judge or Judges involved, and with the approval of the President Judge, may temporarily remove a Court Reporter from Courtroom duties or direct that alternative means for completing the transcription(s) be used. Any reprioritizing of the chronological preparation of transcripts, except as provided in paragraph 1 of this Rule, will require the advance approval of all judges affected thereby.

Rule LCarb. R.J.A. 5000.7. Fees for Transcripts.

A. When a person or entity other than the Commonwealth or one of its political subdivisions requests a transcript, such person or entity shall be liable for the costs of the original transcript at the rate of \$2.25 for each page thereof and shall pay the Court Reporter one-half (1/2) the estimated cost for the transcript at the time such person or entity requests the transcript and the balance upon completion of the transcript. The court reporter shall not be required to start the transcription until such advance payment is made in full, but when such advance has been paid, the court reporter shall begin the transcription of his or her notes as requested pursuant to LCarb. R.J.A. 5000.5.

1. Upon completion of the transcript, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy thereof

a. to the person or entity who ordered the transcript, if, but only if, such person or entity has paid the balance due for the transcript to the Court Reporter in full, calculated at the rate of \$2.25 for each page of original transcript.

2. Where the Commonwealth, or any political subdivision, requests a copy of the transcript, the court reporter shall provide the Commonwealth, or political subdivision thereof, with a complete and legible copy thereof without charge;

3. Where any person or entity, other than the Commonwealth, or a political subdivision thereof, requests a copy of the transcript, such person or entity may purchase the same by paying the Court Reporter \$1.00 for each page of complete and legible copy.

B. When the Commonwealth or one of its political subdivisions requests a transcript, the Commonwealth, or such political subdivisions, shall be liable for the cost of the original transcript at the rate of \$2.00 for each page thereof, and

1. the court reporter, upon receipt of the transcript request, shall begin the transcription of his or her notes as directed by the transcript order pursuant to LCarb. R.J.A. 5000.5.

2. Upon completion of the transcript, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy thereof

a. to the Commonwealth or political subdivision requesting the transcript.

3. Upon receipt of the transcript and order authorizing payment, the Commonwealth or political subdivision shall promptly prepare a voucher to the County of Carbon for payment to the court reporter for said transcript.

4. Where the Commonwealth or a political subdivision thereof requests a copy of the transcript but is not liable for the costs of the original transcript, the court reporter shall provide the entity with a complete and legible copy thereof without charge.

C. Where the County of Carbon is liable for the cost,

1. the court reporter, upon receipt of the transcript order, shall begin the transcription of his or her notes as directed by the transcript order pursuant to LCarb. R.J.A. 5000.5.

2. Upon completion of the transcript, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy to each of the following without charge:

a. to any party proceeding in forma pauperis; and

b. to any person or entity, including but not limited to the Commonwealth, or any of its political subdivisions, county solicitor, and/or judge.

3. Upon completion of the transcript and order authorizing payment, the court reporter shall present said order to Court Administration for preparation of a voucher to the County of Carbon for payment to the court reporter, calculated at the sum of \$2.00 per page.

D. Any judge of the court, the district attorney, and county solicitor shall each be entitled to a copy of the transcript in any proceeding upon request without charge. In such case, the county shall be liable for the costs of preparing the original transcript whenever no other person or entity is otherwise liable for the cost thereof pursuant to paragraph C (3) above.

E. Nothing in this rule shall authorize delivery of a transcript, or copy thereof, in a proceeding where the record is impounded, to any person or entity not otherwise entitled to the same.

[Pa.B. Doc. No. 99-1360. Filed for public inspection August 20, 1999, 9:00 a.m.]

MERCER COUNTY**Local Rule under Rule 400.1 of the Pennsylvania Rules of Civil Procedure; No. 1999 2441****Order**

And Now, this 9th day of August, 1999, it is hereby *Ordered and Directed* that Local Rule of Civil Procedure L400.1 is hereby adopted and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is also *Ordered and Directed* the Court Administrator of Mercer County, in accordance with Pa.R.C.P. No. 239, shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one certified copy with the Civil Procedural Rules Committee.

It is further *Ordered and Directed* that this Local Rule shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

By the Court

FRANCIS J. FORNELLI,
President Judge

Order of Court

And Now this 5th day of August, 1999, the Court having received the Petition of William H. Romine, Jr., the Sheriff of Mercer County, hereby establishes a Local Rule of Court pursuant to Rule 400.1 of the Pennsylvania Rules of Civil Procedure providing that:

With respect to all actions filed in Mercer County, Pennsylvania, original process shall be served within the Commonwealth:

(i) by the sheriff or a competent adult in the actions in equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and

(ii) by the sheriff in all other actions.

[Pa.B. Doc. No. 99-1361. Filed for public inspection August 20, 1999, 9:00 a.m.]

MONTGOMERY COUNTY

Amendment to Local Rule of Civil Procedure 4019.1*; No. 1999-00001-5

Order

And Now, this 29 day of June, 1999, the Court hereby amends Montgomery County Local Rule of Civil Procedure 4019.1*—Family Discovery Master. This Amendment shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Domestic Relations Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

JOSEPH A. SMYTH,
President Judge

Rule 4019.1*—Family Discovery Master.

In order to facilitate the prompt disposition of discovery in domestic relations matters, the Court adopts the Family Discovery Master Program as follows:

1. * * *
2. * * *
3. * * *
4. * * *

5. If the motion is resolved amicably prior to the return day, the motion shall either be withdrawn or a stipulated order shall be submitted to the Family Discovery Master for submission to the signing Judge. If the motion is **[opposed]** not resolved amicably prior to the return day, the parties shall appear, on the date and at the place specified in the Rule accompanying the motion, for argument before the Family Discovery Master. **Should the moving party fail to appear, the motion shall be dismissed. [If no answer is filed on or before the return date, a rule absolute will be granted.]** Briefs in support of and in opposition to the motion may be submitted to the Family Discovery Master not less than two days prior to the day scheduled for argument before the Family Discovery Master.

6. * * *

7. * * *

Court Administrator's note:* * *

[Pa.B. Doc. No. 99-1362. Filed for public inspection August 20, 1999, 9:00 a.m.]

Local Rule of Civil Procedure 400.1(b)(1)*; No. 99-00001-6

Order

And Now, this 4th day of August, 1999, the Court hereby adopts Montgomery County Local Rule of Civil Procedure 400.1(b)(1)*—Person to Make Service. This Amendment shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

JOSEPH A. SMYTH,
President Judge

Rule 400.1(b)(1)*—Person to Make Service.

With respect to all actions filed in Montgomery County, Pennsylvania, original process shall be served within the Commonwealth:

(i) by the sheriff or a competent adult in the actions in equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and

(ii) by the sheriff in all other actions.

[Pa.B. Doc. No. 99-1363. Filed for public inspection August 20, 1999, 9:00 a.m.]

SCHUYLKILL COUNTY

District Justice Criminal Rule of Procedure No. 142; No. 419 Misc, 1999

And Now, this 5th day of August, 1999, at 11 a.m., the Court hereby amends Schuylkill County District Justice Criminal Rule of Procedure No. 142 for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, (21st Judicial District). This rule shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

The Clerk of Courts of Schuylkill County is Ordered and Directed to do the following:

1) File seven (7) certified copies of this Order and Rules with the Administrative Office of Pennsylvania Courts.

2) File two (2) certified copies of this Order and Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.

3) File one (1) certified copy of this Order and Rules with the Pennsylvania Criminal Procedural Rules Committee.

4) Forward one (1) copy with the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

5) Keep continuously available for public inspection copies of this Order and Rule.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 142. Continuances of Preliminary Hearings.

(c) Each party may be granted one continuance by the District Justice upon cause shown. Any such initial continuance, made at the request of either party, shall not be for more than 21 days. A continuance request submitted by the party not requesting the initial continuance, if granted by the District Justice, shall not be for more than 14 days. The District Justice is prohibited from granting more than one continuance to each party.

Any subsequent continuance by either party may be granted only by the President Judge, or his designee, upon completion and with just cause shown on the approved aforementioned continuance request form. This request for continuance form must be completed and signed by the defendant and his/her counsel if any. Upon refusal or approval of said request for continuance form, the Criminal Court Administrator shall file the signed form with the Clerk of Court's office and shall notify the District Justice who in turn shall notify the parties.

[Pa.B. Doc. No. 99-1364. Filed for public inspection August 20, 1999, 9:00 a.m.]

Rule of Civil Procedure No. 400.1; S-1442-1999

And Now, this 6th day of August, 1999, at 3:44 p.m., the Court hereby amends Schuylkill County Civil Rule of Procedure No. 400.1 for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District). This rule shall be effective September 1, 1999, to comply with Amended Pa.R.C.P. 400.1 which becomes effective September 1, 1999.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.

2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.

3) File one (1) certified copy of this Order and Rule with the Pennsylvania Criminal Procedural Rules Committee.

4) Forward one (1) copy Law Library to the Schuylkill County for publication in the *Schuylkill Legal Record*.

5) Keep continuously available for public inspection copies of this Order and Rule.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 400.1. Persons To Make Service.

Original process of all actions filed in the County of Schuylkill shall be served within the Commonwealth:

(a) by the sheriff or a competent adult in the actions in equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and

(b) by the sheriff in all other actions.

[Pa.B. Doc. No. 99-1365. Filed for public inspection August 20, 1999, 9:00 a.m.]

Rules of Civil Procedure Nos. 1920.42(c) and 1920.53(g), (h)(2); S-1425-99

And Now, this 5th day of August, 1999, at 10 a.m., the Court hereby amends Schuylkill County Rules of Civil Procedure 1920.53(g), (h)(2) and Rule 1920.42(c) for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District). This rule shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.

2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.

3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.

4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.

5) Keep continuously available for public inspection copies of this Order and Rule.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 1920.53.

(g)(1) In a contested case the testimony given at a Master's hearing shall be taken by an official court reporter who shall be paid an appearance fee by the party first moving for the appointment of the Master.

(2) Upon the closing of the record at the Master's Hearing the parties may agree to those portions of the

record to be transcribed, or the Master may direct that all or a portion of the record shall be transcribed. The Master may make an interim allocation of the transcript fees which shall be paid pursuant to Pa.R.J.A. 5000.6.

(3) Within five days after the filing of exceptions to the Master's report, the party raising exceptions shall request a transcript of all of the testimony pursuant to Pa.R.J.A. 5000.5, and shall thereupon make a deposit with the court reporter for the cost of the transcript pursuant to Pa.R.J.A. 5000.6.

(i) If both parties file exceptions to the Master's report, they shall equally bear the cost of the transcript.

(4) In the event of the failure of an excepting part within the time allowed either to order the transcript, or to pay for the same, or to file a memorandum of law as required by these Rules or Order of Court, the exceptions may be deemed to have been withdrawn and may be dismissed by the court.

(5) Upon payment of all fees, the court reporter shall certify the transcript and shall give notice to the Master and to the parties that the transcript has been certified. All objections to the transcript shall be raised within 10 days after the date of the notice of the certification, or the objections are deemed to be waived.

(h)(2) The Master's report shall be filed:

(1) within 30 days after the closing of the record; or

(2) within 30 days after the notice of the certification of the transcript by the court stenographer when a transcript has been requested; or,

(3) within 30 days after the final memorandum or brief is due, whichever last occurs.

Rule 1920.42. Affidavit and Decree Under Section 3301(c) or 3301(d) of the Divorce Code.

(c) In the absence of a Waiver of Notice, a praecipe presented under Pa.R.C.P. 1920.42(a) shall contain a certification by the presenting party or their counsel that advance notice of the presentation of the praecipe was delivered to the opposing party or to his attorney in accordance with Pa.R.C.P.1920.42(d). Where no appearance has been entered on behalf of the defendant, notice shall be served on the defendant in like manner as a complaint (see Pa.R.C.P. 1920.4. Service).

[Pa.B. Doc. No. 99-1366. Filed for public inspection August 20, 1999, 9:00 a.m.]

WARREN COUNTY

Adoption of Local Rule L 400.1(b)(1); No. 31 of 1999, Miscellaneous Page 311

Order

And Now, this 30th day of July, 1999, it is hereby ordered:

1. The following Rule is hereby adopted as Rule L. 400.1(b)(1) of the Local Rules of Civil Procedure of the 37th Judicial District of Pennsylvania. This Rule shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

2. The Prothonotary of Warren County shall:

a. File ten (10) certified copies of this Order and the following Rule with the Administrative Office of Pennsylvania Courts;

b. Distribute two (2) certified copies of this Order and the following Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this Order and the following Rule with the Pennsylvania Civil Procedural Rules Committee; and

d. File proof of compliance with this Order in the docket for this Rule which shall include a copy of each transmittal letter.

By the Court

PAUL H. MILLIN,
President Judge

Rule L. 400.1(b)(1). Person to Make Service.

Original process shall be served within the Commonwealth:

(i) by the Sheriff or a competent adult who is not a party in the following actions: equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and

(ii) by the Sheriff in all other actions.

[Pa.B. Doc. No. 99-1367. Filed for public inspection August 20, 1999, 9:00 a.m.]

PROPOSED RULEMAKING

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b] Schedule of Civil Penalties

The Commissioner of Professional and Occupational Affairs (Commissioner) proposes to amend Chapter 43b (relating to Commissioner of Professional and Occupational Affairs) to read as set forth in Annex A.

Section 5(a) of the act of June 2, 1993 (P. L. 345, No. 48) (act) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau, to adopt a schedule of civil penalties for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating a licensing board or commission act or regulation relating to the conduct or operation of a business or facility licensed by a licensing board or commission.

Section 5(a) of the act further requires the Commissioner to publish in the *Pennsylvania Bulletin* the schedule of penalties, guidelines for imposition and procedures for appeal of the imposition of civil penalties. Accordingly, the Commissioner published a statement of policy pertaining to the amended schedule of civil penalties at 28 Pa.B. 5883 (November 28, 1998).

Section 5(a) of the act also requires the Commissioner to promulgate regulations finalizing this amended schedule of civil penalties within 2 years of the schedule being published in the *Pennsylvania Bulletin*. Therefore, the Commissioner has until November 28, 2000, to promulgate final-form regulations. The Commissioner intends to accomplish this mandate by promulgating the amendments in Annex A.

Prior to adopting the statement of policy, the Commissioner consulted with the applicable licensing boards, notified the various professional associations and invited comments and suggestions regarding its implementation. In addition, under the Governor's Executive Order 1996-1, the Commissioner notified the individuals and associations identified by the licensing boards and commissions of the Bureau's intent to promulgate proposed regulations and offered them the opportunity to comment on this proposal. The boards considered these comments in developing the proposed schedules.

Since its implementation, sanctions imposed for relatively minor violations have been entered more quickly than it would have taken to resolve these cases under regular disciplinary procedures. Based upon the effectiveness of the implementation of the statement of policy and upon the implementation of Chapter 43b, the Commissioner proposes these regulatory amendments finalizing the schedule of civil penalties.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 10, 1999, the Commissioner submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Professional Licensure and to the Senate Committee on Consumer Protection and Professional Licensure. In addition

to submitting the proposed amendments, the Commissioner has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Commissioner in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

Fiscal Impact

Professional licensing statutes require each board to be self supporting. Revenues must be generated by fees paid by licensees and must meet or exceed budgeted expenditures.

A board's disciplinary duties consist of investigating complaints, inspecting licensed facilities and meting out appropriate sanctions. Although the boards are not supported by general fund tax revenues, members of the regulated community are assessed a biennial renewal fee which finances them operations, including the disciplinary function.

Licensees are impacted individually when they are found guilty of violating a board's act and a fine is levied. Licensees who dispute charges brought against them including those filed as civil penalty citations under the act, may request a hearing before a hearing examiner or appeal a decision to the appropriate board. The more resources and time expended by personnel of the department to dispose of disciplinary cases, the greater the impact of disciplinary function upon a board's operating costs.

Paperwork Requirements

The proposed amendments will not necessitate any legal, accounting, reporting or other paperwork requirements.

Statutory Authority

The amendments are proposed under section 5(a) of the act, which gives the Commissioner the authority to adopt a schedule of civil penalties for: (1) operating without a current and valid license, registration, certification or permit; and (2) violating a licensing board or commission act or regulation relating to the conduct or operation of a business or facility licensed by a licensing board or commission.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Commissioner Dorothy Childress, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following the publication of the proposed amendments in the *Pennsylvania Bulletin*.

DOROTHY CHILDRESS,
Commissioner

Fiscal Note: 16-20. 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 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.7. Schedule of civil penalties—pharmacists and pharmacies.

STATE BOARD OF PHARMACY

Violation Under 49 Pa. Code Chapter 27	Title/Description	Civil Penalty
	* * * * *	
Section 27.15	Sanitary standards— (a) and (b) Uncleanliness	\$250
	[(c)] (b) Pharmacy not in good repair	\$250
	[(d)] (c) Waste disposal violations	\$250
	[(e)] (d) Prescription area not dry, well ventilated and well lighted; not free from rodents or insects	\$250
	[(f)] (e) Plumbing not functional	\$250
	[(g)] (f) Unauthorized items in prescription area	\$250
Section 27.16	Construction requirements— (b) [(5)] (4) Lack of telephone	\$250
	[(6)] (5) Lack of required sanitary facilities	\$250
	[(8)] (7) Television set in prescription area not intended for pharmacy instructional use	\$500
	[(9)] (8) Drugs accessible to unauthorized persons; animals unrelated to pharmacy security in prescription area	\$250
	* * * * *	
Section 27.31	Biennial renewal—(c) practicing on a lapsed license or permit	0—4 months—\$50 per month; over 4 months—8 months—\$100 per month; over 9 months—12 months—\$200 per month; over 1 year—formal action
	* * * * *	

§ 43b.10a. Schedule of civil penalties—accountants

STATE BOARD OF ACCOUNTANCY

Violation under 63 P. S. Section 9.8b(b)	Title/Description	Civil Penalty
Section 9.12(a)	Completion of continuing education hours after end of reporting period but before start of next license biennium (assumes no other continuing education violation)	1st offense—\$150 2nd offense—formal action
	Unlawful use of “certified public accountant,” “CPA” or similar representation by person never licensed	1st offense—\$500* 2nd offense—formal action
	Unlawful use of “certified public accountant,” “CPA” or similar representation by person not currently licensed	1st offense—up to 90 days past renewal deadline—warning 90 days—180 days past renewal deadline—\$500 2nd offense—formal action

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 9.12(c)	Unlawful use of "certified public accountant," "public accountant," "CPA," "PA" or similar representation by a firm never licensed	1st offense—\$500* 2nd offense—formal action
	Unlawful use of "certified public accountant," "public accountant," "CPA," "PA" or similar representation by a firm not currently licensed	1st offense—up to 90 days past renewal deadline—warning 90 days—180 days past renewal deadline—\$500 2nd offense—formal action
Section 9.12(j)	Unlawful use of "public accountant," or "PA" or similar representation by person never licensed	1st offense \$500* 2nd offense—formal action
	Unlawful use of "public accountant," or "PA" or similar representation by person not currently licensed	1st offense—up to 90 days past renewal deadline—warning 90 days—180 days past renewal deadline—\$500 2nd offense—formal action
Section 9.12(o)	Unlawful representation of membership in professional society, association, or organization of CPA's or PA's by person or firm never licensed	1st offense—\$250* 2nd offense—formal action
	Unlawful representation of membership in professional society, association, or organization of CPA's or PA's by person or firm not currently licensed	1st offense—up to 90 days past renewal deadline—warning 90 days to 180 days past renewal deadline—\$250 2nd offense—formal action
Violation under 49 Pa. Code, Chapter 11		
Section 11.62(a)(2)	Failure to complete 20 hours of continuing education each year (assumes no other continuing education violation)	1st offense—\$150 2nd offense—formal action
Section 11.68(b)	Failure to timely submit documentation of continuing education during Board audit (assumes no other continuing education violation)	1st offense—\$500 2nd offense—formal action

* The first offense provision does not apply to a situation involving multiple occurrences or a pattern or practice of misconduct

§ 43b.11a. Schedule of civil penalties—architects.

STATE ARCHITECTS LICENSURE BOARD

Proposed Schedule

Violation Under 63 P. S.	Violation Under 49 Pa. Code Chapter 9	Description Violation	Penalties
§ 34.12(a)	N/A	Architect impressing his seal or knowingly permitting it to be impressed on drawings, specifications or other design documents which were not prepared by him or under his personal supervision.	1st offense—1,000 2nd offense—formal action
§ 34.12(a)	N/A	Anyone impressing an architect's seal or knowingly permitting it to be impressed on drawings, specifications or other design documents after the architect's certificate has expired, or has been revoked, annulled or suspended.	1st offense—\$1,000 2nd offense—formal action

Violation Under 63 P. S.	Violation Under 49 Pa. Code Chapter 9	Description Violation	Penalties
§ 34.13(h)	§ 9.163	Engaging in the practice of architecture as a professional association, partnership, professional corporation, or business corporation without first receiving the written approval of the Board.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
§ 34.18(a) and (b)	§ 9.171	Use of the word “architect” or “architects” in the surname, word, or business title implying that an individual or business is engaged in the practice of architecture, without possessing current and proper licensing by the Board.	1st offense—\$1,000 2nd offense—formal action
§ 43b.12a. Schedule of civil penalties—auctioneers, apprentice auctioneers, auction houses and auction companies.			

STATE BOARD OF AUCTIONEER EXAMINERS

Proposed Schedule

Violation Under 63 P. S.	Violations Under Title 49 Chapter 1	Description of Violation	Penalties
§§ 734.3(a) and 734.20(a)(9)	N/A	Auctioneer or apprentice auctioneer operating on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.3(a) and 734.20(a)(9)	N/A	Engaging in unlicensed auctioneering activities in this Commonwealth.	1st offense—\$1,000 2nd offense—formal
§§ 734.9(a) and 734.20(a)(9)	N/A	Operating an unlicensed auction house in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.10(a) and 734.20(a)(9)	N/A	Operating as an unlicensed auction company in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.9(d) and 734.20(a)(9)	N/A	A licensed auctioneer operating an unregistered auction house in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.10(d) and 734.20(a)(9)	N/A	A licensed auctioneer operating an unregistered auction company in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.9(a) and 734.20(a)(9)	N/A	Operating an auction house on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.10(a) and 734.20(a)(9)	N/A	Operating an auction company on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§ 734.20(a)(12)	N/A	Failure of an auctioneer to establish or maintain an escrow account.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.21 and 734.20(a)(9)	N/A	Failure of an auctioneer to immediately deposit gross auction sale proceeds into an escrow account.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.17 (a) and 734.20(a)(9)	N/A	Failure of an auctioneer to enter into a written contract with the owner or consignor of the property to be sold at auction prior to the auction sale.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.17(a) and 734.20(a)(9)	N/A	Failure of an auctioneer to keep contracts on file in the office of the auctioneer.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.16(b) and 734.20(a)(9)	N/A	Failure or refusal of an auctioneer to permit inspection of auction sale records at all reasonable times by BEI inspectors or investigators.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal

Violation Under 63 P. S.	Violations Under Title 49 Chapter 1	Description of Violation	Penalties
§§ 734.18(a) and 734.20(a)(9)	N/A	Failure of an auctioneer to display auctioneer license in the auctioneer's office.	1st offense—\$250 2nd offense—\$500 3rd offense—formal action
§§ 734.18(b) and 734.20(a)(9)	N/A	Failure of an apprentice auctioneer to display the apprentice auctioneer license in the apprentice auctioneer's office.	1st offense—\$250 2nd offense—\$500 3rd offense—formal action
§ 734.20(a)(10)	§§ 1.31(c) and (d)	Failure of a sponsor to either directly supervise the apprentice while the apprentice is conducting an auction or to provide for appropriate substitute supervision of the apprentice by a qualified auctioneer.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
§ 734.20(a)(10)	§ 1.31(e)	Apprentice auctioneer conducting an auction sale without direct supervision by either the sponsor or an authorized substitute sponsor.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action

§ 43b.13a. Schedule of civil penalties—engineers, land surveyors and geologists.
STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

Violation Under 63 P. S.	Title /Description	Penalties
Section 150(b)	Representing himself or herself to be an engineer, land surveyor or geologist without being licensed or registered by one or more of the following:	
	(1) Sign.	1st offense—\$1,000 2nd offense—formal action
	(2) Advertisement.	1st offense—\$1,000 2nd offense—formal action
	(3) Letterhead.	1st offense—\$1,000 2nd offense—formal action
	(4) Card.	1st offense—\$1,000 2nd offense—formal action
Section 151(e)	Biennial renewal—Practicing on a lapsed license or registration	1st offense—Up thru 5 months—\$500 6 months thru 1 year—\$1,000 over 1 year—formal action 2nd offense—formal action

§ 43b.14a. Schedule of civil penalties—dentists, dental hygienists and expanded function dental assistants.
STATE BOARD OF DENTISTRY

Violation under 49 Pa. Code	Title/Description	Civil Penalty
§ 33.105(b)	Practicing on a Lapsed license/certificate	1st offense— Dentists—\$100/month Dental hygienists—\$50/month Expanded function dental assistants—\$25/month 2nd offense—formal action

[Pa.B. Doc. No. 99-1368. Filed for public inspection August 20, 1999, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 63 AND 65]

Fishing Tournaments and Fishing Derbies

The Fish and Boat Commission (Commission) proposes to amend §§ 63.40 and 65.24 (relating to fishing tournaments and fishing derbies; and miscellaneous special regulations). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate to fishing.

A. Effective Date

The proposed amendments, if approved on final rulemaking, will go into effect on January 1, 2000, or upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*, whichever occurs later.

B. Contact Person

For further information on the proposed changes, contact Delano R. Graff, Director, Bureau of Fisheries, (814) 359-5154, 450 Robinson Lane, Bellefonte, PA 16823, or 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 proposed amendments are published under the statutory authority of sections 2102 and 2307 of the code (relating to rules and regulations; and waters limited to specific purposes).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations relating to fishing. The specific purpose of each proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

(1) *Section 63.40 (relating to fishing tournaments and fishing derbies)*. The initial development of the Commission's tournament regulations considered the fact that fishing derbies encompassing just fishing activity were not required to apply for special activity permits. Therefore, § 63.40(c)(1) currently provides that it is unlawful to conduct a fishing derby on Commonwealth waters without first obtaining a special activity permit from the Commission if the derby involves an unusual congregation of boats. Section 63.40(c)(5), however, requires all derby organizers to notify the Commission of the date, time and place of proposed fishing derbies. The easiest way for derby applicants to notify the Commission of a proposed derby is the use of the special activity permit application. Consequently, confusion exists in the Commission's Regional Offices as to when a fishing derby is actually required to apply for a special activity permit. This confusion would be eliminated by removing the phrase, "if the derby involves an unusual congregation of boats." Currently, the majority of fishing derbies apply for and receive special activity permits. Thus, removing this language will have little impact on fishing derbies. It is also proposed that the paragraph be amended to make it clear that the requirement does not apply to privately owned waters that are not open to the public.

In addition, the amendment to § 63.40(c)(1) makes subsection (c)(5) no longer necessary. Therefore, it is proposed that this paragraph be removed.

(2) *Section 65.24 (relating to miscellaneous special regulations)*. In 1989, the Commission formalized regulations regarding the taking of smelt in inland waters. This action was prompted by the establishment of a smelt population, particularly in Lake Raystown, and the popularity of this fishery. Kinzua Reservoir and its tributaries were included because efforts were underway to establish a smelt population in those waters. However, based on findings from various sampling efforts, it was determined that smelt never really took hold in Kinzua Reservoir. Thus, the Commission proposes removing the special regulations pertaining to the harvest of smelt in Kinzua Reservoir and its tributaries.

F. Paperwork

The proposed amendments to § 65.24 will not increase paperwork and will create no new paperwork requirements. The proposed amendments to § 63.40 will slightly increase paperwork in that it will require all derby organizers to apply for special activity permits, not just those involving an unusual congregation of boats. This proposed change, however, will have little impact because currently the majority of fishing derbies apply for and receive special activity permits.

G. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The special activities permit is free of charge. Therefore, the proposed amendments to § 63.40 will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments 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. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. 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

(*Editor's Note:* A proposal to amend § 65.24, proposed to be amended in this document, remains outstanding at 29 Pa.B. 3631 (July 10, 1999).)

Fiscal Note: 48A-100. 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

§ 63.40. Fishing tournaments and fishing derbies.

* * * * *

(c) *Fishing derbies.*

(1) *General rule.* It is unlawful to conduct a fishing derby as defined in this section on Commonwealth waters [if the derby involves an unusual congregation of boats] without first obtaining a special activity permit from the Commission, **except that this requirement does not apply to fishing derbies to be held on privately owned lakes or ponds that are not open to the public.**

* * * * *

[(5) *Notification required.* It is unlawful to conduct a fishing derby, as defined in this section, on approved trout waters without first notifying the Commission of the date, time and place of the proposed fishing derby and whether the proposed fishing derby involves the stocking of any fish into the waters of this Commonwealth.]

* * * * *

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * * * *	
[Warren and McKean]	[Kinzua Reservoir and tributaries]	[Smelt may be taken from shore only by means of dip nets not to exceed 20 inches in diameter or 20 inches square. The daily limit per person is 200 smelt]
	* * * * *	

[Pa.B. Doc. No. 99-1369. Filed for public inspection August 20, 1999, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

[16 PA CODE CH. 45]

Housing Accommodations/Commercial Property

The Human Relations Commission (Commission), is proposing the following schedule of penalties, procedure for their imposition and procedures for appeal, to read as set forth in Annex A. The schedule of penalties, procedure for their imposition and procedure for appeal were originally published at 28 Pa.B. 5136 (October 10, 1998) as guidelines/statement of policy, in compliance with and under the authority of section 9.3 of the Pennsylvania Human Relations Act (act) (43 P. S. § 959.3). The schedule of penalties, procedure for their imposition and procedure for appeal was not subject to review under section 205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1205) and are effective as guidelines/statement of policy for a period not to exceed 2 years from the effective date of their publication. On or before the expiration of

the 2-year period, the schedule of penalties, procedure for their imposition and procedure for appeal will expire and will be replaced by regulations which shall have been promulgated, adopted and published as provided by law. This publication is to serve as this proposed rulemaking under section 9.3 of the act.

The purpose of these proposed regulations is to create a schedule of penalties, procedure for their imposition and procedure for appeal, for violations of section 5(h)(5) of the act (43 P. S. § 955(h)(5)), by advertisers and publishers, in instances where the complainant does not take action to secure housing accommodations or financing and is not denied housing accommodations or financing based on the alleged discriminatory language in the advertisement.

Fiscal Impact

The Commission believes that the schedule of penalties, procedure for their imposition and procedure for appeal will result in no additional cost to the Commission or to the general public. Costs which arise to advertisers or publishers due to a fine imposed upon them are more than offset by the absence of costs of the current adversarial method of case processing.

Paperwork Requirements

Additional paperwork created by the system will be offset by the elimination of the paperwork created by the normal case processing system.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 11, 1999, the Commission submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and the Senate Committee on Labor and Industry. In addition to submitting the proposed regulations, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If the Legislative committees have objection to any portion of the proposed regulations, they will notify the Commission within 20 days of the close of the public comment period. If IRRC has objections to any portion of the proposed regulations, it will notify the Commission within 10 days after the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Commission, the General Assembly and the Governor of any objections raised.

Effective Date

The schedule of penalties, procedure for their imposition and procedure for appeal shall take effect as regulations upon final publication in the *Pennsylvania Bulletin*.

Contact Person/Public Comments

Interested persons are invited to submit written comments regarding the proposed schedule of penalties, procedure for their imposition and procedure for appeal in writing to Nancy L. Gippert, Assistant Chief Counsel, Human Relations Commission, 101 South Second Street, Suite 300, P. O. Box 3145, Harrisburg, PA 17101. Comments should be submitted within 30 days of publication.

HOMER C. FLOYD,
Executive Director

Fiscal Note: 52-011. No fiscal impact; (8) recommends adoption.

(Editor's Note: The Commission is proposing to delete the policy statement which currently appears in §§ 45.201—45.208, Pennsylvania Code pages 45-20 to 45-27, serial pages (249156) to (249163) and replace it with regulations in §§ 45.301—45.308.)

Annex A

TITLE 16. COMMUNITY AFFAIRS

PART II. GOVERNOR'S OFFICE

Subpart A. HUMAN RELATIONS COMMISSION

CHAPTER 45. HOUSING ACCOMMODATIONS/COMMERCIAL PROPERTY

Subchapter C. CITATION PROCEDURE

§§ 45.201—45.208. (Reserved)

Sec.	
45.301.	Purpose.
45.302.	Initial procedure.
45.303.	Administrative procedures.
45.304.	Hearing.
45.305.	Appeals.
45.306.	Enforcement of orders/nonpayment of civil penalties/default judgment.
45.307.	Schedule of civil penalties.
45.308.	Form.

§ 45.301. Purpose.

Advertisements covered under section 5(h) of the act (43 P. S. § 955(h)) shall be subject to a schedule of civil penalties for violation of section 5(h)(5) of the act by the advertiser and the publisher in instances when the complainant does not take action to secure housing accommodations or financing and is not denied housing accommodations or financing based on the alleged discriminatory language in the advertisement. Section 5(h)(5) states that it is an unlawful act to:

“print, publish or circulate any statement or advertisement: (i) relating to the sale, lease or acquisition of any housing accommodation or commercial property or the loan of money, whether or not secured by mortgage, or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property which indicates any preference, limitation, specification, or discrimination based upon race, color, familial status, age, religious creed, ancestry, sex, national origin, handicap or disability or because of the handicap or disability of an individual with whom the person is known to have a relationship or association, or (ii) relating to the sale, lease or acquisition of any housing accommodation or commercial property which indicates any preference limitation, specification, or discrimination based upon use of a guide or support animal because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals.”

