

# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The Courts  
Department of Agriculture  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Game Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utilities Commission  
Philadelphia Regional Port Authority  
State Board of Social Workers, Marriage and  
Family Therapists and Professional Counselors  
State Employees' Retirement Board

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

**No. 316, March 2001**

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**PENNSYLVANIA**



**BULLETIN**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 3]

Amendment of Rules 301 and 302; No. 228 Judicial Administration Doc. No. 1

### Order

*Per Curiam*

*And Now*, this 12th day of March, 2001, Rules 301 and 302 of the Pennsylvania Rules of Judicial Administration are amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rules 301 and 302 is hereby found to be required in the interest of justice and efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 3. JUDICIAL COUNCIL OF PENNSYLVANIA

#### JUDICIAL COUNCIL OF PENNSYLVANIA

#### Rule 301. Judicial Council of Pennsylvania.

(a) *Establishment and Status.* There shall be a Judicial Council of Pennsylvania. All actions of the Judicial Council shall be subject to the supervision and approval of the Supreme Court.

(b) *Composition.* The Judicial Council shall consist of the following members:

- (1) The Chief Justice of Pennsylvania
- (2) Two Justices of the Supreme Court selected by the Supreme Court
- (3) The Court Administrator of Pennsylvania
- (4) The President Judge of the Superior Court
- (5) The President Judge of the Commonwealth Court
- (6) The President Judge of the Court of Common Pleas of Philadelphia County
- (7) The President Judge of the Court of Common Pleas of Allegheny County
- (8) The President of the Pennsylvania Conference of State Trial Judges
- (9) Three judges of the Courts of Common Pleas appointed by the Supreme Court from judicial districts other than the First and the Fifth judicial districts and no more than one of whom shall be from the same judicial district
- (10) One member appointed by the Supreme Court from judges of courts other than the appellate courts and the courts of common pleas

(11) Three non-judge members of the bar of the Supreme Court appointed by the Supreme Court from the Civil Procedural Rules Committee, the Criminal Procedural Rules Committee and the Minor Court Rules Committee, no more than one of whom shall be from the same Committee

(12) One non-judge member of the bar of the Supreme Court appointed by the Supreme Court

(13) Three non-lawyer electors appointed by the Chief Justice of Pennsylvania each of whom shall be selected from a different geographical area of the Commonwealth

(14) One member of the Senate of Pennsylvania, appointed by the President Pro Tempore of the Senate

(15) One member of the House of Representatives, appointed by the speaker of the House of Representatives

(16) Three members appointed by the Governor

(17) One member of the Senate of Pennsylvania, appointed by the Minority Leader of the Senate

(18) One member of the House of Representatives, appointed by the Minority Leader of the House of Representatives

(19) Such [ **ex officio** ] advisory members as may be appointed by the Chief Justice. [ **Ex officio** ] Advisory members shall not vote on matters before the Council.

(c) *Terms, etc.*

(1) A member of the Council other than the [ **ex officio** ] advisory member shall serve for a term of three years commencing on October 1 and may be selected or reappointed any number of times. A member shall continue to serve upon expiration of a term of membership until a successor has been selected or appointed except if the member holds membership by virtue of an office set forth in subdivision (a).

(2) Membership shall automatically terminate upon a member's death, resignation, removal or disqualification for original selection or appointment. A vacancy on the Council shall be [ **filed** ] filled by the respective selecting or appointing authority for the balance of the term.

(d) *Expenses.* All members of the Council shall be reimbursed for expenses necessarily incurred in the discharge of their official duties.

#### Rule 302. Organization and procedure.

(a) *Officers.* The Chief Justice of Pennsylvania shall be Chair and the Justice of the Supreme Court with most seniority on the Council shall be Vice-Chair. The Chair shall appoint the Secretary of the Judicial Council.

(b) *Staff.* The Executive Director shall be the chief administrative officer of the Judicial Council. The Court Administrator shall provide staff assistance to the Council when called upon to do so.

(c) *Meetings.* Meetings of the Council shall be held at such times as may be specified by the Chief Justice.

(d) *Quorum.* A majority of the members of the Judicial Council in office shall be a Quorum.

(e) *Committees.* The Chair may appoint from the Council membership one or more committees and designate one of the members of each committee as committee chair. A committee chair may appoint [**ex officio**] **advisory** members to a committee but such [**ex officio**] **advisory** members shall neither vote on matters before the committee nor be members of the Council.

(f) *Procedure.* Except as otherwise prescribed by these rules, the proceedings of the Judicial Council shall be governed by internal regulations adopted by the Council. Amended October 10, 1979, effective October 20, 1979; amended June 29, 1999, immediately effective.

[Pa.B. Doc. No. 01-496. Filed for public inspection March 23, 2001, 9:00 a.m.]

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

[207 PA. CODE CH. 51]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[246 PA. CODE CH. 100]

### Order Amending Rules 7 and 112 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices; No. 126 Magisterial Doc. No. 1; Book No. 2

The Minor Court Rules Committee has prepared a Final Report explaining the amendments and revisions to Rules 7 and 112 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices, effective April 1, 2001. These rule changes correct cross-references to the newly renumbered Pennsylvania Rules of Criminal Procedure contained within the Rules of Conduct, Office Standards and Civil Procedure for District Justices. The Final Report follows the Court's Order.

#### Order

*Per Curiam:*

Now, this 6<sup>th</sup> day of March, 2001, upon the recommendation of the Minor Court Rules Committee; the proposal having been submitted without publication in the interest of justice pursuant to Pa.R.J.A. No. 103(a)(3), and a Final Report to be published with this *Order*,

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 7 and 112 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2001.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

### CHAPTER 51. STANDARDS OF CONDUCT OF DISTRICT JUSTICES

#### Rule 7. Broadcasting, Televising, Recording, Photography.

\* \* \* \* \*

#### Official Note:

This rule is derived from Canon 3A(7)(a), (b) of the American Bar Association and Pennsylvania Supreme Court Code of Judicial Conduct. With respect to proceedings before district justices, it did not seem desirable to include the authority for reproduction for educational purposes set forth in Canon 3A(7)(c). This rule is not intended to affect or limit Pa.R.Crim.P. [ 27 ] 112.

**Former Rule 6, relating to definitions, renumbered Rule 7 May 1, 1970; revoked Feb. 1, 1973. New Rule 7 adopted effective Feb. 1, 1973. Amended Oct. 17, 1975, effective in 90 days; June 30, 1982, effective 30 days after July 17, 1982; Note revised March 6, 2001, effective April 1, 2001.**

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

### CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF DISTRICT JUSTICES

#### Rule 112. Temporary Assignments of District Justices.

A. The president judge of the court of common pleas of a judicial district, or in his **or her** absence the available judge of that court longest in continuous service, may assign temporarily the district justice of any magisterial district to any other magisterial district or the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia whenever such an assignment is required for the efficient administration of justice.

B. [**When a**] A district justice [**is**] temporarily assigned under subdivision A of this rule [ , **he** ] **shall have the jurisdiction and authority of the office the duties of which he or she** is temporarily performing and [**he**] may continue to exercise [**his**] jurisdiction and authority to his **or her** own magisterial district.

#### Official Note:

[ **See the 1968 Constitution of Pennsylvania, Article V** ] **See Pa. Const. art. V, § 10(a).** This rule does not provide for temporary assignment of senior district justices by president judges. [ **See also Pa. R. Crim. P. 23 and 24** ] **See also Pa.Rs.Crim.P. 132 and 133.**

Adopted June 1, 1971. Amended Oct. 17, 1975, effective in 90 days; April 25, 1979, effective in 30 days; **amended March 6, 2001, effective April 1, 2001.**

#### FINAL REPORT<sup>1</sup>

*Amendments and Revisions to Rules 7 and 112 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices*

On March 6, 2001, effective April 1, 2001, upon the recommendation of the Minor Court Rules Committee,

<sup>1</sup>The Committee's Final Report should not be confused with the official Committee Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Notes or the contents of the Committee's explanatory Final Reports.

the Supreme Court of Pennsylvania amended or approved revisions to the Notes to Rules 7 (Broadcasting, Televising, Recording, Photography), and 112 (Temporary Assignments of District Justices) of the Rules of Conduct, Office Standards and Civil Procedure for District Justices.

### I. Background

The Committee undertook a review of all cross-references to the Pennsylvania Rules of Criminal Procedure contained within the Rules of Conduct, Office Standards and Civil Procedure for District Justices in response to correspondence from Anne T. Panfil, Esq., Chief Staff Counsel to the Criminal Procedural Rules Committee. Ms. Panfil alerted the Committee that the Rules of Criminal Procedure have been reorganized and renumbered effective April 1, 2001, and suggested that the Committee review and change any cross-references to the Criminal Rules contained within the Rules of Conduct, Office Standards and Civil Procedure for District Justices before the effective date of the Criminal Rules changes.

The Committee identified two cross-references to the Criminal Rules that required revision, contained in the Note to Rule 7 and the Note to Rule 112. The Committee recommended that these cross-references be revised, effective April 1, 2001, to reflect the new numbering scheme of the Criminal Rules.

In conjunction with the revisions to the Criminal Rules cross-references, the Committee also recognized the need for several technical or "housekeeping" amendments to Rule 112.

This recommendation was submitted to the Supreme Court in accordance with Pa.R.J.A. No. 103(a)(3), without being published for public comment, because the amendments and revisions are technical and perfunctory in nature.

### II Discussion of Rule Changes

#### A. Rule 7

The Note to Rule 7 of the Rules Governing Standards of Conduct of District Justices (Broadcasting, Televising, Recording, Photography) contains a reference to Pa.R.Crim.P. 27 (Publicity and Recording of Proceedings). The Committee recommended that this be revised to reference the new Pa.R.Crim.P. 112, effective April 1, 2001, with no substantive changes to the rule or Note.

#### B. Rule 112

The Note to Rule 112 of the Rules and Standards With Respect to Offices of District Justices (Temporary Assignments of District Justices) contains a reference to Pa.R.Crim.P. 23 (Continuous Availability and Temporary Assignment of Issuing Authorities) and 24 (Powers of Temporarily Assigned Issuing Authorities). The Committee recommended that this be revised to reference the new Pa.Rs.Crim.P. 132 and 133, effective April 1, 2001, with no substantive change to the rule or Note.

#### C. Other Technical and "Housekeeping" Amendments

In addition to the cross-references to the Rules of Criminal Procedure, while reviewing Rule 112, the Committee identified the need for several minor changes to correct citation form and to address gender neutrality concerns, and recommended that the rule and Note be amended accordingly.

[Pa.B. Doc. No. 01-497. Filed for public inspection March 23, 2001, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## SOMERSET COUNTY

### Consolidated Rules of Court; No. 21 Misc. 2001

#### Adopting Order

And Now, this 6<sup>th</sup> day of March, 2001, it is hereby Ordered:

1. The following designated Somerset County Rules of Civil Procedure (Som.R.C.P.) are amended to read in their entirety, as reflected in copies of Rules following hereto, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

- Som.R.C.P. 1910.1. Support. Scope of Jurisdiction.
- Som.R.C.P. 1920. Divorce. General.
- Som.R.C.P. 1920.33. Procedure on Joinder of Related Claim for Distribution of Property.
- Som.R.C.P. 1920.51. Appointment of Master. Notice of Hearing.
- Som.R.C.P. 1920.53. Master's Hearing and Report.

2. The following designated Somerset County Rule of Civil Procedure (Som.R.C.P.), copy of which follows hereto, is hereby adopted as a Rule of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som.R.C.P. 1910.12. Support. Office Conference. Hearing. Exceptions.

3. The following designated Somerset County Rule of Civil Procedure (Som.R.C.P.) is rescinded, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som.R.C.P. 1910.11. Conference Procedure. Demand for Court Hearing. Procedure.

4. The Somerset County Court Administrator is directed to:

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

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

C. File one (1) certified copy of this Order and the following Rules with the Pennsylvania Civil Procedural Rules Committee and one (1) certified copy of this Order and the following Rules with the Pennsylvania Domestic Relations Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court

EUGENE E. FIKE, II,  
President Judge

**SUPPORT****Som. R.C.P. 1910.1. Scope of Jurisdiction.**

A. All support proceedings governed by Pa. R.C.P. 1901.1 et seq. shall be filed in the Domestic Relations Section.

(Formerly R19-701).

B. All complaints under the Revised Uniform Reciprocal Enforcement of Support Act shall be filed in the Domestic Relations Section, whether the court is acting in behalf of the initiating or responding state or county.

C. All claims for alimony pendente lite and child support presented in a divorce action shall be processed through the Domestic Relations Sections.

1. To initiate proceedings in the Domestic Relations Section for determination of child support or alimony pendente lite, the party filing a complaint or petition in the divorce action containing a claim for alimony pendente lite or child support, shall file in the Domestic Relations Section:

a. A certified copy of the complaint or petition filed in the divorce action, and

b. A complaint on forms approved and provided by the Domestic Relations Section.

2. Upon filing of the Domestic Relations Section complaint, the claim for alimony pendente lite or child support shall proceed in accordance with the practice and procedure for support.

3. Income and expense statements required by Pa. R.C.P. 1920.31 and as required by the Rules of Civil Procedure governing support actions, shall be filed by the parties in the Domestic Relations Section in accordance with support procedure

4. Unless specifically ordered otherwise, all payment of child support and alimony pendente lite shall be made to the Domestic Relations Section.

*Note:* See also Som. R.C.P. 1920.31 governing divorce actions.

(Derived from former R19-401).

**DIVORCE****Som.R.C.P. 1920. General.**

A. Administrative Fee and Required Advance Deposit of Costs.

1. In addition to the filing fee assessed for filing a complaint, and other fees required to be paid at the time a pleading or other document is filed, the following sums shall be deposited with the Prothonotary, unless excused by order of court for cause:

a. A non-refundable administrative fee in the amount of \$50.00 shall be paid to the Somerset County Prothonotary simultaneously with the filing of a divorce complaint which raises for the first time only a count for divorce under Divorce Code § 3301(c) or (d), or, in addition, a count raising custody issues.

b. In addition to the fee required in subparagraph (a), a non-refundable administrative fee in the amount of \$75.00 shall be paid to the Somerset County Prothonotary simultaneously with the filing of a divorce complaint, counterclaim or petition which raises for the first time any issue other than a count for divorce under Divorce Code § 3301(c) or (d) or custody.

c. Before any motion for referral to a Master is presented to the court, the moving party seeking the referral

shall deposit the additional sum of \$1,300.00 with the Prothonotary on account of the costs for Master's proceedings.

2. The Court or Master may require an additional deposit to cover the cost of employing an appraiser or other professional to provide necessary expert evidence to assist the Master in resolving the economic issues, provided that the Court or the Master shall first confer with counsel and unrepresented parties concerning such employment and the cost thereof. Any objection by any party to such employment or to the cost thereof may be brought promptly to the attention of the Motions Judge.

3. If it appears during the proceedings before the Master that additional amounts should be advanced to pay anticipated costs, and the parties are unwilling to advance the amount deemed necessary by the Master, the Master shall, by motion, request the Court to order additional payment from the parties. The Master shall include in the motion a certification as to whether the parties consent or object to the motion. The Master shall provide a copy of the motion to Counsel and unrepresented parties.

4. Any balance of advance deposits remaining after payment of costs and compensation shall be held by the Prothonotary for disposition in accordance with the allocation of costs between the parties by final decree.

5. No copy of any divorce or annulment decree shall be issued by the Prothonotary to any person unless all record costs in the case are paid, or unless the person to whom the copy is issued has by court order been excused from payment (in whole or in part) which may be granted only for inability to pay.

**B. Master**

For purposes of these rules, a Master's duties and authority shall be limited to determining cause for divorce or annulment, distribution of property, alimony, counsel fees, costs and expenses.

*Note:* Issues of alimony pendente lite and support shall be referred to the Domestic Relations Section, not to a Master, see: *Thomas v. Thomas*, 39 Somerset Legal Journal 157 (1981).

C. Application Of Advance Payment Of Costs For Administration Of The Master System.

1. Expenses incurred by the Master shall be charged against the advance paid by the parties pursuant to Som. R.C.P. 1920.A.1.c.

2. The time expended by the Master shall be charged against the payment of costs advanced by the parties pursuant to Som. R.C.P. 1920.A.1.c. at a minimum of \$225.00, and at the rate of \$75.00 per hour, or fraction thereof, in excess of two hours.

**D. Compensation of Stenographers.**

1. In uncontested cases, where there is testimony by plaintiff only, or testimony by defendant only on a counterclaim, and no testimony by the adverse party, the stenographer employed by the Master shall be entitled to an appearance fee of \$50.