§ 45.302. Initial procedure.

When, within 180 days of the publication of the alleged unlawful advertisement, the Commission becomes aware of an unlawful advertisement, which is subject to a citation, from sources other than aggrieved persons seeking housing or commercial property or financing in connection therewith, the following procedures shall apply:

(1) The advertisements shall be forwarded to the appropriate housing staff in their original form, when possible, with information regarding their publication.

(2) Housing staff shall complete the Commission Citation Form (see § 45.308 (relating to form)).

(i) The form shall be forwarded to appropriate housing staff for review and transmittal to the Executive Director/Designee.

(ii) The Executive Director/Designee shall review and, if approved, sign the citation.

(3) A copy of the citation and the advertising regulations shall be sent to the parties cited and when appropriate to licensing or regulatory agencies, or both. The citation letter shall set forth the following options:

(i) Admission of violation and payment of the appropriate civil penalty.

(ii) Denial of violation and request for formal hearing. Included in this option is the notice that failure to appear at the hearing will result in a default judgment.

(iii) Admission of some violations and payment of appropriate penalty and denial of others with a request for a formal hearing.

(4) Failure to respond or take any of the actions listed in this section within 15 days of service of the citation will result in a default judgment for the full amount of the penalty.

(5) Failure to pay a civil penalty could result in additional penalties, or a request for revocation, suspension or other disciplinary actions against licensees or other action including court proceedings which the Commission deems appropriate.

§ 45.303. Administrative procedures.

(a) Upon receipt of a response to a citation, the housing staff shall record that response on the appropriate data base.

(b) Procedures will be established by the Commission to:

(1) Process checks and forward them when violations are admitted.

(2) Process checks and forward them when some violations are admitted and other violations are denied.

(c) When violations are admitted and payment is made, the following shall apply:

(1) The fact shall be noted in the record.

(2) The record shall be closed.

(3) A letter will be sent to the party cited advising of closing.

(d) When violations are denied, the following shall apply:

(1) The record shall note the denial.

(2) The hearing request will be forwarded to a citation officer.

(3) The party cited shall be advised.

(4) Staff counsel shall prepare the matter for hearing.

(e) If there is no response, a request for a default judgment shall be made to the citation officer.

(f) The conduct of the hearing by the citation officer in any of the circumstances listed in this section shall be governed by appropriate Commission regulations/requirements or these procedures, or both.

(g) All payments made as a result of a violation, whether the violation is admitted and payment made or the payment is made following an order of the citation officer, will be forwarded by the Commission to the Department of Revenue.

§ 45.304. Hearing.

(a) An order following a hearing shall be issued by the citation officer who may:

- (1) Order the payment of the amount of the citation.
- (2) Modify the amount of payment.
- (3) Dismiss the citation.
- (4) Order remedial actions or reasonable costs, or both.
- (5) Order other appropriate equitable relief as authorized by the act.

(b) Orders affirming two or more violations shall be referred to appropriate licensing or regulating agencies for action as they deem appropriate.

§ 45.305. Appeals.

A decision by the citation officer may be appealed by a party by filing an application for review with the Commission within 30 days of the mailing date of the order. An application for review shall set forth with specificity the grounds for appeal. The Commission will review the record established and in its discretion receive additional evidence.

§ 45.306. Enforcement of orders/nonpayment of civil penalties/default judgment.

Requests for enforcement of nonpayment of civil penalties/default judgment shall be made to the Commission and filed with the appropriate court when approved by the Commission.

§ 45.307. Schedule of civil penalties.

A single advertisement shall be cited as a single citation regardless of the number of unlawful words and phrases within that single advertisement. An advertisement shall be cited only once, for the publication of the same advertisement, run a reasonable number of days in the course of the contract with the newspaper or other publication for that advertisement. If the unlawful advertisement is placed again in a newspaper or other publication, or is not withdrawn reasonably upon service of citation, it may be cited a second time. Both the publisher and the advertiser are subject to liability.

(1) *Penalties.* The following penalties apply:

First Citation	\$250
Second Citation	\$500
Third Citation	Formal Process

(b) *Formal process:* When, in the Commission's judgment, the action of a party in the event of a third citation warrants, the Commission will have the following options:

- (i) To impose a maximum penalty on a multiple basis.
- (ii) To file a Commission initiated complaint.
- (iii) To seek legal recourse, including those under section 11 of the act (43 P. S. § 961).

§ 45.308. Form.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION
101 SOUTH SECOND STREET, SUITE 300
HARRISBURG, PA 17101-2515

CITATION

RESPONDENT FIRST NAME	MIDDLE NAME	LAST NAME
1.		
RESIDENCE ADDRESS	CITY-TWP-BORO-COUNTY	STATE ZIP CODE
2.		
BUSINESS ADDRESS		
3.		
CHARGE		
4.		
DATES(S) OF PUBLICATION	MANNER OF PUBLICATION	COPY ATTACHED
5.	6.	YES_____ NO_____
STATUTE OR REGULATIONS	CIVIL PENALTY	TOTAL DUE \$
7.	8. \$	9.
I VERIFY THAT THE FACTS SET FORTH IN THIS CITATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE OR INFORMATION AND BELIEF. THIS VERIFICATION IS MADE SUBJECT TO THE PENALTIES OF SECTION 4804 OF THE CRIMES CODE (18 PA.C.S. § 4904) RELATING TOO UNSWORN FALSIFICATION TO AUTHORITIES.		
SIGNATURE		
10.	DATE_____	
REMARKS		
11.	12. CITATION NO.	

inconsistent regulations that serve no compelling interest. Under section 4(g) of The Casualty and Surety Rate Regulatory Act; and section 4(h) of The Fire, Marine and Inland Marine Rate Regulatory Act, insurance companies are permitted to charge a rate in excess of the approved rate for a specific policy. This activity is generally associated with risks for which there is difficulty locating coverage due to some unusual condition such as increased hazard. When insurance companies write a policy using the consent to rate provision, they are required to submit a filing to the Department using a "consent to rate form."

As a result of the Property and Casualty Filing Reform Act enacted in 1998, the consent to rate provision has been repealed for commercial insurance policies. The law allows insurance companies to use rates that deviate up to 25% above their approved rates without making a filing with the Department. Insurance companies can also use rates greater than 25%; however, the companies are then required to make an individual filing with the Department. The Property and Casualty Filing Reform Act made the consent to rate regulation obsolete and no longer necessary.

Fiscal Impact

The deletion of this subchapter will have minimal impact on the property and casualty insurance industry and the Department. Insurance companies that do business in this Commonwealth and write property and casualty insurance policies using the consent to rate provision will not be required to submit the consent to rate form to the Department, thereby saving both the companies and the Department any expense associated with preparing and filing the consent to rate form. Again, this fiscal impact is estimated to be very minimal due to the infrequent usage of this provision.

Paperwork

The deletion of this subchapter is expected to decrease paperwork requirements for the affected parties because the deletion eliminates unnecessary reporting requirements for the insurance industry.

Affected Parties

The deletion of this subchapter will affect all insurers who are licensed to sell property and casualty insurance in this Commonwealth.

Effectiveness/Sunset Date

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking proposes to delete obsolete regulations, no sunset date has been assigned.

Contact Person

Questions or comments regarding the proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, within 30 days following the publication of this notice in the *Pennsylvania Bulletin*.

Questions or comments may also be e-mailed to psalvato@ins.state.pa.us or faxed to (717) 705-3873.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 10, 1999, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In

addition to the submitted proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

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

M. DIANE KOKEN,
Insurance Commissioner

Fiscal Note: 11-194. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART VII. PROPERTY, FIRE, AND CASUALTY INSURANCE

CHAPTER 113. MISCELLANEOUS PROVISIONS

**Subchapter A. [CONSENT TO RATE FILINGS]
(Reserved)**

§ 113.1. **[Filing procedure.] (Reserved).**

[(a) Consent to Rate filings shall be submitted by fire and casualty insurance companies in duplicate not later than 30 days after the date the insured signed.

(b) The filing shall indicate the company name and home office address and shall be signed by an officer or authorized filing representative.

(c) Filed and surcharged rates of the company for each coverage afforded shall be shown on the Consent to Rate form.]

§ 113.2. **[Policy declaration.] (Reserved).**

[(a) A copy of the policy declaration page shall accompany each Consent to Rate filing and charges shall be included in the premium shown on the policy declaration page.

(b) The copy of the declaration page shall be retained by the Insurance Department.]

§ 113.3. **[Filings to meet statutory requirements.] (Reserved).**

[(a) Consent to Rate filings shall meet statutory requirements of the insurance laws of the Commonwealth and shall be completed before being signed by the insured.

(b) The signing of blank forms by the insured may not be permitted.]

§ 113.4. [Filings by companies which have cancelled.] (Reserved).

[Consent to Rate forms shall indicate the name and address of the insurance company which has cancelled, not renewed or refused applicants insurance, and the Consent to Rate filings shall be justified by an individual inspection of the risk with a detailed written report and other pertinent information on which the excess rates are based. The material will be treated as confidential and returned to the company by the Insurance Department.]

§ 113.5. [Commonwealth plans.] (Reserved).

[(a) The applicant shall be made aware of the Pennsylvania Fair Plan before submitting a fire Consent to Rate filing on his property.

(b) The applicant shall be made aware of the Pennsylvania Assigned Risk Insurance Plan before submitting a Consent to Rate filing.]

§ 113.6. [Ineligibility for surcharged rates.] (Reserved).

[Pennsylvania Uninsured Motorist Coverage is not eligible for surcharged rates.]

§ 113.7. [Maintenance of statistics.] (Reserved).

[Separate experience and expense statistics shall be maintained and submitted within 90 days after the end of each calendar year.]

§ 113.8. [Fire Consent to Rate filings.] (Reserved).

[Exhibits A, B, C and D attached hereto and made a part of this chapter are suggested forms for fire Consent to Rate filings.]

(Editor's Note: As part of this proposal, the Department is proposing to delete the text of Exhibits A—D which appear at 31 Pa. Code pages 113-3—113-7, serial pages (208687)—(208691).)

[EXHIBIT A] (Reserved)

[EXHIBIT B] (Reserved)

[EXHIBIT C] (Reserved)

[EXHIBIT D] (Reserved)

§ 113.9. [Automobile Consent to Rate filings.] (Reserved).

[Exhibits E, F and G attached hereto and made a part of this regulation are suggested forms for automobile Consent to Rate filings.]

(Editor's Note: As part of this proposal, the Department is proposing to delete the text of Exhibits E—G, which appears at 31 Pa. Code pages 113-8—113-11, serial pages (208692)—(208694) and (234361).)

[EXHIBIT E] (Reserved)

[EXHIBIT F] (Reserved)

[EXHIBIT G] (Reserved)

[Pa.B. Doc. No. 99-1371. Filed for public inspection August 20, 1999, 9:00 a.m.]

STATE BOARD OF ACCOUNTANCY

[49 PA. CODE CH. 11]

Peer Review

The State Board of Accountancy (Board) proposes to add §§ 11.81—11.86 (relating to peer review) to read as set forth in Annex A.

Background and Statutory Authority

Section 8.9 of The CPA Law (63 P. S. § 9.8i), which was added by the act of December 4, 1996 (P. L. 851, No. 140) (Act 140), requires licensed public accounting firms, defined to include sole practitioners, that perform audit or review engagements to undergo a peer review as a condition of license renewal or initial licensure (in the case of an out-of-State firm). Section 8.9 of The CPA Law also prescribes the frequency and scope of peer reviews, grounds for exemption from peer review, confidentiality of the peer review process and procedures for Board review of firms that fail to comply with peer review remedial action. Section 8.9(c) of The CPA Law empowers the Board to promulgate regulations that (1) approve peer review programs and standards; (2) establish qualifications of peer reviewers; and (3) prohibit unauthorized disclosure of information obtained during peer review. The Board's proposal would implement the provisions of section 8.9 of The CPA Law.

Description of Proposed Regulations

§ 11.81 (Definitions)

Section 11.81 would define the following terms used in the regulations: "administering organization," "firm" and "peer reviewer."

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

Section 11.82(a) would establish May 1, 2000, the start of the next biennial license period, as the deadline for peer review compliance by a firm that performs an audit engagement after May 1, 1998. Section 11.82(b) would establish May 1, 2004, as the deadline for peer review compliance by a firm that performs a review engagement but not an audit engagement after May 1, 1998. Section 8.9(g) of The CPA Law sets forth grounds for exemption from peer review compliance.

In establishing peer review compliance deadlines, the Board has attempted to reconcile what it perceives to be conflicting language on the subject in The CPA Law. Section 8.9(l)(2) of The CPA Law provides: "This section [relating to peer review] shall not become applicable to firms and no firm shall be required to undergo a peer review under this section until May 1, 2000, except that this section shall not become applicable until May 1, 2004, to a firm that has not accepted or performed any audit engagements during the period May 1, 1998, through April 30, 2004." However, section 8.8(c) of The CPA Law (63 P. S. § 9.8h(c)), which relates to the licensing of firms, provides: "An initial or renewal license shall not be issued to a firm after April 30, 2000 unless the firm complies with the requirements of Section 8.9 of this act."

The Board believes the language of section 8.8(c) of The CPA Law is controlling. The Board has been advised by the prime sponsor of H. B. 1782, which was later enacted as Act 140, that the intent of the legislation was

to require peer review compliance for nonexempt firms performing audit engagements and those performing review engagements by May 1, 2000, and May 1, 2004, respectively. This interpretation is consistent with the position of the Pennsylvania Institute of Certified Public Accountants (PICPA), which spurred the introduction of H. B. 1782. Moreover, the deadlines for compliance have been well publicized by the PICPA since the enactment of Act 140, and were reiterated by the Board in its Winter 1998/99 Newsletter. Owing to the wide dissemination of the deadlines, as well as the large number of firms that currently participate in voluntary peer review programs, the Board believes that the majority of nonexempt firms that would be subject to the compliance deadline of May 1, 2000, either have already completed a peer review or have made arrangements to timely complete a peer review. For those nonexempt firms that, for good cause, are unable to complete a peer review by the May 1, 2000, deadline, the Board is prepared to grant extensions of up to 12 months as authorized by section 8.9(g)(3) of The CPA Law.

In accordance with section 8.9(a) of The CPA Law, § 11.82(c) would require that a nonexempt firm submit with its application for initial licensure or license renewal a letter from a peer review administering organization evidencing the firm's completion of a peer review.

Section 11.82(d) would require that a firm claiming an exemption from peer review submit with its application for initial licensure or license renewal information that substantiates its entitlement to an exemption under section 8.9(g) of The CPA Law. In the case of a multistate firm that claims an exemption under section 8.9(g)(1) of The CPA Law based on its having completed a peer review in another state or jurisdiction, the firm would have to submit the following: (1) a letter from the out-of-State peer review administering organization evidencing the firm's completion of a peer review (within 3 years of the date of the application) that satisfies Pennsylvania requirements; and (2) a statement that the firm's internal inspection or monitoring procedures require the firm's personnel from an out-of-State office to perform an inspection of the firm's Pennsylvania offices at least once every 3 years. This latter requirement, which is complementary of peer review goals, provides additional protection to users of attest services in this Commonwealth by ensuring that Commonwealth offices of multistate firms that elect not to complete an in-State peer review are nevertheless required to undergo periodic internal inspections for adherence to quality control procedures.

§ 11.83 (Administering organizations for peer review; firm sponsorship not required)

Section 11.83(a) would deem the following organizations approved to administer a peer review program: (1) the Securities and Exchange Commission Practice Section and the Private Companies Practice Section of the American Institute of Certified Public Accountants; and (2) any State society or institute that participates in the AICPA Peer Review Program. Because the AICPA Peer Review Program is widely recognized in the public accounting profession as the preeminent model for peer review, and to avoid unnecessary costs and delays in implementing the peer review requirements, the Board is willing to grant deemed approval status to those professional accounting organizations that employ the AICPA peer review model.

Section 11.83(b) would clarify that a firm subject to peer review would not be required to become a member of the AICPA or any other administering organization.

§ 11.84 (Peer review standards)

Section 11.84 would require that a peer review conform to the AICPA's Standards of Performing and Reporting on Peer Reviews (AICPA Standards), together with any interpretations issued by the AICPA. Under Section 8.9(d) of The CPA Law, a nonexempt firm that performs an audit engagement must complete an onsite peer review, while a nonexempt firm that performs a review engagement must complete an offsite peer review. The AICPA Standards set forth detailed procedures for performing and reporting onsite and offsite peer reviews that are consistent with section 8.9(d) of The CPA Law.

§ 11.85 (Qualifications of peer reviewers)

Section 11.85(a) would provide that a peer reviewer, except as provided in subsections (b) and (c), would have to possess the qualifications set forth in the AICPA Standards. Those standards require a peer reviewer (1) to be currently licensed to practice as a certified public accountant; (2) to possess current knowledge of applicable professional standards, including knowledge of current rules and regulations applicable to the industries for which engagements are reviewed; (3) to have at least 5 years' recent experience in the practice of public accounting in the accounting or auditing function, including experience in the industries for which engagements are reviewed; (4) to be currently active at the supervisory level in the accounting or auditing function of a firm that is enrolled in a peer review program; and (5) to have the competency and training to conduct a peer review. A peer reviewer who serves as captain of an onsite peer review team must also receive additional peer review training and be the owner of a firm that has received an unqualified report on the system of quality control of its accounting and auditing practice for its most recently completed peer review.

Section 11.85(b) would permit a licensed public accountant who otherwise satisfies the AICPA Standards to serve as a peer reviewer. Section 11.85(c) would permit a sole practitioner with a public accounting or auditing practice who otherwise satisfies the AICPA Standards to serve as a peer reviewer, provided the practitioner is also enrolled in a peer review program. The AICPA Standards do not reference public accountants or sole practitioners (whether public accountants or certified public accountants); however, the Board sees no reason why the individuals could not serve as peer reviewers so long as they have the requisite experience and training.

Consistent with section 8.9(c)(2) of The CPA Law, § 11.85(d) would require that a peer reviewer be independent from, and have no conflict of interest with, the firm being reviewed.

§ 11.86 (Confidentiality of peer review reports)

Section 11.86(a) would provide that except as authorized under section 8.9(e) and 8.9(h)(3) of The CPA Law, a peer review report and related information are confidential. Section 8.9(e) of The CPA Law permits a firm to waive confidentiality in proceedings before the Board to review the firm's noncompliance with remedial actions recommended by peer review. Section 8.9(h)(3) of The CPA Law provides that nonprivileged material includes information considered during peer review that is otherwise available to the public; information presented or considered in the peer review process that was not prepared in connection with peer review; and any administrative proceeding or related civil action brought to enforce section 8.9 of The CPA Law.

Section 11.86(b) would authorize the Board to inquire of an administering organization whether a peer review report has been accepted.

Fiscal Impact and Paperwork Requirements

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

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

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

Compliance with Executive Order 1996-1

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 11, 1999, the Board submitted copies of this notice of proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the Senate Standing Committee on Consumer Protection and Professional Licensure and the House Standing Committee on Professional Licensure. The Board also provided IRRC and the Committees with copies of a regulatory analysis form prepared in compliance with Executive Order 1996-1. Copies of this form are available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Board within 10 days following the close of the Committees' review period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures that permit IRRC, the General Assembly and the Governor to review objections prior to final adoption of the regulations.

Public Comment

The Board invites interested persons to submit written comments, suggestion or objections regarding the proposed regulations to Steven Wennberg, Esq., Counsel, State Board of Accountancy, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

THOMAS J. BAUMGARTNER, CPA,
Chairperson

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

§ 11.81. Definitions.

The following words and terms, when used in §§ 11.82—11.86 (relating to peer review), have the following meanings, unless the contract clearly indicates otherwise:

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

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

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

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

(a) Unless subject to an exemption under section 8.9(g) of the act (63 P. S. § 9.8i(g)), a firm that performs an audit engagement after May 1, 1998, shall complete a peer review before the license biennium that begins May 1, 2000.

(b) Unless subject to an exemption under section 8.9(g) of the act, a firm that performs a review engagement, but not an audit engagement, after May 1, 1998, shall complete a peer review before the license biennium that begins May 1, 2004.

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

(d) A firm claiming an exemption from peer review under section 8.9(g) of the act shall submit with its application for initial licensure or license renewal information that substantiates its entitlement to an exemption. In the case of a multistate firm that claims an exemption under section 8.9(g) based on its having undergone a peer review in another state or jurisdiction, the firm shall provide the following:

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

(2) A statement that the firm's internal inspection or monitoring procedures require that the firm's personnel from an out-of-State office perform an inspection of the firm's Pennsylvania offices at least once every 3 years.

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

(a) The following organizations are deemed qualified to administer peer review programs:

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

(2) Any State society or institute that participates in the AICPA Peer Review Program.

(b) A firm that is subject to peer review is not required to become a member of the AICPA or any other administering organization.

§ 11.84. Peer review standards.

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

§ 11.85. Qualifications of peer reviewers.

(a) Except as provided in subsections (b) and (c), a peer reviewer shall possess the qualifications set forth in the "Standards for Performing and Reporting on Peer Reviews," including interpretations thereof, issued by the AICPA.

(b) A licensed public accountant who otherwise satisfies the requirements of subsection (a) shall be qualified to serve as a peer reviewer.

(c) A sole practitioner with a public accounting or auditing practice who otherwise satisfies the requirements of subsection (a) shall be qualified to serve as a peer reviewer if the practitioner is also enrolled in a peer review program.

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

§ 11.86. Confidentiality of peer review reports.

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

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

[Pa.B. Doc. No. 99-1372. Filed for public inspection August 20, 1999, 9:00 a.m.]

STATE REAL ESTATE COMMISSION

[49 PA. CODE CH. 35]

Disclosure Summary

The State Real Estate Commission (Commission) proposes to add § 35.336 (relating to disclosure summary) to read as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

The regulation is proposed under the authority of section 608 of the Real Estate Licensing and Registration Act (63 P. S. § 455.608) (act).

C. Background and Purpose

This proposal implements section 608 of the act of November 25, 1999 (P. L. 908, No. 112) (Act 112), which was added to the act on November 24, 1998. Act 112

permits licensees to enter into various agency relationships with consumers. Section 608 requires the Commission to adopt a disclosure summary to be provided to the consumers at the initial interview. Section 608 of the act delineates 11 items which must be disclosed:

1. The relationships in which the consumer may engage the broker.

2. A statement informing sellers and buyers of their option to have an agency relationship with a broker, that an agency relationship is not to be presumed and that it will exist only as set forth in a written agreement between the broker and the consumer.

3. A statement that a consumer has the right to enter into a negotiated agreement with the broker limiting the activities or practices that the broker will provide for on behalf of the consumer, and that the fees and services to be provided are to be determined by negotiations between the consumer and the broker.

4. A statement identifying any possibility that the broker may provide services to another consumer who may be party to the transaction and, if so, an explanation of the duties the broker may owe the other party and whether the broker may accept a fee for those services.

5. A statement identifying any possibility that the broker may designate one or more licensees affiliated with the broker to represent the separate interest of the parties to the transaction.

6. A statement of the broker's policies regarding cooperation with other brokers, including the sharing of fees.

7. A statement that a buyer's broker may be paid a fee that is a percentage of the purchase price and the buyer's broker, even if compensated by the listing broker, will represent the interests of the buyer.

8. A statement that the duration of the broker's employment and the broker's fees are negotiable.

9. The purpose of the Real Estate Recovery Fund and the telephone number of the Commission at which further information about the fund may be obtained.

10. A statement that the duration of the listing agreement or contract and the broker's commission are negotiable.

11. A statement that any sales agreement must contain zoning classification of a property except in cases where the property (or each parcel thereof, if subdivided) is zoned solely or primarily to permit single-family dwellings.

D. Description of Proposed Regulation

Proposed subsection (a) would contain the disclosure summary form. The disclosure summary is divided into four parts: introduction, duties of licensees generally, a description of the business relationships and other information about real estate transactions.

In the first part of the disclosure, the Commission attempts to make consumers aware that to be represented by a licensee, they need to enter into a written agreement. The disclosure is also intended to caution consumers that until they have entered into such an agreement, they should not disclose any confidential information to the licensee.

The second part of the disclosure lists the duties required of all licensees by section 606.1 of the act (63 P. S. § 455.608a).

The third part of the disclosure describes the business relationships delineated in Act 112: seller agency, buyer agency, dual agency, designated agency and trans-

action licensee. The proposed regulation explains that under seller agency, the licensee and all licensees in the real estate company (except where there is designated agency) work only for the seller/landlord. Associated with this relationship are the additional duties of loyalty, confidentiality, continuous good faith effort to find a buyer and disclosure. As a seller's agent, the licensee may compensate subagents, who, with the consumer's written approval, act in the same capacity as a seller's agent, and buyer's agents and transaction licensees, who with their agreement, other licensees may serve and be paid as subagents.

The proposal further explains that under buyer agency, the licensee and all licensees in the real estate company (except where there is designated agency) work only for the buyer/tenant, regardless of by whom the licensee is paid. Buyer's agents have the same additional duties to buyers as seller's agents have to sellers.

The proposal also explains that under dual agency, the licensee acts as the agent for both the buyer and the seller in the same transaction with the written consent of all of the parties. Dual agents have the additional duties of taking no action that is detrimental to either party, making a continuous and good faith effort to find a buyer for the property and a property for the buyer, and confidentiality.

In designated agency the employing broker designates one or more licensee to exclusively represent the interests of one party and other licensees to exclusively represent the interests of the other party. Designation may take place at the time the parties enter into a written agreement or when the employing broker learns that a dual agency relationship exists. Regardless of when the designation occurs the employing broker is responsible for ensuring that confidential information is not disclosed. In addition, the employing broker must take responsibility to direct and supervise the business activities of the licensees who represent the buyer and the seller while taking no action that is adverse or detrimental to either party's interest in the transaction.

The proposed regulation also explains that a transaction licensee is not an agent or advocate for the consumer. Unlike a buyer's agent, seller's agent or dual agent, the transaction licensee only has the additional duty of limited confidentiality. Confidential information should not be divulged other than the fact that the seller will accept a price lower than the asking price, that the buyer will pay a price greater than the price submitted in a written offer, or that the seller or buyer will agree to terms other than those offered.

The last part of the disclosure delineates the four items which are negotiable in a written agreement/disclosure statement, the requirements that the sales agreement contain the zoning classification of the property, and information about the Real Estate Recovery Fund.

Proposed subsection (b) would require licensees to provide all consumers with the disclosure at the initial interview.

Proposed subsection (c) would require licensees to retain the signed acknowledgment in their files and provide a copy to the consumer. The Commission believes it is prudent to require licensees to maintain a copy of the acknowledgment as evidence that the licensee complied with section 606.1(a)(6) of the act.

E. Compliance with Executive Order 1996-1

In compliance with Executive Order 1996-1, the Commission extended an invitation to the following boards

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

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

F. Fiscal Impact and Paperwork Requirements

The proposed regulation should have minimal fiscal impact on the Commonwealth. The proposed regulation would require the Commission to print the disclosure summary and make it available to all licensees. In addition to obtaining a copy from the Commission staff, the disclosure summary would be available on the Internet for downloading. This proposed regulation would also have a minimal fiscal impact on the regulated community in that licensees would incur the cost of reproducing the disclosure summary.

Additional paperwork requirements for the Commission would be limited to having copies of the disclosure summary available. Licensees would also have the additional paperwork requirement of keeping the signed acknowledgment and providing a copy of the entire disclosure to the consumer. The proposed regulation should not necessitate any legal, accounting or reporting requirements on the regulated community.

G. Sunset Date

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

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 9, 1999, the Commission submitted a copy of this proposed regulation to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed regulation, the Commission has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Commission in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulation to Judith Pachter Schulder, Counsel, State Real Estate Commission, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-567 (Disclosure Summary), when submitting comments.

RITA HALVERSON,
Chairperson

Fiscal Note: 16A-567. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION REAL ESTATE DOCUMENTS

§ 35.336. Disclosure summary.

(a) The disclosure summary shall be entitled "Consumer Notice" and shall be in the following form:

CONSUMER NOTICE

THIS IS NOT A CONTRACT

Pennsylvania Law requires real estate brokers and salespersons (licensees) to advise consumers of the business relationships that a consumer may have with a licensee. This notice must be provided to the consumer at the first contact where a substantive discussion about real estate occurs.

Before you disclose any information to a licensee, be advised that unless you select a business relationship by signing a written agreement, the licensee is NOT representing you. A business relationship will NOT be presumed.

Any licensee who provides you with real estate services owes you the following duties:

- Exercise reasonable professional skill and care.

- Deal honestly and in good faith.
- Present, in a timely manner, all offers, notices, and communications to and from the parties in writing, unless waived.
- Comply with Real Estate Seller Disclosure Act.
- Account for escrow and deposit funds.
- Disclose, in a timely manner, all conflicts of interest and financial interests.
- Advise the consumer to seek expert advice on matters about the transaction that are beyond the licensee's expertise.
- Keep the consumer informed about the transaction and the tasks to be completed.

A licensee may have the following business relationships with the consumer:

Seller Agency:

Seller agency is a relationship where the licensee, upon entering into a written agreement, works only for a seller/landlord. Seller's agents owe the additional duties of:

- Loyalty to the seller/landlord by acting in the seller's/landlord's best interest.
- Confidentiality, except that a licensee has a duty to reveal known material defects about the property.
- Making a continuous and good faith effort to find a buyer for the property.
- Disclosure to other parties in the transaction that the licensee has been engaged as a seller's agent.

A seller's agent may compensate other brokers as subagents if the seller/landlord agrees in writing. Subagents have the same duties and obligations as the seller's agent. Seller's agents may also compensate buyer's agents and transaction licensees who do not have the same duties and obligations as seller's agents.

If you enter into a written agreement, all the licensees in the real estate company owe you the additional duties identified above under seller agency. The exception is designated agency. See the designated agency section in this notice for more information.

Buyer Agency:

Buyer agency is a relationship where the licensee, upon entering into a written agreement, works only for the buyer/tenant. Buyer's agents owe the additional duties of:

- Loyalty to the buyer/tenant by acting in the buyer's/tenant's best interest.
- Confidentiality, except that a licensee is required to disclose known material defects about the property.
- Making a continuous and good faith effort to find a property for the buyer/tenant.
- Disclosure to other parties in the transaction that the licensee has been engaged as a buyer's agent.

A buyer's agent may be paid fees, which may include a percentage of the purchase price, and, even if paid by the seller/landlord, will represent the interests of the buyer/tenant.

If you enter into a written agreement, all the licensees in the real estate company owe you the additional duties identified above under buyer agency. The exception is designated agency. See the designated agency section in this notice for more information.

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 4]

Reorganization of the Department of Conservation and Natural Resources

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective August 6, 1999.

The organization chart at 29 Pa.B. 4456 (August 21, 1999) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 99-1374. Filed for public inspection August 20, 1999, 9:00 a.m.]

[4 PA. CODE CH. 9]

Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective August 6, 1999.

The organization chart at 29 Pa.B. 4457 (August 21, 1999) is published at the request of the Joint Committee

on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 99-1375. Filed for public inspection August 20, 1999, 9:00 a.m.]

[4 PA. CODE CH. 9]

Reorganization of the Department of General Services

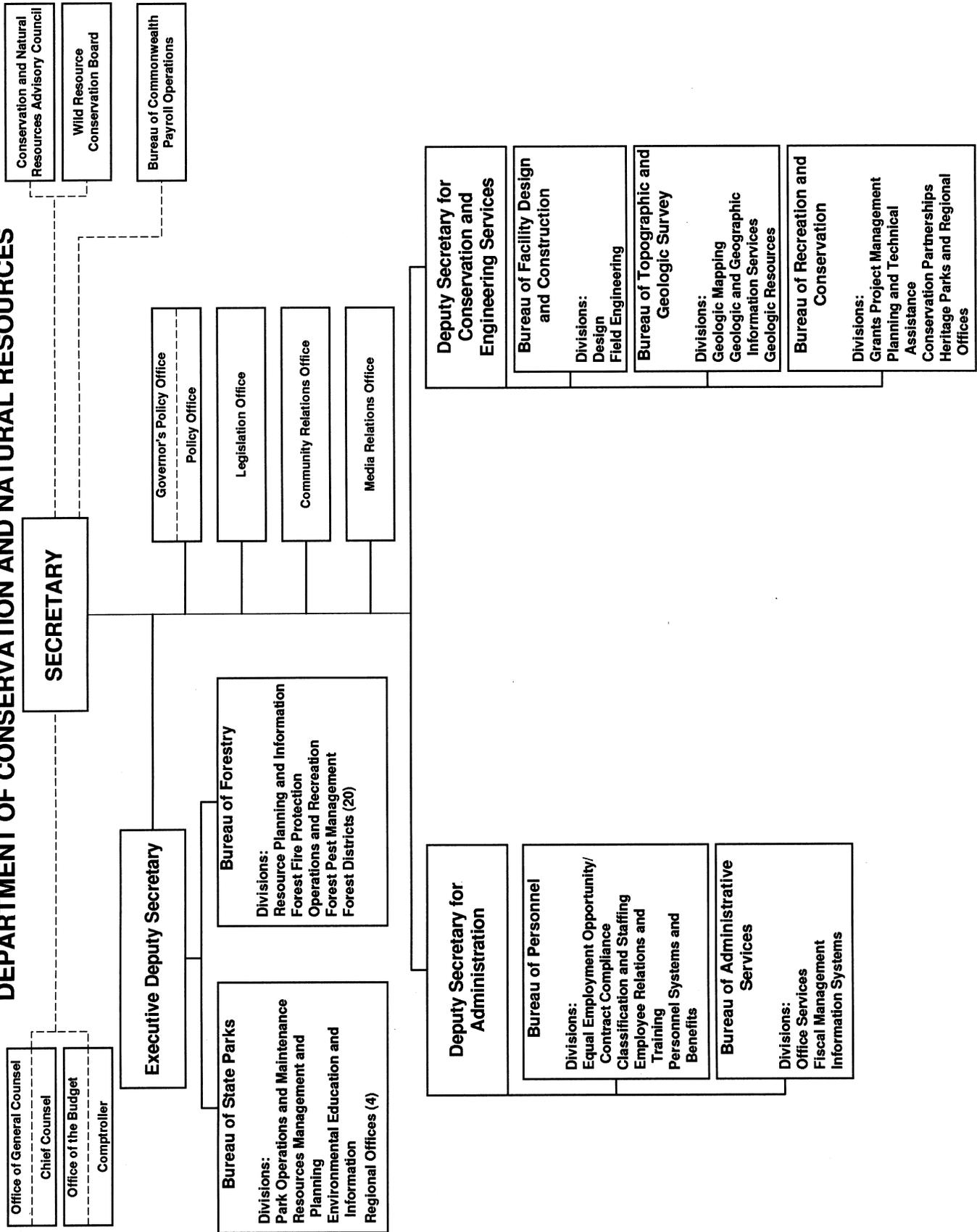
The Executive Board approved a reorganization of the Department of General Services effective August 6, 1999.

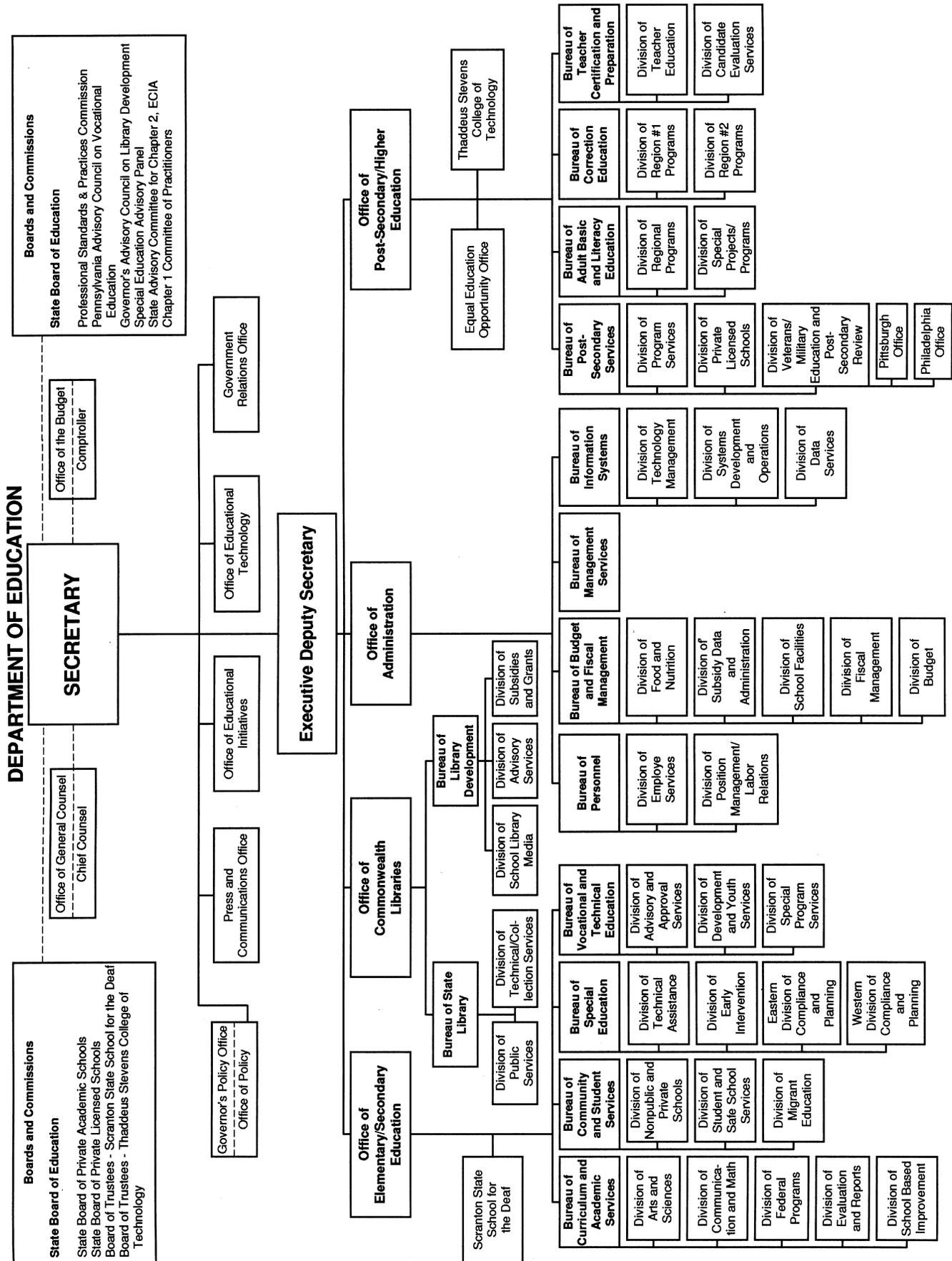
The organization chart at 29 Pa.B. 4458 (August 21, 1999) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

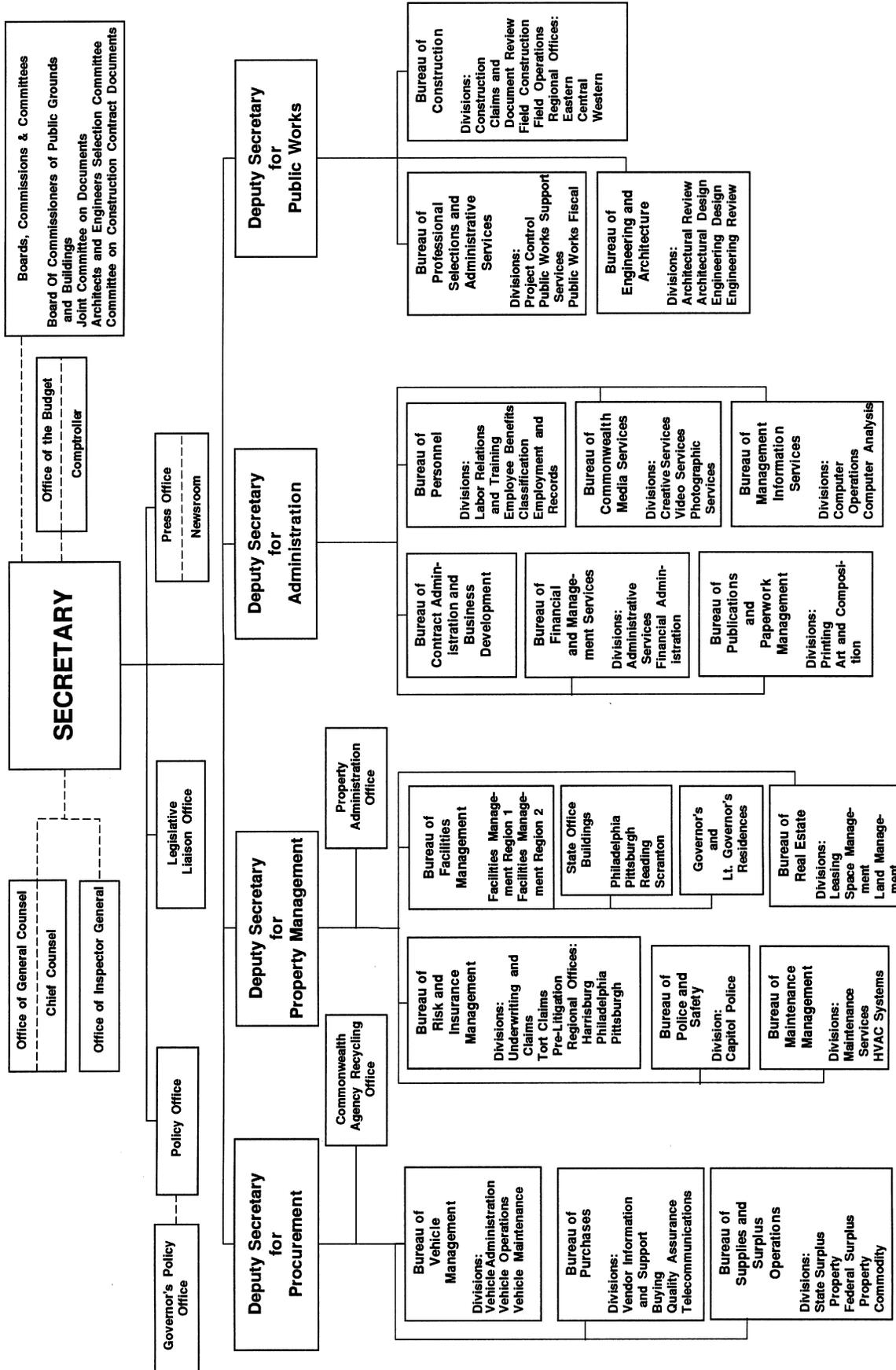
[Pa.B. Doc. No. 99-1376. Filed for public inspection August 20, 1999, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES





DEPARTMENT OF GENERAL SERVICES



Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 9]

Pennsylvania S Corporation Election

The Department of Revenue (Department), has adopted a revised statement of policy under the authority contained in § 3.2 (relating to statements of policy). This statement of policy revises § 9.13 (relating to Pennsylvania S Corporation election) and shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

The purpose of the amendments to the statement of policy is to advise the public of the effect of the Pennsylvania S Corporation provisions of sections 5, 6.1 and 32 of the act of May 12, 1999 (P. L. 26, No. 4) (Act 4).

Act 4 eliminated the 25% passive income test. A corporation under the Internal Revenue Code is now allowed to have passive income in excess of 25% of total income and still qualify as a Pennsylvania S Corporation. In addition, the 5-year waiting period with respect to corporations whose S election was terminated for exceeding the passive income limitation is deleted. Those businesses denied or who did not apply previously can apply on or before September 15, 1999, for S status to be effective for taxable years that commenced between January 1, 1999, through May 12, 1999.

To effectuate the provisions of Act 4, the Department has deleted § 9.13(b)(3) and (c). Existing subsection (d) has become subsection (c) with revisions to paragraph (5) and the addition of paragraphs (6) and (7). Existing subsections (e) and (f) have become subsections (d) and (e) accordingly. Existing subsection (g) has become subsection (f) with minor revisions to paragraph (3) and example 3. Existing subsection (h) has become subsection (g) with a minor revision to paragraph (1). Existing subsection (i) has become subsection (h).

Specific questions relating to information provided in this statement of policy may be directed to the Department of Revenue, Office of Chief Counsel, Dept. 281061, Harrisburg, PA 17128-1061.

(Editor's Note: The regulations of the Department, 61 Pa. Code Chapter 9, are amended by amending a statement of policy in § 9.13 (relating to Pennsylvania S Corporation election), to read as set forth in Annex A, with ellipses referring to the existing text of the section.)

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-411. No fiscal impact; (8) recommends adoption. While the change to the Tax Reform Code discussed in this statement of policy did cause a revenue loss, the statement of policy just explains that change and therefore there is no fiscal impact.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart A. GENERAL PROVISIONS

CHAPTER 9. REVENUE

PRONOUNCEMENTS—STATEMENTS OF POLICY

§ 9.13. Pennsylvania S Corporation election.

* * * * *

(b) *Pennsylvania S Corporation election.* A Pennsylvania S Corporation election may be made by the sharehold-

ers of any small corporation that is subject to the Pennsylvania corporate net income tax or that owns directly, or through a wholly owned subsidiary, 100% of the stock of a qualified Subchapter S subsidiary that is subject to the Pennsylvania corporate net income tax. A corporation is a small corporation if it meets all of the following requirements:

(1) The corporation has a valid election in effect under Subchapter S of the IRC of 1986 (26 U.S.C.A. §§ 1361—1379).

(2) The corporation would have qualified as a Federal S Corporation under Subchapter S of the IRC of 1986, as amended to January 1, 1997.

(c) *Form and method of election.*

(1) Except as provided in paragraph (5), a Pennsylvania S Corporation election shall be filed with the Department on Form REV 1640 on or before the 15th day of the third month of the current taxable year to be effective for that year. All shareholders of record on the day the election is filed shall consent to the election by signing either Form REV 1640 or a separate statement of consent, which may be attached to the Pennsylvania form. The separate consent shall contain the following:

(i) The name, address, Pennsylvania Corporation Tax account (box) number, if applicable, and Federal employer identification number of the corporation.

(ii) The name, address and Social Security number or identification number of the shareholder.

(iii) The percentage of stock owned by the shareholder and the dates acquired, but not the percentage of shares of stock for those shareholders who sold or transferred all stock in the corporation during the part of the tax year that occurred before the Pennsylvania election form is filed with the Department.

(iv) The day and month of each shareholder's tax year end.

(2) The corporation shall attach a schedule to the Pennsylvania S Corporation election identifying the name, address, Pennsylvania Corporation Tax account (box) number, if applicable, and Federal employer identification number on each qualified Subchapter S subsidiary owned by the corporation.

(3) The corporation shall submit a copy of the Federal Notification of Approval with its Pennsylvania S Corporation election. If the corporation's Federal S Corporation election is pending at the time the Pennsylvania S Corporation election is filed, the corporation shall indicate that Federal approval is pending, and shall submit a copy of the Federal approval to the Department within 30 days of receipt.

(4) The Pennsylvania S Corporation election shall be filed with the Department by mailing the original executed Form REV 1640 to the Department by certified mail. The election shall be deemed filed on the date the envelope transmitting the election is postmarked by the United States Postal Service. Presentation of a certified mail receipt issued to the small corporation by the United States Postal Service shall be evidence of the filing of the election on the postmark date indicated on the receipt.

(5) For purposes of implementing the Pennsylvania S Corporation amendments of the act of May 12, 1999 (P. L. 26, No. 4) that are retroactive in effect to taxable years beginning on or after January 1, 1999, a Pennsylvania S Corporation election may be filed with the Department on or before September 15, 1999, to be effective for taxable

years that commenced between January 1, 1999, through May 12, 1999. Elections filed with the Department after September 15, 1999, for a corporation that had a taxable year which commenced between January 1, 1999, through May 12, 1999, shall be effective for the following taxable year if the requirements in subsection (b) are met.

(6) Effective for taxable years beginning on or after January 1, 1999, the passive investment income test is repealed. The 5-year requirement for reapplication after termination for failing the passive investment income test is also repealed. A corporation which in the last 5 years failed to meet the passive investment income test and subsequently had its S Corporation status terminated may reapply for Pennsylvania S Corporation status even though 5 years have not lapsed since the taxable year for which the termination was effective.

(7) Every termination of Pennsylvania S Corporation status for failing the passive investment income test made by a settlement of corporate net income tax mailed after January 1, 1999, shall be effective only for tax years beginning prior to January 1, 1999. If termination of Pennsylvania S Corporation status was made by a settlement of corporate net income tax mailed prior to January 1, 1999, the corporation shall file a new election to be eligible for Pennsylvania S Corporation tax treatment for tax years beginning on or after January 1, 1999.

(d) *Late elections.* Pennsylvania S Corporation elections filed with the Department after the 15th day of the third month of the current taxable year shall be effective for the following taxable year if the requirements in subsection (b) are met.

(e) *Newly formed and foreign corporations.*

(1) A newly formed corporation may elect Pennsylvania S Corporation tax treatment for its first taxable year in Pennsylvania by filing a Pennsylvania S Corporation election with the Department within 75 days of incorporation. If the corporation does not commence business immediately, the election may be filed within 75 days of the date of first activity to be effective for the corporation's taxable year during which activities were commenced.

(2) A foreign corporation may elect Pennsylvania S Corporation tax treatment for its first taxable year in this Commonwealth by filing a Pennsylvania S Corporation election with the Department within 75 days of the commencement of its first taxable year in this Commonwealth. A foreign corporation's first taxable year in this Commonwealth commences on the date the corporation begins doing business in this Commonwealth and becomes subject to the Corporate Net Income Tax imposed under Article IV of the TRC (72 P. S. §§ 7401—7411).

(f) *Revocation or termination of S status.*

(1) A Pennsylvania S Corporation election may be revoked if shareholders holding more than one-half of the shares of stock of the corporation execute their consent to the revocation.

(i) The portion of the taxable year before the revocation takes effect shall be treated as a short taxable year during which the corporation was an S Corporation.

(ii) The portion of the taxable year after the revocation takes effect shall be treated as a short taxable year during which the corporation is subject to Corporate Net Income Tax.

(2) A Pennsylvania S Corporation election shall be terminated for failure to meet the requirements of subsec-

tion (b). The termination applies retroactively to the beginning of the corporation's taxable year.

(3) If a Pennsylvania S Corporation election is revoked by the shareholders under paragraph (1) or terminated under paragraph (2), the corporation will not be eligible to be taxed as a Pennsylvania S Corporation until the fifth taxable year after the taxable year for which the revocation or termination was effective.

Example 1: REV, Inc. is a calendar year taxpayer that has a valid Pennsylvania S Corporation election in effect since January 1, 1990. The shareholders of REV, Inc. revoke their Pennsylvania S Corporation election effective for the taxable year beginning January 1, 1997. REV, Inc. is not eligible to be taxed as a Pennsylvania S Corporation until the taxable year beginning January 1, 2002.

Example 2: MID REV, Inc. is a calendar year taxpayer that has a valid Pennsylvania S Corporation election in effect. The shareholders of MID REV, Inc. revoke their Pennsylvania S Corporation election effective July 1, 1997. MID REV, Inc. will be treated as a Pennsylvania S Corporation for the period from January 1, 1997, through June 30, 1997. MID REV, Inc., will not be treated as a Pennsylvania S Corporation from July 1, 1997, through the remainder of the taxable year. The period from July 1, 1997, through December 31, 1997, shall be treated as a short taxable year for corporate net income tax purposes. MID REV, Inc. is not eligible to be taxed as a Pennsylvania S Corporation until the taxable year beginning January 1, 2002.

Example 3: TERM, Inc. is a calendar year taxpayer that has a valid Pennsylvania S Corporation election in effect. 35% of the gross receipts of TERM, Inc. for the taxable year beginning January 1, 1996, are derived from passive investment income. The Pennsylvania S Corporation election of TERM, Inc. is terminated for failing the passive investment income test effective for the taxable year beginning January 1, 1996. TERM, Inc. is eligible to be taxed as a Pennsylvania S Corporation for the taxable year beginning January 1, 1999. To be taxed as a Pennsylvania S Corporation for the taxable year beginning January 1, 1999, TERM, Inc. shall elect S Corporation status by September 15, 1999.

Example 4: FED TERM 1, Inc. is a calendar year taxpayer that has a valid Pennsylvania S Corporation election in effect. The Federal S Corporation election of FED TERM 1, Inc. is terminated effective for the taxable year beginning January 1, 1997. The Internal Revenue Service determines that the termination was inadvertent and reinstates the Federal S Corporation election of FED TERM 1, Inc. effective for the taxable year beginning January 1, 1997. The Pennsylvania S Corporation election of FED TERM 1, Inc. is not terminated and FED TERM 1, Inc. will be taxed as a Pennsylvania S Corporation for the taxable year beginning January 1, 1997.

Example 5: FED TERM 2, Inc. is a calendar year taxpayer that has a valid Pennsylvania S Corporation election in effect. The Federal S Corporation election of FED TERM 2, Inc. is terminated effective for the taxable year beginning January 1, 1997. The Internal Revenue Service determines that the termination was inadvertent and reinstates the Federal S Corporation

election of FED TERM 2, Inc. effective for the taxable year beginning January 1, 1999. The Pennsylvania S Corporation election of FED TERM 2, Inc. is terminated effective for the taxable year beginning January 1, 1997. FED TERM 2, Inc. will not be taxed as a Pennsylvania S Corporation for taxable years beginning on or after January 1, 1997. FED TERM 2, Inc. is not eligible to be taxed as a Pennsylvania S Corporation until the taxable year beginning January 1, 1999. FED TERM 2, Inc. shall file a new Pennsylvania S Corporation election to be taxed as a Pennsylvania S Corporation for taxable years beginning on or after January 1, 1999.

(g) *Qualified Subchapter S subsidiaries.*

(1) A Pennsylvania S corporation election filed by the parent Federal S Corporation of a qualified Subchapter S subsidiary shall be effective for the qualified Subchapter S subsidiary. A qualified Subchapter S subsidiary is not eligible to file a separate Pennsylvania S Corporation election.

(2) A qualified Subchapter S subsidiary is not eligible to elect Pennsylvania S Corporation tax treatment independent of its parent Federal S Corporation. A qualified Subchapter S subsidiary will not receive Pennsylvania S Corporation tax treatment if its parent Federal S Corporation does not have a valid Pennsylvania S corporation election in effect.

(3) As used in this section, the term "qualified Subchapter S subsidiary" means a corporation that is a qualified Subchapter S subsidiary of a Federal S corporation as determined by the Internal Revenue Service under section 1308(b)(3)(B) of the IRC (26 U.S.C.A. § 1308(b)(3)(B)).

(h) *Instructions.* The Pennsylvania S Corporation tax report instructions provide further explanation of the taxation of Pennsylvania S Corporations and their shareholders.

[Pa.B. Doc. No. 99-1377. Filed for public inspection August 20, 1999, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 10, 1999.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-28-99	1st Summit Bank Johnstown Cambria County	404 N. Center Ave. Somerset #5320 Somerset County	Opened
8-6-99	Pennsylvania Business Bank Philadelphia Philadelphia County	1401 Walnut St. Philadelphia Philadelphia County	Filed
8-6-99	Southwest Bank Greensburg Westmoreland County	Southpike Square Route 356 & Monroe Rd. Sarver Butler County	Filed
8-9-99	East Penn Bank Emmaus Lehigh County	851 North Street Emmaus Lehigh County	Filed
8-9-99	Premier Bank Doylestown Bucks County	1401 Easton Avenue Bethlehem Lehigh County	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-26-99	Harris Savings Bank Harrisburg Dauphin County	<i>To:</i> 3556 Old Gettysburg Road Lower Allen Township #3801 Cumberland County <i>From:</i> 3555 Capital City Mall Lower Allen Township Cumberland County	Effective
8-2-99	Harris Savings Bank Harrisburg Dauphin County	<i>To:</i> 2700 Queen Street York Township #3819 York County <i>From:</i> 2081 Springwood Road York Township York County	Effective
8-10-99	Prime Bank Philadelphia Philadelphia County	<i>Into:</i> 9501 Bustleton Ave. Philadelphia Philadelphia County <i>From:</i> 1695 Grant Avenue Philadelphia Philadelphia County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
8-4-99	The Peoples State Bank East Berlin Adams County	To amend Article 7 of the articles of incorporation to provide for the elimination of director classification.	Approved and Effective

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

No activity.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 99-1378. Filed for public inspection August 20, 1999, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 1999

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of September, 1999, is 8 3/4%.

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

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 6.22 to which was added 2.50 percentage points for a total of 8.72 that by law is rounded off to the nearest quarter at 8 3/4%.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 99-1379. Filed for public inspection August 20, 1999, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

World Class Communities Program

The Department of Community and Economic Development gives notice of the establishment of the World Class Communities Program (program). The program provides grants to promote cooperation between municipalities in making sound land use decisions and in implementing technological initiatives that will prepare Pennsylvania's

municipalities for the 21st Century. Eligible applicants are two or more municipalities or a body authorized to act on behalf of two or more municipalities. The program recognizes that Pennsylvania's communities are the foundation of the Commonwealth and their social and economic viability is critical to the overall health of the State.

Local governments or other interested parties who wish to apply for funds under the program can receive a copy of the application materials and program guidelines by contacting the Governor's Center for Local Government Services at the Department of Community and Economic Development, Governor's Center for Local Government Services, Room 325 Forum Building, Harrisburg, PA 17120, (888) 223-6837, e-mail: DCED@state.pa.us.

SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 99-1380. Filed for public inspection August 20, 1999, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Lafayette College for Approval of an Amendment to Its Articles of Incorporation*Notice of Opportunity for Hearing and Invitation to Protest*

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Lafayette College for a Certificate of Authority approving the institution's amendment to its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/ Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-7572 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Dr. Warren Evans at the above stated telephone number to discuss how the Department may best accommodate their needs.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-1381. Filed for public inspection August 20, 1999, 9:00 a.m.]

Application of The Art Institute of Philadelphia for Approval of a Certificate of Authority to Operate as an Academic Degree Granting Institution

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions) the Department of Education (Department) will consider the application of The Art Institute of Philadelphia for a Certificate of Authority approving the institution's application to operate as an academic degree granting institution.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of the notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.25 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-7572 or Paula J. Fleck, Division Chief, Division of Program Services, (717) 772-3623 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned offices to schedule a time for an in-office review. Copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Dr. Warren Evans at (717) 787-7572 to discuss how the Department may best accommodate their needs.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-1382. Filed for public inspection August 20, 1999, 9:00 a.m.]

Application of The Art Institute of Pittsburgh for Approval of a Certificate of Authority to Operate as an Academic Degree Granting Institution

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions) the Department of Education (Department) will consider the application of The Art Institute of Pittsburgh for a Certificate of Authority approving the institution's application to operate as an academic degree granting institution.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of the notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.25 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-7572 or Paula J. Fleck, Division Chief, Division of Program Services, (717) 772-3623 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned offices to schedule a time for an in-office review. Copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Dr. Warren Evans at (717) 787-7572 to discuss how the Department may best accommodate their needs.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-1383. Filed for public inspection August 20, 1999, 9:00 a.m.]

Application of West Virginia University for Approval of Its Request to Operate in Pennsylvania

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of West Virginia University for a Certificate of Authority approving the institution's request to offer its Health Services Management MBA (HEMBA) program by means of distance learning at a site in Bridgeville, PA. The program would culminate with an Executive Master of Business Administration degree.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-7572 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or

other accommodation to participate, should contact Dr. Warren Evans at (717) 787-7572 to discuss how the Department may best accommodate their needs.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-1384. Filed for public inspection August 20, 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, 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 proceedings 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.

Northwest Regional Office: Regional Manager, Oil and Gas Management, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6860.

PA 0101508. Industrial waste, SIC: 1389, **Franklin Brine Treatment Corporation**, R. D. 2, Box 403-R, Franklin, PA 16323.

This application is for renewal of an NPDES permit to discharge treated industrial waste to the Allegheny River in Cranberry Township, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fish, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the Emlenton Municipal Water Authority intake on the Allegheny River at Emlenton, approximately 32 miles below the point of discharge.

NOTICES

The proposed effluent limits for Outfall 001, based on a design flow of 0.205 mgd, are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)		0.205			
Oil and Grease			15		30
Total Suspended Solids			30		60
Total Iron			3.5		7.0
Copper			0.56	1.12	1.4
Silver	0.37	0.75			0.55
Chloride (lb/min)	147	245			
Acidity				less than alkalinity	
Alkalinity				monitor and report	
Lead				monitor and report	
Osmotic Pressure (mOs/kg)				monitor and report	
pH (std. units)				6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0002976. Industrial waste, SIC: 3471, **Zippo Manufacturing Company**, 33 Barbour Street, Bradford, PA 16701.

This application is for renewal of an NPDES permit, to discharge treated IW, NCCW and stormwater to the East Branch of Tunungwant Creek in Bradford Township, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA/NY state line located approximately 4.5 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.06 mgd, are:

Outfall No. 101

Parameter	Concentrations (mg/l)		
	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)			
Cadmium	0.26	0.69	
Chromium (T)	1.71	2.7	4.3
Copper	2.07	3.38	5.2
Lead	0.43	0.69	1.1
Nickel	2.38	3.98	6.0
Silver	0.24	0.43	0.6
Zinc	0.8	1.6	2.0
(T) Cyanide	0.65	1.2	1.6
TTO		2.13	
Total Suspended Solids	31	60	75
Oil and Grease	15		30
pH		6.0—9.0 at all times	

The proposed discharge limits, based on a design flow of 0.07 mgd, are:

Outfall No. 001

Parameter	Concentrations (mg/l)		
	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)			
Copper	.64	1.3	1.6
Lead	.18	.36	.45
Silver	.09	.18	.23
Oil and Grease	15		30
pH		6.0—9.0 at all times	

The EPA waiver is not in effect.

PA 02221236. Sewage. **Brocklehurst MHP**, 313 Clark Road, Jackson Center, PA 16133.

This application is for a new Part I NPDES permit to discharge treated sewage to the Unnamed tributary to Fox Run in Jackson Township, **Mercer County**. This is a minor discharge.

The receiving water is classified for the following uses: trout stocking fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed

downstream potable water supply considered during the evaluation is the North Sewickley Municipal Authority on Beaver River located at Sewickley Township approximately 41.4 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.003200 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine (Interim)	monitor and report	
(Final)	1.4	3.3
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

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

PA 0052922. Industrial waste, **Conte Luna Foods, Inc.**, 40 Jacksonville Road, Warminster, PA 18974.

This application is for renewal of an NPDES permit to discharge cooling water from Conte Luna Foods, Inc. in Warminster Township, **Bucks County**. This is an existing discharge to unnamed tributary of Pennypack Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 70,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6.0—9.0 standard units at all times		
Temperature (°F)			
Jan 1—Jan 31		72	110
Feb 1—Feb 29		69	110
Mar 1—May 31		110	110
June 1—June 15		95	110
June 16—June 30		87	110
July 1—July 31		77	110
Aug 1—Aug 15		99	110
Aug 16—Sept 15		110	110
Sept 16—Sept 30		108	110
Oct 1—Oct 15		102	110
Oct 16—Oct 31		92	110
Nov 1—Nov 15		88	110
Nov 16—Nov 30		74	110
Dec 1—Dec 31		66	110

Other Conditions:

The EPA waiver is in effect.

Conditions for future permit modification.

PA 0057801. Sewage, **James Underkoffler, Jr.**, 811 Thousand Acre Road, Sellersville, PA 18960.

This application is for issuance of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant in West Rockhill Township, **Bucks County**. This is a new discharge to an unnamed pond tributary to Ridge Valley Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(11-1 to 4-30)	4.5	9.0
Total Residual Chlorine	monitor/report	
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

PA 0083364. Industrial waste, SIC: 4941, **Borough of Chambersburg Water and Sewer Department**, 100 South Second Street, Chambersburg, PA 17201-0909.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Conococheaque Creek, in Greene Township, **Franklin County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Hagerstown intake located in Hagerstown, MD. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.171 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XXX	XXX	XXX
pH (s.u.)		from 6.0—9.0 inclusive	
Total Suspended Solids	30	60	75
Total Aluminum	0.90	1.80	2.25
Total Iron	2.0	4.0	5.0
Total Manganese	1.0	2.0	2.5

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 0043672. Industrial waste SIC: 3489, **Primex Technologies—Flinchbaugh Operations**, 200 East High Street, P. O. Box 127, Red Lion, PA 17356.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Fishing Creek, in Red Lion Borough, **York County**.

The receiving stream is classified for trout stocking fisheries, 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 Red Lion Borough Authority located in Susquehanna River where Green Branch is confluent. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfalls 003 and 004 (noncontact cooling water) are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitor and report	
pH (s.u.)		6.0—9.0	
Suspended Solids	10	20	25
Temperature (°F)		87	

The proposed effluent limits for Outfalls 005—007 (groundwater remediation) are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitor and report	
pH (s.u.)		6.0—9.0	
1,1-Dichloroethylene	0.0006	0.0012	0.0015
Tetrachloroethylene	0.008	0.016	0.02
Trichloroethylene	0.03	0.06	0.075
Vinyl Chloride	0.0002	0.0004	0.0005
1,2-Trans-Dichloroethylene		monitor and report	
1,1,1-Trichloroethane		monitor and report	

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 0086282. Industrial waste, SIC: 4422, **Texas Eastern Transmission Corporation (Grantville Compressor Station)**, 5444 Westheimer Court, WT-712, Houston, TX 77056-5388.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Bow Creek, in East Hanover Township, **Dauphin County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pennsylvania American Water Company located on Swatara Creek at Sand Beach. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.072 mgd are:

Parameter	Average	Maximum	Instantaneous
	Monthly (mg/l)	Daily (mg/l)	Maximum (mg/l)
Flow	XXX	XXX	XXX
pH		6.0—9.0 s.u. at all times	
Total PCBs	0.00000013	0.00000026	0.00000032

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.

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

PA 0023141. Sewage, **Hastings Borough Council**, 207 Fifth Avenue, P. O. Box 559, Hastings, PA 16646.

This application is for an amendment of an NPDES permit to discharge treated sewage from Hastings Municipal Authority Sewage Treatment Plant in Elder Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Brubaker Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Keystone Water Company located on the West Branch Susquehanna River.

Outfall 001: The existing discharge design flow is 0.21 mgd. The plant is proposed to be expanded to treat a design flow of 0.6 mgd. The following limits are for a 0.6 mgd design flow.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	5.0	7.5		10.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	ultra-violet disinfection proposed			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0028410. Sewage, **Municipal Authority of the Borough of Baden**, P. O. Box 134, Baden, PA 15005.

This application is for renewal of an NPDES permit to discharge treated sewage from the Baden Sewage Treatment Plant in Baden Borough, **Beaver County**.

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

Outfall 001: existing discharge, design flow of 1.5 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA 0030155. Sewage, **Marion Center Area School District**, P. O. Box 156, Route 403, Marion Center, PA 15759.