2. In all other cases, the stenographer employed by the Master shall be entitled to an appearance fee of \$50 for a hearing lasting three hours or less, and \$100 for a hearing lasting more than three hours.

3. In all cases (including uncontested cases), the stenographer shall be paid a fee of \$1.85 per page for each page of the original transcript. The parties shall pay a

charge of \$.50 per page for each page of copy which they may request, which shall be paid by the party requesting the copy and may not be taxed as costs in this action.

4. In cases in which the testimony is voluminous or extraordinary services are required, the Master may recommend an increase in the stenographer's appearance fee for approval by the Court.

5. When the stenographer reports to the Master that the transcript is ready, the Master shall notify each party of intent to direct the Prothonotary to issue payment to the stenographer. The parties shall have ten (10) days within which to file objections with the Motions Judge, who shall promptly decide the same. If no objections are filed within such ten day period, upon request by the Master, the Prothonotary shall issue payment from the advanced costs deposited by the moving party, and shall deliver to the Master a check for the stenographer's compensation made payable to the stenographer.

6. Except as specifically set forth above, the ultimate liability or responsibility among the parties for the payment of stenographer's costs shall abide the final decree in the case.

**Som.R.C.P. 1920.33. Procedure on Joinder of Related Claim for Distribution of Property.**

A. In a case involving a claim for distribution of property, a Motion for Appointment Of Master may be presented only if (i) ninety (90) days have elapsed from service of the pleading or petition containing the claim for distribution of property, and (ii) the moving party has filed an inventory in the form required by Pa. R.C.P. 1920.33(a).

*Note:* Pa R.C.P. 1920.33(a) requires both parties to file an inventory within 90 days after service of a pleading or petition containing a claim for distribution of property.

B. If the responding party has failed to comply with the provisions of Pa. R.C.P. 1920.33(a) within thirty (30) days after referral to the Master, the Master shall report the failure to the Motions Judge for imposition of sanctions pursuant to Pa. R.C.P. 1920.33(c).

C. Within thirty (30) days after the referral to the Master, each party shall file and serve upon the other party, a pretrial statement pursuant to the provisions of Pa. R.C.P. 1920.33(b).

If a party fails to file and serve a pretrial statement within the thirty day time period required by this Rule, the Master shall so report to the Court for imposition of sanctions pursuant to the provisions of Pa. R.C.P. 1920.33(c) and (d)(1).

D. No hearing shall be scheduled before the Master until both parties have complied with the provisions of Pa. R.C.P. 1920.33(a) and (b) or an Order has been entered by the Court pursuant to the Master's report of failure of a party to comply.

**Som.R.C.P. 1920.51. Appointment of Master. Notice of Hearing.**

A. All cases for divorce or annulment, except cases under Divorce Code § 3301(c) (consent affidavits) and § 3301(d)(1)(i) (undenied two year separation), and all claims for property division, alimony, counsel fees, and costs, requiring resolution by litigation, shall be referred to a Master, unless otherwise ordered by the court for cause. The Court will select, appoint, and establish the duties of a standing Master or Masters. The compensation of the standing Master or Masters shall be set by the Somerset County Salary Board.

B. If the standing Master is unable to serve by reason of conflict of interest or otherwise, the Court shall appoint a Master from the list of those attorneys who have indicated a willingness to serve. The Master so appointed shall be entitled to compensation at an hourly rate as provided in Som. R.C.P. 1920.C.

C. Paragraph (7) of the prescribed form of motion for appointment of a master (Pa. R.C.P. 1920.74) shall state:

1. In all cases: the name(s) of other counsel who are or may be interested in the case, or a statement that no other counsel is known or believed to be interested; and

2. In property distribution cases:

a. Whether or not a divorce decree has been entered;

b. Whether or not the costs deposit has been paid pursuant to Som. R.C.P. 1920.A.1;

c. Whether or not each party has filed an inventory as required by Pa. R.C.P. 1920.33.

D. Notice of the date, time and place of presenting a motion for referral to the Master, and of the right to appear and be heard thereon, together with a copy of the motion, shall be given to all counsel of record and unrepresented parties at least ten (10) days prior to presentation.

E. An Order referring a case to the Master shall operate as a scheduling praecipe for scheduling of Master's Hearing. A copy of the Appointment Order shall be provided to the Court Administrator for placement of the case on a trial list.

F. Cases in which hearing is to be scheduled before a Master will be placed on the appropriate trial list as a non-jury case for scheduling. Counsel for the parties and the Master shall appear at the Call of the Civil Trial List pursuant to Som. R.J.A. 1022. Hearings before the Master will be placed on the civil trial schedule prepared pursuant to the provisions of Som. R.J.A. 1023. Once scheduled, the hearing may be continued only by Order of Court.

G. The Master shall be sworn to the faithful performance of duties as Master prior to hearing.

H. The Master shall sit in an appropriate room of the courthouse or other County facility as assigned by the Court Administrator.

I. Subpoenas for the appearance of witnesses before the Master shall be issued by the Prothonotary upon application of the Master, a party's attorney, or an unrepresented party.

J. The Master may schedule a prehearing conference for the purpose of reviewing exhibits, witnesses, and proposed testimony; simplification of the issues; entering stipulations; and other appropriate prehearing purposes. Attendance of counsel and unrepresented parties shall be mandatory.

K. It is the duty of the Master to give proper notice of hearings and conferences to counsel and unrepresented parties.

1. Notice of prehearing conferences and hearings shall state the date, time and place of the conference or hearing, and shall state the name and mailing address of the Master.

2. Notice of a prehearing conference shall state that the attendance of counsel and unrepresented parties is required.

3. Notice of a hearing shall state that the parties may appear and be heard and present witnesses.

4. Notices shall be given to counsel and unrepresented parties in accordance with Pa. R.C.P. 1920.51.

L. Where defendant is incarcerated:

1. The notice of hearing shall also state:

a. If defendant wishes to attend the hearing, he has the right to request the court to grant permission to do so and to make arrangements for him to be brought to the hearing; and

b. If the defendant wishes the court to permit him to attend the hearing and to make arrangements for him to be brought to the hearing, defendant must within ten (10) days write to the Master requesting to be present; and

c. If defendant makes such request in writing within said ten-day period to be present at the hearing, application to the court will be made for him; and

d. If defendant does not make a written request within said ten-day period to be present at the hearing, it will be presumed that he desires not to be present.

2. The hearing date shall be fixed sufficiently far in advance to allow time for the procedures above prescribed.

3. If defendant makes a timely request to be present at the hearing, the Master shall within ten (10) days thereafter:

a. Notify defendant's counsel of record thereof and that counsel shall make the necessary application to the court, or

b. Make the application to the court for the defendant if he has no counsel of record.

*Note:* See *Jones v. Jones*, 29 Somerset Legal Journal 152, 1 D. & C.3d 401 (1974). In general, notice of divorce hearing is governed by Pa. R.C.P. 1920.51.

M. A copy of the Master's notice of hearing shall be attached to the proof of notice required by Pa. R.C.P. 1920.51(e).

**Som.R.C.P. 1920.53. Master's Hearing and Report.**

A. Except as hereinafter provided, the Master's report shall be filed within the time limits provided by applicable Pennsylvania Rules of Civil Procedure.

B. A Master shall not file a report concerning equitable property division and related matters unless: (i) a Decree in Divorce or Annulment has been entered; or (ii) the issue of divorce was presented to the Master and a recommendation regarding divorce is included in the report; or (iii) the Court permits submission of the report by special Order.

C. Upon receipt of an order appointing a Master or a substitute Master to hear matters pertaining to equitable distribution of marital property, alimony or counsel fees and expenses, the Prothonotary shall note in the docket or other appropriate record, a date 8 months after the date of the appointment. If the Master's report has not been filed on or before the expiration of the 8 month period, the Prothonotary shall, on the next business day, forward to the Motions Judge a copy of the docket entries in the case. The Motions Judge shall promptly notify the Court Administrator that a status conference is to be scheduled. The Court Administrator shall issue a scheduling order for prompt scheduling of the status conference and shall provide a copy of the scheduling order to the Master, counsel for any party appearing in the action and any unrepresented party.

1. The Master, counsel, and unrepresented parties shall be present for the status conference unless excused by the hearing Judge for cause.

2. At the status conference, all participants shall be prepared to provide the hearing Judge with clear and concise explanations for the delay in filing the Master's report. If the delay has been caused by the failure of the Master to fulfill his or her duties, the Court may, upon motion of a party or on its own motion, discharge the Master and appoint a substitute Master to complete the case, or the Court may proceed under the terms of subparagraph 3 below. Any Master who has been discharged under the provisions of this Rule will forfeit any compensation to which he or she may otherwise be entitled, computed at the hourly rate provided for Som. R.C.P. 1920.C.

3. Prior to imposing sanctions described in subparagraph 2 above, the court may elect to issue an order to the offending party or to the Master directing compliance within a stated period of time. If the offending party or Master fails to comply with the terms of such an order, the court may impose the sanctions specified in subparagraph 2 above.

D. In indigent cases, the party proceeding as an indigent shall, at the Master's hearing, prove all averments in the petition for leave to proceed as an indigent, and respecting the adverse party's whereabouts, financial ability and resources.

(Derived from former R18-208).

E. The Master's Report shall include:

1. The following material, organized in the following order:

a. Facing page, stating:

(1) Case caption

(2) Title (Master's Report)

(3) Detail of costs payable to Master and stenographer, and

(4) Index to remainder of Report.

b. Recommendation as to relief to be granted or denied

c. Transcript of proceedings before Master, which shall include a verbatim transcript of all proceedings before the Master, preceded by an introduction specifying:

(1) Date(s), time(s) and place(s) of proceedings before the Master, and

(2) The names and addresses of all persons present and their status in the case, and

(3) A specific statement whether or not defendant was present or represented at the hearing.

d. Decree, in accordance with the recommendation, in the form prescribed by applicable Pennsylvania Rules of Civil Procedure, which shall also state liability for costs.

2. The information required by applicable Pennsylvania Rules Of Civil Procedure.

F. Upon completion of the Master's Report, the Master shall ascertain from the Prothonotary whether the balance of the costs deposit still held is sufficient to pay for the hours expended by the Master, computed at the hourly rate contained in Som. R.C.P. 1920.C. and any remaining stenographic and other costs, and:

1. If the balance of costs remaining is sufficient for payment of same, the Master shall file the report with the Prothonotary and proceed in accordance with Subsection F.3. of this Rule.

2. If the balance of costs remaining is not sufficient for payment of same, the Master shall lodge the Master's Report with the Prothonotary, sealed, which shall be available for review by no one other than the Master and the court, and the Master shall immediately send notice to counsel, the parties and the Motions Judge, advising that: (i) the Report has been lodged with the Prothonotary, (ii) upon payment of costs, the Report will be filed officially with the Prothonotary, (iii) that the moving party has a period of twenty (20) days within which to file a motion requesting relief from payment of the balance of costs, and (iv) if the costs are not paid, or if a motion for relief from payment of costs is not filed within such twenty (20) day period, the court will enter an order directing the moving party to pay the balance of costs. A motion for relief from payment of costs shall be transmitted to the Motions Judge for decision, *sec reg.* The ultimate responsibility between the parties for the costs and Master's compensation shall abide the final Decree.

Upon payment of the balance of costs, or upon entry of an order determining payment of costs, under this subsection, the Report shall be considered filed and the Master shall proceed as specified in Subsection F.3. of this Rule.

3. When the Report is filed or considered filed under Subsection F.1. or 2. of this Rule, the Master shall: (i) give notice of filing as prescribed by Pa.R.C.P. 1920.55-2, and (ii) file an affidavit of service of said notice.

4. The notice of filing of the report shall state the fact of filing, that any party has the right to file within ten (10) days after mailing of the notice, exceptions (objections) pursuant to Pa.R.C.P. 1920.55-2, that if any exception is filed it will be heard by the court, and if no exception is filed the Report will be presented to the court for the granting of a final Decree in divorce (or annulment), and determining equitable distribution and other collateral economic issues, as applicable.

(Formerly R18-209).

G. In any case, where there are insufficient costs on deposit to pay for the hours expended by the Master or for the stenographer's or other costs, the Court, upon motion filed by the Master, or on its own motion, may proceed to determine whether the moving party should be required to advance the balance necessary to pay the hourly rate of the Master or such other costs.

### SUPPORT

#### **Som.R.C.P. 1910.12. Office Conference. Hearing. Exceptions.**

A. Promptly upon the filing of any complaint or request for modification or termination, the Domestic Relations Section shall schedule a conference, issue a scheduling order, and distribute a copy thereof to all counsel of record, and to all parties, whether or not represented by counsel of record.

B. The Domestic Relations Section may continue and reschedule the conference as may be necessary or convenient according to the needs and available facilities of the Section and as may be fair and reasonable to the parties, provided, however, that no more than two continuances for each party and no more than three continuances in the aggregate, shall be granted, unless Court approval is first obtained. If Court approval is required, a written Motion for Continuance, specifying the reasons therefor,

shall be presented to the Motions Judge. Continuances requiring Court approval will be granted only in extraordinary circumstances.

C. With the approval of the Domestic Relations Section, the parties or counsel may waive notice and agree to a date and time for conference.

D. If an agreement for support is reached at the conference, the written Order and recommendation referred to in Som. R.C.P. 1910.11(d) shall be transmitted to the Court in accordance with established assignment and Motions Judge practice. Upon receipt of the written Order and recommendation, the Judge shall either approve the recommendation and enter the Order, or disapprove the recommendation. Upon approval, the Domestic Relations Section shall promptly distribute a copy of the Order to each party and counsel.

E. If the parties do not reach agreement at the conference, or if the defendant does not appear at the conference, the Conference Officer shall submit to the Court, in accordance with established assignment and Motions Judge practice, a recommended Interim Order, to be entered by the Court as required by Pa. R.C.P. 1910.12, and unless the parties advise the Domestic Relations Section that a hearing is not requested, the case shall be scheduled for a hearing before the Hearing Officer. However, the parties, also, shall retain the option of agreeing to the Interim Order, and if the Domestic Relations Section is so notified in writing prior to the hearing, the hearing will be canceled and the Interim Order will be entered as the final Order.

F. When a hearing is to be scheduled before the Hearing Officer, the Domestic Relations Section shall schedule the hearing, issue a scheduling order, and distribute a copy thereof to all parties and counsel.

G. The Hearing Officer shall conduct the hearing and proceed otherwise as provided in Pa. R.C.P. 1910.12.

H. If exceptions are filed pursuant to the provisions of Pa. R.C.P. 1910.12(f), the Domestic Relations Section shall provide a copy of the exceptions to opposing counsel and unrepresented parties.

1. In addition to any other required fee, and unless otherwise ordered, a party filing exceptions shall pay a filing fee of \$30.00 to the Domestic Relations Section at the time the exceptions are filed.

2. Unless otherwise ordered, or unless certification is submitted pursuant to subparagraph H.4.(ii) of this Rule, a party filing exceptions shall also present to the Domestic Relations Section, at the time the exceptions are filed, a check or money order in the amount of \$25.00, made payable to the stenographer, as an advance payment toward record transcription.

3. Upon presentation of the check or money order pursuant to the requirements of the foregoing subparagraph H.1. of this Rule, or timely presentation of Order excusing payment, the Domestic Relations Section will transmit to the stenographer, the check or money order, if any, or a copy of the Order excusing payment.

a. If payment has been excused, the stenographer will immediately commence transcribing the record.

b. If payment has not been excused, upon receipt of the advance payment, the stenographer shall provide to the accepting party or parties a statement of the balance due

for transcription. Within ten (10) days of the mailing of the stenographer's statement, the excepting party shall pay the balance due directly to the stenographer. Where both parties have filed exceptions, each party shall pay an amount equal to one-half of the balance of the costs due. If the stenographer does not receive payment of the balance due within the time limit required by this Rule, the stenographer shall immediately notify the Domestic Relations Section.

c. If only one party has filed exceptions and that party has failed to make the advance payment or other amounts due for the cost of transcription within the required time limit, no transcript will be prepared.

d. If both parties file exceptions and one of the parties fails to make a required payment within the time limits required by this Rule, the transcript shall be prepared, with the total cost to be paid by the non-defaulting party prior to the date set for argument. A party who fails to make payment within the time limits required by this Rule will not be permitted to rely on the transcript in support of the exceptions.

4. A party filing exceptions will be excused from paying for a transcript only if (i) a Motion To Proceed In Forma Pauperis is presented to, and approved by, the Court within the ten (10) day period allowed for filing of exceptions; or (ii) a certification is filed within the ten (10) day period allowed for filing of exceptions, certifying that the record is not necessary for disposition of the exceptions.