This application is for renewal of an NPDES permit to discharge treated sewage from Marion Center School District High School STP in East Mahoning Township, **Indiana County**.

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

Outfall 001: existing discharge, design flow of .03 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)	6.5			13.0
(11-1 to 4-30)	19.5			39.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	1.0			2.3
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0095362. Sewage, **Laurelville Mennonite Church Center Association**, Route 5, Box 145, Mt. Pleasant, PA 15666-8908.

This application is for renewal of an NPDES permit to discharge treated sewage from the Laurelville Mennonite Church Center Association STP in Mt. Pleasant Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary to Jacobs Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority—McKeesport.

Outfall 001: existing discharge, design flow of 0.012 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	10			20
Suspended Solids	25			50
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)	2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
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.

PA 0097390-A1. Sewage, **Marion Township**, 485 Hartzell School Road, Fombell, PA 16123.

This application is for amendment of an NPDES permit to discharge treated sewage from the Vekaplast STP in Marion Township, **Beaver County**.

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

Outfall 001: existing discharge, design flow of .028 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Oil and Grease	15			30
Temperature				104°
Phosphorus (4-1 to 10-31)	2.0	3.0		4.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 50,000/100 ml as a geometric mean			
Zinc	monitor and report			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (717) 327-3666.

PA 0007854. SIC: 4941, **Pennsylvania-American Water Company (Milton Filter Plant)**, 105 Sodom Road, Milton, PA 17847.

This proposed action is for renewal of an NPDES permit for an existing discharge of filter backwash to West Branch Susquehanna River.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury intake located 10 miles downstream on the Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of 0.055 mgd, are:

Discharge Parameter	Minimum	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	within the range 6.0—9.0				
pH (std. units)	within the range 6.0—9.0				
TSS		30		60	75
Aluminum		4.0		8.0	10.0
Iron		2.0		4.0	5.0
Manganese		1.0		2.0	2.5
Total Cl ₂ Residual*		0.5			2.3

*See Other Conditions concerning the 3-year compliance date, until then monitor and report.

Other Conditions:

1. The permittee shall comply with the effluent limitations for total residual chlorine (TRC), established on Page 2, Part A.1.b, within 3 years of the permit effective date.

These limitations are the estimated best available technology (BAT), defined in 25 Pa. Code § 93.5(f)(1)(i). The permittee may, at its option, submit to the Department a request for a facility specific BAT effluent limitation for TRC. The requests shall be accompanied by the results of studies which address the factors given in 25 Pa. Code § 93.5(f)(1)(i).

Requests shall be submitted at least 180 days prior to the 3-year compliance date. The Department will, upon review and approval of the request, amend the BAT limit to reflect facility specific factors, as appropriate.

The EPA waiver is in effect.

NPDES Minor Renewals

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>
PA0083488	Stonebridge Health and Rehabilitation Center 102 Chandra Drive Duncannon, PA 17020	Perry Penn Township	Little Juniata Creek	TRC
PA0081515	Lancaster County Career and Technology Center (Brownstown Campus) 1730 Hans Herr Drive P. O. Box 527 Willow Street, PA 17584-0527	Lancaster West Earl Township	Conestoga Creek	TRC
PA0021237	Newport Borough Municipal Authority 231 Market Street Newport, PA 17074	Perry Newport Borough	Juniata River	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 commentator 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 applications 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 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.

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

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

WQM Permit No. 2599413. Sewage. **Idyll Whyle Village, Inc.**, 700 Skyline Drive, McKean, PA 16426. This project is for the modification of an existing wastewater treatment plant to reduce pollutants in McKean Township, **Erie County**.

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

WQM Permit No. 2399406. Sewerage. **Brandywine Operating Partnership, L. P.**, 16 Campus Boulevard, Suite 150, Newtown Square, PA 19073. Applicant requests the approval for the construction and operation of an onsite sewage disposal system to serve two proposed office buildings located in Newtown Township, **Delaware County**.

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

A. 4599403. Pocono Valley Personal Care Center, R. R. 1, Box 1416, Stroudsburg, PA 18360. Application to construct wastewater treatment system to replace malfunctioning system, located in Hamilton Township, **Monroe County**. Application received in the Regional Office—July 20, 1999.

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. 0599403. Sewage, submitted by **William Knisley**, R. D. 1, Box 307, Alum Bank, PA 15521, West St. Clair Township, **Bedford County**, to construct a small flow

wastewater treatment facility to serve a single family residence was received in the Southcentral Region on July 13, 1999.

A. 0599404. Sewage, submitted by **William Knisley**, R. D. 1, Box 307, Alum Bank, PA 15521, West St. Clair Township, **Bedford County**, to construct a small flow wastewater treatment facility to serve a single family residence was received in the Southcentral Region on July 13, 1999.

A. 0599405. Sewage, submitted by **William Knisley**, R. D. 1, Box 307, Alum Bank, PA 15521, West St. Clair Township, **Bedford County**, to construct a small flow wastewater treatment facility to serve a single family residence was received in the Southcentral Region on July 13, 1999.

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

A. 1193405-A1. Sewerage. **US Department of Justice, Federal Bureau of Prisons**, US Custom House, 7th Floor Second and Chestnut Sts., Philadelphia, PA 19106. Application for the installation and operation of a UV disinfection to serve the Loretto Federal Corrections Institute STP located in Allegheny Township, **Cambria County**.

A. 3299404. Sewerage. **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. Application for the construction and operation of a sewage treatment plant, sewers and appurtenances, pump station and outfall and headwall to serve the Creekside STP located in Washington Township, **Indiana County**.

A. 6599408. Sewerage. **David Hribar**, R. R. 3, Box 40B, New Florence, PA 15944. Application for the construction and operation of a single residence sewage treatment plant to serve the Hribar residence on Bergstrom Hollow located in Ligonier Township, **Westmoreland County**.

INDIVIDUAL PERMITS

(PAS)

Stormwater 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. Com-

ments 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.

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

NPDES Permit PAS10Q179. Stormwater. **Westmount, L. P.** Jack Gross, 1024 North 30th Street, Allentown, PA 18104, has applied to discharge stormwater from a construction activity located in the City of Allentown, **Lehigh County**, to Little Lehigh Creek.

Northcentral Regional Office: Regional Water Management Program Manager, 208 W. 3rd St., Suite 101, Williamsport, PA 17701, (717) 327-3574.

Clinton County Conservation District, 36 Spring Run Rd., Room 104, Mill Hall, PA 17751-9543, (570) 726-3798.

NPDES Permit PAS101917. Stormwater. **CNG Transmission Corp.**, 445 West Main St., Clarksburg, WV 26301, has applied to discharge stormwater from a construction activity located in Leidy Township, **Clinton County** to Shintown Run and R. Fork Hevner Run.

SAFE DRINKING WATER

Applications received 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.

0391501-A3. Kittanning Suburban Joint Water Authority, R. R. 1, Box 23, Adrian, PA 16210-9712. Installation of a fluoridation system at the Authority's water treatment plant serving East Franklin Township, **Armstrong County**.

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

A. 1599511. Public water supply. **Southdown Properties, Inc.**, 55 Country Club Drive, Suite 200, Down-

ingtown, PA 19335. This proposal involves the use of Well No. 1 as a backup supply well for the Wetherill Estates Subdivision's existing water supply system in West Vincent Township, **Chester County**.

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

4097507. Public water supply. **Fieldcrest Water Assn.**, James Diction, 822 Park Ave., Shavertown, PA 18708. This proposal involves an application for permit for an existing public water supply system consisting of a well with disinfection and manganese green sand filtration. It is located in Jackson Township, **Luzerne County**.

5499503. Public water supply. **Eagle Rock Utility Corporation**, Randy Grace, 3500 Maple Ave., Suite 1400, Dallas, TX 75206-4146. This proposal involves the approving of a 200 gpm well, a sodium hypochlorite disinfection facility with control building, a 200,000 gallon glass lined-steel storage tank, and extensions of the existing distribution piping. It is located in Hazle Township, **Luzerne County**. *Engineer: David A. Brinjac, Jr. Brinjac, Kambie & Associates.*

HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

Proposed Settlement Under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act

**Malvern TCE Superfund Site
East Whiteland Township, Chester County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.C.S.A. §§ 9601—9675) has entered into a settlement regarding remediation and past and future response costs related to the Malvern TCE Superfund Site. The settlement involves a Consent Decree to be lodged in the United States District Court for the Eastern District of Pennsylvania, between the Department, the United States Environmental Protection Agency (USEPA), and Action Manufacturing Company, Inc., ALCOA, Inc., Armstrong World Industries, Inc., Barker Pipe Fittings, Beckett Corporation, Bulova Technologies, LLC, CABOT Corporation, Chemetall Foote Corporation, Delbar Products, Inc., Fischer & Porter Company, General Electric Company, General Motors Corporation, Hamilton Precision Metals, Inc., Handy & Harman Tube Company, Hercules Inc., Kim Manufacturing Company, Lansdale, Inc., L-3 Communications, LaFrance Corporation, Lucent Technologies Inc., Moore Products, The Morning Call, Inc., NW Controls, Inc., Plymouth Tube Company, Porter Instrument Company, Inc., PP&L, Inc., Reilly Plating Company, Rex Heat Treat, SUNROC Corporation, Syntex Inc., Unisys Corporation, USG Corporation, Vishay Intertechnology, Inc., and VIZ Liquidation Trust (Settling Defendants).

The Malvern TCE Superfund Site (site) is located in a residential and wooded area of East Whiteland Township, Chester County, PA. The site includes a 5 acre property owned by Chemclene Corporation, as well as surrounding property owned by Spring Ridge Management Company.

From 1952 until 1992, Chemclene used the site to store, sell and reclaim industrial cleaning solvents, which were used for degreasing metal parts and other cleaning purposes. The soil and groundwater at the site is contaminated with volatile organic compounds, including trichloroethene (TCE), 1,1,1-trichloroethane (1,1,1-TCA), tetrachloroethylene (PCE) and methylene chloride (MEC).

The Department asserts that the Settling Defendants all have liability under section 701 of the HSCA and section 107 of CERCLA as generators of hazardous substances released at the Malvern TCE Superfund Site.

The settlement referenced above would resolve certain claims of the Department against the Settling Defendants for reimbursement of response costs incurred by the Department. Additionally, under the terms of the Consent Decree, Settling Defendants are agreeing to implement the remedy at the site. Upon payment and performance of work under the Consent Decree, Settling Defendants resolve any liability they may have with the Department and are eligible for contribution protection under the HSCA and CERCLA regarding matters addressed in the Consent Decree, as provided in HSCA section 705(c)(2), 35 P. S. § 6020.705(c)(2) and CERCLA section 113(f), 42 U.S.C.A. § 9613(f).

This notice is provided under section 1113 of the HSCA. The United States Department of Justice intends to file the Consent Decree with the United States District Court for the Eastern District of Pennsylvania upon the filing by the Department of its response to the significant written comments. The Consent Decree which contains the specific terms of the settlement is available for public review and comment. The Consent Decree can be examined from 8 a.m. to 4 p.m. at the Department's office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting April Flipse at (610) 832-5937. A public comment period on the Consent Decree will extend for 60 days from today's date. Persons may submit written comments regarding the Consent Decree to the Department by October 20, 1999, by submitting them to April Flipse at the previous address.

BENEFICIAL USE DETERMINATIONS

Application for the determination of applicability for General Permit received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for municipal and residual waste.

Northcentral Regional Office: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653.

General Permit No. WMGR038NC004. The Recycling Environmental Group, Inc. (29 Frosty Valley Rd., Bloomsburg, PA 17815). Application for determination of applicability for a tire processing facility located in Hemlock Township, **Columbia County**, received in the regional office on July 29, 1999.

Interested parties or municipalities may submit comments to the Department within 60 days. Comments should be addressed to Richard L. Bittle, Waste Management, 208 W. Third St., Suite 101, Williamsport, PA 17701.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications 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 the municipal waste regulations for a general permit to operate infectious waste processing facilities.

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

General Permit Application No. WMGI012. Centocor, Inc., 200 Great Valley Parkway, Malvern, PA 19355-1307. An application was received for infectious waste processing of hybridoma cells using sodium hydroxide. The Department accepted the application as administratively complete on August 6, 1999.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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 constructed 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

Notice of Intent to Issue Title V Operating Permits

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

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

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

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

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

22-05012: Bethlehem Steel Corp. (215 South Front Street, Steelton, PA 17113), in Steelton Borough, **Dauphin County**. The facility's major sources of emissions include two boilers, two electric arc furnaces, soaking pits, heating furnaces and other sources which primarily emit NO_x, SO_x and VOC.

28-05002: Letterkenny Army Depot (US Department of Defense, Chambersburg, PA 17201), in Letterkenny Township, **Franklin County**. The Depot Systems Command installation primarily emits volatile organic compounds (VOCs), nitrogen oxides (NO_x), sulfur oxides (SO_x) and particulate matter (PM).

38-05002: Alcoa Inc. (3000 State Drive, Lebanon, PA 17042), in South Lebanon Township, **Lebanon County**. The secondary aluminum production facility primarily emits volatile organic compounds (VOC) and nitrogen oxides (NO_x).

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

TV-11-00288: Johnstown America Corp., Freight Car Division (17 Johns Street, Johnstown, PA 15901), for their Franklin Plant in Franklin Borough, **Cambria County**. The facility's major sources of emissions include rail car painting operations, which emit major quantities of volatile organic compounds.

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, (570) 826-2531.

45-302-061: Tobyhanna Army Depot, Department of the Army (Attn: AMSEL-LC-TY-RK-E, 11 Hap Arnold Blvd., Tobyhanna, PA 18466), for operation of a boiler in Coolbaugh Township, **Monroe County**.

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

05-310-010D: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664), for operation of a limestone crushing plant controlled by wet suppression at the Ashcom Quarry in Snake Spring Township, **Bedford County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

05-310-016: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664), for operation of a portable limestone crushing—wash plant controlled by wet suppression at the Ashcom Quarry in Snake Spring Township, **Bedford County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

38-318-015B: Alcoa Inc. (3000 State Drive, Lebanon, PA 17042), for operation of the No. 95 aluminum coil/foil coating line controlled by a catalytic incinerator in South Lebanon Township, **Lebanon County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

08-301-016: Faithful Companions Pet Cemetery, Inc. (R. R. 2, Box 210, Ulster, PA 18850-9645), for operation of an animal crematory incinerator in Smithfield Township, **Bradford County**.

14-310-022: Glenn O. Hawbaker, Inc. (450 East College Avenue, Bellefonte, PA 16823), for operation of a fine aggregate washing plant and associated air cleaning device (a water spray dust suppression system) in Spring Township, **Centre County**.

60-302-016A: Federal Bureau of Prisons (P. O. Box 1000, Lewisburg, PA 17837), for operation of two natural gas/no. 2 fuel oil-fired boilers at the Lewisburg Penitentiary in Kelly Township, **Union County**. These boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

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

OP-63-00502: Nitrous Oxide Corp. (P. O. Box 241, Donora, PA 15033), for operation of nitrous oxide production at Donora Plant in Carroll Township, **Washington County**.

OP-11-00377: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664), for operation of construction material manufacturing at Ebsburg Pulverizing Plant in Cambria Township, **Cambria County**.

OP-63-00544: Spartec Polycom (90 West Chestnut Street, Washington, PA 15301), for operation of resin compounding at Plant No. 2 in Donora Borough, **Washington County**.

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.

36-03008B: Tyson Foods Inc. (403 South Custer Avenue, New Holland, PA 17557-0901), for installation of a new boiler in Earl Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

36-05103A: Dana Corp. (2919 Old Tree Drive, Lancaster, PA 17603), for reactivation of an existing paint booth in East Hempfield Township, **Lancaster County**.

67-03054A: York Mold, Inc. (3865 North Street, York, PA 17345), for modification of an air pollution control system in East Manchester Township, **York County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

49-309-008D: Watsonstown Brick Co. (P. O. Box 68, Watsonstown, PA 17777), for construction of an impact mill in Delaware Township, **Northumberland County**. The impact mill is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

08-322-002: MM Northern Tier Energy LLC (1221 Nicollet Mall, Suite 700, Minneapolis, MN 55403-2445), for construction of a 1,306 horsepower landfill gas-fired engine at the Northern Tier Solid Waste Authority landfill in West Burlington Township, **Bradford County**.

08-301-017: Northern Bradford Crematory (52 McArdle Road, Sayre, PA 18840-9414), for construction of a crematory incinerator in South Waverly Borough, **Bradford County**.

53-399-006C: St. Mary's Carbon Co. (P. O. Box 1, Route 6 West, Galeton, PA 16922), for construction of a powdered metal parts sintering furnace in Pike Township, **Potter County**.

OP-49-0013A: Celotex Corp. (4010 Boy Scout Boulevard, Tampa, FL 33607), for installation of an air cleaning device (a regenerative thermal oxidizer) on a fiberboard dryer in the City of Sunbury, **Northumberland County**.

OP-55-0005A: Wood-Mode, Inc. (1 Second Street, Kreamer, PA 17833), for installation of an air cleaning device (a regenerative thermal oxidizer) on two wood cabinet finishing spray booths (Building A2) in Mid-dlecreek Township, **Snyder County**.

TVOP-49-00019A: Atlantic Refining & Marketing Corp. and Sunoco, Inc. (R&M) (Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103-1699), for installation of a second air cleaning device, a refrigeration vapor

recovery unit, on a gasoline truck loading rack at the Northumberland Terminal in Point Township, **Northumberland County**.

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

PA-10-300B: Spang & Co.—Magnetics Division (796 East Butler Road, Butler, PA 16001), for construction of an automated paint line and curing oven (magnetic powder cores at 6.35 fpm), with regenerative thermal oxidation control in East Butler Borough, **Butler County**.

PA-10-021F: Indspec Chemical Corp. (133 Main Street, P. O. Box 307, Petrolia, PA 16050-0307), to replace the no. 4 sodium sulfite/sulfate kiln with a larger gas-fired kiln in Petrolia, **Butler County**. The existing kiln is 2.7 mmBTU/hr and the new kiln is 3.5 mmBTU/hr. The exhaust fan from the kiln will increase from 3,220 acfm to 4,200 acfm.

PA 20-285A: Electro-Generators, LLC (701 East Spring Street, Titusville, PA 16354), for construction of an electric co-generation facility (maximum 32 Mega-Watt combustion turbine), in Titusville, **Crawford County**. This construction is subject to the new source performance standard 40 CFR 60 Subpart GG, Standards of Performance for Stationary Gas Turbines.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Public Hearing

Armco Inc., Mercer County

The Department of Environmental Protection (Department) will conduct a public hearing on September 13, 1999, beginning at 1 p.m. in the Air Quality Conference Room of the DEP Regional Office Building located at 230 Chestnut Street, Meadville, PA 16335-3407.

The hearing is for the Department to accept testimony concerning its decision to approve, with conditions, Reasonably Available Control Technology (RACT) plan by Armco Inc., Sawhill Tubular Division, Sharon Operations, 200 Clark Street, Sharon, PA, to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) from various air contamination sources. The final RACT proposal will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan. This facility is located in Mercer County.

The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facility and will be submitted to the EPA as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary VOC RACT determination for Armco Inc., Sawhill Tubular Division.

1. The following sources shall be installed, operated and maintained in accordance with the manufacturer's specifications:

- a) Continuous Weld (CW) Furnace

- b) North and South Boilers

- c) No. 1 and No. 2 Galvanizing Furnace/Superheaters

- d) Space Heaters (304)

- e) VOC Storage Tanks (3)

- f) Cold Solvent Cleaning Stations (Parts Washers—10 stations)

2. An annual adjustment or tune-up on the combustion process is required on the Continuous Weld (CW) Furnace. The company shall keep a log of the date of the tune-up and any maintenance performed on the furnace. This log shall be kept for a period of at least 5 years and made readily available to Department personnel upon request.

3. Each emergency generator shall comply with 25 Pa. Code § 129.93(c)(5). Each generator shall not operate more than 500 hours in a consecutive 12-month period. An operational log shall be kept for each generator for a period of at least 5 years. The log shall be made readily available to Department personnel upon request.

4. Plantwide Cleanup Solvents consists of eight individual sources. Each individual source shall not exceed 2.7 ton based on a 12-month rolling total. A daily log shall be maintained of all solvent used and the amount of VOC emitted for each individual source. This log shall be kept for a period of at least 5 years and made readily available to Department personnel upon request. An annual report shall be submitted to the Department listing solvent usage and VOC emissions from each individual cleanup source. The report shall be submitted by January 31, 2000 and every year thereafter.

5. This RACT approval applies to the emission of NOx and VOC pollutants only. Emission of other pollutants, including criteria pollutants, shall be governed by the existing Plan Approvals, Operating Permits and applicable requirements and other rules and regulations of the Department which are incorporated herein by reference and made part of this permit.

For the above facility, a public hearing will be held for the purpose of receiving comments on the above proposed Plan Approval and/or Operating Permit and the proposed SIP revisions. The public hearing is scheduled Monday, September 13, 1999, 1 p.m.—3 p.m., at the Air Quality Conference Room, DEP Regional Conference Room, 230 Chestnut Street, Meadville, PA 16335-3407.

Persons wishing to present testimony at the hearing should contact Lori McNabb, Air Pollution Control Engineer, DEP, 270 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lori McNabb, (814) 332-6940, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to the previously noted contact person. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents (applications, review memos and draft approvals) are also available for review

from 8 a.m. to 4 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the contact person noted previously.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for 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 below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Coal Applications Received

49783007R3. Blaschak Coal Corp. (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine operation in Coal Township, **Northumberland County** affecting 323.0 acres, receiving stream—none. Application received July 30, 1999.

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

17831601. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847), to renew the permit for the Belford Siding in Karthuas Township, **Clearfield County**, no additional discharges. Application received July 6, 1999.

30841307. Cyprus Emerald Resources Corp. (P. O. Box 1020, 145 Elm Dr., Waynesburg, PA 15370), to revise the permit for the Emerald Mine in Franklin Township, **Greene County** to revise subsidence control plan to allow greater than 50% extraction under the Kent farm, no additional discharges. Application received July 14, 1999.

32743710. Helvetia Coal Co. (P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Refuse Disposal Area No. 1 in Center Township, **Indiana County**, renewal, no additional discharges. Application received July 23, 1999.

32941301. Keystone Coal Mining Corp. (P. O. Box 729, Indiana, PA 15701), to renew the permit for the Crooked Creek Mine in Washington Township, **Indiana County**, renewal, no additional discharges. Application received July 27, 1999.

17921603. Hepburnia Coal Co. (P. O. Box 1, Grampian, PA 16838), to renew the permit for the Bells Landing Tipple in Greenwood Township, **Clearfield County**, renewal, no additional discharges. Application received July 29, 1999.

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

24890107. Senate Coal Mines, Inc. (One Energy Place, Suite 5100, Latrobe, PA 15650). Renewal of an existing bituminous surface steep, auger and coal ash placement operation in Horton Township, **Elk County** affecting 38.0 acres. Receiving streams: Johnson Run. Application received July 23, 1999.

33803012. Starr Coal Company (P. O. Box 245, Brockport, PA 15823). Renewal of an existing bituminous surface strip and auger operation in Washington Township, **Jefferson County**, affecting 94.3 acres. Receiving streams: Rattlesnake Run to Rattlesnake Creek to Little Toby Creek to Clarion River. Application received July 22, 1999.

10890103. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal of an existing bituminous surface strip operation in Parker Township, **Butler County**, affecting 150.5 acres. Receiving streams: Unnamed tributaries of Bear Creek to Bear Creek to the Allegheny River. Application for reclamation only. Application received July 29, 1999.

33940104. MSM Coal Company (P. O. Box 243, DuBois, PA 15801-0243). Renewal of an existing bitumi-

nous surface strip, auger and shale removal operation in Oliver Township, **Jefferson County** affecting 109.2 acres. Receiving streams: Two unnamed tributaries to Little Sandy Creek to Redbank Creek to the Allegheny River. Application for reclamation only. Application received July 30, 1999.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

56880109. Permit Revision, **PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), for the purpose of reconstructing two stream channels and a request for a stream variance for the purpose of constructing a haul road stream crossing in Brothersvalley Township, **Somerset County**, affecting 154.2 acres, receiving stream unnamed tributaries of Bluelick Creek and Bluelick Creek. Application received July 30, 1999.

56813085. Permit Renewal for reclamation only, **Windber High Standard Coal Company** (1210 Graham Avenue, Windber, PA 15963), for continued restoration of a bituminous-auger strip mine in Stonycreek Township, **Somerset County**, affecting 764.3 acres, receiving stream unnamed tributaries to Stony Creek and to Stony Creek. Application received August 2, 1999.

32990110. **K.M.P. Associates** (R. R. 2, Box 194, Avonmore, PA 15618), commencement, operation and restoration of bituminous-auger-refuse removal strip mine in Young Township, **Indiana County**, affecting 46.0 acres, receiving stream unnamed tributaries to Harpers Run and Harpers Run to Blacklegs Creek to the Kiskiminetas River. Application received August 2, 1999.

56980105. Permit Revision, **Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650), for a road variance to conduct surface coal mining activities within 100 feet of Township Route T-639 in Lincoln Township, **Somerset County**, affecting 93.0 acres, receiving stream UNT to North Branch of Quemahoning Creek and UNT to Horner Run. Application received August 5, 1999.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

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

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E40-527. Encroachment. **Pennsylvania Department of Transportation**, District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a road crossing of Huntington Creek (HQ-CWF), consisting of twin 16.0-foot × 7.0-foot culverts with their inverts depressed 1.0-foot below streambed elevation. The left culvert will have a 1.0-foot-high weir at its inlet. The project is located on S. R. 4024, Section 270, approximately 6,000 feet south of the intersection of S. R. 4024 (Grassy Pond Road) and S. R. 0118 (Sweet Valley, PA Quadrangle N: 8.2 inches; W: 5.9 inches), Ross Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E48-284. Encroachment. **Milford Builders, Inc.**, 1590 Canary Road, Quakertown, PA 18951-5346. To place and maintain fill in 0.23 acre of wetlands and to construct and maintain 34 linear feet of 14-foot × 3-foot box culvert and 50 linear feet of 23-inch × 14-inch R.C.P. culvert in tributaries to Indian Creek on Manor Drive in the Foxdale Manor Subdivision, located on Sycamore Drive (T-635) (Palmerston, PA Quadrangle N: 1.05 inches; W: 2.3 inches), Lehigh Township, **Northampton County** (Philadelphia District, U. S. Army Corps of Engineers).

E58-230. Encroachment. **Pennsylvania Department of Transportation**, District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a road crossing of the North Branch Wyalusing Creek (CWF), consisting of twin 16.5-foot × 8.5-foot reinforced concrete box culverts with their inverts depressed 1.0-foot below streambed elevation. The project includes placement of fill in 0.13 acre of wetlands for the construction of the winged walls. The project is located on S. R. 0858, Section 571, approximately 1 mile south of the intersection of S. R. 0858 and S. R. 4017 (Lawton, PA Quadrangle N: 16.9 inches; W: 14.4 inches), Middletown Township, **Susquehanna County** (Baltimore 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.

E07-315. Encroachment. **Bureau of Abandoned Mine Reclamation**, P. O. Box 149, Ebensburg, PA 15931. To relocate approximately 390 feet of stream channel of an unnamed tributary to Glenwhite Run (CWF) in conjunction with the construction of a passive wetland treatment system which includes two sediment basins, a vertical flow wetland and an aerobic wetland for the purpose of providing acid mine drainage abatement in the Glenwhite watershed located about 2.0 miles north of the Penn Central Railroad's Horseshoe Curve (Ashville, PA Quadrangle N: 0.7 inch; W: 2.2 inches) in Logan Township, **Blair County**.

E67-672. Encroachment. **Weis Market, Inc., Store No. 92**, 1000 South Second Street, Sunbury, PA 17801. To construct and maintain a 220 linear foot pipe extension of an existing 47-inch by 71-inch corrugated metal pipe arch

culvert in an unnamed tributary to Little Conewago Creek for the purpose of expanding the existing Weis Market Store No. 92 located west of Emig Mill Road across from Grandview Avenue (West York, PA Quadrangle N: 19.4 inches; W: 9.0 inches) in Dover Township, **York County**.

E67-674. Encroachment. **Equine Meadows Associates, LP**, 1701 W. Market St., York, PA 17404. To place fill in a de minimis area of wetlands equal to 0.033 acre for the purpose of constructing Springwood Road and associated inlets in an unnamed tributary to Mill Creek for the proposed Equine Meadows residential subdivision located south of Cape Horn Road (SR 0024) approximately 3,500 feet southeast of its intersection with Lombard Road (Red Lion, PA Quadrangle N: 6.0 inches; W: 17.0 inches) in York Township, **York County**.

E67-675. Encroachment. **Northeastern York County Sewer Authority**, P. O. Box 516, Mount Wolf, PA 17347. To place fill in 0.3 acre of wetlands for the purpose of constructing an access road associated with a 6,200 linear foot sewer replacement along Hartman Run beginning at the intersection of Maple Street and Plane Tree Avenue in Manchester Borough and running south (York Haven, PA Quadrangle N: 10.0 inches; W: 12.65 inches) in East Manchester Township, Manchester Borough and Mount Wolf Borough, **York County**. The permittee is required to provide a minimum of 0.03 acre of replacement wetlands.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1282. Encroachment. **Robert W. Siebert**, P. O. Box 34, Cheswick, PA 15024-0034. To construct and maintain an 81 inch by 59 inch elliptical stream enclosure in an unnamed tributary to the Allegheny River (WWF) for the purpose of correcting an erosion problem at the site of the existing marina. The project is located on the right bank of the Allegheny River, approximately 3,000 feet southeast from the intersection of Route 28 and the PA Turnpike (New Kensington West, PA Quadrangle N: 7.4 inches; W: 9.9 inches) in Harmar Township, **Allegheny County**.

E63-473. Encroachment. **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To remove the existing structures and to construct and maintain a 10.5 foot by 5 foot box culvert (depressed 1 foot) 100 feet long and a 10 foot by 7 foot box culvert (depressed 1 foot) 528 feet long in Dry Run (WWF) to permanently place and maintain fill within 0.45 acre of palustrine forested, scrub/shrub and emergent wetlands, and to temporarily place and maintain fill within 0.03 acre of palustrine emergent wetlands. This work is being done in conjunction with the Mon/Fayette Expressway (S. R. 0043) construction Section 52F2, consisting of a four lane limited access divided toll highway (Project starts at Monongahela, PA Quadrangle N: 10.3 inches; W: 13.7 inches and ends at Monongahela, PA Quadrangle N: 15.1 inches; W: 16.0 inches). The wetland replacements were constructed under Pennsylvania Department of Environmental Protection Permit No. E02-1132 for this project.

E65-729. Encroachment. **Lewis L. Cole**, R. D. 1, Box 384, Derry, PA 15627-9753. To place and maintain fill along 532 feet of Four Mile Run (WWF) for the purpose of raising property level located off of Beatty Flats Road (Latrobe, PA Quadrangle N: 9.7 inches; W: 6.8 inches) in Unity Township, **Westmoreland County**.

E65-730. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box

459, Uniontown, PA 15401-0459. To remove the existing structures and to construct and maintain the following structures and activities for the purpose of widening U. S. 22 to four lanes and improve transportation safety:

- Construct and maintain a prestressed concrete I-beam bridge having three normal spans of 36.65 meters, 35.90 meters and 36.65 meters and an underclearance of 18.1 meters over Loyalhanna Creek (WWF). During construction, the applicant proposes the construction and maintenance of two nonconcurrent temporary crossings consisting of six 1.22-meter diameter pipes at Station 23 + 875.

- Extend and maintain a 4.86-meter 3.51-meter reinforced concrete box culvert with its invert depressed 0.3 meter for a distance of 69 meters in an unnamed tributary to Loyalhanna Creek (WWF). During construction, the applicant proposes the construction and maintenance of a temporary crossing consisting of three 0.6 meter diameter pipes at Station 23 + 228.

- Extend and maintain a 3.05-meter 1.98-meter reinforced concrete box culvert with its invert depressed 0.46 meter for a distance of 12.9 meters in an unnamed tributary to Loyalhanna Creek (WWF). During construction, the applicant proposes the construction and maintenance of a temporary crossing consisting of two 0.6 meter diameter pipes at Station 24 + 786.7.

- Extend and maintain a 3.05-meter × 1.68-meter reinforced concrete box culvert with its invert depressed 0.54 meter for a distance of 21.8 meters in an unnamed tributary to Loyalhanna Creek (WWF) at Station 25 + 244.8.

- Extend and maintain a 3.05-meter × 1.68-meter reinforced concrete box culvert with its invert depressed 0.76 meter for a distance of 6.5 meters in an unnamed tributary to Loyalhanna Creek (WWF) on S. R. 981, Station 12 + 977.5.

- Relocate and maintain an unnamed tributary to Loyalhanna Creek (WWF) for a distance of 57.32 meters at Station 23 + 228.

- Relocate and maintain an unnamed tributary to Loyalhanna Creek (WWF) for a distance of 69.0 meters at Station 24 + 786.7.

- To permanently place and maintain fill within 0.06 hectare of palustrine forested wetland, 0.19 hectare of palustrine scrub/shrub wetlands, and 0.11 hectare of palustrine emergent wetlands.

- To temporarily place and maintain fill within 0.28 hectare of palustrine forested wetlands, 0.242 hectare of palustrine scrub/shrub wetlands, and 0.291 hectare of palustrine emergent wetlands.