5. Exceptions, when filed, shall contain, or have attached, a written certification that the required deposit has been paid, or that payment is not required by Court Order or because a transcript is not necessary for disposition of the exceptions. A copy of the Court Order or certification shall be attached to the exceptions. If the certification and attachments are not filed as required, no transcript will be prepared.

6. Any party requesting reallocation of the cost of transcription shall raise the matter specifically before the Court at argument on the exceptions, or the issue of reallocation shall be deemed waived by that party.

7. Advance payment of the transcript costs within the time limits required by this Rule shall be mandatory, unless a party is permitted to proceed in forma pauperis after petition to the Court, or unless otherwise excused by the provisions of this Rule. If the costs are not paid within the time limits required by this Rule, no transcript will be prepared.

I. Upon filing of exceptions, the Domestic Relations Section shall notify the Court Administrator, who shall schedule the same for argument, sec. reg. Upon issuance of the order listing the case for argument, the Domestic Relations Section shall notify counsel and parties of the date, time, and place of the argument.

J. Following argument on the exceptions, the Court will enter an appropriate final order in the case, copy of which shall be distributed by the Domestic Relations Section to counsel and unrepresented parties.

[Pa.B. Doc. No. 01-498. Filed for public inspection March 23, 2001, 9:00 a.m.]

## YORK COUNTY

### Administrative Order Amending Procedures at Duty District Justice Office and Providing for Filing Civil Bench Warrants in "Missile" Warrant System; No. 251 MA 2001

#### Administrative

*And Now*, this 7<sup>th</sup> day of March, 2001, pursuant to the authority and responsibility of the President Judge to exercise general supervision and administrative control over District Justices within the 19<sup>th</sup> Judicial District (Pa.R.C.P.D.J. 17) and to further implement more effective access to certain warrants of arrest within the Magisterial Information System to Support Improved Law Enforcement (MISSILE system), it is hereby *Ordered* as follows:

#### I. Amendment of Administrative Order of June 24, 1999:

Section III (B) of this Court's Administrative Order of June 24, 1999 (filed June 25, 1999), dealing with "Disposition of Warrants: Disposition of Summary Warrant / Bench Warrant on Arrest:" is hereby amended, and shall read, in part, as follows:

If an individual is arrested after regular court hours, and it appears that, in addition to any outstanding summary warrants, there is one or more outstanding bench warrants, warrants of arrest, or attachments issued by a Judge of the Court of Common Pleas, or warrants with commitments attached issued by a District Justice, the individual shall be served with all warrants outstanding, but shall not be taken before the Duty District Justice. The individual shall be taken directly to prison, to be returned the next business day, to the Court of Common Pleas or to the appropriate District Justice, pursuant to the appropriate warrants.

[The remainder of the text of that section shall remain as set forth in the prior order]

#### II. Amendment of Administrative Order of March 7, 1985, Establishing the "Missile" System:

The following text shall amend the Administrative Order of March 7, 1985, signed by the Honorable Robert I. Shadle, President Judge, and subsequent Administrative Orders and Memoranda pertaining to the "MISSILE" system:

#### BENCH WARRANTS ISSUED BY COMMON PLEAS JUDGES:

In addition to the warrants previously described, which are to be entered in the York County Magisterial Information System to Support Improved Law Enforcement ("MISSILE" SYSTEM), all bench warrants issued by a Judge of the Court of Common Pleas, whether civil or criminal in nature, and regardless of whether the warrant can be entered in any state or national database, shall be entered into the "MISSILE" System as soon as practical after issuance of the warrant.

*It is Further Ordered*, that in accordance with Pa.R.Civ.P. 230, the District Court Administrator shall:



(a) File seven certified copies hereof with the Administrative Office of the Pennsylvania Courts;

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

(c) File one certified copy hereof with the Criminal Rules Committee;

(d) Cause a copy hereof to be published in the *York Legal Record* at the expense of the County of York; and

(e) Supervise the distribution hereof to all Judges, District Justices, Municipal and State Police agencies of the 19<sup>th</sup> Judicial District, and to York County's Director of Emergency Operations, and the York County Sheriff.

*By the Court*

JOHN H. CHRONISTER,  
*President Judge*

[Pa.B. Doc. No. 01-499. Filed for public inspection March 23, 2001, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF BANKING

[10 PA. CODE CH. 44]

### Mortgage Bankers and Brokers; Continuing Education

The Office of the Budget has submitted a revised Fiscal Note (No. 3-40) for the proposed rulemaking which appeared at 31 Pa.B. 1236 (March 3, 2001).

The revised Fiscal Note reads as follows:

**Fiscal Note:** 3-40. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 01-01-349. Filed for public inspection March 2, 2001, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 65]

### Reasonable Assurance

The Department of Labor and Industry (Department), Bureau of Unemployment Compensation Benefits and Allowances (Bureau), proposes to add § 65.161 (relating to reasonable assurance). The proposed regulation provides criteria for determining the eligibility of employees of educational institutions for unemployment compensation (UC) benefits.

#### A. Effective Date

The proposed regulation will be effective immediately upon publication in the *Pennsylvania Bulletin*.

The proposed regulation will apply to applications for benefits effective on and after the date of publication.

#### B. Statutory Authority

The regulation is proposed under section 201(a) of the Unemployment Compensation Law (law) (43 P. S. § 761(a)), which authorizes the Department to promulgate and amend rules and regulations necessary to administer the Law.

#### C. Background and Purpose of Proposed Rulemaking

The purpose of this proposed rulemaking is to bring the Pennsylvania Unemployment Compensation (UC) eligibility criteria into conformity with the United States Department of Labor's (USDOL) requirements under section 3304(a)(6)(A) of the Federal Unemployment Tax Act (FUTA) (26 U.S.C.A. § 3304(a)(6)(A)) with regard to a principle known as "reasonable assurance."

FUTA requires the states to deny UC benefits based on services in an instructional, research or principal administrative capacity for an educational institution, for any week between 2 academic years or terms, if the claimant performed services in any of those capacities in the first year or term and there is a contract or reasonable assurance that the claimant will perform services in any of those capacities in the second year or term. FUTA also requires the states to deny benefits based on services in an instructional, research or principal administrative

capacity for an educational institution, for any week during a vacation period or holiday recess, if the claimant performed services in any of those capacities before the vacation or holiday and there is a reasonable assurance that the claimant will perform services in any capacity after the vacation or holiday. FUTA permits the states to deny benefits based on services for an educational institution in a capacity other than instructional, research or principal administrative, for any week between 2 academic years or terms, or any week during a vacation period or holiday recess, if the claimant performed these services in the first year or term or before the vacation or holiday, and there is a reasonable assurance that the claimant will perform services in any capacity in the second year or term or after the vacation or holiday, respectively. FUTA also applies these denial provisions to claimants who are employed by an educational service agency. These provisions of FUTA apply to governmental and nonprofit educational institutions and educational service agencies (collectively, educational employers). See 26 U.S.C.A. § 3304(a)(6)(A).

As administrator of these provisions of FUTA, the USDOL imposes requirements on the states regarding the interpretation and application of the statute. Unemployment Insurance Program Letter 4-87, which sets forth USDOL's official interpretation of "reasonable assurance" in FUTA, provides that a reasonable assurance of employment in the second academic period exists only if there is a bona fide offer of employment and the economic terms and conditions of the employment in the second academic period are not substantially less than the terms and conditions of the claimant's employment in the first academic period. For example, if a full-time teacher is given an offer to return to work as a part-time substitute teacher in the following academic year, his employment in the second academic period would not be economically equivalent to his employment in the first academic period, as required by the USDOL. Therefore, there is no reasonable assurance and the teacher should be eligible for benefits for the summer.

Pennsylvania's implementation of the FUTA provisions regarding the eligibility of employees of educational employers is found in section 402.1 of the law (43 P. S. § 802.1). Section 402.1(1) and (2) of the law denies benefits based on services for an educational institution, for any week between two academic years or terms. Paragraph (1) applies to services in an instructional, research or principal administrative capacity, and paragraph (2) applies to services in any other capacity.) Paragraph (3) denies benefits based on services in any capacity for an educational institution, for any week during a vacation period or holiday recess. Paragraph (4) extends the denial provisions of paragraphs (1), (2) and (3) to services performed in the employ of an educational service agency. The denial provisions of section 402.1 of the law require the existence of a contract or reasonable assurance of employment in the second academic period.

Currently, the Commonwealth does not include economic equivalency as a necessary element of reasonable assurance, and its failure to do so was brought to light in a recent case. In *Musko v. U.C.B.R.*, No. 2740 C. D. 1997 (Pa. Cmwlth., filed June 23, 1998 (unreported)), appeal denied, 558 Pa. 624, 737 A.2d 745 (1999), the claimant was a full-time school teacher in the first academic year and received an assurance of returning to work as a per diem or long-term substitute teacher in the second aca-

demical year. The Commonwealth Court held that the claimant was ineligible for benefits for the summer, because he worked in an instructional capacity in the first year and had an assurance of returning to work in an instructional capacity for the second year. However, the economic terms and conditions of the position offered to him for the second year were substantially less than the terms and conditions of his job in the first year. If the economic equivalency test had been applied as required by USDOL, the claimant would have been eligible for UC benefits.

To conform to FUTA, the Commonwealth and the other states can deny benefits to employees of educational employers only to the extent authorized by Federal law. In *Musko*, the Commonwealth went beyond the scope of the Federal law as interpreted by USDOL when it denied benefits to a claimant who was not offered an economically equivalent position for the next school year. As a result, the USDOL informed the Department that it was out of conformity with the Federal law.

To conform to the USDOL's reasonable assurance requirements, the Department proposes this regulation.

*D. Summary of Proposed Rulemaking*

The proposed regulation clarifies the meaning of the term "reasonable assurance." Under the regulation, reasonable assurance would exist only if the individual receives a bona fide offer of employment for the next academic period, under economic terms and conditions that are not substantially less than the terms and conditions of the individual's employment in the first academic period.

*E. Affected Persons*

The universe of persons potentially affected by the proposed regulation consists of 3,863 educational employers and 443,073 employees of educational employers in this Commonwealth.

*F. Fiscal Impact*

For a state to receive Federal administrative funding and tax credits, its UC Law must conform to FUTA. The emergence of a conformity issue could have substantial impact on the Commonwealth. If the Commonwealth does not adopt the regulation and is adjudged to be out of conformity with Federal law, the Secretary of USDOL would withdraw certification from the Commonwealth, which would abrogate administrative funding for both the UC system and the employment service. In addition, employers within this Commonwealth would lose the FUTA tax credits to which they are entitled by virtue of paying state UC taxes.

The fiscal impact of the regulation on the UC Fund, if any, is difficult to ascertain. Employees of educational employers who are not given a reasonable assurance of returning to work, as defined by the regulation, would be eligible for UC benefits. However, eligibility for these employees could prompt affected employers to provide the level of reasonable assurance required by the regulation, thereby causing an eventual decrease in benefit payments.

Any increase in the cost of administering the UC program would be nominal, because no measurable increase in personnel, time or resources will be necessary to administer section 402.1 of the law as impacted by the regulation.

*G. Paperwork Requirement*

No new paperwork is required.

*H. Sunset Date*

The regulation will be monitored through practice and application. Thus, no sunset date is designated.

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of this proposed regulation on March 8, 2001, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Labor Relations Committee and the Senate Labor and Industry Committee. In addition to submitting the proposed regulation, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, Regulatory Review and Promulgation. A copy of this material is available to the public upon request.

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

*J. Public Comment*

Interested parties are invited to submit written comments, objections or suggestions about the proposed regulation to Jeri Morris, Department of Labor and Industry, Bureau of Unemployment Compensation Benefits and Allowances (BUCBA), 6th Floor, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17121 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Written comments received by the Department may be made available to the public.

Comments may also be submitted electronically at "kwright@dli.state.pa.us." A subject heading referencing the proposed regulation, name and return mailing address must be included in each transmission. In addition, all electronic comments shall be contained in the text of the transmission, not in an attachment.

For further information on this proposed rulemaking, contact Jeri Morris at (717) 787-6337.

JOHNNY J. BUTLER,  
*Secretary*

**Fiscal Note:** 12-56. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 34. LABOR AND INDUSTRY**

**PART II. EMPLOYMENT SECURITY**

**Subpart A. UNEMPLOYMENT COMPENSATION**

**CHAPTER 65. EMPLOYEE PROVISIONS**

**Subchapter I. BENEFITS BASED ON SERVICE FOR EDUCATIONAL INSTITUTIONS**

Sec. 65.161. Reasonable assurance.

**§ 65.161. Reasonable assurance.**

(a) For purposes of section 402.1 of the law (43 P. S. § 802.1), a contract or reasonable assurance that an

individual will perform services in the second academic period exists only if both of the following conditions are met:

(1) The educational institution or educational service agency provides a bona fide offer of employment for the second academic period to the individual.

(2) The economic terms and conditions of the employment offered to the individual for the second academic period are not substantially less than the terms and conditions of the individual's employment in the first academic period.

(b) For the purposes of subsection (a), an offer of employment is not bona fide if both of the following conditions exist:

(1) The educational institution or educational service agency does not control the circumstances under which the individual would be employed.

(2) The educational institution or educational service agency cannot provide evidence that the individual or similarly situated individuals normally perform services in the second academic period.

[Pa.B. Doc. No. 01-500. Filed for public inspection March 23, 2001, 9:00 a.m.]

## GAME COMMISSION

[58 PA. CODE CHS. 143 AND 147]

### Internet Sale of Licenses; Deer Management; Remedial Hunter Education Course; Elk Licenses; Bobcat Hunting

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 23, 2001, meeting, proposed the following amendments:

Amend § 143.11 (relating to internet license sales) by adding language to allow persons to purchase hunting licenses through the Commission's website.

Amend § 143.42 (relating to definitions) by eliminating the words private land and replacing them with unsold, and to allow hunters to apply for multiple licenses without restricting use for private land only.

Amend § 143.49 (relating to issuing licenses), § 143.51 (relating to application and issuance of private land tags), § 143.54 (relating to validity of license), and § 143.55 (relating to unlawful acts) to change the name of antlerless licenses, other than regular antlerless licenses, from private land tags to unsold tags and amend issuance procedures.

Amend § 143.124 (relating to restoration of hunting and furtaking privileges of offenders in hunting related shooting incidents, or other mandatory revocations) by requiring a remedial hunter education course for all persons whose hunting and trapping privileges have been revoked under mandatory revocation. Course may be taken no earlier than 3 months prior to the end of the period of revocation and a fee of \$50 will be charged.

Add Chapter 143, Subchapter K (relating to elk licenses) to establish methods for applying for elk licenses.

Amend § 147.701 (relating to general) to give applicants the opportunity to also apply for a bobcat permit through the Commission's website and to improve the

administration of the drawing to provide a reliable crosscheck of the database for duplicate applications.

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

The authority for these proposals is 34 Pa.C.S. (relating to the Game and Wildlife Code).

These proposals were made public at the January 23, 2001, meeting of the Commission, and comments on these proposals can be sent to the Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 6, 2001.

#### *Proposed Amendment of § 143.111*

##### *Introduction*

To more effectively issue hunting and furtaking licenses, the Commission at its January 23, 2001, meeting proposed adding § 143.11 providing for Internet license sales. This addition is being proposed under section 2722(g)(2) of the code (relating to authorized license—issuing agents).

##### *Purpose and Authority*

The act of December 20, 2000 (P. L. 452, No. 111) (Act 111) amended section 2708 of the code to allow for the electronic application for and issuance of hunting licenses. Act 111 also added section 2708(c) which authorizes the Director, with approval of the Commission, to establish additional policies and procedures with regard to accepting and processing of electronically filed license applications. As a result, the Commission proposed § 143.11 to provide procedures for issuance of additional hunting licenses by means of the Internet.

Also, section 2722(g)(2) of the code authorizes the Commission to adopt regulations for the administration, control and performance of license issuance activities. This provision supplies the authority for the proposal.

##### *Regulatory Requirements*

The proposed change will allow printing of additional license privileges on hunting license back tags and the validating of those privileges by the assigning and entering of a web order number.

##### *Persons Affected*

Individuals wishing to take advantage of additional license issuance by Internet will be required to follow the new procedures.

##### *Cost and Paperwork Requirements*

The proposal will only require the entering of a web order number on the hunting back tag.

#### *Proposed Amendments to §§ 143.42, 143.49, 143.51, 143.54 and 143.55*

##### *1. Introduction*

At its April and June 2000 meetings, the Commission proposed and adopted restricting the use of unsold antlerless deer licenses to "private land." After one hunting season of the restriction, the Commission has decided that is not the most effective means of deer management. In addition, the Commission is in the process of revamping its entire deer management program.

As a result, the Commission at its January 23, 2001, meeting proposed changing §§ 143.42, 143.49, 143.51, 143.54 and 143.55 to redesignate "private land" tags back to "unsold" tags and eliminate the private land restrictions contained in those sections. The proposed changes

are being made under the authority of section 2102 of the code (relating to regulations).

## 2. Purpose and Authority

As was indicated in the Introduction of this Preamble, the Commission is in the process of changing its deer management program. Originally, it was thought that restricting the use of unsold antlerless deer licenses to private land and public land with an approved management plan would increase hunting pressure on private lands. It is important, however, to maintain hunting pressure on public lands also. The proposed designation back to "unsold antlerless deer tags" should accomplish this purpose.

The proposed changes to § 143.42 will substitute "unsold" for "private land" in the definitions and delete the definition of "public land." The proposed change to § 143.49 makes an exception to the United States Postal Service delivery deadline for "private land" licenses which are redesignated as "unsold tags." The proposed changes to § 143.51 involve substituting "unsold" wherever "private land" is found, deleting provisions for approval of deer management plans on public land, and setting the eligibility date for applying for unsold tags. The proposed change to § 143.54 involves the deletion of a provision that private land tags are valid only on private land or public land with an approved management plan. Finally, the proposed changes to § 143.55 would essentially substitute "unsold" for "private land."

Section 2102 of the code directs the Commission to promulgate the regulations as it deems necessary and appropriate concerning game or wildlife and hunting. This section provides authority for the proposed changes.

## 3. Regulatory Requirements

The proposed changes would relax current requirements.

## 4. Persons Affected

Those wishing to harvest antlerless deer could be affected by the proposed changes.

## 5. Cost and Paperwork Requirements

The proposed changes should not result in any additional cost or paperwork.

### *Proposed Amendment to § 143.124*

#### 1. Introduction

Act 111 amended section 929 of the code (relating to revocation or denial of license, permit or registration) to require persons whose hunting privileges have been revoked or suspended under a mandatory provision of the code to successfully complete a separate remedial hunter education course prior to obtaining a hunting license. To implement this change in the law, the Commission at its January 23, 2001, meeting proposed changing § 143.124 to provide for the required remedial hunter education course. This proposal was made under a specific mandate contained in Act 111 which is now part of section 929 of the code.

#### 2. Purpose and Authority

The act of December 19, 1996 (P. L. 1442, No. 184) (Act 184) amended section 929 of the code to require persons whose hunting privileges were revoked or suspended under a mandatory provision of the code to successfully complete a hunter education course. After a great deal of consideration, the Commission decided to propose to the General Assembly that the requirement involve a remedial hunter education course separate from the course

designed for those desiring to be first-time hunters. This proposal was accepted in the form of Act 111.

Act 111 specifically provides that "the Commission shall promulgate regulations establishing the curriculum, administration and any associated fees of such a remedial course . . ." In addition, section 929(b) of the code generally authorizes the Commission to promulgate regulations relating to revocation of hunting and furtaking privileges. These provisions provide the authority for the proposed changes.

#### 3. Regulatory Requirements

The proposed changes specify the minimum content of the remedial hunter education program and direct the Commission's Hunter-Trapper Education Division to develop and administer the program. In addition, those enrolling in the remedial course will be required to pay a fee of \$50.

#### 4. Persons Affected

Individuals whose hunting license privileges have been revoked or suspended under mandatory provisions of the code would be affected.

#### 5. Cost and Paperwork Requirements

Persons required to enroll in the remedial hunter education course will be required to pay a \$50 fee under the proposal. The Commission will also need to develop a program of instruction which will entail additional paperwork.

### *Proposed Addition of Chapter 143, Subchapter K*

#### 1. Introduction

Act 111 added section 2705(15) to the code, which provides for issuance by the Commission of elk hunting licenses. In addition, the Commission has proposed regulations providing for an elk hunting season in this Commonwealth in 2001. As a result, the Commission at its January 23, 2001, meeting proposed adding Subchapter K. The new subchapter would establish policies and procedures for the issuance of elk hunting licenses. This subchapter is proposed under sections 2705(15) and 2722(g)(2) of the code.

#### 2. Purpose and Authority

The elk population in this Commonwealth has been increasing in recent years. This has resulted in increased complaints of nuisance elk and a larger number of incidents of elk being shot for crop damage. Also, as was previously stated, the legal framework for an elk hunting season is being established. One of the final steps is the establishment of policies and procedures for issuing elk licenses. The proposed addition of Subchapter K will accomplish this purpose.

Section 2705(15) of the code specifically authorizes the Commission to promulgate regulations to establish a limited number of elk licenses and allows the establishment of a nonrefundable application fee of \$10. In addition, section 2722(g)(2) of the code directs the Commission to adopt regulations for the administration and control of issuance of hunting licenses. These sections provide the authority for the proposed regulations.

#### 3. Regulatory Requirements

The proposal will require the submission to the Commission's Harrisburg Headquarters of a complete and legible paper or electronic elk license application, the payment of a \$10 nonrefundable application fee, and the random drawing of the successful applications. Successful applicants will be required to have a regular hunting

license, unless they are exempt, and to attend an orientation session. Applicants receiving an antlered elk license will be disqualified from applying for another elk license for 5 years.

*Proposed Amendment of § 147.701*

1. *Introduction*

2000-2001 is the first year in which the Commonwealth has had a bobcat hunting and trapping season. To facilitate that season, the Commission at its April 4, 2000, meeting adopted §§ 147.701 and 147.702 which provide for the issuance of a bobcat hunting trapping permit. Primarily, to allow for submission of applications for bobcat hunting-trapping permits through the Internet, the Commission at its January 23, 2001, meeting proposed changes to § 147.701. These changes would be made under authority contained in sections 2901, 2902 and 2904 of the code (relating to authority to issue permits; general categories of permits; and permit fees).

2. *Purpose and Authority*

After 1 year including a bobcat hunting-trapping season, some minor adjustments clearly need to be made. The proposed adjustments include the option of applying for a bobcat permit over the Internet, changes in the application period, the addition of a provision that incomplete, illegible or duplicate applications will not be included in the drawing, and deletion of a provision that permits will be limited to the first 290 valid applications drawn.

Section 2901(b) of the code authorizes the Commission to promulgate regulations for the issuance of any permit. Section 2902(c) of the code authorizes the director to "... issue other permits, with or without charge, as required to control the taking of game or wildlife..." Finally, section 2904(18) of the code mandates that the Commission "... shall set a reasonable fee for any permit required by this title which is not specifically set forth in this section." These sections provide the authority for the proposed amendment.

3. *Regulatory Requirements*

The proposed amendment requires holders of furtaker or combination licenses to submit a complete, legible application together with a nonrefundable fee between July 1 and the third Friday in August to obtain bobcat permit. Those receiving a permit and harvesting a bobcat will be required to comply with tagging requirements.

4. *Persons Affected*

Persons wishing to harvest a bobcat by hunting or trapping will be affected by the proposed regulations.

5. *Cost and Paperwork Requirement*

Applicants for a permit will be required to submit a complete, legible application and pay a nonrefundable fee of \$5 which should cover the cost of issuing permits and tagging bobcats.

*Effective Date*

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

*Contact Person*

For further information on the proposed changes contact David E. Overcash, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-130. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTAKER LICENSES**

**Subchapter A. GENERAL**

**§ 143.11. Internet license sales.**

**To fulfill Internet orders for general hunting licenses, the Commission may print specific license privileges directly on the hunting license back tag. For individuals who already possess a valid hunting license and opt to purchase an archery, muzzleloader, migratory game bird or bear license using the Commission's website, the Commission may assign a web order number to issue these additional license privileges. To validate these additional privileges, the license holder shall enter his web order number on the general hunting license back tag and sign in the spaces provided.**

**Subchapter C. ANTLERLESS DEER LICENSES**

**§ 143.42. Definitions.**

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

\* \* \* \* \*

**[ Private land—Land that is not defined as public land.**

**Private land ] Unsold tag—**An antlerless deer license permitting properly licensed persons to take an antlerless deer during **[ the regular ]** any firearms antlerless deer season, archery or flintlock muzzleloader **and muzzleloader** deer seasons in the county of issue.

**[ Private land ] Unsold tag application—**The form contained in the "Hunting and Trapping Digest" used in applying for **[ a private land ] an unsold tag.**

\* \* \* \* \*

**[ Public land—Any land owned or controlled by a Federal or State agency, or municipal political subdivision. ]**

\* \* \* \* \*

**§ 143.49. Issuing licenses.**

\* \* \* \* \*

(c) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for qualified landowners, licenses issued shall be delivered to successful applicants in the envelope by standard first class mail through and by the United States Postal Service. Licenses shall be placed with the United States Postal Service no later than the third Monday in September, **except for licenses issued under § 143.51(f)**

(relating to application and issuance of unsold tags) which shall be placed with the United States Postal Service no later than the fourth Monday in September. If more than one application is mailed to the county treasurer in the same envelope, the licenses shall be mailed to the person whose name appears on the return section of the envelope. The person receiving the additional licenses is responsible for delivering them to the appropriate people.

\* \* \* \* \*

§ 143.51. Application and issuance of [ private land ] unsold tags.

(a) Except as provided in § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the fourth Monday in August, residents and nonresidents of this Commonwealth are eligible to receive [ a private land ] an unsold tag. [ Private land tags are valid only on private land or on public land with a deer management plan approved by the Commission. ]

(b) An applicant for this tag may not use the regular antlerless deer license application. An applicant shall only use the [ private land ] unsold application contained in the "Hunting and Trapping Digest" or a reasonable facsimile thereof.

\* \* \* \* \*

(e) [ Private land ] Unsold tags shall be validated by the addition of the county treasurer's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag [ and stamp the face of the license "private land only" with a stamp provided by the Commission ].

(f) [ The procedure for approval of a deer management plan is as follows:

(1) An application for approval of a deer management plan that would allow private land tags to be used on a designated area of public land shall be submitted by an authorized officer or employe of the political subdivision in the form required by the Director.

(2) An application for approval of a deer management plan that will allow the use of private land tags on a designated public land area shall contain the following information:

(i) The name of the political subdivision that is requesting approval of a deer management plan.

(ii) The name and address of the authorized officer or employe of the political subdivision who will be the contact person for the plan.

(iii) A map showing the location and boundaries of the area and the county, township and Commission deer management unit the site is located in.

(iv) A description of the management area delineated on the map in subparagraph (iii) including the size in acres, cover types (forested, nonforested), principal land uses, huntable areas and safety zones, and hunter access points.

(v) A brief description of the area including access points that the person in control of the land

wants to have posted on the Commission web site, as well as the name and address of a contact person for more information.

(vi) An explanation of deer management goals and objectives for the area. Goals include deer density, habitat condition, forest regeneration, other wildlife and recreational opportunities.

(vii) An explanation to substantiate why the person in control of the land wants to increase the harvest of antlerless deer by allowing use of private land tags on the area. Area specific information shall be provided that supports the deer management goals and objectives such as deer density estimates, indices of deer abundance, buck/doe ratios, fawn/doe ratios, deer condition, habitat conditions, plant species abundance or diversity, forest regeneration, and hunter success rates.

(3) Completed applications shall be received at least 2 months before the first day that applications for private land tags can be accepted. The person in control of the land will be notified of approval or disapproval at least 1 month before the first day that applications for private land tags can be accepted.

(4) Upon approval of the deer management plan, the person in control of the land will conspicuously post the site boundary and all public roadways traversing the property with signs provided by the Commission. Posting shall be completed by the opening date of the first fall antlerless deer season. ]

Beginning on the second Monday in September, residents and nonresidents of this Commonwealth are eligible to apply for one additional unsold tag by mail.

§ 143.54. Validity of license.

An antlerless deer license is valid for taking antlerless deer only in the county designated on the antlerless deer license. [ Private land tags are valid only on private land or on public land with a deer management plan approved by the Commission. ]

§ 143.55. Unlawful acts.

It is unlawful:

\* \* \* \* \*

(5) For a person to apply for or receive more than one antlerless license or more than one [ private land ] unsold tag, except as specified in §§ 143.51(f), 143.52 [ (a) and (b) ] and 143.53 (relating to application and issuance of unsold tags; procedure for unlimited antlerless deer licenses; and reapplication).

\* \* \* \* \*

Subchapter G. MANDATED REVOCATION OF HUNTING AND FURTAKING LICENSE AND RIGHTS

§ 143.124. Restoration of hunting and furtaking privileges of offenders in hunting related shooting incidents, or other mandatory revocations.

(a) A person whose hunting and furtaking privileges have been denied under section 2522(c) [ (1)—(2) and (3) ] of the act (relating to shooting at or causing injury to human beings), shall, prior to having hunting and furtaking privileges restored, comply with the following:

\* \* \* \* \*

(2) Provide to the Commission on a form provided, evidence that the offender has successfully completed a Commission sponsored **remedial hunter [trapper]** education course.

**(b) A remedial hunter education course shall be a specific course of study sponsored by the Commission that is to be completed by certain offenders of the act before their license privileges are restored. It shall include lessons concerning the safe use and handling of firearms, hunting laws and regulations, responsible hunting behavior and hunter ethics.**

**(1) The development and administration of the remedial hunter education program shall be the responsibility of the Hunter-Trapper Education Division.**

**(2) A fee of \$50 shall be charged to each student to enroll in a remedial hunter education course.**

*(Editor's Note: The following chapter is new. It has been printed in regular type to enhance readability.)*

### Subchapter K. ELK LICENSES

Sec.	
143.201.	Purpose and scope.
143.202.	Application.
143.203.	Drawing.
143.204.	Unlawful acts.
143.205.	Penalties.

#### § 143.201. Purpose and scope.

If the Commission approves an elk hunting season, this subchapter establishes methods of applying for elk licenses. The Commission will set the number of licenses to be issued, establishing a quantity of tags for antlered and antlerless elk.

#### § 143.202. Application.

(a) Applications for elk licenses shall be submitted to the Commission's Harrisburg Headquarters. The Executive Director will set periods for accepting applications.

(b) Applications for elk licenses shall be made using an electronic application on the Commission's Internet website or a paper form made available by the Commission providing information as may be required by the Executive Director. A nonrefundable \$10 application fee shall accompany each application.

(c) For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number on the application.

#### § 143.203. Drawing.

(a) The Executive Director will set the date and location for the random drawing of applications for the issuance of elk licenses. Incomplete, illegible or duplicate applications will not be included in the drawing.

(b) In any given year, no more than 10% of the applications drawn shall be nonresident. A yearly cap on the number of nonresident applications that may be drawn shall be based on the percentage of nonresident general hunting licenses issued the previous year.

(c) An applicant issued an antlered elk license is not permitted to apply for another elk license for 5 license years.

(d) Qualified applicants and alternates drawn for an elk license shall be required to obtain a regular hunting license prior to attending an orientation session spon-

sored by the Commission before the elk license is issued. Persons who are eligible for license and fee exemptions and meet the requirements prescribed in section 2706 of the act (relating to resident license and fee exemptions) are not required to purchase a regular hunting license.

(e) The number of licenses shall be limited to the first 30 valid applications drawn.

#### § 143.204. Unlawful acts.

It is unlawful for a person to:

(1) Submit more than one application for an elk license during any hunting license year.

(2) Apply for or to receive a license contrary to the act or this part.

#### § 143.205. Penalties.

A person violating this subchapter shall, upon conviction, be sentenced to pay the fine prescribed in the act.

## CHAPTER 147. SPECIAL PERMITS

### Subchapter S. BOBCAT HUNTING-TRAPPING PERMIT

#### § 147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

\* \* \* \* \*

(2) The fee for **an application** for a permit to take a bobcat is \$5.

(3) Applications shall be submitted on a form supplied by the Commission **or by using an electronic application on the Commission's Internet website** and shall contain the required information as requested. **For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number on the application.** A **[ check or money order in the amount of ]** \$5 **[ payable to the "Pennsylvania Game Commission" ] application fee** shall accompany the application and is nonrefundable. Applications shall be **[ mailed ] submitted** to the Commission's **[ Bureau of Wildlife Management, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 ] Harrisburg Headquarters.**

(4) Applications may only be submitted **[ by mail ]** between July 1 and **[ August 31 ] the third Friday in August.** Applications **[ received ] postmarked** later than **[ August 31 ] the third Friday in August** will be rejected.

\* \* \* \* \*

(6) The selection of **[ mailed application forms ] applications** will be made by random drawing from all eligible applications submitted. **Incomplete, illegible or duplicate applications will not be included in the drawing.** The drawing will be held at the Commission's Harrisburg **[ headquarters ] Headquarters** on the second Friday in September and shall be open to the public.