The project is located along S. R. 0022 starting at its western interchange with S. R. 0119 and extending eastward approximately 2 miles (Saltsburg, PA Quadrangle N: 3.7 inches; W: 9.7 inches) in New Alexandria Borough, Derry Township and Salem Township, **Westmoreland County**. The applicant proposes the creation of 0.36 hectare of replacement wetlands within the Loyalhanna Watershed.

E02-1284. Encroachment. **Orix-Woodmont Deer Creek I Venture, L. P.**, 6500 West Freeway, Suite 900, Fort Worth, TX 76116. To relocate and maintain approximately 3,765 feet of the channel of Deer Creek, to construct and maintain a stream enclosure consisting of an arch culvert having a span of 43.6 feet with an underclearance of 22.6 feet in said stream and to place

and maintain fill in approximately 6.95 acres of wetlands (PEM/PSS) for the purpose of relocating S. R. 910 and constructing a retail shopping center located north from the intersection of S. R. 910 and S. R. 28 (New Kensington West, PA Quadrangle N: 9.0 inches; W: 11.5 inches) in Harmar Township, **Allegheny County**. The applicant proposes to construct 10.05 acres of replacement wetlands.

E65-731. Encroachment. Pennsylvania Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a precast concrete adjacent plank bridge having a single normal span of 25.0 feet and an underclearance of 5.1 feet over Buffalo Run (WWF). The project is located on S. R. 3089, Section G02, Segment 0140, offset 0248 just south of Hunker (Mt. Pleasant, PA Quadrangle N: 13.9 inches; W: 17.4 inches) in Hempfield and East Huntingdon Townships, **Westmoreland County**.

E65-732. Encroachment. New Kensington-Arnold School District, 701 Stevenson Boulevard, New Kensington, PA 15068. To repair, operate and maintain two existing single span pedestrian bridges each having a normal span of 46.0 feet and an underclearance of 7.0 feet and two single span vehicular bridges having normal spans of 48.0 feet and 34.0 feet respectively and an underclearance of 7.0 feet across Little Pucketa Creek (TSF) located approximately 0.1 mile off of Route 56 (New Kensington West, PA Quadrangle N: 12.0 inches; W: 0.85 inch) in the City of New Kensington, **Westmoreland 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

Parameter

CBOD₅
Total Suspended Solids
pH
Total Residual Chlorine

The EPA waiver is in effect.

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

NPDES Permit No. PA0005304, Amendment No. 2. Industrial waste. **United Refining Company**, P. O. Box 780, Warren, PA 16365, is authorized to discharge from a facility located in the City of Warren, **Warren County** to Glade Run and the Allegheny River.

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, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

PA 0063959. Sewerage, **Elaine T. Willis**, Executrix for Helen Lutkoski, 189 Old New London Road, Salem, CT 06420.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Deep Run in Tobyhanna Township, **Monroe County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the evaluation was done at the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 400 gpd are:

Monthly Average (mg/l)	Instantaneous Maximum (mg/l)
10	20
20	40
6.0 to 9.0 standard units at all times. monitor and report	

NPDES Permit No. PA0033031. Sewerage. **DCNR—Pymatuning State Park, Tuttle Campground Water Treatment Plant**, 2660 Williamsfield Road, Jamestown, PA 16134, is authorized to discharge from a facility located in North Shenango Township, **Crawford County** to a dry/intermittent tributary of the Pymatuning Reservoir.

NPDES Permit No. PA0221279. Sewage. **Station Road Property Owner's Association**, 6992 Station Road, Erie, PA 16510-4755, is authorized to discharge from a facility located in Harborcreek Township, **Erie County** to an unnamed tributary to Six Mile Creek.

WQM Permit No. 4399417. Sewerage, **Glenn E. Green SRSTP**, 88 Clarksville St., Greenville, PA 16125. Construction of Glenn E. Green SRSTP located in Salem Township, **Mercer County**.

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

WQM Permit No. 0999420. Sewage. **East Rockhill Township**, 1622 Ridge Road, Perkasio, PA 18944-2296. Approval for the construction and operation of a sanitary sewer interceptor to serve the wastewater treatment plant located in East Rockhill Township, **Bucks County**.

WQM Permit No. 4699417. Sewerage. **Worcester Township**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490-0767. Approval for the modification and operation of an existing sewage pump station to serve Meadowood Retirement community and elementary school located in Worcester Township, **Montgomery County**.

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

NPDES Permit No. PA0004073. Industrial waste, **USS, a Division of USX, Inc.**, 600 Grant Street, Pittsburgh, PA 15219, is authorized to discharge from a facility located at Irvin Works, West Mifflin Borough, **Allegheny County** to receiving waters named Monongahela River.

NPDES Permit No. PA0026751. Sewerage, **Borough of Indiana**, 80 North Eighth Street, Indiana, PA 15701, is authorized to discharge from a facility located at Borough of Indiana WPCP, Center Township, **Indiana County** to receiving waters named Two Lick Creek.

NPDES Permit No. PA0090433. Sewerage, **Big Oak Village MHP**, Big Oak Village Lot 52, Graceton, PA 15748, is authorized to discharge from a facility located at Big Oak Village Mobile Home Park STP, Center Township, **Indiana County** to receiving waters named Two Lick Creek.

NPDES Permit No. PA0098973. Sewerage, **Cone-maugh Township Area Sewer Authority**, P. O. Box 429, Davidsville, PA 15928, is authorized to discharge from a facility located at Benson Sewage Treatment Plant, Paint Township, **Somerset County** to receiving waters named Stoney Creek.

NPDES Permit No. PA0215945. Sewerage, **Trinity Area School District**, 231 Park Avenue, Washington, PA 15301, is authorized to discharge from a facility located at

Trinity South Elementary School Wastewater Treatment Plant, Amwell Township, **Washington County** to receiving waters named Little Tenmile Creek.

Permit No. 0288428-A1. Sewage. **Gary A. Sippel**, 2591 Wexford Bayne Road, Suite 100, Sewickley, PA 15143. Construction to modify and reroute by addition of an equalization basin and dechlorinator located in Franklin Park Borough, **Allegheny County** to serve Stone Mansion Village STP.

Permit No. 3599402. **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519. Permit to relocate existing sanitary sewer interceptor line, located in Dickson City, **Lackawanna County**.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4795.

Permit No. 2299404. Sewage. **Middletown Borough Authority**, 60 West Emaus Street, Middletown, PA 17057. This permit approves the construction of biosolids processing facilities in Middletown Borough, **Dauphin County**.

Permit No. 2199404. Sewage. **East Pennsboro Township**, 98 South Enola Road, Enola, PA 17025. This permit approves the construction of sewers and appurtenances in East Pennsboro Township, **Cumberland County**.

Permit No. 2299403. Sewage. **Lower Swatara Township Municipal Authority**, 1499 Spring Garden Drive, Middletown, PA 17057. This permit approves the modification to the construction of a pump station in Lower Swatara Township, **Dauphin County**.

Permit No. 6799403. Sewage. **Northeast York County Sewer Authority**, 175 Chestnut Street, P. O. Box 516, Mount Wolf, PA 17347. This permit approves the construction of sewers and appurtenances in East Manchester Township, **York County**.

Permit No. PA 0052043. Industrial waste. **Mid-Atlantic Cannery Association**, 316 South Front Street, Hamburg, PA 19526, is authorized to discharge from a facility located in Hamburg Borough, **Berks County** to the receiving waters named Schuylkill River.

Permit No. PA 0052396. Industrial waste. **O-Z Gedney LLC**, 150 Birch Hill Road, Shoemakersville, PA 19555, is authorized to discharge from a facility located in Perry Township, **Berks County** to the receiving waters named Schuylkill River.

Permit No. PA 0032093. Sewerage. **PA Department of Conservation & Natural Resources (Shawnee State Park)**, 132 State Park Road, Schellsburg, PA 15559, is authorized to discharge from a facility located in Napier Township, **Bedford County** to the receiving waters named Shawnee Branch.

INDIVIDUAL PERMITS

(PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q165	Fieldstone Associates 906 A. Cross Keys Drive Doylestown, PA 18901	Lehigh County Upper Macungie Township	Iron Run
PAS10Q123	Treetop Estates Development Corp. 7326 Spring Creek Rd. Macungie, PA 18062	Lehigh County Upper Macungie Township	Little Lehigh Cr.
PAS10Q173	Lucent Technologies 9999 Hamilton Blvd. Room 1A-004 Breinigsville, PA 18031-9356	Lehigh County Upper Macungie Township	Little Lehigh Cr.
PAS10U104	Oakleaf Properties, Inc. 824 Eighth St. Bethlehem, PA 18018	Northampton County Lower Saucon Township	Saucon Cr. & Cooks Cr.

**INDIVIDUAL PERMITS
(PAR)**

Approvals to Use NPDES and Other General Permits

The following parties have submitted (1) Notices of Intent (NOIs) for coverage under General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth; (2) NOIs for coverage under General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage 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 has reviewed the First Land Application of Sewage Sludge for the following sites and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

The Department of Environmental Protection has acted on the following requests for coverage under the specified General Permit as follows:

*List of
General Permit Type*

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater From Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
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, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Upper Salford Township Montgomery County	PAR10-T542	Telvil Corporation 528 Main Street, Suite 101 Harleysville, PA 19438	Vaughn Runn	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Upper Hanover Township Montgomery County	PAR10-T409	Pennsburg Housing Partnership, LP 354 Darlington Road Media, PA 19063	Macoby Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Dublin Township Montgomery County	PAR10-T543	PA Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Tributary to Sandy Run	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lehigh County S. Whitehall Township	PAR10Q116	Winchester Corporate Center, L. P. J. H. Shannon 620 W. Germantown Pike Suite 200 Plymouth Meeting, PA 19462	Jordan Cr.	Lehigh CD (610) 391-9583
Lehigh County Upper Saucon Township	PAR10Q126	Stabler Land Co. Robert Bower 4401 Camp Meeting Rd. Center Valley, PA 18034	Saucon Cr.	Lehigh CD (610) 391-9583
Luzerne County Wright Township	PAR10R175	Greater W-B Ind. Fund, Inc. 2 Public Sq., P. O. Box 5340 Wilkes-Barre, PA 18702	Big Wapwallopen Creek	Luzerne CD (570) 674-7991
Bradford County Canton Township	PAR100815	Hermit Hill Subdivision William S. Bray P. O. Box 525 Wellsboro, PA 16901	N/A	Bradford County CD Stoll Natural Resource Ctr. RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 205
Bradford County Standing Stone Twp.	PAR100816	Palmer Subdivision R. R. 4, Box 45 Wyalusing, PA 18853	N/A	Bradford County CD Stoll Natural Resource Ctr. R. R. 5, Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 205
Bradford County Athens Township	PAR100818	McCoe Mobile Home Park 194 Emory Chapel Rd. Waverly, NY 14892	N/A	Bradford County CD Stoll Natural Resource Ctr. R. R. 5, Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 205
Centre County Ferguson Township	PAR10F098	Stonebridge Planned Residential Development Johnson Farm Assoc. 501 Rolling Ridge Dr. State College, PA 16801	Unt. to Slab Cabin Run	Centre County CD 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Montour County Valley Township	PAR104720	Timothy S. Karr Valley Green Enterprises, Inc. 521 N. Derr Dr. Lewisburg, PA 17837	Mausdale Run/Mahoning Ck.	Water Management Soils and Waterways Section 208 W. 3rd St. Williamsport, PA 17701 (570) 327-3574
Butler County Adams Township	PAR10E106	Adams Development Group 5895 Hecket Road Bakerstown, PA 15007	Breakneck Creek	Butler Conservation District 122 McCune Drive Butler, PA 16001-6501 (724) 284-5270

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Butler County Butler Township	PAR10E108	W. J. Blumenschein & Son 9640 Babcock Boulevard Allison Park, PA 15101	Thorn Creek	Butler Conservation District 122 McCune Drive Butler, PA 16001-6501 (724) 284-5270
Butler County Saxonburg Borough	PAR10E113	Omega Properties P. O. Box 713 Saxonburg, PA 16056	Thorn Creek	Butler Conservation District 122 McCune Drive Butler, PA 16001-6501 (724) 284-5270

General Permit Type—PAG-3

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Quemahoning Township Somerset County	PAR606115	Stoystown Auto Wreckers P. O. Box 240 Stoystown, PA 15563	Stony Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Bedford County West St. Clair Township	PAG043622	William Knisley R. D. 1, Box 307 Alum Bank, PA 15521	UNT to Dunning Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County West St. Clair Township	PAG043623	William Knisley R. D. 1, Box 307 Alum Bank, PA 15521	UNT to Dunning Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County West St. Clair Township	PAG043624	William Knisley R. D. 1, Box 307 Alum Bank, PA 15521	UNT to Dunning Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Salem Township Mercer County	PAG048607	Glenn E. Green 88 Clarksville Street Greenville, PA 16125	Bluff Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-9

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Stueben Township Crawford County	PAG098304	Sterling Sanitation Service 37021 Tryonville Road Centerville, PA 16404		Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

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

Location: Youngsville Borough, Warren County, Ronald Bosworth, Youngsville Borough Manager, 40 Railroad Street, Youngsville, PA 16371.

Project Description: This approved project proposes to expand/upgrade the existing sewage treatment plant (STP) to 624,000 gpd, along with performing various inflow and infiltration work on the system.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

SAFE DRINKING WATER

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

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

Permit No. 5498507 (Janahanna Well) and **5498508** (Eagle Rock Well). Public water supply. **Eagle Rock Utilities**, Ken Monk, Property Manager, 1031 Valley of Lakes, Hazleton, PA 18201. This proposal involves an application for two existing 30 gallon permitted wells; the Janahanna Well and the Eagle Rock Well along with four 30,000 gallon storage tanks. Treatment will consist of chlorine disinfection at both wells and manganese green sand filtration at the Eagle Rock Well. Both wells are located in East Union Township, **Schuylkill County**. Construction permits issued on July 1, 1999.

Minor Amendment. Hitching Post Association, HC 1, Box 231-40, Greeley, PA 18425, Theresa Sanders. Involves Well No. 1 and throttling valves. It is located in Blooming Grove Township, **Pike County**. Construction permit issued on July 22, 1999.

Operations Permit issued to Blythe Township Municipal Authority, Village of Cumbola, Blythe Township, **Schuylkill County**, on July 9, 1999.

Operations Permit issued to Laurel Personal Care Center, Union Township, **Luzerne County**, on July 7, 1999.

Operations Permit issued to Keystone Job Corps Center, Corrosion Control Treatment, Butler Township, **Luzerne County**, on July 7, 1999.

HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

Settlement Under the Hazardous Sites Cleanup Act

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with Chevron U.S.A., Inc., under section 707 of the HSCA and section 122(g) of CERCLA relating to the cleanup of

the Container Recyclers Ltd. HSCA Site (Site) at 10 E. Wolf Street, Philadelphia, PA.

Contamination identified by the Department at the Site included hydrofluoric acid, hydrochloric acid, aqueous wastes with pH greater than 12.5, ignitable or corrosive waste, methyl ethyl ketone and trichloroethylene. A prompt interim response was implemented in accordance with a Statement of Decision (SOD) issued by the Department on December 21, 1994. The response conducted by the Department, which included the removal of hazardous wastes and materials located at the Site, was completed in late 1995. Under the terms of the proposed Consent Decree, Chevron U.S.A. Inc., will pay the Department \$39,540.52 as partial reimbursement for costs incurred by the Department in connection with the Site.

This notice is provided under section 1113 of the HSCA. The Department will provide for a 60-day public comment period on the proposed Consent Order and Agreement from the date of publication of this notice. The proposed Consent Order may be examined from 8 a.m. to 4 p.m. at the Department's office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting Kevin Hess at (610) 832-6194 or Paul Rettinger at (610) 832-6300 during normal business hours. Persons may submit written comments to Kevin Hess at the previous address. The Department will provide a response to significant written comments received during the public comment period, and the proposed Consent Order and Agreement authorizes the Department to withhold or withdraw its consent in the event that the Department determines, based on comments received during the public comment period, that the Consent Order and Agreement is inappropriate, improper or not in the public interest.

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 reports:

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

New Castle Area Transit Authority, 107 Taylor Street, New Castle, PA 16101, City of New Castle, **County of Lawrence**, has submitted a Final Report concerning the remediation of soil and groundwater contaminated with BTEX, lead and PAHs. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on August 1, 1999.

SOLID AND HAZARDOUS WASTE

BENEFICIAL USE DETERMINATIONS

Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste management regulations for a general permit to process or beneficially use residual waste other than coal ash.

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

General Permit No. WMGR041. RecOil, Inc., 280 East Street, York, PA 17403-1292. A permit for the processing prior to beneficial use and beneficial use of waste oil, waste oil/water mixtures, oil filters and waste oil saturated solids. Also for the acceptance of spent antifreeze for transport to a recycling facility. The original general permit application was accepted and published for public comment on February 3, 1996. The permit was issued by the Central Office on August 5, 1999.

Persons interested in reviewing the permit may contact the General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

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.

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

GP-43-310: Dufferco Farrell Corp. (15 Roemer Blvd., Farrell, PA 16121), on July 31, 1999, for operation of two natural gas fired boilers for the Number 7 pickle line in Farrell, **Mercer County**.

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

OP-09-0101: WM Rowen Grant Funeral Home, Inc. (659 Street Road, Southampton, PA 18966), on July 20, 1999, for operation of a crematory incinerator in Upper Southampton Township, **Bucks County**.

TVOP-46-00091: Sunoco, Inc. (R&M) (3290 Sunset Lane, Willow Grove, PA 19090), issued for operation of a facility Title V Operating Permit in Upper Moreland Township, **Montgomery County**.

TVOP-15-00017: Transcontinental Gas Pipeline Corp. (60 Bacton Hill Road, Frazer, PA 19355), issued for operation of a facility Title V Operating Permit in East Whiteland Township, **Chester County**.

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

22-05037A: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, Pa 17105), on August 3, 1999, for operation of an asphalt concrete/aggregate drying plant controlled by a knockout box and a fabric collector at 1001 Paxton Street in Harrisburg City, **Dauphin County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

08-00008: Robert Packer Hospital (Guthrie Square, Sayre, PA 18840), on August 2, 1999, for operation of a hospital/medical/infectious waste incinerator (HMIWI) and three natural gas/no. 2 oil fired boilers at a Title V facility in Sayre Borough, **Bradford County**.

49-00032: Sunbury Community Hospital (350 North 11th Street, Sunbury, PA 17801), on August 2, 1999, for operation of a hospital/medical/infectious waste incinerator (HMIWI), two natural gas/no. 2 oil fired boilers, generator and no. 2 oil storage tank at a Title V facility in Sunbury, **Northumberland County**.

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

30-000-027: GPU Generation, Inc. (1001 Broad Street, Johnstown, PA 15907), on August 5, 1999, for operation of a steam electric generator at Keystone Generating Station in Plumcreek Township, **Armstrong County**.

32-306-010A: GPU Generation, Inc. (1001 Broad Street, Johnstown, PA 15907), on August 5, 1999, for operation of boilers units 1 and 2 at Conemaugh Station in West Wheatfield Township, **Indiana County**.

32-000-059: GPU Generation, Inc. (1001 Broad Street, Johnstown, PA 15907), on August 5, 1999, for operation of Conemaugh Station NO_x sources at Conemaugh Station in West Wheatfield Township, **Indiana County**.

32-306-010B: GPU Generation, Inc. (1001 Broad Street, Johnstown, PA 15907), on February 27, 1998, for operation of boiler unit 1 and 2 at Conemaugh Station at West Wheatfield Township, **Indiana County**.

32-302-033A: GPU Generation, Inc. (1001 Broad Street, Johnstown, PA 15907), on August 5, 1999, for ownership change from GPU Generation Co. in Wheatfield Township, **Indiana County**.

03-306-002: GPU Generation, Inc. (1001 Broad Street, Johnstown, PA 15907), on August 5, 1999, for ownership change from GPU Generation Co. in Wheatfield Township, **Indiana County**.

32-306-013: Sithe Pennsylvania Holdings LLC (1001 Broad Street, Johnstown, PA 15907), on August 5,

1999, for ownership change from GPU Generation Co. in Wheatfield Township, **Indiana County**.

PA-32-040A: Sithe Pennsylvania Holdings LLC (1001 Broad Street, Johnstown, PA 15907), on August 5, 1999, for ownership change from GPU Generation Co. in Wheatfield Township, **Indiana County**.

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

PA-10-266A: Resolite, A United Dominion Co. (Route 19 North, Box 338, Zelienople, PA 16063), on August 4, 1999, for fiberglass pultrusion process (two lines) in Jackson Township, **Butler County**.

PA-25-070A: Gunitite EMI Corp. (603 West 12th Street, Erie, PA 16501), on July 31, 1999, for No. 1 and No. 2 coreless melt furnaces in Erie, **Erie County**.

PA-42-184E: Keystone Powdered Metal Co. (1935 State Street, St. Marys, PA 15857), on June 30, 1999, for a tempering furnace in Lewis Run, **McKean County**.

Operating Permits Minor Modification 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-15-0004: Reynolds Metals Co. (520 Lincoln Avenue, Downingtown, PA 19335), on July 14, 1999, for facility VOCs RACT in Downingtown Borough, **Chester 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.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

TVOP-49-00019: Atlantic Refining & Marketing Corp. and Sunoco, Inc. (R&M) (Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103-1699), for gasoline loading operations at the Northumberland Terminal in Point Township, **Northumberland 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-46-0190: Dickson Investment Hardware, Inc. (404 East Church Road, King of Prussia, PA 19406), on July 19, 1999, for operation of a gas fired thermal oxidizer in Upper Merion Township, **Montgomery County**.

PA-46-0186: Tri-Valley Crematory (665—667 Harleysville Pike, Franconia, PA 18924), on July 19, 1999, for operation of a crematory incinerator in Franconia Township, **Montgomery County**.

PA-46-0166: M & M Stone Co. (Indian Creek Road, Harleysville, PA 19438), on July 26, 1999, for operation of a batch asphalt in Lower Salford Township, **Montgomery County**.

PA-23-0084: FPL Energy MH50, L. P. (Delaware Avenue and Green Street, Marcus Hook, PA 19061), on July 26, 1999, for operation of a cogeneration unit in Marcus Hook Borough, **Delaware County**.

PA-46-0172A: Gemplus Plastics Corp. (Route 309 and Park Drive, Montgomeryville, PA 18934), on August 2, 1999, for operation of a screen and lithographic printing in Montgomery Township, **Montgomery County**.

PA-46-0155A: Sermatech International, Inc. (155 South Limerick Road, Limerick, PA 19468), on August 3, 1999, for operation of two ATR CEW spray booths in Limerick Township, **Montgomery County**.

PA-46-0018B: Brown Printing Co. (668 Gravel Pike, East Greenville, PA 18041), on August 4, 1999, for operation of a regenerative thermal oxidizer in Upper Hanover Township, **Montgomery County**.

PA-09-0021A: MRI Flexible Packaging (122 Penns Trail, Newtown, PA 18940), on August 4, 1999, for operation of a flexographic printing press in Newtown Township, **Bucks County**.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

39-312-031A: Mobile Oil Corp. (8 South Malin Road, Frazer, PA 19355), on August 4, 1999, for modification of a gasoline loading rack in Allentown, **Lehigh County**.

13-318-003A: Kovatch Mobile Equipment (One Industrial Complex, Nesquehoning, PA 18240), on August 4, 1999, for modification of spray painting operations in Nesquehoning Borough, **Carbon County**.

48-399-044: Elementis Pigments, Inc. (1525 Wood Avenue, Easton, PA 18042), on August 9, 1999, for construction of pneumatic conveying system in Easton, **Northampton County**.

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

06-3072A: Animal Rescue League of Berks (P. O. Box 69, Mohnton, PA 19540), on August 3, 1999, for construction of an animal crematorium at the Berks County Chapter in Cumru Township, **Berks County**.

06-5085A: New Morgan Landfill Co., Inc. (P. O. Box 128, Morgantown, PA 19543-0128), on August 3, 1999, for modification of the landfill gas collection system at Conestoga Landfill in New Morgan Borough, **Berks County**. This source is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills.

29-05001A: JLG Industries, Inc. (JLG Drive, McConnellsburg, PA 17233), on August 3, 1999, for modification to the McConnellsburg Manlift Production Facility in Ayr Township, **Fulton County**.

PA-36-05089A: Wabash Alloys, L.L.C. (Hazel and Biddle Streets, Marietta, PA 17547), issued August 3, 1999, for modification to the secondary aluminum refining facility in Marietta Borough, **Lancaster County**.

PA-67-05005A: PP&L, Inc. (Two North Ninth Street, Allentown, PA 18101), on August 3, 1999, for modification

to the flue gas conditioning system for Unit 2 at Brunner Island Steam Electric Station in East Manchester Township, **York County**.

PA-67-05070A: Graham Packaging Co., L. P. (420-B Emig Road, York, PA 17402), on August 3, 1999, for construction of a barrier bottle production line in Manchester Township, **York County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

17-303-006A: Clearfield Asphalt and Construction Supply, Inc. (R. R. 1, Box 179, Laurel Run Road, Curwensville, PA 16833), on July 23, 1999, for construction of a 455 kilowatt diesel generator in Lawrence Township, **Clearfield County**.

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

PA-63-324A: Ginger Hill Synfuel, LLC (13 Elm Street, Cohasset, MA 02025), on August 5, 1999, for installation of coal pellet coolers (dryers) at Mine Refuse Disposal Area No. 2 in Carroll Township, **Washington County**.

04-307-094A: J&L Specialty Steel, Inc. (1500 West Main Street, Midland, PA 15059), on July 27, 1999, for installation of direct roll A&P line at Midland Facility in Midland Borough, **Beaver County**.

PA-63-110C: Corning Consumer Products Co. (100 8th Street, Charleroi, PA 15022), on August 8, 1999, for installation of glass melting tank 56 at Charleroi Plant in Charleroi Borough, **Washington County**.

PA-63-896A: UMCO Energy, Inc. (981 Route 917, Bentleyville, PA 15314), on July 16, 1999, for installation of coal processing plant at New Century Mine in Falowfield Township, **Washington County**.

Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

PA-15-0015: Sartomer Co., Inc. (610 South Bolmar Street, West Chester, PA 19382), on July 27, 1999, for operation of a Stripper S-153 in West Chester Borough, **Chester County**.

PA-46-0005E: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486), on August 2, 1999, for operation of a waste heat incinerator in Upper Gwynedd Township, **Montgomery County**.

PA-09-0022A: Cleveland Steel Container Corp. (350 Mill Street, Quakertown, PA 18951), on August 5, 1999, for operation of a Tellkamp oxidizer thermal incinerator in Quakertown Borough, **Bucks County**.

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

PA-03-210A: Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001), for construction of portable coal crushing plant at Spera Surface Mine in Cowanshanock Township, **Armstrong County**.

PA-65-061A: RAM Terminals, Inc. (One Fifth Street, New Kensington, PA 15068), for construction of crushing and screening plant at New Kensington Crushing Plant in New Kensington, **Westmoreland County**.

PA-65-884A: IA Construction Corp. (P. O. Box 290, Homer City, PA 15648), for construction of bituminous concrete plant at Donegal Plant in Mt. Pleasant Township, **Westmoreland County**.

PA-04-227A: Koppel Steel Corp. (P. O. Box 750, Beaver Falls, PA 15010), for operation of spray coater, West Bay at Ambridge Plant, Harmony Township, **Beaver County**.

63-305-020A: Pennsylvania Railcrane (120 Braemont, McKeesport, PA 15135), for operation of pebble lime loading/unloading at Donora Site, **Washington County**.

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

PA-16-136A: Bituminous Road Maintenance (521 South Street, Clarion, PA 16214), on July 31, 1999, for a drum type hot mix asphalt plant in Beaver/Licking Townships, **Clarion County**.

PA-25-069B: Engelhard Corp. (1729 East Avenue, Erie, PA 16503), on July 31, 1999, for a nickel plant fluid bed reactor in Erie, **Erie County**.

37-309-046: Essroc Materials, Inc. (2nd Street, P. O. Box 779, Bessemer, PA 16112), on June 30, 1999, for tire-derived fuel systems in Bessemer Borough, **Lawrence County**.

PA-37-296A: Select Industries, Inc. (420 Cascade Street, New Castle, PA 16107), on July 31, 1999, for a coating line in New Castle, **Lawrence County**.

42-302-025: Allegheny MDF Limited Partnership (Hutchins Road, R. D. 1, Box 266, Kane, PA 16735), on July 30, 1999, for a thermal fluid heat plant in Sargeant Township, **McKean County**.

42-399-025: Allegheny MDF Limited Partnership (Hutchins Road, R. D. 1, Box 266, Kane, PA 16735), on July 30, 1999, for a medium density fiberboard, pressline, press unloader and board cooler in Sargeant Township, **McKean County**.

PA-42-176A: Allegheny MDF Limited Partnership (Hutchins Road, R. D. 1, Box 266, Kane, PA 16735), on July 30, 1999, for a standby gas fired hot oil heater in Sargeant Township, **McKean County**.

Minor Modification of Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

49-309-007J: Meckley's Limestone Products, Inc. (R. R. 1, Box 950, Herndon, PA 17830), on August 6, 1999, to allow operation of an additional bucket elevator and an enlarged bulk storage silo in a pulverized limestone production facility in Lower Mahanoy Township, **Northumberland 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).

Knox District Office, P. O. Box 669, Knox, PA 16232.
Coal Permits Issued

102911-10980110-E-1. Fleishner Excavating (350 Lardintown Rd., Sarver, PA 16055). Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 50 feet of Lardintown Run in Clinton Township, **Butler County**. Receiving streams: Lardintown Run. Application received: June 21, 1999. Permit issued: July 21, 1999.

33990106. Falls Creek Energy Co., Inc. (R. D. 6, Box 231, Kittanning, PA 16201). Commencement, operation and restoration of a bituminous strip and auger operation in McCalmont Township, **Jefferson County** affecting 168.7 acres. Receiving streams: Turnip Run. Application received: March 12, 1999. Permit issued: July 21, 1999.

102893-33990106-E-1. Falls Creek Energy Co., Inc. (R. D. 6, Box 231, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 25 feet of Turnip Run in McCalmont Township, **Jefferson County**. Receiving streams: Turnip Run. Application received: March 12, 1999. Permit issued: July 21, 1999.

33990101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous strip and auger operation in Winslow Township, **Jefferson County** affecting 127.8 acres. Receiving streams: Unnamed tributary to Soldier Run and Soldier Run. Application received: January 11, 1999. Permit issued: July 19, 1999.

102360-33990101-E-1. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to encroach within 25 feet of Soldier Run and an unnamed tributary to Soldier Run, and to utilize an existing stream crossing over the unnamed tributary in Winslow Township, **Jefferson County**. No mining activities are allowed within 25 feet of either stream except for the use of the existing crossing. Receiving streams: Unnamed tributary to Soldier Run and Soldier Run. Application received: January 11, 1999. Permit issued: July 19, 1999.

10990101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous strip operation in Eau Claire Borough and Venango Township, **Butler County** affecting 41.3 acres. Receiving streams: Unnamed tributary to South Fork of Little Scrubgrass Creek. Application received: May 19, 1999. Permit issued: July 23, 1999.

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

10971301. B & L Coal Co. (399 Ford City Rd., Freeport, PA 16229), to operate the Herman Mine in

Clearfield and Summit Townships, **Butler County**, unnamed tributary to Bonnie Brook. Permit issued August 2, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Permits Issued

7473SM2AC3. Hercules Cement Company (P. O. Box 69, Stockertown, PA 18064), renewal of NPDES Permit No. PA0118460 in Upper Nazareth Township, **Northampton County**, receiving stream—Bushkill and Schoeneck Creeks. Renewal issued August 2, 1999.

40930302C. Linde Enterprises, Inc. (P. O. Box A, Honesdale, PA 18431), renewal of NPDES Permit No. PA0223280 in Pittston Township, **Luzerne County**, receiving stream—Mill Creek. Renewal issued August 2, 1999.

1579601T. Lynn Hanaway (151 North Church Street, Parkesburg, PA 19365), transfer of an existing quarry operation in Parkesburg Borough, **Chester County** affecting 11.9 acres, receiving stream—unnamed tributary to Buck Run. Transfer issued August 6, 1999.

54990301. Keystone Quarry, Inc. (P. O. Box 249, Dunmore, PA 18512), commencement, operation and restoration of a quarry operation in Foster Township, **Schuylkill County** affecting 137.5 acres, receiving stream—none. Permit issued August 6, 1999.

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

302551-3074SM13-E-1. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 25 feet of an unnamed tributary to Slippery Rock Creek for the purposes of mineral extraction and support facility construction and maintenance in Slippery Rock Township and Slippery Rock Borough, **Butler County**. Receiving streams: Five unnamed tributaries to Slippery Rock Creek and two unnamed tributaries to Wolf Creek. Application received: March 8, 1999. Permit issued: July 1, 1999.

3773SM6. Cooperstown Sand & Gravel (R. D. 2, Box 10, Franklin, PA 16323). Transfer of an existing sand and gravel operation from Lee A. Phillips in Sugar Creek Borough, **Venango County** affecting 10.0 acres. Receiving streams: Patchel Run. Application received: February 5, 1999. Permit issued: July 15, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Small Noncoal (Industrial Mineral) Permits Issued

58990816. Terry Hunsinger (R.R. 3, Box 3502, Laceyville, PA 18623), commencement, operation and restoration of a bluestone quarry operation in Rush Township, **Susquehanna County** affecting 2.0 acres, receiving stream—none. Permit issued August 5, 1999.

58990817. Holgate Bros. (P. O. Box 1, Hop Bottom, PA 18824), commencement, operation and restoration of a bluestone quarry operation in Lenox Township, **Susquehanna County** affecting 3.0 acres, receiving stream—none. Permit issued August 6, 1999.