(7) A special permit authorizing the lawful taking of one bobcat will be delivered to successful applicants by standard first class mail through and by the United States Postal Service. Permits shall be mailed by the first Friday in October [ **and will be limited to the first 290 valid applications drawn** ].

\* \* \* \* \*

**(9) An applicant issued a bobcat hunting-trapping permit is not permitted to apply for another bobcat hunting-trapping permit the next license year.**

[Pa.B. Doc. No. 01-501. Filed for public inspection March 23, 2001, 9:00 a.m.]

# STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CHS. 47—49]  
Licensure

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend §§ 47.1, 47.11 and 47.12 (relating to definitions; licensure examination; and qualifications for licensure), reserve § 47.13 (relating to licensure without examination), add §§ 47.12a—47.12d and 47.13b (relating to licensed social worker; provisional license as a social worker; licensed clinical social worker; standards for supervisors; and exemption from licensure examination—clinical social workers), and add Chapters 48 and 49 (relating to State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—licensure of marriage and family therapists; and State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—licensure of professional counselors) to read as set forth in Annex A.

*A. Effective Date*

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

*B. Statutory Authority*

The proposed amendments are authorized under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1906(2)).

*C. Background and Purpose*

The General Assembly enacted the act of December 21, 1998 (P.L. 1017, No. 136) (Act 136), amending the Social Workers' Practice Act (63 P.S. §§ 1901—1922), by expanding the State Board of Social Work Examiners to include marriage and family therapists and professional counselors. Act 136 also provided three additional licensure groups: (1) licensed clinical social workers; (2) marriage and family therapist; and (3) professional coun-

selors. This proposed rulemaking only addresses definitions and licensure qualifications.

The Board has broken each licensure group into separate chapters: Chapter 47—Licensure of Social Workers; Chapter 48—Licensure of Marriage and Family Therapists; and Chapter 49—Licensure of Professional Counselors. Several requirements for licensure are common to all three groups, and, as a result, are repeated in each individual chapter. To provide the most guidance to licensees, the Board has drafted its preamble in two sections for each of the three chapters. Section 1 organizes statutory and corresponding proposed regulatory provisions by subject matter. Section 2 provides substantive interpretations of the proposed amendments and additions.

*D. Description of Proposed Amendments and Additions*

**Chapter 47. (relating to licensure of social workers)**

*Section 1. Organization*

The proposed amendments track statutory language. The following chart indicates the organization and authority for the amendments. For ease of reference, the first column contains the statutory citation, the second column contains the proposed regulatory citation and the third column contains the subject matter.

<i>STATUTE</i>	<i>PROPOSED REGULATION</i>	<i>SUBJECT MATTER</i>
Section 1903	§ 47.1	Definitions
Section 1907(d)(4)	§ 47.11	Examinations
Section 1907(d)	§ 47.12	General qualifications for licensure
Section 1907(a-d)	§ 47.12a § 47.12b § 47.12c  § 47.12d	Qualifications for licensure: Social work Provisional social work Clinical social work Standards for supervisors
Section 1909(a)	§ 47.13b	Exemption from licensure examination/clinical social workers

*Section 2. Substantive interpretations of proposed amendments*

Current § 47.1 is proposed to be amended to reflect the addition of marriage and family therapists and professional counselors to the title of Act 136 and the name of the Board. It would also be amended to add a definition for “supervisor,” “supervisee” and “licensed clinical social worker.”

The act requires a supervised clinical experience as one of the qualifications for licensed clinical social workers. The Board believes supervision should be provided by an individual who is a licensed clinical social worker with 5 years of experience or by an individual who holds a license in a related field with 5 years of experience in that related field. The Board would allow for a 5 year period in which a supervisor may be an individual who is a clinical social worker with 5 years experience as a clinical social worker and is licensed as a social worker.

Section 47.11 is proposed to be amended to reflect the change of names for the American Association of State Social Work Boards to its current name of Association of Social Work Boards (ASWB), and the State Board of Social Work Examiners to the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors. Section 47.11 would also be amended to add the clinical level examination given by ASWB as the examination required for licensure as a clinical social worker.

Current § 47.12 is proposed to be amended to reorganize the existing qualifications for licensure for social workers and provisional licensed social workers and add the provisions for licensure of clinical social workers. Section 47.12 would become the general qualifications for licensure for these three separate groups. Section 47.12a lists the qualifications for a licensed social worker; § 47.12b lists the qualifications for provisional licensure of social workers; and § 47.12c lists the qualifications for licensure of clinical social workers. There are no substantive changes to the provisions for a licensed social worker and provisional licensed social worker apart from the reorganization.

Proposed § 47.12c would add qualifications for licensure as a clinical social worker. It follows the statutory language of the act. The Board believes it would be helpful for licensees to have these qualifications placed in the regulations as well as the act for their convenience.

In addition to tracking the statutory language, this section sets forth the Board's requirements for the supervised clinical experience. (Supervised experience is also required for licensure of marriage and family therapists and professional counselors, and the provisions in this section of this chapter are repeated in the chapters for the other two licensure groups.) The Board's goal is to establish criteria that would ensure a quality learning experience for supervisees. Supervisees should receive experience in specific areas, be supervised by qualified supervisors and have regular contact with supervisors who would review and discuss cases with the supervisee and direct the supervisee's patient therapy. The Board would limit the number of persons an individual could supervise at one time to ensure that the supervisor would be available to the supervisee. Finally, the Board would establish a minimum length of time with a minimum number of hours that a supervisee must work at any one supervised clinical experience setting. This would allow supervisees the flexibility of moving from one supervised experience setting to another while ensuring they are at one place long enough to develop relationships with their supervisors and patients as well as learn from their experience. The Board reviewed the State Board of Psychology's regulations in § 41.31(c)(1)(iii) (relating to qualifications for taking licensing examination) to arrive at the length of time and hours in this provision, because this is a board in a related field which also requires a supervised experience.

In drafting the proposal, the Board considered having all of the required 3,600 hours of supervised clinical experience supervised by a licensed clinical social worker. The Board decided that the first 1,800 hours of supervision would be provided by an individual who is a licensed clinical social worker. The remaining 1,800 hours could be provided by an individual who holds a license in a related field with 5 years of experience in that related field. Since it may be difficult to find enough licensed clinical social workers to provide supervision for all supervisees in remote areas of this Commonwealth, this proposal would

make it easier for supervisees to locate a supervisor. Additionally, allowing individuals licensed in other mental health fields to supervise would provide a broader experience for licensees. Finally, the Board received input from professional organizations and individuals suggesting that other mental health professionals be allowed to provide half of the supervision.

Proposed § 47.12d sets forth standards for supervisors. The Board believes that the supervised clinical experience should provide a quality learning experience for supervisees, which depends in part on the quality of supervision. In addition to providing that a supervisor should be qualified and accessible to the supervisee for consultation, as well as unbiased in their provision of services to the supervisee, this section provides guidance and direction to individuals regarding their duties and responsibilities as a supervisor. Section 47.12d also gives clear guidance to the supervisees regarding what they can and should expect from their supervisors. Finally, this section empowers the supervisor to recommend the interruption or termination of a supervised activity in providing services to a client/patient and if necessary to terminate the supervisory relationship. Unapproved hours would not count towards satisfying the clinical experience. This provision recognizes that there may be a situation in which the supervisor and the supervisee are not in the same work setting; therefore, the supervisor has no control over the supervised work outside of the supervisor/supervisee relationship. If the supervisor is uncomfortable with, or opposed to the supervisee's treatment plan for a patient, or suggests an alternative plan which the supervisee refuses to follow, the supervisor then has the option of not approving those hours for the clinical experience, or, if necessary, terminating the relationship with the supervisee.

Proposed § 47.13b, regarding exemption from licensure examination for clinical social workers, closely tracks the statutory language. This section would also establish a minimum number of work hours per week to satisfy the requirement of proof of practice of clinical social work and the criteria for continuing education which is satisfactory to the Board under section 1909(a)(4)(iii) of the act. Finally, this section lists the certifications acceptable to the Board for the purposes of this section.

**Chapter 48. (relating to licensure of marriage and family therapists)**

*Section 1. Organization*

The proposed addition tracks statutory language. The following chart indicates the organization and authority for the addition. For ease of reference, the first column contains the statutory citation, the second column contains the proposed regulatory citation and the third column contains the subject matter.

<i>STATUTE</i>	<i>PROPOSED REGULATION</i>	<i>SUBJECT MATTER</i>
Section 1903	§ 48.1 § 48.2 § 48.3	Definitions Educational requirements Qualifications for supervisor
Section 1907(e)(4)	§ 48.11	Examination
Section 1907(e)	§ 48.12	General qualifications for licensure

<i>STATUTE</i>	<i>PROPOSED REGULATION</i>	<i>SUBJECT MATTER</i>
Section 1907(e)	§ 48.13 § 48.14	Requirements for licensure Standards for supervisors
Section 1909(b)	§ 48.15	Exemption from licensure examination

*Section 2. Substantive interpretations of proposed addition*

Proposed § 48.1 (relating to definitions) would include definitions for “AAMFT,” “AMFTRB,” “accredited educational institution,” “act,” “Board,” “COAMFTE,” “doctoral degree in marriage and family therapy,” “field closely related to the practice of marriage and family therapy,” “graduate level coursework in marriage and family therapy acceptable to the Board,” “masters degree in marriage and family therapy,” “planned program of 60 semester hours or 90 quarter hours which is closely related to marriage and family therapy,” “program recognized by a National accrediting agency,” “supervisee,” “supervision” and “supervisor.”

The act makes numerous references to the provision “accredited institution.” There are no organizations in the field of marriage and family therapy that accredit institutions. Therefore, the Board defines an accredited institution as one accredited by a regional accrediting association recognized by the Council for Higher Education Accreditation (CHEA).

Section 48.1 also contains definitions for several different educational degrees and programs. These degrees and programs are found in the qualifications for licensure section of the act. When reviewing the educational requirements for licensure, an individual can refer to the definition section for the particular program or degree.

The act requires a supervised clinical experience as one of the qualifications for licensed marriage and family therapists. The Board believes supervision should be provided by an individual who is a licensed marriage and family therapist holding a certification from the American Association for Marriage and Family Therapy as an approved supervisor or supervisor-in-training, or by an individual who holds a license in a related field with 5 years of experience in that related field. The Board would allow for a 10-year period in which an individual may act as a supervisor so long as the individual is licensed, has received coursework in supervision and has 5 years experience as a marriage and family therapist.

Proposed § 48.2 (relating to educational requirements) lists the courses that would be required in the educational degrees, programs and graduate level coursework referred to in both the act and the proposed definitions section regarding qualification for licensure. There was much discussion amongst Board members, as well as input from professional organizations and individuals, regarding the need for establishing educational requirements for programs or requiring program accreditation. The alternative was to accept any program so long as it was from an accredited institution, regardless of program content. The Board considered several factors. First, social work programs must, by regulation, be accredited by the Council on Social Work Education (CSWE). Establishing educational criteria or requiring program accreditation for professional counselors and marriage and family therapists, would insure parity for all three licensure

groups under this licensing Board. Second, the Board believes that all programs should meet a minimum threshold level of education and training. Requiring accreditation or establishing educational requirements provides minimum standards and uniformity over time and across educational institutions holding students accountable to National standards. Consequently, the Board decided that it should require accreditation or establish educational requirements.

The Board believes that program accreditation is a plus, but not necessary. Program accreditation is a lengthy and expensive process, creating a burden on institutions as well as limiting the availability of programs for students. It chose instead to establish educational requirements for programs. The Board looked to the Commission on Marriage and Family Therapy Education for guidance as it is the only organization that approves programs. By adopting the educational requirements used by the Commission on Accreditation for Marriage and Family Therapy Education in its accreditation process, the programs would be more uniform, meet minimum standards and hold students accountable to National standards.

The educational requirements are in this section for clarity and easy guidance for both institutions and licensees. When reviewing the educational requirements for licensure, an individual can refer to the definition section for the particular program or degree, which would then refer the individual to this section.

Proposed § 48.3 (relating to qualifications for supervisor until January 1, 2010) sets forth the qualifications an individual must satisfy to act as a supervisor if the individual has not yet received certification as either an approved supervisor or supervisor-in-training. The Board believes that, at a minimum, the individual should be licensed as a marriage and family therapist, have 30 hours of coursework in marriage and family therapy supervision and have 5 years experience in marriage and family therapy.

Proposed § 48.11 (relating to licensure examination) sets forth the examination the Board would require for licensure. Currently there is only one examination, the National Marriage and Family Therapist Examination, offered by the Association of Marital and Family Therapy Regulatory Boards. This section also sets forth the procedure for taking the examination.

Proposed § 48.12 (relating to general qualifications for licensure) lists the more general qualifications for licensure, including moral character, conviction of a felony and the procedures for submitting an application.

Proposed § 48.13 (relating to licensed marriage and family therapist) lists the qualifications for licensure as a marriage and family therapist. This section tracks statutory language, and addresses examinations, educational requirements and supervised clinical experience. The Board believes it would be helpful to individuals to have these qualifications placed in the regulation, as well as the act for their convenience.

As discussed earlier, the Board decided to define the educational degrees and programs required for licensure as meeting certain educational requirements. To keep this section as clear as possible, the Board chose to define the educational degrees and programs in the definition section, with the educational requirements for those degrees and programs set out specifically in § 48.2. Otherwise, this section could very quickly become lengthy and cumbersome.

In addition to tracking the statutory language, this section sets forth the Board's requirements for the supervised clinical experience. (Supervised experience is also required for licensure of clinical social workers and professional counselors, and the provisions in this section of this chapter are repeated in the chapters for the other two licensure groups.) The Board's goal is to establish criteria that would ensure a quality learning experience for supervisees. Supervisees should receive experience in specific areas, be supervised by qualified supervisors and have regular contact with supervisors who would review and discuss cases with the supervisee and direct the supervisee's patient therapy. The Board would limit the number of persons an individual may supervise at one time to ensure that the supervisor is available to the supervisee. Finally, the Board would establish a minimum length of time with a minimum number of hours that a supervisee must work at any one supervised clinical experience setting. This allows supervisees the flexibility of moving from one supervised experience setting to another while ensuring they are at one place long enough to develop relationships with their supervisors and patients and learn from their experience. The Board looked to the State Board of Psychology's regulations in § 41.31(c)(1)(iii) to arrive at the length of time and hours in this provision, because this is a Board in a related field, which also requires a supervised experience.

The Board discussed having all of the required 3,600 hours of supervised clinical experience supervised by a licensed marriage and family therapist. After considering several factors, the Board decided that the first 1,800 hours of supervision would be provided by an individual who is a licensed marriage and family therapist with certification as an approved supervisor or supervisor-in-training. The remaining 1,800 hours could be provided by an individual who holds a license in a related field with 5 years of experience in that related field. Since it may be difficult to find enough licensed marriage and family therapists to provide supervision for all supervisees in remote areas of this Commonwealth, this provision would make it easier for supervisees to locate a supervisor. Additionally, allowing individuals licensed in other mental health fields to supervise would provide a broader experience for licensees. Finally, the Board received input from professional organizations and individuals suggesting that other mental health professionals be allowed to provide half of the supervision.

Proposed § 48.14 (relating to standards to supervisors) sets forth standards for supervisors. The Board believes that the supervised clinical experience should provide a quality learning experience for supervisees, which depends in part on the quality of supervision. In addition to providing that a supervisor should be qualified and accessible to the supervisee for consultation as well as unbiased in his provision of services to the supervisee, this section provides guidance and direction to individuals regarding their duties and responsibilities as a supervisor. Section 48.14 also gives clear guidance to the supervisees regarding what they can and should expect from their supervisors. Finally, this section empowers the supervisor to recommend the interruption or termination of a supervised activity in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Unapproved hours would not count towards satisfying the clinical experience. This provision acknowledges that there may be a situation in which the supervisor and the supervisee are not in the same work setting and therefore, the supervisor has no control over the supervised work outside of the supervisor/supervisee

relationship. If the supervisor is uncomfortable with, or opposed to the supervisee's treatment plan for a patient, or suggests an alternative plan which the supervisee refuses to follow, the supervisor then has the option of not approving those hours for the clinical experience and, if necessary, terminating the relationship with the supervisee.

Proposed § 48.15 (relating to exemption from licensure examination) regarding exemption from licensure examination for marriage and family therapists closely tracks the statutory language. This section would establish a minimum number of work hours per week to satisfy the requirement of proof of practice of marriage and family therapy and the criteria for continuing education satisfactory to the Board under section 1909(b)(4)(iii) of the act. This section also lists the professional certifications and examination acceptable to the Board for the purposes of this section.

#### **Chapter 49. (relating to licensure of professional counselors)**

##### *Section 1: Organization*

The proposed regulations track statutory language. The following chart indicates the organization and authority for the additions. For ease of reference, the first column contains the statutory citation, the second column contains the proposed regulatory citation and the third column contains the subject matter.

##### **Professional Counselors**

<i>STATUTE</i>	<i>PROPOSED REGULATION</i>	<i>SUBJECT MATTER</i>
Section 1903	§ 49.1 § 49.2	Definitions Educational requirements
Section 1907(f)(4)	§ 49.11	Examination
Section 1907(f)	§ 49.12	General qualifications for licensure
Section 1907(f)	§ 49.13 § 49.14	Requirements for licensure Standards for supervisors
Section 1909(c)	§ 49.15	Exemption from licensure examination

##### *Section 2: Substantive interpretations of proposed addition*

Proposed § 49.1 (relating to definitions) would include definitions for "accredited educational institution," "act," "Board," "CACREP," "CORE," "doctoral degree in a field closely related to the practice of professional counseling," "doctoral degree in professional counseling," "field closely related to the practice of professional counseling," "planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling," "supervisor," "supervision" and "supervisee."

The act makes numerous references to the provision "accredited educational institution." There are at least two National accrediting organizations in the counseling field: the Council on Rehabilitation Education (CRE) and the Council for Accreditation of Counseling and Related Education Programs (CACREP). The Board believes that program accreditation is a plus, but not necessary. Program accreditation is a lengthy and expensive process.

creating a burden on institutions as well as limiting the availability of programs for students. Therefore, the Board defines accredited educational institution as one which is accredited by a regional accrediting association recognized by CHEA, an accreditation already held by most institutions.

Section 49.1 also contains definitions for several different educational degrees and programs. These degrees and programs are found in the qualifications for licensure section of the act. When reviewing the educational requirements for licensure, an individual can refer to the definition section for the particular program or degree.

The act requires a supervised clinical experience as one of the qualifications for licensed professional counselors. The Board believes supervision should be provided by an individual who is a licensed professional counselor with 5 years experience, or by an individual who holds a license in a related field with 5 years of experience in that related field. The Board would allow for a 5-year period in which a supervisor may be an individual who is a professional counselor with 5 years experience as a professional counselor.

Proposed § 49.2 (relating to educational requirements) lists the courses that would be required in the educational degrees and programs referred to in both the act and the proposed definitions section regarding qualification for licensure. The Board received input from professional organizations and individuals, regarding the need for establishing educational requirements for programs or requiring program accreditation. The alternative was to accept any program so long as it was from an accredited institution, regardless of program content. The Board considered several factors. First, social work programs must, by regulation, be accredited by CSWE. Establishing educational criteria or requiring program accreditation for professional counselors and marriage and family therapists would insure parity for all three licensure groups under this licensing Board. Second, the Board believes that all programs should meet a minimum threshold level of education and training. Additionally, the counseling profession encompasses numerous branches and specialties. Requiring accreditation or establishing educational requirements provides minimum standards and uniformity over time and across educational institutions holding students accountable to National standards. Consequently, the Board decided that it should require accreditation or establish educational requirements.

The Board believes that program accreditation is a plus, but not necessary. Program accreditation is a lengthy and expensive process, creating a burden on institutions as well as limiting the availability of programs for students. It chose instead to establish educational requirements for programs. The Board looked to the curriculum requirements used by CRE and CACREP for guidance. These are well recognized accrediting organizations in his profession of counseling and thus a reliable, credible resource for the Board. The requirements of these two organizations were very similar. However, the Board decided to adopt the educational requirements used by CACREP. After a comparison of different programs with varying curriculum, the Board is satisfied that most counseling programs would satisfy the requirements established by the Board. Additionally, the Board asked professionals in related fields to review the educational requirements and was told that their programs would also be able to meet the Board's criteria. The educational requirements total 16 semester or 24 quarter hours out of a 60 semester hour or 90 quarter

hour program, and also includes 100 hours of supervised practicum experience and 600 clock hours of supervised internship experience. These basic requirements make up a small part of the overall planned program required for licensure, allowing the various programs and specialty degrees to continue to concentrate on their individual areas while ensuring that the programs would be more uniform, meet minimum standards and hold students accountable to National standards. The goal is to be as inclusive as possible in this diverse field, and yet maintain uniform, quality counseling programs for licensure.

The educational requirements are in this section for clarity and easy guidance to institutions and licensees. When reviewing the educational requirements for licensure, an individual can refer to the definition section for the particular program or degree, which would then refer the individual to this section.

Proposed § 49.11 (relating to licensure examination) sets forth the examinations the Board would require for licensure. Again, because of the diversity of this profession, there are numerous organizations and associations offering certifications and examinations. The Board discussed the various examinations available and found that one examination would not be sufficient. However, there are four examinations that are recognized Nationally and common to many of the varying disciplines and specialties, and therefore appropriate examinations for licensure. These are the National Counselor Examination, the Certified Rehabilitation Counselor Examination, the Art Therapy Credentials Board Certification Examination and the Board Certification Examination given by the Certification Board for Music Therapists. The Board did consider requests by the Northamerican Association of Masters in Psychology (NAMP) and other individuals to include that organization's National Certified Psychologist Examination. After review and discussion, the Board concluded that the examination for licensure as a professional counselor should be an examination in the professional counseling field and, consequently, the National Certified Psychologist Examination would not be an appropriate examination for licensure. The Board did determine that the NAMP certification and examination would be acceptable as a professional certification and National certification examination required as one of the qualifications for exemption from licensure examination. Section 49.11 also sets forth the procedure for taking the examination.

Proposed § 49.12 (relating to general qualifications for licensure) lists the more general qualifications for licensure including moral character, conviction of a felony and the procedures for submitting an application.

Proposed § 49.13 (relating to licensed professional counselor) lists the qualifications for licensure. This section tracks statutory language and addresses examinations, educational requirements and supervised clinical experience. The Board believes it would be helpful to individuals to have these qualifications placed in the regulations as well as the act for their convenience.

The Board decided to define the educational degrees and programs required for licensure as meeting certain educational requirements. To keep this section as clear as possible, the Board chose to define the educational degrees and programs in the definition section, with the educational requirements for those degrees and programs set out specifically in § 49.2. Otherwise, this section could very quickly become lengthy and cumbersome.

In addition to the statutory language, this section sets forth the Board's requirements for the supervised clinical

experience. (This supervised experience is also required for licensure of clinical social workers and marriage and family therapists, and the provisions in this section of this chapter are repeated in the chapters for the other two licensure groups.) The Board's goal is to establish criteria that would ensure a quality learning experience for supervisees. Supervisees should receive experience in specific areas, be supervised by qualified supervisors, and have regular contact with supervisors who would review and discuss cases with the supervisee and direct the supervisee's patient therapy. The Board would limit the number of persons an individual could supervise at one time to ensure that the supervisor is available to the supervisee. Finally, the Board would establish a minimum length of time with a minimum number of hours that a supervisee must work at any one supervised clinical experience setting. This would allow supervisees the flexibility of moving from one supervised experience setting to another while ensuring they are at one place long enough to develop relationships with their supervisors and patients and learn from their experience. The Board reviewed the State Board of Psychology's regulations in § 41.31(c)(1)(iii) to arrive at the length of time and hours in this provision, because this is a Board in a related field, which also requires a supervised experience.

The Board discussed having all of the required 3,600 hours of supervised clinical experience supervised by a licensed professional counselor. After considering several factors, the Board decided that the first 1,800 hours of supervision would be provided by an individual who is a licensed professional counselor. The remaining 1,800 hours could be provided by an individual who holds a license in a related field with 5 years of experience in that related field. Since it may be difficult to find enough licensed clinical social workers to provide supervision for all supervisees in remote areas of this Commonwealth, this provision would make it easier for supervisees to locate a supervisor. Additionally, allowing individuals licensed in other mental health fields to supervise would provide a broader experience for licensees. Finally, the Board received input from professional organizations and individuals suggesting that other mental health professionals be allowed to provide half of the supervision.

Proposed § 49.14 (relating to standards for supervisors) sets forth standards for supervisors. The Board believes that the supervised clinical experience should provide a quality learning experience for supervisees, which depends in part on the quality of supervision. In addition to providing that a supervisor should be qualified and accessible to the supervisee for consultation, as well as unbiased in their provision of services to the supervisee, this section provides guidance and direction to individuals regarding their duties and responsibilities as a supervisor. Section 49.14 also gives clear guidance to the supervisees regarding what they can and should expect from their supervisors. Finally, this section empowers the supervisor to recommend the interruption or termination of a supervised activity in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Unapproved hours would not count towards satisfying the clinical experience. This provision recognizes that there may be a situation in which the supervisor and the supervisee are not in the same work setting and therefore, the supervisor has no control over the supervised work outside of the supervisor/supervisee relationship. If the supervisor is uncomfortable with, or opposed to the supervisee's treatment plan for a patient, or suggests an alternative plan which the supervisee refuses to follow, the supervisor then has the option of not

approving those hours for the clinical experience and, if necessary, terminating the relationship with the supervisee.

Proposed § 49.15 (relating to exemption from licensure examination) regarding professional counselors closely tracks the statutory language. This section would establish a minimum number of work hours per week to satisfy the requirement of proof of practice of professional counseling; establish the criteria for continuing education which is satisfactory to the Board under section 1909(c)(4)(iii) of the act; and list the professional certifications and examinations acceptable to the Board for the purposes of this section. The Board chose these certifications and examinations because they are representative of the counseling profession and are comparable in their requirements for certification.

#### E. *Compliance with Executive Order 1996-1*

In compliance with Executive Order 1996-1, the Board extended the invitation to the following boards, associations and interested licensees and educators to preliminarily review and comment on the Board's draft regulatory proposal: California University of Pennsylvania Department of Counseling; Indiana University of Pennsylvania, Department of Counseling; Millersville University of Pennsylvania, Department of Counseling; Shippensburg University of Pennsylvania Department of Counseling; Slippery Rock University of Pennsylvania, Department of Counseling; West Chester University of Pennsylvania, Department of Counseling; Pennsylvania State University, Department of Counseling; Pennsylvania State University Erie-The Behrend College, Department of Counseling; University of Pittsburgh, Department of Counseling; MCP Hahnemann University, Department of Counseling; University of Pennsylvania, Department of Counseling; Beaver College Department of Counseling; Bucknell University, Department of Counseling; Eastern College Department of Counseling; James Gavin, National Association of Social Workers; ASWB; Morgan Plant/PA Alliance of Counseling; CSWE; Donna F. Derr, Ph.D., LSW, Director of Family and Community Education, Pennsylvania Society for Clinical Social Work; Edward Beck, Ed.D., CCMHC, NCC/Susquehanna Institute/East Shore Medical Center; David W. Hall, Ph.D. Associate Professor/Counseling/University of Scranton; John M. Sutton, Jr.; Robert C. Nielsen, President, American Association of State Counseling Boards; Sally J. Tice, Ph.D./The Marriage & Family Life Center; Donald B. Kaveny, Director/American Association of Marriage and Family Therapists; James T. Herbert, Ph.D., CRC; and Dr. Tom Trigwell.

The Board 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*

These proposed amendments would have a fiscal impact and additional paperwork requirement on the Commonwealth in that there are three new licensure groups for which applications would be processed and fees would be received.

The proposed amendments should not require any legal, accounting or reporting requirements in the regulated community.

#### G. *Sunset Date*

The Board 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)), the Board submitted a copy of these proposed amendments on March 13, 2001, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House of Professional Licensure Committee and the Senate Consumer Protection and Licensure Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1 "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

I. *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Eva Cheney, Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference number 16A-694 when submitting comments.

MANUEL MANOLIAS,  
*Secretary*

**Fiscal Note:** 16A-694. 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 47. STATE BOARD OF SOCIAL WORK MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF SOCIAL WORKERS**

**GENERAL PROVISIONS**

**§ 47.1. Definitions.**

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

\* \* \* \* \*

*Act*—The Social [ **Workers' Practice** ] **Workers, Marriage and Family Therapists and Professional Counselors Act** (63 P. S. §§ 1901—1922).

\* \* \* \* \*

**Licensed clinical social worker**—A person who is currently licensed as a licensed clinical social worker under section 7 of the act (63 P. S. § 1907).

**Licensed social worker**—A person who is currently licensed as a licensed social worker under section [ **3** ] 7 of the act (63 P. S. § [ **1903** ]).

**Provisional licensed social worker**—A person who is currently licensed as a provisional licensed social worker under section [ **3** ] 7 of the act.

**Supervisee**—An individual who is fulfilling the supervised experience requirement for licensure as a clinical social worker.

**Supervision**—The act of overseeing, directing or instructing the activity or course of action of [ **a provisional licensed social worker** ] another.

**Supervisor**—An individual providing supervision to a supervisee and who is a clinical social worker licensed under the act or by a statutory board or social work examiner of another state, if, in the opinion of the Board, the requirements for licensure are substantially equivalent to the requirements of the act, and who has 5 years experience as a clinical social worker. Until January 1, 2006, a supervisor shall include an individual who is a clinical social worker with 5 years experience as a clinical social worker and is a licensed social worker. A supervisor may also include an individual who holds a license in a related field and who has 5 years experience in that field.

**LICENSURE**

**§ 47.11. Licensure examination.**

(a) The examination required as a prerequisite to original licensure as a licensed social worker is the **Association of Social Work Boards' (ASWB) (formerly known as the American Association of State Social Work Boards' (AASSWB))** intermediate level examination. [ **It will be given annually and at other times deemed appropriate by the Board, in consultation with the third-party testing organization providing the examination to licensure applicants of the Board.** ]

(b) The examination required as a prerequisite to being granted a license to hold oneself out as a social worker with a provisional license is the **ASWB (formerly known as AASSWB)** basic level examination. [ **It will be given annually and at other times deemed appropriate by the Board, in consultation with the third-party testing organization providing the examination to provisional licensure applicants of the Board.** ]

(c) The examination required as a prerequisite to being granted a license to hold oneself out as a licensed clinical social worker is the **ASWB (formerly known as AASSWB)** clinical level examination.

(d) The applicant shall apply to the testing organization for admission to the applicable licensure examination and shall pay the required fee at the direction of the testing organization.

[ **(d) An applicant for admission to an examination shall submit an application to sit for the examination to the testing organization at least 60 days prior to the examination date. The application to sit for the examination may be obtained by contacting the Board by mail at: State Board of**

Social Work Examiners, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, or by telephone at: (717) 783-1389 ]

\* \* \* \* \*

(f) The applicant shall be responsible for directing that the testing organization send examination results and other information requested to the Board.

§ 47.12. Qualifications for licensure.

[ (a) ] *General qualifications and requirements for applicants for licensure are as follows*[ . ]:

\* \* \* \* \*

(3) The applicant has submitted an application for licensure on forms furnished by the Board. The application for licensure may be obtained by contacting the Board by mail at: State Board of [ **Social Work Examiners** ] **Social Workers, Marriage and Family Therapists and Professional Counselors**, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, or by telephone at: (717) 783-1389 or by email at: socialwo@pados.state.pa.us.

\* \* \* \* \*

(6) The applicant has submitted [ **a notarized affidavit or** ] an affirmation signed by the applicant verifying the information on the application.

[ (b) ] § 47.12a. Licensed social worker.

[ (1) ] (a) To be issued a license to hold oneself out as a licensed social worker, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

[ (i) ] (1) Satisfied the general requirements for licensure of [ **subsection (a)** ] § 47.12 (relating to qualifications for licensure).

[ (ii) ] (2) \* \* \*

[ (iii) ] (3) \* \* \*

[ (2) ] (b) \* \* \*

[ (3) ] (c) \* \* \*

[ (c) ] § 47.12b. Provisional license as a social worker.

[ (1) ] (a) To be issued a license to hold oneself out as a social worker with a provisional license, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

[ (i) ] (1) Satisfied the general requirements for licensure of [ **subsection (a)** ] § 47.12 (relating to qualifications for licensure)

[ (ii) ] (2) \* \* \*

[ (iii) ] (3) \* \* \*

[ (iv) ] (4) \* \* \*

[ (2) ] (b) \* \* \*

[ (3) ] (c) \* \* \*

[ (4) ] (d) \* \* \*

§ 47.12c. Licensed clinical social worker.

(a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed clinical social worker, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure of § 47.12 (relating to qualifications for licensure).