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

43990801. Penn-Sylvan International, Inc. (P. O. Box 30, 2880 Star Route 18, Adamsville, PA 16110). Commencement, operation and restoration of a small noncoal sand and gravel operation in Hempfield Town-

ship, **Mercer County** affecting 2.0 acres. Receiving streams: None. Application received: February 8, 1999. Permit issued: July 9, 1999.

33992804. Fred Crawford (P. O. Box 134, Falls Creek, PA 15840). Commencement, operation and restoration of a small noncoal shale operation in Winslow Township, **Jefferson County** affecting 4.0 acres. Receiving streams: None. Application received: March 8, 1999. Permit issued: July 9, 1999.

*Knox District Office, P. O. Box 669, Knox, PA 16232.
Noncoal Applications Returned*

24980303. Glenn O. Hawbaker, Inc. (P. O. Box 135, 325 West Aaron Drive, State College, PA 16804). Commencement, operation and restoration of a sandstone operation in Horton and Sandy Townships, **Elk and Clearfield Counties** affecting 90.7 acres. Receiving streams: Pete Buck Hollow Run. Application received: August 4, 1998. Permit withdrawn: July 19, 1999.

302391-24980103-E-1. Glenn O. Hawbaker, Inc. (P. O. Box 135, 325 West Aaron Drive, State College, PA 16804). Application for a stream encroachment to construct and maintain two haulroad crossings over Pete Buck Hollow Run in Horton and Sandy Townships. **Elk and Clearfield Counties**. Mining activities may be conducted no closer than 25 feet to Pete Buck Hollow Run for the purposes of support facility construction and maintenance. Receiving streams: Pete Buck Hollow Run. Application received: August 4, 1998. Permit issued: July 19, 1999.

**Bureau of Deep Mine Safety
Request for Variance
Rayne Energy, Inc.**

The Bureau of Deep Mine Safety (BDMS) has approved Rayne Energy, Inc.'s request for a variance from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act at the Rayne No. 1 Mine. This notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

Summary of the request: Rayne Energy, Inc. requested a variance from section 242(c) of the Pennsylvania Bituminous Coal Mine Act to allow for the common ventilation of belt conveyor entry with other entries at the Rayne No. 1 Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements of section 242(c).

The basis for the Bureau's approval is summarized in the following statements:

1. Rayne's plan provides early warning fire detection by the use of carbon monoxide (CO) detectors and audible alarm over the mine communication system.
2. Rayne's plan provides a separate, isolated intake escapeway that will be maintained at a higher ventilation pressure than the belt and common entries.
3. Rayne's plan provides for the belt and common entries to serve as an alternate intake escapeway.
4. There are significant health and safety benefits associated with allowing entries in common with the belt entry. Repair and maintenance work in the belt entry is afforded safer access. Improved visual safety inspections are facilitated by open crosscuts.

This approval is limited to a variance from the requirements in section 242(c) requiring that the belt entry is isolated from other entries. All other terms and requirements of section 242(c) shall remain in effect. This approval applies to all areas developed after May 20, 1998. Continued authorization for operation under the approval is contingent upon compliance with the measures described in Rayne's plan.

**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.)

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-465. Encroachment. **Borough of Burgettstown**, 113 Main Street, Burgettstown, PA 15021. To remove the existing bridge (Main Street Bridge) and to construct and maintain a new bridge having a clear span of 20.0 meters on a 64 degree skew with an underclearance of 3.0 meters across the channel of Burgetts Fork Raccoon Creek (WWF). The bridge is located on Main Street, approximately 28.8 meters south from the intersection of Main Street, Dinsmore Avenue and Maple Avenue (Burgettstown, PA Quadrangle N: 1.2 inches; W: 2.6 inches) in the Borough of Burgettstown, **Washington County**.

E65-727. Encroachment. **Penn Township Commissioners**, P. O. Box 452, Harrison City, PA 15636-0452. To operate and maintain an existing single span pedestrian bridge having a normal span of 40.0 feet and an underclearance of 4.8 feet across an unnamed tributary to Bushy Run (TSF) and to construct and maintain a handicap access ramp and steps adjacent to the bridge for

the purpose of providing access to existing baseball fields. The project is located behind Penn Township Municipal Building off of Municipal Drive (Irwin, PA Quadrangle N: 19.5 inches; W: 3.8 inches) in Penn Township, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E35-310. Encroachment. **Dalton Carpet**, Routes 6 and 11, P. O. Box 178, LaPlume, PA 18440-0178. To fill in 0.3 acre of wetlands. The project's purpose is to provide for the expansion of an existing retail business. The project is located 1,500 feet northwest of the intersection of S. R. 0006/0011 and S. R. 0438 (Factoryville, PA Quadrangle N: 10.9 inches; W: 1.1 inches) in LaPlume Township, **Lackawanna County**. The permittee is required to provide for 0.3 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project.

E35-311. Encroachment. **Scranton School District**, 425 North Washington Avenue, Scranton, PA 18503. To excavate and place fill in the 100-year floodplain of the Lackawanna River for the construction of athletic fields, parking lots, driveways and stormwater management facilities associated with the proposed Scranton High School. The project is located northeast of the intersection of S. R. 3027 (North Scranton Expressway) and S. R. 3029 (7th Avenue) (Scranton, PA Quadrangle N: 7.8 inches; W: 6.2 inches) in the City of Scranton, **Lackawanna County**.

E39-364. Encroachment. **Lehigh County**, 17 South Seventh Street, Room 522, Allentown, PA 18101-2400. To remove the existing structure and to construct and maintain a new steel truss superstructure, on existing abutments, having a span of 95 feet with an underclearance of approximately 12.6 feet across Little Lehigh Creek. The project, known as the Klines Bridge Replacement Project, is located on Park Drive within the Little Lehigh Park (Allentown East, PA Quadrangle N: 14.4 inches; W: 16.5 inches) in the City of Allentown, **Lehigh County**.

E52-158. Encroachment. **Dingmans Choice and Delaware Bridge Company**, P. O. Box 908, Milford, PA 18337. To repair and maintain the Pennsylvania portion of the Dingmans Ferry Bridge across the Delaware River, which spans from Delaware Township in Pennsylvania to Sandyston Township in New Jersey. Work will consist of repairing the concrete pier located in Pennsylvania and replacing riprap around the pier within a 0.2-acre area, for scour protection. The structure is a three-span truss bridge, with an overall span of approximately 540 feet and a minimum underclearance of approximately 30 feet. The bridge is located approximately 0.6 mile east of the intersection of U. S. Route 209 and S. R. 0739 (Culvers Gap, NJ-PA Quadrangle N: 17.3 inches; W: 15.2 inches), in Delaware Township, **Pike County**.

E64-192. Encroachment. **Rutnel, Inc.**, 12 South 21st Street, Kenilworth, NJ 07033. To excavate within Kinneyville Pond for the purpose of removing tree stumps throughout the 27.75-acre reservoir area and deepening an area used for water skiing training, and to maintain a 10-foot x 10-foot concrete anchor within the reservoir bed. The project is located southwest of the intersection of T-601 and T-603 (Lake Como, PA-NY Quadrangle N: 17.5 inches; W: 8.0 inches), in Buckingham Township, **Wayne County**.

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

E09-786. Encroachment. **New Britain Township**, 207 Park Avenue, Chalfont, PA 18914-2103. To remove a dilapidated single span reinforced concrete bridge which spans over an unnamed tributary to the North Branch of Neshaminy Creek (TSF) and to install and maintain, in its place, an 18-foot by 6-foot reinforced concrete box culvert. The skew angle will also be modified from 80 degrees to 90 degrees. This work is associated with the Upper Stump Road Bridge Replacement Project located approximately 50 feet northeast from the intersection with Limekiln Pike (S. R. 0152) and Upper Stump Road (T-409) (Doylestown USGS Quadrangle N: 11.35 inches; W: 13.60 inches) in New Britain Township, **Bucks County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E43-271. Encroachment. **Mercer County**, 503 Mercer County Courthouse, Mercer, PA 16137. To remove County Bridge No. 2709 and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear, normal span of 14.4 meters and an underclearance of 2.4 meters across East Branch Wolf Creek on T-912 (Patterson School Road) approximately 0.48 kilometer south of T-481 (East Gilmore Road) (Grove City, PA Quadrangle N: 16.4 inches; 2.4 inches) located in Wolf Creek Township, **Mercer County**. This project includes a de minimis wetland impact (0.0088 hectare) associated with bridge and roadway approach work.

E62-346. Encroachment. **Pine Grove Township**, P. O. Box 125, Russell, PA 16345. To remove the existing superstructure, center pier and south abutment and to reconstruct and maintain the steel beam bridge having a clear span of 25 feet and an underclearance of 6 feet across Reynolds Run on T-621 (Reynolds Run Road) approximately 800 feet northeast of S. R. 1012 (Scandia, PA-NY Quadrangle N: 11.9 inches; W: 9.3 inches) located in Pine Grove Township, **Warren County**.

Northcentral Region: Water Management, Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E14-345. Encroachment. **Linda Claar**, P. O. Box 63, Woodward, PA 16882. To construct, operate and maintain an agricultural crossing in an unnamed tributary to Pine Creek. The agricultural crossing shall be constructed with a single culvert pipe that will have a minimum diameter of 24 inches and a length of 20 feet that will be located along the northern right-of-way of SR 0045 approximately 0.4 mile north of Pine Creek Road and SR 0045 intersection (Millheim, PA Quadrangle N: 6.3 inches; W: 1.4 inches) in Haines Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-437. Encroachment. **RNS Services, Inc.**, P. O. Box 38, Blossburg, PA 16912. To remove sunken and submerged old growth timber logs, not including the log cribs, from the West Branch Susquehanna River bed within a 11 mile bank-to-bank reach located immediately upstream of the Hepburn Street Dam (Williamsport, PA Quadrangle, from N: 19.6 inches; W: 0.9 inch to Linden, PA Quadrangle N: 13.7 inches; W: 9.9 inches) in the City of Williamsport, Loyalsock Township, South Williamsport Borough, Duboistown Borough, Armstrong Township, Susquehanna Township, and Woodward Township, Nip-

penose Township, Piatt Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

E41-444. Encroachment. **Donald and JoMarie Shaffer**, 9424 Route 118, Unityville, PA 17774. To maintain 1) flow to a 27-foot wide by 300-foot long creek channel of Little Muncy Creek and to construct and maintain 2) a 5-foot high by 15-foot deep by 60-foot long log/stone deflector and 3) 400-cubic yards of grass stabilized clean fill in a flood eroded channel, to a height no higher than 3 feet or to the base of the mature sycamore trees in the area (whichever is lower), located 100-feet east of the Hemlock Valley Campground Office (Lairdsville, PA Quadrangle, N: 21.00 inches; W: 9.25 inches) in Franklin Township, **Lycoming County**. This project proposes to permanently impact 60-feet of Little Muncy Creek that is classified as a cold water fishery. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-445. Encroachment. **John M. Gonsalves**, 200 W. 9th Avenue, South Williamsport, PA 17702. To remove sunken and submerged old growth timber logs, not including the log cribs, from the West Branch Susquehanna River bed from a point 300 feet upstream of the Hepburn Street Dam to Crane Island, which is approximately 12 miles upstream from the dam, 2) to place fish habitat structures in the general area where old growth logs were removed (Williamsport, PA Quadrangle, N: 19.6 inches; W: 0.9 inch to Linden, PA Quadrangle N: 13.7 inches; W: 9.9 inches) in the City of Williamsport, Loyalsock Township, South Williamsport Borough, Duboistown Borough, Armstrong Township, Susquehanna Township, and Woodward Township, Nippenose Township, Piatt Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E53-328. Encroachment. **Adelphia Communications Corporation**, Main at Water Street, Coudersport, PA 16915-1141. To place fill in a 0.07 acre palustrine emergent wetland for the purpose of constructing an office building with an attached parking garage. To compensate for unavoidable impacts and fulfill the wetland replacement requirement, the permittee will participate in the Pennsylvania Wetland Replacement Project. The project site is located at the corner of Second and Waters Streets (Coudersport, PA Quadrangle N: 4.5 inches; W: 3.1 inches) in the Borough of Coudersport, **Potter County**.

E53-331. Encroachment. **Richard A. Long**, 341 1/2 Port Allegheny Road, Coudersport, PA 16915. To construct and maintain approximately 3,600 square feet of a motel structure and 2,400 square feet of parking spaces in the floodway of the Allegheny River. The total project includes 11,252 square feet of motel construction and 9,200 square feet of parking area located approximately 1,500 feet east of the intersection of Elk Street and Rt 6 on the south side of Rt 6 (Coudersport, PA Quadrangle N: 2.5 inches; W: 4.5 inches) in Coudersport Borough, **Potter County**.

E57-083. Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 218, Montoursville, PA 17754. To remove the existing structure and to construct and maintain a single span concrete box beam bridge with a clear span of 91 feet, skew of 40 degrees and underclearance of 6.5 feet across Big Run located on S. R. 2002 approximately 1,600 feet upstream of Muncy Creek (Sonestown, PA Quadrangle N: 19.5 inches; W: 7.5 inches) in Davidson Township, **Sullivan County**. This

permit also authorizes a temporary diversion dike system to be used during construction.

E57-084. Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing structure and to construct and maintain a precast concrete box culvert with a clear span of 21 feet and underclearance of 10 feet, depressed 1 foot below streambed resulting in an effective underclearance of 9 feet, in Sciota Brook located on S. R. 0087, Section 021, about 0.3 mile west of the Wyoming County line (Jenningsville, PA Quadrangle N: 4.37 inches; W: 14.25 inches) in Colley Township, **Sullivan County**. This permit also authorizes a temporary road crossing. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-383. Encroachment. **Lawrence Township**, R. R. 1, Box 616, Lawrenceville, PA 16929. To realign and maintain the channel of Smith Creek to provide flood protection for private and public property. The realignment work shall consist of periodic removal of two gravel depositional areas that shall not exceed a maximum removal depth of 4-feet or a point just above the existing water level at the time of removal. The first depositional area for periodic removal is upstream of the bridge that carries SR 0015 across Smith Creek and its removal shall not exceed a maximum area of 1,200 feet (long) × 35 feet (wide). The second depositional area is downstream of the bridge that carries SR 0015 across Smith Creek and its removal shall not exceed a maximum area of 400 feet (long) × 35 feet (wide). The project is located along the eastern right-of-way of SR 0015 approximately 1.6 miles north of SR 0328 and SR 0015 intersection (Jackson Summit PA Quadrangle N: 19.0 inches; W: 15.9 inches) in Lawrence Township, **Tioga County**. This permit shall be void 5 years from the date of issuance.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment Approvals and Actions on 401 Certification

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568

D43-001EA. Environmental Assessment. **Greenville Municipal Authority** (44 Clinton Street, P. O. Box 638, Greenville, PA 16125). To breach and remove the Greenville Dam No. 3 across a tributary to Little Shenango River (TSF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 700 feet southeast of the intersection of S. R. 358 (Main Street) and S. R. 4006 (Greenville East, PA Quadrangle N: 6.65 inches; W: 14.55 inches).

SPECIAL NOTICES

Request for Proposals for Municipal Solid Waste Capacity

The following notice is placed through the Department of Environmental Protection as required by section 502(d) of Act 101 of 1998: the Municipal Waste Planning, Recycling and Waste Reduction Act.

Northumberland County, PA is currently revising its Municipal Solid Waste Plan in accordance with the requirements of Pennsylvania Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988. The County of Northumberland is issuing this Request for Proposal (RFP) to obtain information which

will form the basis for selecting a qualified vendor to provide long-term disposal capacity for county generated municipal solid waste (MSW), to include construction and demolition waste (C/D) and sewage sludge generated within the county. This RFP is issued to meet the requirements of Act 101, which mandates the utilization of a fair and competitive procurement process.

For a nonrefundable fee of \$100 U. S. currency a copy of the RFP may be obtained from the Northumberland County Planning Commission, 399 S. Fifth Street, Suite 207, Sunbury, PA 17801, or by calling (570) 988-4220. Proposal must be enclosed in a sealed envelope, clearly labeled as the "Proposal for Municipal Solid Waste Disposal Capacity" and will be received until 10 a.m. in the office of the County Controller and opened in the office of the County Commissioners at 10:30 a.m., August 17, 1999.

Proposals should be delivered to the office of the County Controller, Charles Erdman, Northumberland County Administration Center, 399 S. Fifth Street, (2nd Floor), Sunbury, PA 17801.

Northumberland County Non-Collusion Affidavit must be included with the proposal.

The sealed proposal will be publicly opened on Tuesday, August 17, 1999, at 10:30 a.m. at the regularly scheduled meeting of the Northumberland County Board of Commissioners, Northumberland County Administration Building, 399 S. Fifth Street, First Floor, Sunbury, PA 17801.

[Pa.B. Doc. No. 99-1385. Filed for public inspection August 20, 1999, 9:00 a.m.]

Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site (www.dep.state.pa.us) at the Public Participation Center. The "January 1999 Inventory" heading is the Governor's List of Nonregulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1999.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Draft Guidance

DEP ID: 274-3100-002. Title: Interim Procedures Pertaining to Continuous Source Monitoring System Quarterly Data Reports. Description: This draft document establishes interim procedures that the Department's Air Quality staff will follow when a Continuous Source Monitoring System Quarterly Data Report is not submitted or a report contains errors that render the data unacceptable. The interim procedures described in the draft guidance document will remain in effect until they are finalized as revisions to the Continuous Source Monitoring Manual. Anticipated Effective Date: September 30, 1999. Comment Period Ends: September 20, 1999. Contact: Joe Nazzaro at (717) 783-9247

Draft Guidance—Substantive Revision

DEP ID: 563-2100-216. Title: Permit Renewals. Description: This guidance establishes the administrative procedures and guidelines for coal mine permittee's submittal of permit renewal applications and DEP's processing and review of applications. Anticipated Effective Date: September 30, 1999. Comment Period Ends: September 20, 1999. Contact: Michael Terretti at (717) 787-5103.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-1386. Filed for public inspection August 20, 1999, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board; Meeting Cancellation

The Cleanup Standards Scientific Advisory Board (CSSAB) has cancelled their August 26, 1999 scheduled meeting. The meeting will be rescheduled at a later date.

Questions concerning the next meeting can be directed to Marilyn Wooding at (717) 783-7509 or e-mail to Wooding.Marilyn@a1.dep.state.pa.us. The agenda and meeting materials 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 Marilyn Wooding directly at (717) 783-7509 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. 99-1387. Filed for public inspection August 20, 1999, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Availability of the Welfare-to-Work Program Plan

The Department of Public Welfare (Department) is making available to the public the Welfare-to-Work Program Plan, which is an addendum to the Temporary Assistance for Needy Families (TANF) State Plan. This document describes how the Department plans to use the

Welfare-to-Work formula grant provided under Title IV, Part A of the Balanced Budget Act of 1997.

The Department is making the Plan available throughout this Commonwealth to allow comments on the Welfare-to-Work Program Plan as encouraged by the Federal Planning Guidelines for the Welfare-to-Work Program. The Department had to submit the document by June 30, 1999, to meet the United States Department of Labor deadline. However, the Department may submit amendments to the Plan based upon public comments received.

The Department has developed the Welfare-to-Work Plan in coordination and consultation with a wide array of agencies that are involved in providing services to recipients of TANF. The agencies include the Pennsylvania Departments of Public Welfare, Labor and Industry, Education, Community and Economic Development, Aging and, particularly, the Job Training Partnership Act Service Delivery Areas.

Persons who want copies of the Plan can obtain them by calling (717) 787-1302.

Public comments can be made up to 30 days from the date of this notice by writing to David C. Florey, Director, Bureau of Employment and Training Programs, Office of Income Maintenance, Room 428, Health and Welfare Building, Harrisburg, PA 17120.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 99-1388. Filed for public inspection August 20, 1999, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania First & 10 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 First & 10.
2. *Price:* The price of a Pennsylvania First & 10 instant lottery game ticket is \$1.00.
3. *Play Symbols:* Each Pennsylvania First & 10 instant lottery game ticket will contain two play areas. The first play area will feature a "1st," "2nd," "3rd" and "4th" down. The play symbols and their captions located in each of the four downs are: 0 (ZRO), 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 second

play area "Win \$10 Instantly!" are: Football Symbol (FBALL), Pennant Flag Symbol (PENNT), Goalpost Symbol (GPOST), Cleat Shoe Symbol (CLETS) and a Helmet Symbol (HELMT).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$7⁰⁰ (SVN DOL), \$21\$ (TWY ONE), \$50\$ (FIFTY), \$100 (ONE HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$7, \$10, \$21, \$50, \$100 and \$1,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania First & 10 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of the yardage for the four downs equals 10 or more, and a prize play symbol of \$1,000 (ONE THO) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets where the sum of the yardage for the four downs equals 10 or more, and a prize play symbol of \$100 (ONE HUN) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets where the sum of the yardage for the four downs equals 10 or more, and a prize play symbol of \$50\$ (FIFTY) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets where the sum of the yardage for the four downs equals 10 or more, and a prize play symbol of \$21\$ (TWY ONE) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$21.

(e) Holders of tickets with two matching play symbols in the "Win \$10 Instantly!" area, on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets where the sum of the yardage for the four downs equals 10 or more, and a prize play symbol of \$7⁰⁰ (SVN DOL) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$7.

(g) Holders of tickets where the sum of the yardage for the four downs equals 10 or more, and a prize play symbol of \$3⁰⁰ (THR DOL) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3.

(h) Holders of tickets where the sum of the yardage for the four downs equals 10 or more, and a prize play symbol of \$2⁰⁰ (TWO DOL) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets where the sum of the yardage for the four downs equals 10 or more, and a prize play symbol of \$1⁰⁰ (ONE DOL) appears in the "Prize" area, 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:

Add Yardage For 4 Downs. Total Is 10 or More, Win With Prize(s) Of:

	Win	Approximate Odds	Approximate No. of Winners Per 7,200,000 Tickets
\$1	\$1	1:6.45	1,116,000
\$2	\$2	1:15	480,000
\$3	\$3	1:60	120,000
\$7	\$7	1:300	24,000

Add Yardage For 4 Downs. Total Is 10 or More, Win With Prize(s) Of:

	Win	Approximate Odds	Approximate No. of Winners Per 7,200,000 Tickets
Symbol Match	\$10	1:75	96,000
\$21	\$21	1:600	12,000
\$50	\$50	1:800	9,000
\$100	\$100	1:30,000	240
\$1,000	\$1,000	1:240,000	30

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania First & 10 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 First & 10, prize money from winning Pennsylvania First & 10 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 First & 10 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 First & 10 or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-1389. Filed for public inspection August 20, 1999, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Bucks 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 replace the bridge, which carries S. R. 0513 over an unnamed tributary to Poquessing Creek with a box culvert. Approach and shoulder work will also be included. The total length of the roadway improvements will be approximately 170 meters (558 Ft.). The subject project is located in Bensalem Township, Bucks County.

The proposed project will require acquisition of right-of-way from (3) three residential properties totaling 0.065 hectares (0.16 acres) and will temporarily affect 0.075

hectares (0.19 acres) within Yezzi Park. No permanent loss of park property or usage is anticipated. Yezzi Park is a public park owned by Bensalem Township and, therefore, qualifies for protection under Act 120, Section 2002.

Mitigation measures to be taken to minimize harm to the Section 2002 resource will include revegetation of the disturbed land and planting of a new tree row at the top of the graded slope.

The environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effects.

No adverse environmental effect is likely to result from the project.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-1390. Filed for public inspection August 20, 1999, 9:00 a.m.]

Finding

Mercer 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 remove the existing Jamestown Railroad Bridge over S. R. 0058, Section 04M in Jamestown Borough, Mercer County. The existing Jamestown Railroad Bridge has been determined eligible for the National Register of Historic Places. The effect of this project on the Jamestown Railroad Bridge will be mitigated by the following measures to minimize harm to the resource.

1. Recordation of the Jamestown Railroad Bridge in accordance with state level recordation standards.

2. Installing a permanent plaque at the site of the bridge commemorating the history and significance of the Jamestown Railroad Bridge.

I have considered the environment, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the removal of this bridge.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-1391. Filed for public inspection August 20, 1999, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, August 5, 1999, and took the following actions:

Regulations Approved:

Environmental Hearing Board #106-4: Practice and Procedure (amends 25 Pa. Code Chapter 1021).

Regulations Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective August 4, 1999.

Department of Public Welfare #14-421: Eligibility Provisions for the Healthy Horizons Program for the Elderly/Disabled; Medical Assistance Income (amends 55 Pa. Code §§ 140.291 and 181.31).

Commissioners Present: Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
August 5, 1999

Environmental Hearing Board—Practice and Procedure; Regulation No. 106-4

Order

On February 16, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Hearing Board (EHB). This rulemaking amends 25 Pa. Code Chapter 1021. The authority for this regulation is contained in section 5(c) of the Environmental Hearing Board Act (35 P. S. § 7515(c)). The proposed regulation was published in the February 27, 1999 *Pennsylvania Bulletin*, with a 60-day public comment period. The final-form regulation was submitted to the Commission on July 2, 1999.

This rulemaking amends the EHB's practice and procedure rules. The EHB is responsible for hearing appeals relating to orders, permits, licenses or decisions of the Department of Environmental Protection (DEP).

The revisions amend a wide range of EHB procedures, clarify how the EHB currently operates, and repeal provisions that are no longer used. The amendments provide the regulated community, the DEP, and all other parties and persons with updated procedural rules relating to representing their interests before the EHB. The proposed changes are based on the recommendations of the EHB Rules Committee, a nine member advisory committee created by section 5 of the Environmental Hearing Board Act.

We have reviewed this regulation and find it to be in the public interest. These amendments update and clarify the EHB's practice and procedure rules.

Therefore, It Is Ordered That:

1. Regulation No. 106-4 from the Environmental Hearing Board, as submitted to the Commission on July 2, 1999, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

August 5, 1999

Honorable Feather O. Houstoun, Secretary
Department of Public Welfare
333 Health & Welfare Building
Harrisburg, PA 17105

Re: IRRC Regulation #14-421 (#1872)
Department of Public Welfare
Eligibility Provisions for the Healthy Horizons Program for the Elderly/Disabled; Medical Assistance Income

Dear Secretary Houstoun:

Since this proposal meets all of the criteria under Section 5b(3), your regulation is approved. A copy of this letter will be forwarded to the Legislative Reference Bureau.

Any questions you or your staff may have, contact Robert E. Nyce, our Executive Director at 783-5506.

ALVIN C. BUSH,
Vice Chairperson
JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-1392. Filed for public inspection August 20, 1999, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
10-149b	Department of Health Health Facility Licensure— Freestanding Ambulatory Surgical Facilities	8/4/99

Final-Omit

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Received</i>
47-6	Milk Marketing Board Transactions Between Dealers and Producers Uniform System of Accounts	8/9/99

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-1393. Filed for public inspection August 20, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Amendment to Articles of Incorporation of a Domestic Insurer

Conseco Senior Life Insurance Company, a domestic stock limited-life insurance company, has submitted a request for approval to amend its Articles of Incorporation such that it will change from a limited-life insurance company to a life insurance company. Persons wishing to comment on the grounds of public or private interest concerning the amendment are invited to submit a written statement to the Insurance Department within 10 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Room 1311 Strawberry Square, Harrisburg, PA 17120, by fax (717) 787-8557, or by e-mail rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1394. Filed for public inspection August 20, 1999, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Blue Cross Non-Group Basic Rate Filing; Filing No. 398-BCBNG-1/1/00

On August 3, 1999, Blue Cross of Northeastern Pennsylvania submitted a filing, requesting an increase of 14.28% in the monthly rates of the Blue Cross Non-Group Basic Conversion & Direct Enrollment Rated Program. This filing will affect approximately 6,055 contracts. The proposed increase will generate an additional annual premium income of \$1,338,408. An effective date of January 1, 2000 is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1395. Filed for public inspection August 20, 1999, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Blue Cross Non-Group Special Care Rate Filing; Filing No. 400-BCNGSC-1/1/00

On August 3, 1999, Blue Cross of Northeastern Pennsylvania submitted a filing, requesting an increase of 10.67% in the monthly rates of the Blue Cross Non-Group

Special Care Direct Enrollment Rated Program. This filing will affect approximately 2,800 contracts. The proposed increase will generate an additional annual premium income of \$178,409. An effective date of January 1, 2000 is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1396. Filed for public inspection August 20, 1999, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Blue Cross Prescription Drug Experience Rated Group Rate Filing; Filing No. 402-BCRX-ERG-1/1/00

On August 3, 1999, Blue Cross of Northeastern Pennsylvania submitted a filing, requesting an increase of 123.52% in the first quarter rates with \$0 copay of the Blue Cross Prescription Drug Experience Rated Program. The individual and family rates for \$0 copay are \$78.90 and \$185.35, respectively. This filing will affect approximately 3,920 contracts. The proposed increase will generate an additional annual premium income of \$712,444. An effective date of January 1, 2000 is requested. The last time these rates were increased was October 1, 1994.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1397. Filed for public inspection August 20, 1999, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Blue Cross Security 65 Non-Group Rate Filing; Filing No. 403-BCSEC65-1/1/00

On August 3, 1999, Blue Cross of Northeastern Pennsylvania submitted a filing, requesting an overall average increase of 4.99% for the Security 65 Rated Program. Specifically the rate increases are as follows:

	<i>Current Rate</i>	<i>Proposed Rate</i>	<i>Rate Increase</i>
Security 65 Package A	\$33.65	\$37.19	10.51%
Security 65 Package B	\$53.60	\$57.21	6.73%
Security 65 Package C	\$66.70	\$69.88	4.77%
Security 65 Package H	\$103.80	\$108.32	4.36%

This filing will affect approximately 49,595 contracts. The proposed increase will generate an additional annual premium income of \$1.7 million. An effective date of January 1, 2000 is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1398. Filed for public inspection August 20, 1999, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Blue Cross 65 Special Group Experience Rate Filing; Filing No. 401-BC65EG-1/1/00

On August 3, 1999, Blue Cross of Northeastern Pennsylvania submitted a filing, requesting an increase of 10.09% in the monthly rates of the Blue Cross 65 Special Experience Rated Program. This filing will affect approximately 3,060 contracts. The proposed increase will generate an additional annual premium income of \$222,047. An effective date of January 1, 2000 is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1399. Filed for public inspection August 20, 1999, 9:00 a.m.]

Capital Blue Cross; Request to Increase Rates for Individual Basic Hospital Program; Filing No. 99-S

Capital Blue Cross requests approval to increase its premium rates for its Individual Basic Blue Cross Program. The proposed increase is 24.0%. This rate change will produce an estimated additional annualized income of \$2.98 million and will affect approximately 4,670 contracts. An effective date of January 1, 2000 is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Carol Slack, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry

Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1400. Filed for public inspection August 20, 1999, 9:00 a.m.]

Capital Blue Cross; Request to Increase Rates for Individual Major Medical Program; Filing No. 99-T

Capital Blue Cross and Pennsylvania Blue Shield propose to increase the premium rates for the Individual Major Medical Programs. The proposed average increase is 42.5%. This rate change will produce an estimated additional annualized income of \$1.81 million and will affect approximately 3,200 contracts.

This filing also includes an adjustment to the rates for a proposed reduction in the manipulation and physical therapy benefits. The adjustment reflects a reduction in these benefits from unlimited sessions per calendar year to 18 sessions per calendar year.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Carol Slack, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1401. Filed for public inspection August 20, 1999, 9:00 a.m.]

Capital Blue Cross; Security 65, Plans A, B and H Rate Increase; Filing No. 99-Z

By Filing No. 99-Z, Capital Blue Cross requests to increase the rates for the Security 65 Plans A, B and H. The proposed rate increases are 24.3% for Plan A, 8.4% for Plan B and 12.5% for Plan H. This rate change will produce an estimated additional annual income of \$4.7 million and will impact approximately 94,200 contracts. An effective date of January 1, 2000 is requested.

The requested first eligible rates are as follows:

	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>% Increase</i>
Plan A	\$16.70	\$20.75	24.3%
Plan B	\$36.80	\$39.90	8.4%
Plan C	\$55.05	\$55.05	0%
Plan H	\$101.30	\$113.95	12.5%

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry

Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1402. Filed for public inspection August 20, 1999, 9:00 a.m.]

Capital Blue Cross and Pennsylvania Blue Shield; Individual Comprehensive Major Medical Programs Rate Increase; Filing No. 99-U

By Filing No. 99-U, Capital Blue Cross and Pennsylvania Blue Shield request to adjust the rates, deductibles and benefits for the Individual Comprehensive Major Medical Programs known as ClassicComp. The proposed average rate increase after deductible and benefit changes is 11.8%. Without the benefit changes, the rate increase would be 24.1%. This rate change will produce an estimated additional annual income of \$1.4 million and will impact approximately 4,430 contracts. An effective date of January 1, 2000 is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1403. Filed for public inspection August 20, 1999, 9:00 a.m.]

Deadline for Submission of Merger, Consolidation, Acquisition, Redomestication and Recapitalization Filings

Merger, consolidation, acquisition of voting stock, redomestication and recapitalization filings requiring the approval of the Insurance Commissioner as mandated by the Insurance Company Law of 1921 (40 P.S. §§ 991.1402) or the Business Corporation Law (15 Pa.C.S. § 21101 et seq.) should be submitted to the Insurance Department on or before October 1, 1999, if the filer requires approval on or before December 31, 1999. Filings made on or after October 1, 1999, cannot be guaranteed appropriate review and disposition by the Insurance Department by December 31, 1999.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1404. Filed for public inspection August 20, 1999, 9:00 a.m.]