(2) Holds a master's degree in social work or social welfare or a doctoral degree in social work from a school accredited by the Council on Social Work Education. An applicant who is a graduate of a foreign school shall submit to the Board an evaluation of foreign credentials performed by the Council on Social Work Education, which assesses the foreign credentials to be the equivalent of the curriculum policy of an accredited graduate school during the same time period, to be considered as meeting the requirements of having earned a master's degree in social work or social welfare from an accredited school.

(3) Is licensed under the act as a social worker.

(4) Passed the examination required by § 47.11 (relating to licensure examination).

(5) Completed at least 3 years or 3,600 hours of supervised clinical experience meeting the criteria in subsection (b) after completion of the master's degree in social work. Supervision for the clinical experience shall be provided by a supervisor as defined in § 47.1 (relating to definitions).

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of clinical social work consistent with the applicant's education and training.

(1) At least one-half of the experience shall consist of providing services in one or more of the following areas:

(i) Diagnosis.

(ii) Assessment.

(iii) Psychotherapy.

(iv) Other psychosocial-therapeutic interventions.

(v) Consultation.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in § 47.1. However, the first 1,800 hours shall be supervised by a licensed clinical social worker, or, until January 1, 2006, a clinical social worker with 5 years experience and who is a licensed social worker.

(3) A supervisee shall disclose his status as a supervisee to each patient and obtain written permission to discuss the patient's case with the supervisor.

(4) The supervisor shall delegate, order and control the clinical social work activities of the supervisee.

(i) A supervisor who is temporarily unable to provide supervision shall designate a qualified substitute. However, for the first 1,800 hours delegation shall be to another licensed clinical social worker,



or, until January 1, 2006, a clinical social worker with 5 years experience and who is a licensed social worker.

(ii) Although the supervisor shall continue to bear the ultimate responsibility for supervision, those to whom supervisory responsibilities are delegated shall be individually responsible for activities of the supervisee performed under their supervision.

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet individually and in person with the supervisee for a minimum of 1 hour for every 20 hours of supervised clinical experience.

(6) A supervisor shall supervise no more than 6 supervisees at the same time. If this provision creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this provision. The request shall state, in writing, the reasons why this provision creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this provision. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

(7) A supervisor who wishes to terminate supervision during the training period shall give the supervisee 60 days written notice to enable the supervisee to obtain another qualified supervisor. A supervisor may not terminate supervision when termination would result in abandonment of the supervisee's client/patients.

(8) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than 40 hours per week during at least a 3-month period or, second, at least 15 hours per week for a period of at least 6 months. The experience shall have been obtained within the most recent 10 calendar years, at least half within the most recent 5 calendar years.

#### § 47.12d. Standards for supervisors.

Supervisors, and those to whom supervisory responsibilities are delegated, under § 47.12c(a)(5) (relating to licensed clinical social worker) shall comply with the standards in this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

(1) The supervisor shall be qualified by training and experience to practice in the supervisee's areas of supervised practice.

(2) The supervisor may not be a relative of the supervisee by blood or marriage, may not be involved in a dual relationship which obliges the supervisor to the supervisee and may not engage in treatment of the supervisee.

(3) An individual who is the subject of a disciplinary action by a licensing board will not qualify as a supervisor.

(4) The supervisor shall be responsible for ensuring that the requirements of § 47.12c(b) are met.

(5) The supervisor shall be accessible to the supervisee for consultation.

(6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count towards satisfying the 3,600 hours of supervised experience.

(7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's patients, and also ensure that the supervisee has obtained written permission from each patient to discuss his case with the supervisor.

(8) The supervisor shall establish objectives to be achieved by the supervisee during supervision.

(9) The supervisor shall review issues of practice and ethics with the supervisee.

(10) The supervisor shall maintain notes or records of scheduled supervisory sessions and provide these records to the Board upon request.

(11) The supervisor shall observe client/patient sessions of the supervisee or review recordings of these sessions on a regular basis.

(12) In supervisory meetings, the supervisor shall discuss the supervisee's level of work—for example, the supervisee's areas of competence and areas of needed improvement.

(13) The supervisor shall provide the supervisee with recommendations bearing on further professional development, professional study, and skills necessary for independent practice.

(14) The supervisor shall prepare written evaluations or reports of progress which shall delineate the supervisee's strengths and weaknesses. These evaluations or reports shall be discussed with the supervisee on at least a quarterly basis.

(15) The supervisor shall encourage the supervisee to work with professionals in other disciplines as indicated by the needs of each client/patient and shall periodically observe these cooperative encounters.

(16) The supervisor shall encourage the supervisee to access multidisciplinary consultation, as necessary.

#### § 47.13. [ Licensure without examination ] (Reserved).

[ A license shall be issued without examination to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure of § 47.12(a) (relating to qualifications for licensure).

(2) Submitted an application provided by the Board and accompanied by the fee required by § 47.4 (relating to licensure fees) by October 7, 1989

(3) Received a master's degree in social work or social welfare from an accredited school or a doctoral degree in social work by October 7, 1987.

(i) Graduates of a foreign school of social work, may satisfy the requirement of this subsection if the applicant received an equivalency rating in compliance with § 47.12(b)(2).

(ii) An applicant who received a graduate or equivalent degree or certificate in social work or social welfare prior to July 1, 1952, may satisfy the requirements of this subsection if the applicant submitted an application for individual review by the Board in compliance with § 47.12(b)(3).

(4) Practiced social work for a cumulative period of 2 years. ]

**§ 47.13b. Exemption from licensure examination—clinical social workers.**

A license will be issued without examination to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure of § 47.12 (relating to qualifications for licensure).

(2) Submitted an application provided by the Board and accompanied by the required fee.

(3) Submitted an application by March 25, 2002.

(4) Demonstrated proof of practice of clinical social work for at least 5 of the 7 years immediately prior to the date of application for license and that the practice was conducted in this Commonwealth. To satisfy the practice of clinical social work requirement, the applicant's practice shall have consisted of at least 20 hours per week.

(5) Successfully met the educational requirements of section 9(a)(4) of the act (63 P. S. § 1909(a)(4)). Continuing education submitted by an applicant under section 9(a)(4)(iii) of the act shall meet the following requirements:

- (i) Master's level difficulty.
- (ii) Direct practice social work subject matter.
- (iii) Excludes courses in office management or practice building.

(6) Demonstrated holding the Board Certified Diplomat (BCD) certification issued by the American Board of Examiners in Clinical Social Work, or a Diplomate in Clinical Social Work (DCSW) certification or Qualified Clinical Social Worker (QSCW) certification issued by the National Association of Social Workers.

(Editor's Note: The following chapter is new. It has been printed in regular type to enhance readability.)

**CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS**

**GENERAL PROVISIONS**

Sec. 48.1.	Definitions.
48.2.	Eduational requirements.
48.3.	Qualificaitons for supervisor until January 1, 2010.

**LICENSURE**

48.11.	Licensure examination.
48.12.	General qualifications for licensure.
48.13.	Licensed marriage and family therapist.
48.14.	Standards for supervisors.
48.15.	Exemption from licensure examination.

**GENERAL PROVISIONS**

**§ 48.1. Definitions.**

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

*AAMFT*—The American Association for Marriage and Family Therapists

*AMFTRB*—The Association of Marital and Family Therapy Regulatory Boards.

*Accredited educational institution*—A graduate school which is recognized as an institution of higher education or which is accredited by a regional accrediting association recognized by the Council for Higher Education Accreditation.

*Act*—The Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. §§ 1901—1922).

*Board*—The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

*COAMFTE*—The Commission on Accreditation for Marriage and Family Therapy Education.

*Doctoral degree in marriage and family therapy*—A doctoral degree which is awarded upon successful completion of a program in marriage and family therapy which is either accredited by COAMFTE, or, which includes coursework that meets the criteria in § 48.2 (relating to educational requirements).

*Field closely related to the practice of marriage and family therapy*—Includes the fields of social work, counseling psychology, clinical psychology, educational psychology, counseling and child development and family studies.

*Graduate level coursework in marriage and family therapy acceptable to the Board*—Coursework that meets the criteria in § 48.2.

*Institution of higher education*—An independent institution of higher education, a community college, a State-related institution or a member institution of the State System.

*Masters degree in marriage and family therapy*—A master's degree which is awarded upon successful completion of a program in marriage and family therapy which is either accredited by COAMFTE, or, which includes coursework that meets the criteria in § 48.2.

*Planned program of 60 semester hours or 90 quarter hours which is closely related to marriage and family therapy*—A program which includes coursework that meets the criteria in § 48.2.

*Program recognized by a National accrediting agency*—A master, doctoral or postgraduate degree training program accredited by COAMFTE.

*Supervisee*—An individual who is fulfilling the supervised experience requirement for licensure.

*Supervision*—The act of overseeing, directing or instructing the activity or course of action of another.

*Supervisor*—An individual providing supervision to a supervisee who is a marriage and family therapist licensed under the act and has received certification as an approved supervisor or supervisor-in-training by the AAMFT. However, until January 1, 2010, an individual who meets all of the criteria in § 48.3 (relating to qualifications for supervisor until January 1, 2010) shall also be included as a supervisor. A supervisor may also

include an individual who holds a license in a related field and who has 5 years experience in that field.

#### § 48.2. Educational requirements.

Educational requirements are as follows:

(1) *Human development* (3 courses minimum-9 semester or 12 quarter or 135 didactic contact hours).

(i) Courses in this area should provide knowledge of individual personality development and its normal and abnormal manifestations.

(ii) Coursework should cover human development across the life span, including special issues that affect an individual's development (that is, culture, gender and human sexuality).

(2) *Marriage and family studies* (3 courses minimum-9 semester or 12 quarter or 135 didactic contact hours). Courses in this area should be a fundamental introduction to systems theory.

(3) *Marriage and family therapy* (3 courses minimum-9 semester or 12 quarter or 135 didactic contact hours).

(i) Courses in this area should have a major focus of family systems theory and systemic therapeutic interventions.

(ii) This area is intended to provide a substantive understanding of the major theories of systems change and the applied practices evolving from each theoretical orientation.

(4) *Professional studies* (1 course minimum-3 semester or 4 quarter or 45 didactic contact hours).

(i) Courses in this areas are intended to contribute to the professional development of the therapist.

(ii) Areas of study should include the therapist's legal responsibilities and liabilities, professional ethics as a marriage and family therapist, professional socialization, and the role of the professional organization, licensure or certification legislation, independent practice and inter-professional cooperation.

(5) *Research* (1 course minimum-3 semester or 4 quarter or 45 didactic contact hours). Courses in this area should assist students in understanding and performing research.

(6) *Practicum* (minimum 1 year, 300 hours of supervised direct client contact with individuals, couples and families).

#### § 48.3. Qualifications for supervisor until January 1, 2010.

Qualifications are as follows:

(1) The individual is a marriage and family therapist licensed under the act or by a statutory board of another state, if, in the opinion of the Board, the requirements for licensure are substantially equivalent to the requirements of the act.

(2) The individual has completed a 1-semester graduate course in MFT supervision (at least 30 contact hours) or the equivalent.

(3) The individual has 5 years experience as an MFT.

### LICENSURE

#### § 48.11. Licensure examination.

(a) The examination required as a prerequisite to being granted a license to hold oneself out as a licensed marriage and family therapist is the AMFTRB National MFT Examination. It will be given annually and at other

times deemed appropriate by the Board, in consultation with the third-party testing organization providing the examination to license applicants of the Board.

(b) The applicant shall apply to the testing organization for admission to the applicable licensure examination and shall pay the required fee at the direction of the testing organization.

(c) The applicant shall be responsible for directing that the testing organization send examination results and other information requested to the Board.

(d) The passing grade for the examination will be determined by the Board.

#### § 48.12. General qualifications for licensure.

General qualifications and requirements for applicants for licensure are as follows:

(1) The applicant is of good moral character.

(2) The applicant has not been convicted of a felony, which shall include a judgment, an admission of guilt or a plea of nolo contendere, under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless the following apply:

(i) At least 10 years have elapsed from the date of conviction.

(ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction, so that licensure of the applicant would not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violations.

(3) The applicant has submitted an application for licensure on forms furnished by the Board. The application for licensure may be obtained by contacting the Board by mail at: State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389 or by e-mail at: socialwopados.state.pa.us.

(4) The applicant has submitted the required application licensure fee by check or money order, payable to the "Commonwealth of Pennsylvania."

(5) The applicant has submitted two certificates of Recommendation on forms furnished by the Board.

(6) The applicant has submitted an affirmation signed by the applicant verifying the information on the application.

#### § 48.13. Licensed marriage and family therapist.

(a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed marriage and family therapist, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure in § 48.12 (relating to general qualifications for licensure).

(2) Passed the examination required by § 49.11 (relating to licensure examination).

(3) Successfully met one of the following educational requirements:

(i) By \_\_\_\_\_ (*Editor's Note: The blank refers to a date 5 years after the effective date of adoption of this proposed rulemaking.*), has completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework which is closely related to marriage and family therapy as defined in § 48.1 (relating to definitions), including one of the following:

(A) A master's degree in marriage and family therapy from an accredited educational institution.

(B) A master's degree in a field closely related to the practice of marriage and family therapy as defined in § 48.1 from an accredited educational institution, with graduate level coursework in marriage and family therapy as defined in § 48.1 and § 48.2 (relating to educational requirements) from an accredited educational institution or from a program recognized by a National accrediting agency as defined in § 48.1.

(ii) Successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework which is closely related to marriage and family therapy as defined in § 48.1 including one of the following:

(A) A 48 semester hour or 72 quarter hour master's degree in marriage and family therapy from an accredited educational institution.

(B) A 48 semester hour or 72 quarter hour master's degree in a field closely related to the practice of marriage and family therapy as defined in § 48.1 with graduate level coursework in marriage and family therapy as defined in §§ 48.1 and 48.2 from an accredited educational institution or from a program recognized by a National accrediting agency as defined in § 48.1.

(iii) Holds a doctoral degree in marriage and family therapy as defined in §§ 48.1 and 48.2 from an accredited educational institution.

(iv) Holds a doctoral degree in a field closely related to marriage and family therapy as defined in § 48.1 from an accredited educational institution with graduate level coursework in marriage and family therapy as defined in §§ 48.1 and 48.2 from an accredited educational institution or from a program recognized by a national accrediting agency as defined in § 48.1.

(4) Has met the following experience requirements:

(i) Individuals who meet the education requirements of subsection (a)(3)(i) or (ii), shall have completed at least 3 years or 3,600 hours of supervised clinical experience meeting the criteria in subsection (b), obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 48.1.

(ii) Individuals who meet the education requirements of subsection (a)(3)(iii) or (iv) shall have complete at least two years or 2,400 hours of supervised clinical experience which meets the criteria set forth in subsection (b), one year or 1,200 hours of which was obtained subsequent to the granting of the doctoral degree. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 48.1.

(b) *Supervised clinical experience*—Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of marriage and family therapy consistent with the applicant's education and training.

(1) At least one-half of the experience shall consist of providing services in one or more of the following areas:

- (i) Assessment.
- (ii) Couples therapy.
- (iii) Family therapy.
- (iv) Other systems interventions.
- (v) Consultation.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in § 47.1 (relating to definitions). However, the first 1,800 hours shall be supervised by a licensed marriage and family therapist who has received certification as an approved supervisor or supervisor-in-training by AAMFT or, until January 1, 2010, a marriage and family therapist who meets all the criteria listed in § 48.3 (relating to qualifications for supervision until January 1, 2010).

(3) A supervisee shall disclose his status as a supervisee to each patient and obtain written permission to discuss the patient's case with the supervisor.

(4) The supervisor shall delegate, order and control the marriage and family therapy activities of the supervisee.

(i) A supervisor who is temporarily unable to provide supervision shall designate a qualified substitute. However, for the first 1,800 hours delegation must be to another licensed marriage and family therapist who has received certification as an approved supervisor by AAMFT or, until January 1, 2010, a marriage and family therapist who meets all the criteria listed in § 48.3.

(ii) Although the supervisor shall continue to bear the ultimate responsibility for supervision, those to whom supervisory responsibilities are delegated shall be individually responsible for activities of the supervisee performed under their supervision.

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet with the supervisee for a minimum of 2 hours for every 40 hours of supervised clinical experience. At least 1 of the 2 hours shall be with the supervisee individually and in person, and at least 1 of the 2 hours shall be with the supervisee in a group setting and in person.

(6) A supervisor shall supervise no more than 6 supervisees at the same time. If this provision creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this provision. The request shall state, in writing, the reasons why this provision creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this provision. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

(7) A supervisor who wishes to terminate supervision during the training period shall give the supervisee 60 days written notice to enable the supervisee to obtain another qualified supervisor. A supervisor may not terminate supervision when termination would result in abandonment of the supervisee's client/patients.