Independence Blue Cross; Blue Cross Non-Group Rate Increase; Filing No. 21-P-99

By Filing No. 21-P-99, Independence Blue Cross submitted a proposal to increase the premium rates for its

Non-Group Basic Blue Cross (8.67%) and Special Care (4.16%) lines of business. A January 1, 2000 effective date is proposed.

The proposed rate adjustment would affect approximately 25,000 contracts, and would produce additional premium income of \$2.16 million a year.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Philadelphia and Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1405. Filed for public inspection August 20, 1999, 9:00 a.m.]

Independence Blue Cross; Medicare Supplement Rate Increase for Plans: A, B, C and H; Filing No. 20-P-99

By Filing No. 20-P-99, Independence Blue Cross submitted a proposal to increase the premium rates for its Medicare Supplement Plans: A, B, C and H. A January 1, 2000 effective date is proposed.

The requested rate increase would affect approximately 84,000 members, and would produce additional premium income of \$6.6 million a year.

The requested first eligible rates are as follows:

	<i>Current Rate</i>	<i>Required Rate</i>	<i>Required % Increase</i>
Plan A	\$31.30	\$38.50	23.00%
Plan B	\$65.45	\$70.95	8.4%
Plan C	\$75.10	\$81.40	8.4%
Plan H	\$117.80	\$127.70	8.4%

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Philadelphia and Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1406. Filed for public inspection August 20, 1999, 9:00 a.m.]

Independence Blue Cross and Pennsylvania Blue Shield; Non-Group Major Medical Rate Increase; Filing No. 22-P-99

By Filing No. 22-P-99, Independence Blue Cross and Pennsylvania Blue Shield submitted a proposal to in-

crease the premium rates by 30% for their Non-Group Major Medical programs. A January 1, 2000 effective date is proposed.

The proposed rate increase would affect approximately 6,000 contracts, and would produce additional premium income of \$2.35 million a year.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Philadelphia and Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1407. Filed for public inspection August 20, 1999, 9:00 a.m.]

Paul A. Schofield; Doc. No. AG99-08-001

A prehearing/settlement telephone conference initiated by the Administrative Hearings Office shall occur on September 15, 1999, at 10 a.m. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), and the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq. and the Insurance Department's Special Rules of Administrative Practice and Procedure, 31 Pa. Code Chapter 56.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference. No prehearing memoranda or other written submissions are required for the prehearing/settlement telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before August 25, 1999, with the Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before September 8, 1999.

A written request for continuance of the scheduled prehearing/settlement conference, for good cause, will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. Continuance requests must indicate whether the opposing party objects to a continuance.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1408. Filed for public inspection August 20, 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 Daylin B. Leach; file no. 99-265-32547; Erie Insurance Exchange; doc. no. PH99-08-007; October 4, 1999, 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. 99-1409. Filed for public inspection August 20, 1999, 9:00 a.m.]

Review Procedure Hearings Under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. 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 hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Lionel Savadove; file no. 99-280-32168; Chubb Insurance Company; doc. no. PH99-08-002; October 4, 1999, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P.S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, 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 hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1410. Filed for public inspection August 20, 1999, 9:00 a.m.]

William G. McClaren; Doc. No. AG99-08-004

A prehearing/settlement telephone conference initiated by the Administrative Hearings Office shall occur on September 29, 1999, at 10 a.m. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), and the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq. and the Insurance Department's Special Rules of Administrative Practice and Procedure, 31 Pa. Code Chapter 56.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference. No prehearing memoranda or other written submissions are required for the prehearing/settlement telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

A written request for continuance of the scheduled prehearing/settlement conference, for good cause, will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party.

Continuance requests must indicate whether the opposing party objects to a continuance.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1411. Filed for public inspection August 20, 1999, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

Executive Board

CB-99-172 dated July 7, 1999. Authorizes the collective bargaining agreement and memorandum of understanding between the Commonwealth of Pennsylvania and the Federation of State Cultural and Educational Professionals (FOSCEP); effective July 1, 1999 through June 30, 2003.

CB-99-173 dated July 7, 1999. Side letter amending the collective bargaining agreement between the Commonwealth of Pennsylvania and the United Food and Commercial Workers Union to increase the starting hourly rate from \$6.81/hr. to \$7.21/hr. for Liquor Store Clerk 1, Liquor Stock Clerk, Liquor Store Wholesale Clerk, and Intermittent Liquor Store Clerk classifications. In addition, employees hired expressly as vacation replacements or for holiday business shall be hired at \$6.81/hr.

CB-99-175 dated July 7, 1999. The Executive Board Resolution authorizes the collective bargaining agreement between the Commonwealth and the Pennsylvania State Park Officers Association (PSPOA). This agreement encompasses approximately 188 full and part-time employees in the R4-Park Rangers unit.

CB-99-176 dated July 7, 1999. Authorizes the collective bargaining agreement and memorandum of understanding between the Commonwealth of Pennsylvania and the PSSU; effective July 1, 1999 through June 30, 2003.

CB-99-177 dated July 7, 1999. Authorizes the collective bargaining agreement between the Commonwealth of Pennsylvania and the Service Employees International Union-1199P; effective July 1, 1999 through June 30, 2003.

CB-99-178 dated July 7, 1999. Authorizes the memorandum of understanding between the Commonwealth of Pennsylvania and the Independent State Store Union (ISSU); effective July 1, 1999 through June 30, 2003.

CB-99-179 dated July 7, 1999. Authorizes the implementation of the master agreement between the Commonwealth of Pennsylvania and ASCME. For the period July 1, 1999 through June 30, 2003.

CB-99-180 dated July 7, 1999. Authorizes the implementation of the master memorandum of understanding between the Commonwealth of Pennsylvania and ASCME. For the period July 1, 1999 through June 30, 2003.

Governor's Office

Administrative Circular No. 99-22; Availability—Commonwealth Telephone Directory, Dated July 9, 1999.

Administrative Circular No. 99-23; Workers' Compensation Rates, Dated July 13, 1999.

Administrative Circular No. 99-24; Revised Revenue Estimates, 1999-00 Fiscal Year, Dated July 26, 1999.

Administrative Circular No. 99-25; Availability of State Surplus Real Property for Transfer to Commonwealth Agencies—Bucks County, Dated July 26, 1999.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 99-1412. Filed for public inspection August 20, 1999, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Mifflin County, Wine & Spirits Shoppe #4401, 127 South Main Street, Lewistown, PA 17044-2119.

Lease Expiration Date: August 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 4,000 net useable square feet of new or existing retail commercial space within the greater Lewistown or Burnham Boroughs.

Proposals due: September 10, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110
Contact: Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 99-1413. Filed for public inspection August 20, 1999, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Service Without Hearing

A-121100F0004; A-121100F0005; A-120600F2000. Equitable Resources, Inc. and Carnegie Natural Gas Company. Joint Application of Equitable Resources, Inc. and Carnegie Natural Gas Company for Certificates of Public Convenience evidencing approval of (1) the transfer by sale of stock, of the title to and possession and use

of all used or useful property of Carnegie Natural Gas Company to Equitable Resources, Inc. (docketed at A-121100F0004); (2) the right of Equitable Resources, Inc. to begin to offer, render, furnish or supply natural gas service to the public in the service territory of Carnegie Natural Gas Company (docketed at A-121100F0005); and (3) the right of Carnegie Natural Gas Company to abandon all natural gas service to the public (docketed at A-120600F2000).

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 September 7, 1999, under 52 Pa. Code (relating to public utilities).

Applicants: Equitable Resources, Inc. and Carnegie Natural Gas Company

Through and By Counsel: Charles Thomas, Jr. and Thomas Niesen, Esquires, Thomas Thomas Armstrong & Niesen, P. O. Box 9500, Harrisburg, PA 17108-9500; and Joseph J. Malatesta, Jr., Esquire, Malatesta Hawke & McKeon LLP, Harrisburg Energy Center, 100 N. 10th St., Harrisburg, PA 17105.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1414. Filed for public inspection August 20, 1999, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before September 13, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00116119. St. Marys Area Ambulance Service, Inc. (773 Johnsonburg Road, St. Marys, Elk County, PA 15857), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the city of St. Marys, Elk County, and points in Elk County which are located within an airline distance of 15 statute miles of the limits of said city, and from points in the said territory, to points in Pennsylvania, and vice versa. *Attorney:* Marci M. Schneider, the Jaindl Building, 4029 West Tilghman Street, Allentown, PA 18104.

A-00116116. Life Force of Western PA., Inc. (35 Sixth Avenue, Greenville, Mercer County, PA 16125), a corporation of the Commonwealth of Pennsylvania—persons, in paratransit service, between points in the county of Mercer, and from points in said county, to points in Pennsylvania, and return.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of household goods as described under each application.

A-00116117. Smart Move Makers, Inc. (P. O. Box 0164, New Cumberland, Cumberland County, PA 17070), a corporation of the Commonwealth of Pennsylvania—household goods in use, between points in the borough of New Cumberland, Cumberland County, and within an airline distance of 20 statute miles of the limits of said borough. An application for temporary authority has been filed at A-00116117 seeking the right cited above.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00098496, Folder 3, Am-A. Greater Johnstown Yellow Cab, Inc. (1301 Frankstown Road, Johnstown, Cambria County, PA 15902), a corporation of the Commonwealth of Pennsylvania—persons and their baggage, in limousine service, in luxury type vehicles with a seating capacity of less than 8 persons, between points in Cambria County: *So as to permit* the transportation of persons and their baggage, in limousine service, between points in the counties of Bedford, Blair, Cambria and Somerset, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of household goods as described under each application.

A-00113912, Folder 2. Barry K. Lowe Sr., t/d/b/a Make Your Move (5158 Cleveland Avenue, West Mifflin, Allegheny County, PA 15112-1369)—additional right—household goods in use, between points in the county of Allegheny, and from points in said county, to points in the counties of Beaver, Butler, Westmoreland, Fayette and Washington, and vice versa.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Ronald J. Coleman, t/a Coleman Express Service; Doc. No. A-00112817C9901

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Ronald J. Coleman, t/a Coleman Express Service, respondent, maintains a principal place of business at 566 Main Street, Lykens, PA 17048.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00112817.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Ronald J. Coleman, t/a Coleman Express Service at Docket No. A-00112817, for failure to maintain current evidence of insurance on file with the Commission.

Respectfully submitted,

George T. Mahan, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

George T. Mahan

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

UJSP Inc.
P. O. Box 8993
Pittsburgh, PA 15221

In re: A-00110880C9901
A-00110880

Dear Respondent:

On May 19, 1999, the Bureau of Transportation and Safety instituted a complaint against UJSP, Inc., respondent, alleging failure to maintain proper evidence of current insurance in violation of the Public Utility Code. The respondent was duly notified that if acceptable evidence of insurance or an answer was not filed, the Bureau would request that the Secretary of the Commission revoke the certificate of public convenience issued to the respondent at A-00110880.

The complaint and notice were published in the June 19, 1999 issue of the *Pennsylvania Bulletin*; to date, more than twenty (20) days later, neither evidence of insurance nor an answer to the complaint has been filed. Therefore, the allegation in the complaint is deemed to be admitted.

The complaint at A-00110880C9901 is hereby sustained and the right(s) and the certificate of public convenience issued to the respondent at A-00110880 be and are hereby revoked; and the respondent has no other operating authority. The respondent is hereby notified to cease and desist from providing service previously authorized under the certificate of public convenience.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1415. Filed for public inspection August 20, 1999, 9:00 a.m.]

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1416. Filed for public inspection August 20, 1999, 9:00 a.m.]

Telecommunications

A-310104F0002. Bell Atlantic-Pennsylvania, Inc. and ATX Telecommunications Services, Ltd. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and ATX Telecommunications Services, Ltd. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and ATX Telecommunications Services, Ltd., by its counsel filed on August 6, 1999, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and ATX Telecommunications Services, Ltd. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1417. Filed for public inspection August 20, 1999, 9:00 a.m.]

Telecommunications

A-310125F0002. AT&T Communications of Pennsylvania, Inc. and GTE North Incorporated. Petition of AT&T Communications of Pennsylvania, Inc. and GTE North Incorporated for approval of an interconnection, resale and unbundling agreement under sections 251 and 252 of the Telecommunications Act of 1996.

AT&T Communications of Pennsylvania, Inc. and GTE North Incorporated, by its counsel, filed on July 9, 1999, at the Pennsylvania Public Utility Commission, a petition for approval of an interconnection, resale and unbundling 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 AT&T Communications of Pennsylvania, Inc. and GTE North Incorporated Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

Telecommunications

A-310651. GTE North, Incorporated and Service Electric Telephone, Inc. Joint Petition of GTE North, Incorporated and Service Electric Telephone, Inc. for approval of an interconnection agreement under section 251 and 252(e) of the Telecommunications Act of 1996.

GTE North Incorporated and Service Electric Telephone, Inc., by its counsel, filed on August 5, 1999, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the GTE North Incorporated and Service Electric Telephone, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1418. Filed for public inspection August 20, 1999, 9:00 a.m.]

Transfer by Sale Without Hearing

Doc. No. A-111100F0005. UGI Utilities, Inc. Application of UGI Utilities, Inc., for approval of the transfer by sale of a 0.4 acre parcel of property located on Chestnut Street in Warrior Run, Luzerne County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before September 7, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: UGI Utilities, Inc.

Through and By Counsel: Thomas M. Jackal, Esquire,
UGI Corporation, P. O. Box 858, Valley Forge, PA 19482.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1419. Filed for public inspection August 20, 1999, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17108:

May 3, 1999	Tamara Willingham (Disability Benefits)	1:30 p.m.
Sept. 1, 1999	Gloria D. Briggs (Change Effective Date Of Retirement)	1 p.m.
Sept. 8, 1999	Richard Welsh (dec'd) (Change Member's Op- tion)	1 p.m.
Sept. 22, 1999	Francis J. Hudak (Purchase Service Credit w/Penn State Univer- sity)	1 p.m.
Sept. 27, 1999	Tamara D. Willingham (Continue Disability Re- tirement Benefits)	1:30 p.m.
Sept. 29, 1999	Frances Owczarz (dec'd) (Contesting Designation of Beneficiary)	1 p.m.

Oct. 6, 1999	Della M. Marsh (Multiple Service)	1 p.m.
Oct. 13, 1999	Roslyn V. Harris (Continue Disability Re- tirement Benefits)	1 p.m.
Oct. 20, 1999	Ralph M. Bailets (Multiple Service)	1 p.m.
Oct. 25, 1999	Wayne J. Hettinger (Continue Disability Re- tirement Benefits)	1:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 99-1420. Filed for public inspection August 20, 1999, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm

Open End Mechanical, Electrical, Plumbing (MEP) Engineering Contract Systemwide

Reference No. 3-116

The Turnpike Commission (Commission) will retain one mechanical, electrical, plumbing (MEP) engineering firm for an open end contract to perform design and construction services for a variety of building facility-related projects along the entire Turnpike system. Services from the engineering firm include, but are not limited to: studies, concept plans, preliminary/final designs, production of construction documents suitable for competitive bidding, review of project submittals and construction phase services for multiple projects performed simultaneously under short completion schedules.

The firm selected will have experience with the types of buildings and systems in the Turnpike inventory, such as, administrative offices, toll plaza structures, maintenance facilities, sewage treatment plants, domestic water well systems, exterior lighting systems, and the like.

The contract will be for a maximum cost of \$500,000 or for a 24 month period. The firm will be required to provide sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. In addition, the firm selected may be required to attend construction meetings with the Commission.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Direct inquiries to W. Keith Libengood at (717) 939-9551, Ext. 3690; or by e-mail at wlibengo@paturndpike.com.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. If the firm has multiple offices, the location of the office performing the work must be identified.

2. Three page expression of interest in the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

5. A copy of the Annual Qualification Package submitted to the Pennsylvania Department of Transportation for the current year, that is in the same District as the project or one that is best suited for the project. If an interested firm does not perform work for the Department of Transportation, and does not have an annual qualification package prepared, the following information must still be provided.

The Annual Qualification Package should contain at a minimum, the following information for the prime consultant and all subconsultants which should be attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project (Limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in Pennsylvania.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Don Santostefano, Facilities Manager, at the PA Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange (No. 19). (FedEx address: Route 283 and Eisenhower Boulevard, Highspire, PA 17034) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 noon, Friday, September 10, 1999. Letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to this solicitation, one firm will be selected for each project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-1421. Filed for public inspection August 20, 1999, 9:00 a.m.]

Retention of an Engineering Firm

Open End Architectural Engineering Contract Systemwide

Reference No. 3-117

The Turnpike Commission (Commission) will retain one architectural firm for an open end contract to perform design and construction services for a variety of facilities-related projects along the entire Turnpike system. Services from the architectural firm include, but are not limited to: studies, concept plans, preliminary/final designs, production of construction documents suitable for

public competitive bidding, review of project submittal and construction phase services for multiple projects performed simultaneously under short completion schedules.

The firm selected will have experience with the types of buildings in the Turnpike inventory, such as, administrative offices, toll plaza structures, maintenance facilities, and the like.

The contract will be for a maximum cost of \$500,000 or for a 24 month period. The firm will be required to provide sufficient office personnel, managers, architects, engineers, technicians and clerical staff to support all the requested services.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Direct inquiries to W. Keith Libengood at (717) 939-9551, Ext. 3690; or by e-mail at wlibengo@paturnpike.com.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. If the firm has multiple offices, the location of the office performing the work must be identified.

2. Three page expression of interest in the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any

deviation from the subconsultants listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

5. A copy of the Annual Qualification Package submitted to the Pennsylvania Department of Transportation for the current year, that is in the same District as the project or one that is best suited for the project. If an interested firm does not perform work for the Department of Transportation, and does not have an annual qualification package prepared, the following information must still be provided.

The Annual Qualification Package should contain at a minimum, the following information for the prime consultant and all subconsultants which should be attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project (Limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in Pennsylvania.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Don Santostefano, Facilities Manager, at the PA Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange (No. 19). (FedEx address: Route 283 and Eisenhower Boulevard, Highspire, PA 17034) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 noon, Friday, September 10, 1999. Letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to this solicitation, one firm will be selected for each project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-1422. Filed for public inspection August 20, 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". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development

374 Forum Building

Harrisburg, PA 17120

800-280-3801 or (717) 783-5700

Reader's Guide

Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

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The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room G13 Finance Building
Harrisburg, PA 17120
717-787-2990
1-800-252-4700

BARBARA HAFER,
State Treasurer

Commodities

6810-09 Annual Contract—Chemicals boiler water treatment. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: December 1—November 30
Contact: General Services, (717) 787-2199/4705

0096-08 Annual Contract—Lottery POS materials. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: November 1—October 31
Contact: General Services, (717) 787-2199/4705

2550-02 Engines diesel new and exchange (DOT). For copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Various
Duration: December 1—November 30
Contact: General Services, (717) 787-2199/4705

3610-03 Office copier machine supplies. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: December 1—November 30
Contact: General Services, (717) 787-2199/4705

1124079 Paper and printing—700 M H105.805 local registrar's certification of death. For copy of the bid package fax request to (717) 787-0725.

Department: Health
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

5610-15 Coarse and fine aggregate Parts A and B. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: January 01—December 31
Contact: General Services, (717) 787-2199/4705

0057-08 Annual Contract—PA Heritage. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: December 1—November 30
Contact: General Services, (717) 787-2199/4705

8250650 Construction, mining, excavating and highway maintenance equipment—43 each plow wing, patrol, right; 26 each plow wing, patrol left. For copy of the bid fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

APR No. 1 Light-weight reversible police jacket, Style No. "TNT 6000 reversible bomber jacket." Manufactured by Blauer Mfg. Co. Order quantity: 125 each. No substitution of item requested will be acceptable. Awarded vendor will be advised of jacket sizes required, and quantities of each in blue and black. Bid price shall include the sewing of agency patches on both sleeves of each garment. Agency will provide patches. To obtain bid package contact Charles Klein at (717) 787-9635.

Department: General Services
Location: Police and Safety, Ste. 70E, Capitol Addition, Harrisburg, PA 17125
Duration: Indeterminate 1999—2000
Contact: Charles Klein, (717) 787-9635

7440-01 Annual Contract—Tapes/cartridges data processing. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: December 1—November 30
Contact: General Services, (717) 787-2199/4705

7490-03 Annual Contract—Mailroom equipment and supplies. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: January 1—December 31
Contact: General Services, (717) 787-2199/4705

9905-11 Annual Contract—Traffic control devices, work zone. For copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: December 1—November 30
Contact: General Services, (717) 787-2199/4705

1071219 Electric wire and power and distribution equipment—1 each diesel generator system 230,000 KW, 288.00 KVA @ 120/240 VAC 3 phase. For copy of the bid fax request to (717) 787-0725.

Department: Public Welfare
Location: Danville State Hospital
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8250470 Construction, mining, excavating and highway maintenance equipment—2 each drill, e-z, dowel pneumatic system. For copy of the bid fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8250450 Construction, mining, excavating and highway maintenance equipment—8 each heater/reheater, asphalt storage trailer, towed. For copy of the bid fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8250570 Agricultural machinery and supplies—7 each saw, rock (skid steer, asphalt and concrete cutter attachment). For copy of the bid fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

5850-2 Annual Contract—Local Area Network (LAN) services. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: January 1—December 31
Contact: General Services, (717) 787-2199/4705

1095219 Refrigerator and AC equipment—Various quantities and item for replacement keys for coal fired units. All stokers keys shall be ductile iron 65-45-12, meeting ASTM Specification A536. For copy of the bid fax request to (717) 787-0725.

Department: Public Welfare
Location: Hamburg Center, Hamburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

1125209 Communication equipment—1 each furnish, install and make operational gyro-stabilized aerial video surveillance system. For copy of the bid fax request to (717) 787-0725.

Department: State Police
Location: Hershey, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

1116189 Paper and printing—801 M 1099-G Forms—1999 Statement for Recipients of Certain Government Payments; 30.5 M 1099-Int Form—1999 Statement for Recipients of Interest Income. For copy of the bid fax request to (717) 787-0725.

Department: Revenue
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

7314270 Communication equipment—340 each Software IBM Electronic Journal feature (PRPQ No. 85520) for use in PLCB point of sale locations; 1 each Software IBM 4690 GSA Source Code Version 2, Part Number 5696-546. For copy of the bid fax request to (717) 787-0725.

Department: Liquor Control Board
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

7314300 Motor vehicles, trailers and cycles—4 each latest model heavy duty compact van truck; 2 each latest model compact cutaway with 14' van body. For copy of the bid package fax request to (717) 787-0725.

Department: Liquor Control Board
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8141450 Containers, packaging and packing supplies—92 lf 53" diameter polyethylene plastic liner, snap-tite solid; 1 3a 30 degree elbow with 12 foot extensions and (63 inch diameter) 5 foot extension with male end; 1 LS shipping. For copy of the bid fax request to (717) 787-0725.

Department: Transportation
Location: Waterford, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8250510 Metal working machinery—6 each compressor, 15HP, shop Ingersol Rand type 30" or approved equal. For copy of the bid fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8250590 Vehicular equipment and components—12 each Tarp system, awning type; 26 each Tarp system, sliding type. For copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

1109239 Clothing and individual equipment—1,200 each coat waist length, winter, Blauer Style No. 9010Z, color OD green, no substitution.

Department: Game Commission
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8250550 Construction, mining, excavating and highway maintenance equipment—6 each bucket, right side dump (loader attachment). For copy of the bid fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

1091239 Clothing and individual equipment—1,128 each shirt, long sleeve, uniform Elbeco Style No. 212-3 "Duty Plus" (men's), no substitution; 22 each shirt, long sleeve uniform Eleco Style No. 8212-3 (women's), no substitution. For copy of the bid package fax request to (717) 787-0725.

Department: Game Commission
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8250560 Construction, mining, excavating and highway maintenance equipment—8 each backhoe (skid steer attachment). For copy of the bid fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

Hardwood Lumber Hardwood lumber—Various sizes, species and grades. To be bid as needed approximately quarterly. To obtain bid information contact Joseph Kanjorski at (570) 773-2158, ext. 560.

Department: Corrections
Location: Correctional Industries, State Correctional Institution, 1 Kelly Drive, Coal Township, PA 17872
Duration: FY 99—00
Contact: Joseph Kanjorski, (570) 773-2158, ext. 560

8250520 Construction, mining, excavating and highway maintenance equipment—3 each road widener with quick disconnect loader attachment with American coupler system. For copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8250540 Construction, mining, excavating and highway maintenance equipment—6 each bucket, 6 cy capacity, snow basket loader attachment. For copy of the bid fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

HUN 334 Vendor to supply concertina wire to the State Correctional Institution at Huntingdon. This request is for materials only. Material specifications are available at the agency and will be provided upon request. Contact Robert Jessell at (814) 643-2400.

Department: Corrections
Location: State Correctional Institution Huntingdon, 1100 Pike Street, Huntingdon, PA 16654
Duration: August 8, 1999 to June 30, 2000
Contact: Robert Jessell, Purchasing Agent, (814) 643-2400

1111219 Electric wire and power distribution equipment—1 each generator 200 KW diesel powered 208/120 volt, 3 phase with an 800 Amp 3 phase transfer switch; 1 each generator 150 KW diesel powered, 208/120 volt, 3 phase with a 600 Amp, 3 phase transfer switch, 2 each generator, 45 KW diesel powered 2078/120 volt, 3 phase with a 150 Amp 3 phase automatic transfer switch. For copy of the bid fax request to (717) 787-0725.

Department: Public Welfare
Location: Torrance State Hospital, Torrance, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

SERVICES

Computer Related Services—08

RFP 2000-3 The PDE's sole interest is in software developed for other states with Federal Child Nutrition Program dollars and/or off-the-shelf proprietary software. Software, in this case, refers only to existing software developed specifically for state agencies administering the Federal Child Nutrition Programs. Further, the software must have been developed for the purpose of allowing state agency staff and sponsors of the referenced Child Nutrition Programs to perform USDA mandated review and approval functions electronically. To receive further information contact Michele L. Fry at (717) 787-7698 or (800) 331-0129.

Department: Education
Location: Harrisburg, PA
Duration: March 1, 2000—March 29, 2002
Contact: Michele L. Fry, (717) 787-7698

IFB 99-I-005 The Department of State is issuing an IFB to procure data entry services for Campaign Finance Reports for the Bureau of Commissions, Elections and Legislation.

Department: State
Location: Harrisburg, PA
Duration: Fifteen months
Contact: Kathy Bilyeu, (717) 783-7220

Construction and Construction Maintenance—09

015DGSA1577-14 Project title: Dietary Building Expansion. Brief description: Work consists of a new one story masonry addition (approximately 1,500 s. f.) to the existing dietary building to accommodate a dry food storage and dishwashing area. The institution will relocate the existing dishwasher at the new addition and will do flooring, painting, hood, light fixtures and macadam work. Estimated range: \$75,000 to \$150,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. 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: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, September 15, 1999 at 11 a.m. A prebid conference has been scheduled for Thursday, September 2, 1999, at 9 a.m. in the Administration Building on the Second Floor in Conference Room at State Correctional Institution, Waynesburg, PA. Contact: Mike Brown, (724) 852-5625. Contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: State Correctional Institution, Waynesburg, Greene County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGSA574-13 Project title: Roof Replacement/Repair. Brief description: Remove existing slate roofing system and replace with new slate tile roof system as manufactured by Majestic Skylines, Richmond, Virginia or approved equal. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. 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: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, September 1, 1999, at 2 p.m.

Department: General Services
Location: State Correctional Institution, Muncy, Lycoming County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGSA207-13 Project title: Window Replacement. Brief description: Remove existing windows, doors and hardware. Install new windows with insulated glass and insulated panels, hardware and new doors. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. 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: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, September 1, 1999, at 1 p.m.

Department: General Services
Location: PA State Police Philadelphia Headquarters, Philadelphia, Philadelphia County, PA
Duration: 200 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGSA417-57 Project title: Repair and Replace Various Building Roofs. Brief description: Remove existing built up roofing and install a new membrane roof on Jones Dining Hall. Remove existing shingled roofs and install new shingled roofs on Armstrong and Herrington Halls. Remove existing mortar and install new mortar in all coping joints on Stauffer Gymnasium and Jones Dining Hall. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. 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: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, September 1, 1999, at 2 p.m.

Department: General Services
Location: Thaddeus Stevens College of Technology, Lancaster, Lancaster County, PA
Duration: 100 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGSA1700-30 Project title: Remove and Replace Windows and Doors. Brief description: Remove steel windows and doors and replace with new aluminum windows and doors. Estimated range: Under \$100,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. 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: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, September 1, 1999, at 2 p.m.

Department: General Services
Location: State Fire Academy, Lewistown, Mifflin County, PA
Duration: 200 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGSA948-35 Phase I, Part K Project title: Electrical Bus Duct Replacement. Brief description: Remove and replace power distribution equipment and transformers in the high voltage room and provide new bus duct and new distribution centers in the Main Capitol Building. Estimated range: \$5,000,000 to \$10,000,000. HVAC and electrical construction. Plans deposit: \$110 per set. Payable to: Brinjac, Kambic and Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Submit a separate check or provide your express mail account number to the office listed. Mail requests to: Brinjac, Kambic and Associates, 114 North 2nd Street, Harrisburg, PA 17101-1401, (717) 233-4502. Bid date: Wednesday, September 8, 1999, at 2 p.m. A prebid conference has been scheduled for Friday, August 13, 1999, at 10 a.m. in Room 14E, East Wing, Capitol Building, Harrisburg, PA. Contact: Murray Marlier, (717) 787-5942. Contractors who have secured contract documents are invited and urged to attend this prebid conference. Questions must be submitted in writing to Brinjac, Kambic and Associates, 114 North 2nd Street, Harrisburg, PA 17101-1401, Attn: Tim Myers, (717) 233-4502 and Murray Marlier, (717) 787-5942 by August 26, 1999.

Department: General Services
Location: Main Capitol Building, Harrisburg, Dauphin County, PA
Duration: 365 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGSA251-553 Project title: Paint Metal Storage Building. Brief description: Power wash existing metal building to remove loose and peeling paint. Apply primer and finish coats. Estimated range: Under \$100,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. 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: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, September 15, 1999, at 1 p.m.

Department: General Services
Location: Blaine and Ruffner Street Storage Building, Philadelphia, Philadelphia County, PA
Duration: 75 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGSA960-26 Project title: Construction of Pennsylvania Veterans' Memorial. Brief description: Construction of a Veterans' Memorial structure with concrete and stone walls, amphitheater seating, water pools/fountains, trees, landscaping, paved surfaces, toilet rooms and parking. Work includes general, HVAC, plumbing and electrical construction. Estimated range: \$2,000,000 to \$5,000,000. General, HVAC, plumbing and electrical construction. Plans deposit: \$50 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed for delivery of documents. Mail a separate check for \$15 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, September 15, 1999, at 2 p.m. A prebid conference has been scheduled for Tuesday, August 31, 1999, at 10 a.m. at Fort Indiantown Gap in the Main Conference Room of Building S-O-47, Annville, Lebanon County, PA. Contact: Cee Jay Frederick, (610) 431-7899. Contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: National Cemetery, Ft. Indiantown Gap, Lebanon County, PA
Duration: 366 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS413-45 Phase I Project title: Renovation of Central Boiler Plant. Brief description: Furnish and install equipment and testing for a co-fire gas and coal stoker pilot project. Work to include burner controls, gas piping distribution, co-fire gas burner, furnace modifications, burner controls, testing and electrical work to support modifications to the boilers. Estimated range: \$500,000 to \$1,000,000. HVAC, electrical construction. Plans deposit: \$125 per set. Payable to: Gannett Fleming, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. 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: Gannett Fleming, Inc., 207 Senate Avenue, Camp Hill, PA 17011, (717) 763-7211. Bid date: Wednesday, September 15, 1999, at 11 a.m. A prebid conference has been scheduled for August 31, 1999, at 9 a.m. located at Slippery Rock University, at the Central Heating Plant, Slippery Rock, Butler County, PA. Contact James Albert, (717) 763-7211. Contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services

Location: Slippery Rock University, Slippery Rock, Butler County, PA

Duration: 180 calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

015DGS41578-28 Project title: Repair Roadways. Brief description: Repair and overlay approximately 1/2 mile total of various bituminous roadways. Estimated range: Under \$100,000. Paving construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. 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: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, September 1, 1999, at 1 p.m.

Department: General Services

Location: State Correctional Institution, Waymart, Wayne County, PA

Duration: 90 calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

DGS 1103-48DE1 Project title: Demolition. Brief description: Work includes demolition of Pitt Stadium, installing a site access road, termination of existing utilities, installation of a perimeter fence, establishing a pedestrian walkway and establishing a traffic control plan. Estimated range: \$2,000,000 to \$5,000,000. Demolition construction. Plans deposit: \$50 per set. Payable to: Pitt-Center Partners. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. Mail a separate check for \$20 per set or provide your express mail account number to the office listed. Mail requests to: Pitt-Center Partners, 1020 Lebanon Road, West Mifflin, PA 15122-1036, (412) 462-9300. Attn: Marlene Martak. Bid date: Wednesday, September 8, 1999, at 11 a.m. A prebid conference has been scheduled for Tuesday, August 24, 1999, at 10 a.m. at the Eiseman Prussin Media Room in Pitt Stadium. Contact person: Jim Friel, (412) 394-6888. Contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services

Location: University of Pittsburgh Campus, Pittsburgh, Allegheny County, PA

Duration: 113 calendar days from date of initial job conference for completion of entire project

Contact: Contract Bidding Unit, (717) 787-6556

015DGS948-37PH4PTA Project title: Expansion of Central Air Conditioning System to Main Capitol Building, 4th Floor North Wing and North Hyphen. Brief description: Consists of work on the 4th FL North Wing, Hyphen, and Chases within occupied spaces of the 1st thru 3rd Floors of the Main Capitol Building. The work includes replacement of fan coil units and water-cooled AC units; installation of perimeter chilled water risers; and ventilation system improvements. Estimated range: \$500,000 to \$1,000,000. HVAC construction. Plans deposit: \$120 for four sets (948-35PH1PTL, 948-36PH3PTA, 948-37PH4PTA, 948-53PH1PTF). Bidders will receive one set of documents for each project noted for coordination of work of all projects in the same area. Checks must be made payable to Reynolds Construction Management, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Mail a separate check for \$15 or provide your express mail account number to the office listed. Reliance Reprographics, Inc., 2001 N. Front St., Bldg. 1, Suite 110, Harrisburg, PA 17102, (717) 232-5700. Bid date: Wednesday, September 15, 1999, at 2 p.m. A Prebid Conference has been scheduled for August 30, 1999, at 4 p.m. in RM 461, Main Capitol Bldg., Harrisburg, PA. Contact: Tim Werner/Reynolds Const. Management, Inc., (717) 230-8367 or Murray Marlier/DGS, (717) 787-5942. There will be a walk thru immediately following the Prebid Conference. Contractors who have secured contract documents are invited and urged to attend this Prebid Conference. Another walk thru is scheduled for September 2, 1999. This is your only chance to visit the site.

Department: General Services

Location: Main Capitol Building Harrisburg, Dauphin County, PA

Duration: 260 calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717)787-6556

015DGS948-36PH3PTA Project title: Waterproofing of Main Capitol Building, 4th Floor North Wing/North Hyphen. Brief description: Window modifications for the 4th FL North Wing and Hyphen. Additionally, rain water conductor piping will be replaced on Floors 1 thru 4. Estimated range: \$100,000 to \$500,000. General Construction. Plans deposit: \$120 for four sets (948-35PH1PTL, 948-36PH3PTA, 948-37PH4PTA, 948-53PH1PTF). Bidders will receive one set of documents for each project noted for coordination of work of all projects in the same area. Checks must be made payable to Reynolds Construction Management, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Mail a separate check for \$15 per set or provide your express mail account number to the office listed. Reliance Reprographics, Inc., 2001 N. Front St., Bldg. 1, Suite 110, Harrisburg, PA 17102, (717) 232-5700. Bid date: Wednesday, September 15, 1999, at 2 p.m. A Prebid Conference has been scheduled for August 30, 1999, at 4 p.m. in RM 461, Main Capitol Bldg., Harrisburg, PA. Contact: Tim Werner/Reynolds Const. Management, Inc., (717) 230-8367 or Murray Marlier/DGS, (717) 787-5942. There will be a walk thru immediately following the Prebid Conference. Contractors who have secured contract documents are invited and urged to attend this Prebid Conference. Another walk thru is scheduled for September 2, 1999. This is your only chance to visit the site.

Department: General Services

Location: Main Capitol Building, Harrisburg, Dauphin County, PA

Duration: 260 calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

015DGS948-35PH1PTL Project title: Fire Safety Code Improvements-4th Floor North Wing and Hyphen. Brief description: Consists of historical refurbishment, General Construction work, the installation of fire alarm systems, automatic sprinkler and basic electrical upgrades on the 4th Floor of the North Wing of the Main Capitol Building. Additionally, the project also includes the hazardous material abatement in these areas. Estimated range: \$2,000,000 to \$5,000,000. General, electrical, sprinkler and asbestos abatement. Plans deposit: \$120 for four sets (948-35PH1PTL, 948-36PH3PTA, 948-37PH4PTA, 948-53PH1PTF). Bidders will receive one set of documents for each project noted for coordination of work of all projects in the same area. Checks payable to Reynolds Const. Management. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Mail a separate check for \$15 per set or provide your express mail account number to the office listed. Reliance Reprographics, Inc., 2001 N. Front St., Bldg. 1, Suite 110, Harrisburg, PA 17102. Bid date: Wednesday, September 15, 1999 at 2 p.m. A Prebid Conference has been scheduled for August 30, 1999 at 4 p.m. in RM 461, Main Capitol Bldg., Harrisburg, PA. Contact Tim Werner with Reynolds Const. Management, (717) 230-8367 or Murray Marlier/DGS, (717) 787-5942. There will be a walk thru immediately following the Prebid Conference. Contractors who have secured contract documents are invited and urged to attend this Prebid Conference. Another walk through is scheduled for September 2, 1999. This is your only chance to visit the site.

Department: General Services

Location: Main Capitol Building, Harrisburg, Dauphin County, PA

Duration: 260 calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

015DGS948-53PH1PTF Project title: Plumbing Improvements, 4th Floor North Wing/North Hyphen. Brief description: Consists of plumbing work on the 4th FL North Wing, Hyphen, and Chases within occupied spaces of the 1st thru 3rd Floors of the Main Capitol Bldg. The work includes replacement of all piping and system upgrades. Estimated range: \$100,000 to \$500,000. General and Plumbing Construction. Plans deposit: \$120 for four sets (948-35PH1PTL, 948-36PH3PTA, 948-37PH4PTA, 948-53PH1PTF). Bidders will receive one set of documents for each project noted for coordination of work of all projects in the same area. Checks must be made payable to Reynolds Const. Management, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Mail a separate check for \$15 or provide your express mail account number to the office listed. Reliance Reprographics, Inc., 2001 N. Front St., Bldg. 1, Suite 110, Harrisburg, PA 17102, (717) 232-5700. Bid date: Wednesday, September 15, 1999, at 2 p.m. A Prebid Conference has been scheduled for August 30, 1999, at 4 p.m. in RM 461, Main Capitol Bldg., Harrisburg, PA. Contact: Tim Werner/Reynolds Const. Management, Inc., (717) 230-8367 or Murray Marlier/DGS, (717) 787-5942. There will be a walk thru immediately following the Prebid Conference. Contractors who have secured contract documents are invited and urged to attend this Prebid Conference. Another walk thru is scheduled for September 2, 1999. This is your only chance to visit the site.

Department: General Services

Location: Main Capitol Building, Harrisburg, Dauphin County, PA

Duration: 260 calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

Demolition—11

064005 Demolition and removal of 100 foot diameter concrete salt storage dome. Total structure including base foundation wall to be demolished and removed from site.

Department: Transportation

Location: Montgomery County District 0640, Swede Street and Johnson Highway, Norristown, PA

Duration: Approximately from October 1, 1999 to December 31, 1999

Contact: Les Toaso, (610) 964-6504

Engineering Services—14

08430AG2390 A multiphase, specific project assignment to perform environmental studies, preliminary engineering, final design and services during construction for the replacement of the S. R. 4025, Section 01B structure (Frantz Bridge) over Jordan Creek in the Township of Lowhill, Lehigh County, Engineering District 5-0.

Department: Transportation
Location: Engineering District 5-0
Duration: Twenty-seven (27) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2386 To provide final design and services during construction (consultation and shop drawing review) for S. R. 0022, Section B08, the reconstruction and widening of Traffic Route 22, for approximately 4 miles and located in the Borough of New Alexandria and Derry Township, Westmoreland County, Engineering District 12-0.

Department: Transportation
Location: Engineering District 12-0
Duration: Two (2) years
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2387 Open-end contract to provide various engineering and/or environmental services on various projects located in Engineering District 12-0, that is, Fayette, Greene, Washington and Westmoreland Counties.

Department: Transportation
Location: Engineering District 12-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2388 To conduct a Comprehensive Transportation Needs Analysis Study for the S. R. 0061, Section MUH corridor from the interchange between S. R. 0061 and S. R. 0012 north to the interchange between S. R. 0061 and S. R. 0222 in the Township of Muhlenberg, Berks County, Engineering District 5-0.

Department: Transportation
Location: Engineering District 5-0
Duration: Twelve (12) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2389 To conduct a corridor study on S. R. 022, Section 021 from the interchange between S. R. 0222 and former S. R. 3055 to the Lehigh County Line in the Townships of Ontelaunee, Maiden Creek, Richmond and Maxatawny in Berks County, Engineering District 5-0.

Department: Transportation
Location: Engineering District 5-0
Duration: Twelve (12) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

FDC-209-652 Construct one 8 inch cased well approximately 110' deep with an anticipated yield of 20 gpm; and all associated testing. Bid documents may be requested on or after August 16, 1999.

Department: Conservation and Natural Resources
Location: McConnells Mill State Park, Slippery Rock Township, PA
Duration: 60 days
Contact: Construction Management Section, (717) 787-5055

Financial and Insurance Consulting—17

RFP 1999-04 Third party to administer the Department's continuing education program. Act 1992-48 established a requirement for agents and brokers to comply with continuing education requirements. Under 31 Pa. Code § 39.5, the Commissioner desires to exercise her option to enter into a contract with a competent person or corporation who would perform many of the functions contained within 31 Pa. Code Chapter 39. These functions include, but are not limited to the following: reviewing courses, approving and assigning credits to continuing education courses and recording successful course completion by agents and brokers. Inquiries will be taken until September 20, 1999. For a bid package contact Lisa Forry at (717) 705-0020.

Department: Insurance
Location: Harrisburg, PA
Duration: April 1, 2000—April 1, 2002 with option of three 1-year renewals
Contact: Lisa Forry, (717) 705-0020

Food—19

B-7-99 Prepared salads, fresh. Call for purchasing details; Sandra Repak at (570) 443-4232.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, PA 18661-9602
Duration: October, November, December
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

3857 Juice drink contract for October, November and December 1999. Please send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1, 1999—December 31, 1999
Contact: Stanley Rygelski, Purchasing Agent, (570) 587-7291

3856 Miscellaneous frozen food contract for October, November and December 1999. Send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1, 1999—December 31, 1999
Contact: Stanley Rygelski, Purchasing Agent, (570) 587-7291

3853 Dairy contract for October, November and December 1999. Send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1, 1999—December 31, 1999
Contact: Stanley Rygelski, Purchasing Agent, (570) 587-7291

3849 Poultry contract for October, November and December 1999. Send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1, 1999—December 31, 1999
Contact: Stanley Rygelski, Purchasing Agent, (570) 587-7291

3848 Meat contract for October, November and December 1999. Send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1, 1999—December 31, 1999
Contact: Stanley Rygelski, Purchasing Agent, (570) 587-7291

M-875 Meats and meat products; poultry and poultry products; fish; cheeses. To be delivered only at request of facility.

Department: Labor and Industry
Location: F.O.B. Shipping Platform, 727 Goucher Street, Johnstown, PA 15905
Duration: October, November, December 1999
Contact: Christine A. Sloan, Purchasing Agent, (814) 255-8228

S-4 8:1 drink mix, 5 gallon bag-n-box: orange, cherry, lemon, grape, Hawaiian blue, punch and lemon tea. 4:1 juice blend mix, 3 gallon bag-n-box: orange, grapefruit, apple, pineapple.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: Three years
Contact: Nancy A. Lasko, (570) 644-7890, ext. 143

B-9-99 Prepared juice. Call for purchasing details. Contact Sandra Repak at (570) 443-4232.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, PA 18661-9602
Duration: October, November, December
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

B-6-99 Poultry and poultry products. Call for purchasing details. Contact Sandra Repak at (570) 443-4232.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, PA 18661-9602
Duration: October, November, December
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

B-4-99 Meat and meat products. Call purchasing for details. Contact Sandra Repak at (570) 443-4232.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, PA 18661-9602
Duration: October, November, December
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

B-5-99 Miscellaneous frozen foods. Call purchasing for details. Contact Sandra Repak at (570) 443-4232.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, PA 18661-9602
Duration: October, November, December
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

181894 Miscellaneous foods—perishable. To include, but not limited to: Frozen baked items, entrees, Lean and Healthy entrees, egg products and milkshakes. Complete specifications may be obtained by contacting the hospital. Award to be made on an item by item basis.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Drive, North Warren, PA 16365-5099
Duration: October 1, 1999—December 31, 1999
Contact: J. D. Sample, (814) 726-4448

181893 Meat and meat products—To include, but not limited to: Frozen beef, veal, pork, bologna, sausage, and the like. Complete specifications may be obtained by contacting the hospital. Award to be made on an item by item basis.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Drive, North Warren, PA 16365-5099
Duration: October 1, 1999—December 31, 1999
Contact: J. D. Sample, (814) 726-4448

SU-99-10 Head Start Program based at Shippensburg University is seeking vendors interested in providing food service for three Head Start Centers located in Shippensburg, PA, Newville, PA and Carlisle, PA. Meals will be prepared in accordance with USDA regulations and delivered on a daily basis in accordance with menu cycle. Contract award will be made for the period October 1, 1999 through September 30, 2000. Vendors interested in receiving a bid package must request in writing to: Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257, (717) 477-1121 or fax (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA
Duration: October 1, 1999—September 30, 2000
Contact: Deborah K. Martin, (717) 532-1121

7690 Perishable foods: Meats, poultry, seafood/fish, miscellaneous, juice, preprepared salads, preprepared produce, fresh fruits/vegetables, bread/rolls, ice cream, dairy products, frozen fruits/vegetables, fresh eggs, cheese, fresh pies/cakes, and fresh pastry.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: October 1, 1999—December 31, 1999
Contact: Pamela Bauman, (570) 271-4578

Hazardous Material Services—21

SP 260041 Provide all labor, materials, supervision, tools and equipment to excavate and dispose of approximately 250 cubic yards of former railroad siding lead impacted material consisting primarily of gravel and fine dust. The excavated material is to be disposed of as a residual waste at a properly permitted and licensed offsite facility.

Department: Liquor Control Board
Location: Philadelphia Distribution Center, 8201 Enterprise Avenue, Philadelphia, PA
Duration: Upon notification of award—45 days
Contact: Debra Brinser, (717) 772-2043

HVAC—22

Project No. 1017 Purchase and install a gas-fired steam boiler with an AGA gross output of 960 MBH. Work includes demolition and removal of existing boiler, relocation of domestic water heater and installation of new boiler with hook-up of all appurtenant utilities to boiler and water heater (gas, water, electric). Concrete equipment, pad and all insulation. To obtain bid information contact Emma Schroff at (717) 861-8518.

Department: Military Affairs
Location: PAARNG Armory, 97 Shewell Avenue, Doylestown, PA
Duration: September 1, 1999—March 30, 2000
Contact: Emma Schroff, (717) 861-8518

08-D-99 HVAC services to be provided for the Hazleton Job Center, 75 North Laurel Street, Hazleton, PA 18201, on an as-needed basis. Service to be available on a 24 hour basis.

Department: Labor and Industry
Location: Hazleton Job Center, 75 North Laurel Street, Hazleton, PA 18201
Duration: October 1, 1999 through September 30, 2001. This is a 2-year contract with one 2-year renewal option
Contact: Norman Kee, (717) 705-0450

Janitorial Services—23

Bid No. 7991 Furnish all equipment, materials and labor to perform janitorial services two times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpets at the Erie Annex Building, 4230 Iroquois Avenue, Erie, PA 16514. To obtain bid information contact Donna Enders at (717) 783-5484.

Department: State Police
Location: Facility Management Division, Erie Annex Building, 4230 Iroquois Avenue, Erie, PA 16514
Duration: December 1, 1999—June 30, 2002
Contact: Donna Enders, (717) 783-5484

08-B-99 Janitorial services to be provided for the State College Job Center, 210 West Hamilton Avenue, State College, PA 16801, Monday through Friday (except for State holidays) after 5 p.m.

Department: Labor and Industry
Location: State College Job Center, 210 West Hamilton Avenue, State College, PA 16801
Duration: October 1, 1999 through September 30, 2001. This is a 2 year contract with one 2-year renewal option
Contact: Norman Kee, (717) 705-0450

DES014 Provide janitorial services at PennDOT Driver Exam Site located at 440 South Old Middletown Road, Bortondale, PA. Services shall be provided three evenings per week, Monday, Wednesday and Friday. Services include, but not limited to, emptying waste baskets, sweeping and mopping tile floors and/or vacuuming carpets, washing walls, dusting furniture, washing windows, cleaning restrooms, and the like.

Department: Transportation
Location: PennDOT Driver Exam Center, 440 South Old Middletown Road, Bortondale, PA 19063
Duration: Three year contract with two 1-year renewal options
Contact: Roberta Cooper, (717) 787-4006

08-C-99 Janitorial services to be provided for the Upper Darby Job Center, 71 South Union Avenue, Lansdowne, PA 19050, Monday through Friday (except for State holidays) after 5 p.m.

Department: Labor and Industry
Location: Upper Darby Job Center, 71 South Union Avenue, Lansdowne, PA 19050
Duration: October 1, 1999 through September 30, 2001. This is a 2-year contract with one 2-year renewal option
Contact: Norman Kee, (717) 705-0450

Laundry/Dry Cleaning—25

99079 Contractor will provide qualified and trained technicians to provide maintenance and repairs to laundry equipment at State Correctional Institution Chester. More detailed information can be obtained from the institution.

Department: Corrections
Location: State Correctional Institution Chester, 500 East 4th Street, Chester, PA 19013
Duration: January 1, 2000 to December 31, 2002
Contact: Jacqueline Newson, Purchasing, (610) 490-4370

Lodging/Meeting—27

1000-10461 Conference and catering services to accommodate approximately 400 people in the Harrisburg or State College area. Tentative dates would be either September 27—28 or October 4—5, 1999.

Department: Corrections
Location: Bureau of Administration, 2520 Lisburn Road, Camp Hill, PA 17011
Duration: September 27—28, 1999 or October 4—5, 1999
Contact: Linda Malinak, (717) 975-4931

SP 3890065 Meeting facility, lodging (125 rooms), and meals for approximately 225 people on either October 3—5, 2000 or October 17—20, 2000. Facility must be located within a 125 mile radius of downtown Harrisburg and must be located within Pennsylvania.

Department: Conservation and Natural Resources
Location: 400 Market Street, 7th Floor, PA
Duration: October 3—5, 2000 or October 17—20, 2000
Contact: Ruth DeWaelche, (717) 783-0760

Medical Services—29

134199009 Provide relief alternate physician service coverage in absence of Medical Director at the PA Soldiers and Sailors Home.

Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239
Duration: 24 months (with option for two 1-year renewals)
Contact: Jeanette Gualtieri, (814) 878-4930

7689 Difibrillators.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: October, 1999
Contact: Pamela Bauman, (570) 271-4578

Property Maintenance—33

Project No. 1018 Tuck-point approximately 3,600 l. f. of deteriorated brick/coping joints. To obtain bid information contact Emma Schroff at (717) 861-8518.

Department: Military Affairs
Location: PAARNG Armory, 520 North Centre Street, Pottsville, PA
Duration: September 1, 1999—June 30, 2000
Contact: Emma Schroff, (717) 861-8518

08-E-99 Snow removal services to be provided for the Upper Darby Job Center, 71 South Union Street, Lansdowne, PA 19050, on an as-needed basis at the discretion of the Office Manager or when snow accumulation reaches 3" or more in the parking lot and driveway and 1" or more for sidewalks.

Department: Labor and Industry
Location: Upper Darby Job Center, 71 South Union Avenue, Lansdowne, PA 19050
Duration: October 1, 1999 through April 30, 2001. This is a 2 year contract with one 2-year renewal option
Contact: Norman Kee, (717) 705-0450

SP-119-5000-009 Contractor shall provide the demolition/removal of an interior barrier fence located at the State Regional Correctional Facility at Mercer, PA. Complete quote specifications are available by requesting the information from this agency's procurement department.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Route 258, South Mercer, PA 16137
Duration: October 1, 1999 to June 30, 2000
Contact: John Pitonyak, (724) 662-1837, ext. 194

Real Estate Services—35

373883 Lease office space to the Commonwealth of Pennsylvania, State Police, 12,093 useable square feet of new or existing office/barracks space with parking for 61 vehicles, in the King of Prussia area, within a 5 mile radius of King of Prussia, PA. The State Police, Bureau of Drug Law Enforcement and Bureau of Criminal Investigation will occupy the space. Proposals due: October 25, 1999. Solicitation No.: 92883.

Department: State Police
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1999—2000
Contact: John A. Hocker, (717) 787-4396

Security Services—37

939027-003 Provide trained security officers for July 1, 1999 to June 30, 2000. Contractor must be licensed under the laws of Pennsylvania. To receive a bid package contact Betty Tompos at (717) 299-7749.

Department: Education
Location: Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602
Duration: July 1, 1999—June 30, 2000
Contact: Betty Tompos, Business Manager, (717) 299-7749

Vehicle, Heavy Equipment—38

3881039001 Rental of a John Deere Model 410 backhoe (or equivalent) with operator for use by the Department of Conservation and Natural Resources (DCNR), Bureau of Forestry for the removal of old existing culvert pipes and installation of new pipes along Hemlock Road, located on the Tuscarora State Forest, approximately 5 miles south of New Germantown, PA.

Department: Conservation and Natural Resources
Location: R. D. 1, Box 42-A, Blain, PA 17006
Duration: Anticipated rental period will be October 4, 1999, to November 24, 1999. Contract expiration December 15, 1999
Contact: James A. Foose, (717) 536-3191

Miscellaneous—39

PGC-2615 Pole building: 40' x 64' x 12', materials only, to be delivered FOB destination to State Game Lands 249, Reading Township, Adams County. All materials to be as specified in drawings and specifications to be supplied to interested bidders. Delivery of materials to be coordinated with Timothy Bowers (717) 528-8963, 1070 Lake Meade Road, East Berlin, PA 17316. To obtain a bid package, phone (717) 787-6594, and ask for Diane or Linda.

Department: Game Commission
Location: State Game Lands 249, 1070 Lake Meade Road, East Berlin, PA 17316
Duration: Indeterminate 1999—2000
Contact: Steven Spangler, (814) 643-1831

RFP 98-24 The Department of Transportation is soliciting proposals to plan, design and implement highway construction specifications (Pub 408 e-spec) that provide user-friendly, accurate and effective development, access and distribution for use on Federal and State funded projects, with emphasis on electronic access to the publication. Interested contractors may request a copy of the Request for Proposals by faxing their name, company name, address, telephone number and fax number to Tarasa Hill at (717) 783-7971. Please reference RFP 98-24 on your fax.

Department: Transportation
Location: Harrisburg, PA
Duration: Multi-year contract
Contact: Tarasa Hill, (717) 772-8444

RFP 98-30 ISO 9000 Lab Certification. The objective of this project is to implement an ISO 9000 quality system with Guide 25 applications. The work will include the design and development of a quality system for a State governmental transportation organization (PennDOT) and the completion of a successful 3rd party ISO 9000 registration audit. The successful candidate should have working knowledge of the Malcolm Baldrige Quality Award process as well as practical knowledge of ISO Guide 25 application to testing facilities. All tasks must be accomplished in compliance with the principles and body of knowledge for Certified Quality Engineering as identified by the American Society for Quality using recognized project management tools and software. Detailed requirement and an RFP are available upon a fax request. Fax requests, including name, company name, address and phone number, to Roberta Cooper at (717) 783-7971.

Department: Transportation
Location: Harrisburg, PA
Duration: 24 months with option for extension
Contact: Roberta Cooper, (717) 787-4006

5-9603; 5-9902, 05 and 06 Woven wire fence installation. Site preparation and materials for woven wire fencing around existing and future timber sales on Rothrock State Forest. Fence locations and estimated perimeters as follows: Jackson Township, Huntingdon County, two fences, 9,250 linear feet each; Brown Township, Mifflin County, 5,725 linear feet; Potter Township, Centre County, 6,300 linear feet.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, Rothrock District No. 5, Rothrock Lane, Huntingdon, PA 16652
Duration: Three fences: Upon final execution through June 30, 2000. One fence: Upon final execution through November 15, 1999
Contact: Brad Elison, Assistant District Forester, (814) 643-240

SP0191010002 Provide news wire service to the Governor's Press Office to issue press releases covering print, radio and television. This includes coverage that can be sent Nationwide, region by region, Statewide or by regions within the State. The regions are: Philadelphia City, Philadelphia Region, Central Pennsylvania, Pittsburgh and Lehigh Valley/Northeast, Erie, Western Pennsylvania.

Department: Governor's Office
Location: Room 308, Main Capitol, Harrisburg, PA 17120
Duration: One with possible three 1-year renewal periods
Contact: Ann E. McCann, (717) 787-5330

RFP 98-29 The Pennsylvania Department of Transportation is soliciting proposals to provide written/oral English-to-Spanish translation services. The objective of this Request for Proposals is to provide Commonwealth citizens with a Spanish language version of forms, manuals, public information materials, written/oral examinations, and the like, relative to driver licensing and/or motor vehicle programs. Interested contractors may request a copy of the Request for Proposals by faxing their name, company name, address, telephone number and fax number to Tina Chubb at (717) 783-7971. Please reference RFP 98-29 on your fax.

Department: Transportation
Location: Harrisburg, PA
Duration: Multi-year with possibility of renewal
Contact: Debra Gray, (717) 783-9671

9078 Radio equipment—Contractor shall be qualified to perform the work necessary to properly maintain the radio equipment at State Correctional Institution Chester at all times. More detailed information can be obtained from the institution.

Department: Corrections
Location: State Correctional Institution Chester, 500 East 4th Street, Chester, PA 19013
Duration: January 1, 2000 to December 31, 2002
Contact: Jacqueline Newson, Purchasing, (610) 490-4370

[Pa.B. Doc. No. 99-1423. Filed for public inspection August 20, 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

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of
3610-04 Sup. No. 1	08/17/99	Powis Parker, Inc.	5,000.00	7110-06	08/12/99	A/S Custom Furniture Co.	10,000.00
3610-04 Sup. No. 1	08/17/99	Braden Sutphin Ink Company	5,000.00	7110-06	08/12/99	PA Office Service Group, Inc.	100,000.00
5684-02	08/17/99	Contect Construction Products, Inc.	802,165.30	7110-06	08/12/99	Borroughs Corp.	10,000.00
5820-01 Sup. No. 1	08/16/99	Panasonic Industrial	20,000.00	7110-06	08/12/99	BJR Business Furniture	100,000.00
5820-01 Sup. No. 1	08/16/99	Phillips Professional	20,000.00	7110-06	08/12/99	Canadian Atlas Furniture	10,000.00
5820-01 Sup. No. 1	08/16/99	Kunz, Inc.	130,000.00	7110-06	08/12/99	Officenter, Inc.	920,000.00
5820-01 Sup. No. 1	08/16/99	National Learning	180,000.00	7110-06	08/12/99	Chairs "R" Us	5,000.00
5820-01 Sup. No. 1	08/16/99	Advanced Audio Systems	40,000.00	7110-06	08/12/99	Dauphin North American	10,000.00
5820-01 Sup. No. 1	08/16/99	Peirce Phelps, Inc.	160,000.00	7110-06	08/12/99	Chromcraft	10,000.00
5820-01 Sup. No. 1	08/16/99	Visual Sound Co.	20,000.00	7110-06	08/12/99	Community/ Div. of JSI	10,000.00
5820-01 Sup. No. 1	08/16/99	Eiki International	10,000.00	7110-06	08/12/99	Concord Products Company, Inc.	50,000.00
5820-01 Sup. No. 1	08/16/99	M&M Computers	20,000.00	7110-06	08/12/99	Atlantic Data Furniture Products, Inc. d/b/a Design Options by Atlantic	20,000.00
6530-08 Re-Award	08/12/99	Red Line Medical Supply	85,941.11	7110-06	08/12/99	Pending Award-Sican/Domere DO3	10,000.00
6530-08 Re-Award	08/12/99	Hollister, Inc.	21,292.05	7110-06	08/12/99	Dowcraft Corp.	10,000.00
7110-06	08/12/99	Abco Office Furniture	10,000.00	7110-06	08/12/99	Premiere Sales Assoc.	40,000.00
7110-06	08/12/99	Eugene Davids Company, Inc.	60,000.00	7110-06	08/12/99	Electronic Classroom Furniture	10,000.00
7110-06	08/12/99	AGI Industries	10,000.00	7110-06	08/12/99	Executive Furniture, Inc.	90,000.00
7110-06	08/12/99	Affordable Office Furniture, Inc.	60,000.00	7110-06	08/12/99	Southern Metal Industries	10,000.00
7110-06	08/12/99	Hon Co.	800,000.00	7110-06	08/12/99	Fixtures Furniture	10,000.00
7110-06	08/12/99	American Seating Co.	10,000.00	7110-06	08/12/99	Flex Y Plan Industries, Inc.	800,000.00
7110-06	08/12/99	Environmental Interiors	20,000.00	7110-06	08/12/99	GF Office Furniture Ltd.	800,000.00
7110-06	08/12/99	Supplysource, Inc.	900,000.00	7110-06	08/12/99	Global Industries	150,000.00

STATE CONTRACTS INFORMATION

Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of
7110-06	08/12/99	Grahl Industries	7,000.00	7110-06	08/12/99	Rosemount Office Systems, Inc.	250,000.00
7110-06	08/12/99	Group Lacasse	10,000.00	7110-06	08/12/99	Russ Bassett Co.	5,000.00
7110-06	08/12/99	Gunlocke Co.	200,000.00	7110-06	08/12/99	Commonwealth Office Systems, Inc.	20,000.00
7110-06	08/12/99	Hag, Inc.	10,000.00	7110-06	08/12/99	Sitmatic	5,000.00
7110-06	08/12/99	Hamilton Sorter Company, Inc.	20,000.00	7110-06	08/12/99	Source International	7,000.00
7110-06	08/12/99	Haskell of Pittsburgh	400,000.00	7110-06	08/12/99	Tab Products Co.	150,000.00
7110-06	08/12/99	Haworth, Inc.	900,000.00	7110-06	08/12/99	Tayco Panelink	20,000.00
7110-06	08/12/99	Hickory Leather Co.	10,000.00	7110-06	08/12/99	Farrell's Office Furniture	10,000.00
7110-06	08/12/99	High Point Furniture Ind., Inc.	10,000.00	7110-06	08/12/99	The Arnold Group	30,000.00
7110-06	08/12/99	Highmark	10,000.00	7110-06	08/12/99	The Thrasher Group	200,000.00
7110-06	08/12/99	Indiana Desk	200,000.00	7110-06	08/12/99	Thomasville Office Furniture	40,000.00
7110-06	08/12/99	Integrated Furniture Solutions/EAC Corp.	800,000.00	7110-06	08/12/99	Fabricated Components, Inc.	20,000.00
7110-06	08/12/99	Corbett, Inc.	50,000.00	7110-06	08/12/99	Transwall—Division of Kimball	900,000.00
7110-06	08/12/99	JSI	10,000.00	7110-06	08/12/99	Trendway Corp.	20,000.00
7110-06	08/12/99	Kimball International	900,000.00	7110-06	08/12/99	United Chair/CFM	400,000.00
7110-06	08/12/99	Knoll, Inc.	900,000.00	7110-06	08/12/99	Vitra	10,000.00
7110-06	08/12/99	Krueger International, Inc.	800,000.00	7110-06	08/12/99	Ceraln Corp./Woodtronics	10,000.00
7110-06	08/12/99	Krug Furniture	20,000.00	7110-06	08/12/99	Wright Line, Inc.	200,000.00
7110-06	08/12/99	Marvel Group, Inc.	20,000.00	7110-06	08/12/99	Adelphia Steel Equipment Co.	10,000.00
7110-06	08/12/99	Merit Seating	10,000.00	7110-06	08/12/99	Gravity-Lock Systems, Inc.	10,000.00
7110-06	08/12/99	Rudolphs Office and Computer Supply	15,000.00	7110-06	08/12/99	Datum Filling Systems, Inc.	10,000.00
7110-06	08/12/99	Nova Solutions, Inc.	30,000.00	7210-01	08/12/99	Chestnut Ridge Foam, Inc.	173,926.53
7110-06	08/12/99	Nucraft	10,000.00				
7110-06	08/12/99	Packard Industries, Inc.	20,000.00				
7110-06	08/12/99	Panel Concepts, Inc.	20,000.00				
7110-06	08/12/99	Steelcase, Inc.	800,000.00				
7110-06	08/12/99	Rework	10,000.00				

STATE CONTRACTS INFORMATION

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Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of
7210-01	08/12/99	Leggett and Platt, Inc.	193,280.00	1030159-02	08/10/99	Johnstown Physician Supply	310.00
7350-10	08/05/99	Xpedx	300,000.00	1030159-03	08/10/99	Therapy and Health Care Products, Inc.	10,233.05
8415-06	08/09/99	Flynn & O'Hara Uni- form Co., Inc.	239,727.63	1030159-04	08/10/99	Concepts ADL, Inc.	3,200.00
8415-06	08/09/99	Uniform Ways Limited, Inc.	38,373.60	1030159-05	08/10/99	Med- Electronics, Inc.	913.00
9150-01	08/16/99	American Agip Co., Inc.	68,390.20	1030159-06	08/10/99	Omega Group, Inc.	3,230.90
9150-01	08/16/99	Carlos R. Lef- fler, Inc.	41,060.80	1038189-01	08/10/99	American De- cal and Mfg. Co.	21,264.60
9150-01	08/16/99	Export Fuel Co., Inc.	4,148.00	1041119-01	08/10/99	Dauphin Asso- ciates, Inc.	8,591.85
9150-01	08/16/99	Montour Oil Service Co.	25,311.00				
9150-01	08/16/99	Oil Service, Inc.	86,264.20				
9150-01	08/16/99	Paul H. Krug- gel	149,025.15				
1030159-01	08/10/99	Neuro Medical Systems, Inc.	5,920.00				

GARY E. CROWELL,
Secretary

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