(8) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than 40 hours per week during at least a 3-month period or, second, at least 15 hours per week for a period of at least 6 months. The experience

shall have been obtained within the most recent 10 calendar years, at least half within the most recent 5 calendar years.

**§ 48.14. Standards for supervisors.**

Supervisors, and those to whom supervisory responsibilities are delegated, under § 48.13(a)(4) (relating to licensed marriage and family therapists) shall comply with this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

(1) The supervisor shall be qualified by training and experience to practice in the supervisee's areas of supervised practice.

(2) The supervisor may not be a relative of the supervisee by blood or marriage, may not be involved in a dual relationship which obliges the supervisor to the supervisee and may not engage in treatment of the supervisee.

(3) An individual who is the subject of a disciplinary action by a licensing Board will not qualify as a supervisor.

(4) The supervisor shall be responsible for ensuring that the requirements of § 48.13(b) are met.

(5) The supervisor shall be accessible to the supervisee for consultation.

(6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count towards satisfying the 3,600 hours of supervised experience.

(7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's patients, and also ensure that the supervisee has obtained written permission from each patient to discuss his case with the supervisor.

(8) The supervisor shall establish objectives to be achieved by the supervisee during supervision.

(9) The supervisor shall review issues of practice and ethics with the supervisee.

(10) The supervisor shall maintain notes or records of scheduled supervisory sessions and provide these records to the Board upon request.

(11) The supervisor shall observe client/patient sessions of the supervisee or review recordings of these sessions on a regular basis.

(12) In supervisory meetings, the supervisor shall discuss the supervisee's level of work—for example, the supervisee's areas of competence and areas of needed improvement.

(13) The supervisor shall provide the supervisee with recommendations bearing on further professional development, professional study and skills necessary for independent practice.

(14) The supervisor shall prepare written evaluations or reports of progress which shall delineate the supervisee's strengths and weaknesses. These evaluations or reports shall be discussed with the supervisee on at least a quarterly basis.

(15) The supervisor shall encourage the supervisee to work with professionals in other disciplines as indicated by the needs of each client/patient and shall periodically observe these cooperative encounters.

(16) The supervisor shall encourage the supervisee to access multidisciplinary consultation, as necessary.

**§ 48.15. Exemption from licensure examination.**

A license will be issued without examination to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure of § 48.12 (relating to general qualifications for licensure).

(2) Submitted an application provided by the Board and accompanied by the required fee.

(3) Submitted an application by March 25, 2002.

(4) Demonstrated proof of practice of marriage and family therapy for at least 5 of the 7 years immediately prior to the date of application for license. To satisfy the practice of marriage and family therapy requirement, the applicant's practice shall have consisted of at least 15 hours per week, with 10 of those hours consisting of direct client contact.

(5) Have successfully met one of the following educational requirements:

(i) Have a doctoral degree in marriage and family therapy as defined in § 48.1 (relating to definitions) from an accredited educational institution.

(ii) Have a doctoral degree in a field closely related to the practice of marriage and family therapy as defined in § 48.1 from an accredited educational institution with graduate level coursework in marriage and family therapy acceptable to the Board as defined in § 48.1.

(iii) Have a master's degree of at least 48 semester hours or 72 quarter hours in marriage and family therapy as defined in § 48.1 from an accredited educational institution.

(iv) Have a master's degree of at least 48 semester hours or 72 quarter hours in a field closely related to marriage and family therapy as defined in § 48.1 from an accredited educational institution with graduate level course-work in marriage and family therapy acceptable to the Board as defined in § 48.1.

(v) Have a master's degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in marriage and family therapy as defined in § 48.1 from an accredited educational institution and have within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling 1 semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

(A) Masters level difficulty.

(B) Excludes courses in office management or practice building.

(C) Any course approved by AAMFT.

(vi) Have a master's degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in a field closely related to the practice of marriage and family therapy as defined in § 48.1, from an accredited educational institution with graduate level coursework in marriage and family

therapy as defined in § 48.1 and have within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling 1 semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

- (A) Masters level difficulty.
- (B) Excludes courses in office management or practice building.
- (C) Any course approved by AAMFT.
- (6) Demonstrated holding clinical membership status from AAMFT and passing the AMFTRB National MFT Examination or an examination given by another state as a requirement for licensure in that state.

(*Editor's Note:* The following chapter is new. It has been printed in regular type to enhance readability.)

**CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—  
LICENSURE OF PROFESSIONAL COUNSELORS  
GENERAL PROVISIONS**

Sec.	
49.1.	Definitions.
49.2.	Educational requirements.

**LICENSE**

49.11.	Licensure examination.
49.12.	General qualifications for licensure.
49.13.	Licensed professional counselor.
49.14.	Standards for supervisors.
49.15.	Exemption from licensure examination.

**GENERAL PROVISIONS**

**§ 49.1. Definitions.**

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

*Accredited educational institution*—A graduate school which is recognized as an institution of higher education or which is accredited by a regional accrediting association recognized by the Council for Higher Education Accreditation.

*Act*—The Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. §§ 1901—1922).

*Board*—The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

*CACREP*—Council for Accreditation of Counseling and Related Programs.

*CORE*—Council on Rehabilitation Education.

*Doctoral degree in a field closely related to the practice of professional counseling*—A doctoral degree which is awarded upon successful completion of a program in a field closely related to the practice of professional counseling and which includes coursework that meets the criteria in § 49.2 (relating to educational requirements).

*Doctoral degree in professional counseling*—A doctoral degree which is awarded upon successful completion of a program which includes coursework that meets, and builds upon, the criteria in § 49.2.

*Field closely related to the practice of professional counseling*—Includes the fields of social work, clinical psychology, educational psychology, counseling psychology and child development and family studies.

*Institution of higher education*—An independent institution of higher education, a community college, a State-related institution or a member institution of the State System.

*Planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling*—A program which includes coursework that meets the criteria in § 49.2.

*Supervisee*—An individual who is fulfilling the supervised experience requirement for licensure.

*Supervision*—The act of overseeing, directing or instructing the activity or course of action of another.

*Supervisor*—An individual providing supervision to a supervisee who is a professional counselor licensed under the act and has 5 years experience as a professional counselor. However, until January 1, 2006, the term shall include an individual who is a professional counselor with 5 years experience as a professional counselor. A supervisor may also include an individual who holds a license in a related field and who has 5 years experience in that field.

**§ 49.2. Educational requirements.**

Education requirements are as follows:

(1) *Human growth and development*—(2 semester or 3 quarter hours) studies that provide an understanding of the nature and needs of individual at all developmental stages.

(2) *Social and cultural foundations*—(2 semester or 3 quarter hours) studies that provide an understanding of issues and trends in a multicultural and diverse society.

(3) *Helping relationships*—(2 semester or 3 quarter hours) studies that provide an understanding of counseling and consultation processes.

(4) *Group work*—(2 semester or 3 quarter hours) studies that provide an understanding of group development, dynamics, counseling theories, group counseling methods and skills and other group approaches.

(5) *Career and lifestyle development*—(2 semester or 3 quarter hours) studies that provide an understanding of career development and related life factors.

(6) *Appraisal*—(2 semester or 3 quarter hours) studies that provide an understanding of individual and group approaches to assessment and evaluation.

(7) *Research and program evaluation*—(2 semester or 3 quarter hours) studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research.

(8) *Professional orientation*—(2 semester or 3 quarter hours) studies that provide an understanding of all aspects of professional functioning including history, roles, organizational structures, ethics, standards and credentialing.

(9) *Clinical instruction*—(Includes 100 clock hours of supervised practicum experience and 600 clock hours of supervised internship experience). The supervised internship experience shall begin after completion of the supervised practicum experience.

**LICENSURE**

**§ 49.11. Licensure examination.**

(a) The examination required as a prerequisite to being granted a license to hold oneself out as a licensed professional counselor shall be one of the following:

(1) The National Counselor Examination for Licensure and Certification (NCE) administered by the National Board for Certified Counselors, Inc. (NBCC)

(2) The Certified Rehabilitation Counselor (CRC) Examination administered by the Commission on Rehabilitation Counselor Certification (CRCC)

(3) The Art Therapy Credentials Board (ATCB) Certification Examination given by ATCB

(4) The Board Certification Examination given by the Certification Board for Music Therapists (CBMT).

(b) The applicant shall apply to the testing organization for admission to the applicable licensure examination and shall pay the required fee at the direction of the testing organization.

(c) The applicant shall be responsible for directing that the testing organization send examination results and other information requested to the Board.

(d) The passing grade for the examination will be determined by the Board.

#### § 49.12. General qualifications for licensure.

General qualifications and requirements for applicants for licensure are as follows:

(1) The applicant is of good moral character.

(2) The applicant has not been convicted of a felony, which shall include a judgment, an admission of guilt or a plea of *nolo contendere*, under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless the following apply:

(i) At least 10 years have elapsed from the date of conviction.

(ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction, so that licensure of the applicant would not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violations.

(3) The applicant has submitted an application for licensure on forms furnished by the Board. The application for licensure may be obtained by contacting the Board by mail at: State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389 or by e-mail at: socialwo@pados.state.pa.us.

(4) The applicant has submitted the application licensure fee required by the Board, by check or money order, payable to the "Commonwealth of Pennsylvania."

(5) The applicant has submitted two certificates of recommendation on forms furnished by the Board.

#### § 49.13. Licensed professional counselor.

(a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed professional counselor, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure of this subsection.

(2) Passed the examination required by § 49.11 (relating to licensure examination).

(3) Successfully met one of the following educational requirements:

(i) By \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 5 years after the effective date of the adoption of this proposal.), has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling as defined in § 49.1 (relating to definitions) including one of the following:

(A) A master's degree in professional counseling from an accredited educational institution.

(B) A master's degree in a field closely related to the practice of professional counseling as defined in § 49.1 from an accredited educational institution.

(ii) Has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling as defined in § 49.1 including one of the following:

(A) A 48 semester hour or 72 quarter hour master's degree in professional counseling from an accredited educational institution.

(B) A 48 semester hour or 72 quarter hour master's degree in a field closely related to the practice of professional counseling as defined in § 49.1 from an accredited educational institution.

(iii) Holds a doctoral degree in counseling from an accredited educational institution.

(iv) Holds a doctoral degree in a field closely related to the practice of professional counseling as defined in § 49.1 from an accredited educational institution.

(4) Has met the following experience requirements:

(i) Individuals who meet the educational requirements of paragraph (3)(i) or (ii), shall have completed at least 3 years or 3,600 hours of supervised clinical experience meeting the criteria in subsection (b), obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 49.1.

(ii) Individuals who meet the educational requirements of paragraph (3)(iii) or (iv) shall have completed at least 2 years or 2,400 hours of supervised clinical experience meeting the criteria set forth in subsection (b), 1 year or 1,200 hours of which was obtained subsequent to the granting of the doctoral degree. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 49.1.

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of counseling consistent with the applicant's education and training.

(1) At least one-half of the experience shall consist of providing services in one or more of the following areas:

(i) Assessment.

(ii) Counseling.

(iii) Therapy.

(iv) Psychotherapy.

(v) Other therapeutic interventions.

(vi) Consultation.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in § 49.1. The first 1,800 hours shall be supervised by a licensed professional

counselor, or, until January 1, 2006, a professional counselor with 5 years experience as a professional counselor.

(3) A supervisee shall disclose his status as a supervisee to each patient and obtain written permission to discuss the patient's case with the supervisor.

(4) The supervisor shall delegate, order and control the professional counseling activities of the supervisee.

(i) A supervisor who is temporarily unable to provide supervision shall designate a qualified substitute. However, for the first 1,800 hours delegation shall be to another licensed professional counselor, or, until January 1, 2006, a professional counselor with 5 years experience as a professional counselor.

(ii) Although the supervisor shall continue to bear the ultimate responsibility for supervision, those to whom supervisory responsibilities are delegated shall be individually responsible for activities of the supervisee performed under their supervision.

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet individually and in person with the supervisee for a minimum of 1 hour for every 20 hours of supervised clinical experience.

(6) A supervisor shall supervise no more than 6 supervisees at the same time. If this provision creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this provision. The request shall state, in writing, the reasons why this provision creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this provision. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

(7) A supervisor who wishes to terminate supervision during the training period shall give the supervisee 60 days written notice to enable the supervisee to obtain another qualified supervisor. A supervisor may not terminate supervision when termination would result in abandonment of the supervisee's client/patients.

(8) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than 40 hours per week during at least a 3-month period or, second, at least 15 hours per week for a period of at least 6 months. The experience shall have been obtained within the most recent 10 calendar years, at least half within the most recent 5 calendar years.

#### **§ 47.14. Standards for supervisors.**

Supervisors, and those to whom supervisory responsibilities are delegated under § 49.13(a)(4) (relating to licensed professional counselors) shall comply with this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

(1) The supervisor shall be qualified by training and experience to practice in the supervisee's areas of supervised practice.

(2) The supervisor may not be a relative of the supervisee by blood or marriage, may not be involved in a dual relationship which obliges the supervisor to the supervisee and may not engage in treatment of the supervisee.

(3) An individual who is the subject of a disciplinary action by a licensing Board will not qualify as a supervisor.

(4) The supervisor shall be responsible for ensuring that the requirements of § 49.13(b) are met.

(5) The supervisor shall be accessible to the supervisee for consultation.

(6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count towards satisfying the 3,600 hours of supervised experience.

(7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's patients, and also ensure that the supervisee has obtained written permission from each patient to discuss his case with the supervisor.

(8) The supervisor shall establish objectives to be achieved by the supervisee during supervision.

(9) The supervisor shall review issues of practice and ethics with the supervisee.

(10) The supervisor shall maintain notes or records of scheduled supervisory sessions and provide these records to the Board upon request.

(11) The supervisor shall observe client/patient sessions of the supervisee or review recordings of these sessions on a regular basis.

(12) In supervisory meetings, the supervisor shall discuss the supervisee's level of work—for example, the supervisee's areas of competence and areas of needed improvement.

(13) The supervisor shall provide the supervisee with recommendations bearing on further professional development, professional study and skills necessary for independent practice.

(14) The supervisor shall prepare written evaluations or reports of progress which shall delineate the supervisee's strengths and weaknesses. These evaluations or reports shall be discussed with the supervisee on at least a quarterly basis.

(15) The supervisor shall encourage the supervisee to work with professionals in other disciplines as indicated by the needs of each client/patient and shall periodically observe these cooperative encounters.

(16) The supervisor shall encourage the supervisee to access multidisciplinary consultation, as necessary.

#### **§ 49.15. Exemption from licensure examination.**

A license will be issued without examination to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure of § 49.12 (relating to qualifications for licensure).

(2) Submitted an application provided by the Board and accompanied by the required fee.

(3) Submitted an application by March 25, 2002.

(4) Demonstrated proof of practice of professional counseling for at least 5 of the 7 years immediately prior to the date of application for license. To satisfy the practice of professional counseling requirement, the applicant's



practice shall have consisted of at least 15 hours per week with 10 of those hours consisting of direct client contact.

(5) Have successfully met one of the following educational requirements:

(i) Holds a doctoral degree in professional counseling from an accredited educational institution.

(ii) Holds a doctoral degree in a field closely related to the practice of professional counseling from an accredited educational institution.

(iii) Have a master's degree of at least 48 semester hours or 72 quarter hours in professional counseling or a field closely related to the practice of professional counseling from an accredited educational institution.

(iv) Have a masters degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in professional counseling or a feild closely related to the practice of professional counseling and has within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hour or 72 quarter hours at a ratio of 15 continuing education hours equaling 1 semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

(A) Masters level difficulty.

(B) Excludes courses in office management or practice building.

(C) Any course approved by NBCC, CRC, CBMT or ATCB, and which does not include a course in office management or practice building.

(6) Demonstrated holding one of the following:

(i) The National Certified Counselor (NCC) certification from the National Board for Certified Counselors (NBCC) and having passed the National Counselor Examination given by the NBCC.

(ii) The Certified Rehabilitation Counselor (CRC) certification from the Commission on Rehabilitation Counselor Certification (CRCC) and having passed the CRC Examination giving by the CRCC.

(iii) The Registered Art Therapist (ATR) certification from the the Art Therapy Credentials Board (ATCB) and having passed the Board Certification Examination given by the ATCB.

(iv) The Academy of Dance Therapists Registered certification (ADTR) from the American Dance Therapy Association (ADTA) and having passed the National Counselor Examination given by the National Board for Certified Counselors (NBCC).

(v) The Music Therapist-Board Certified certification from the Certification Board for Music Therapists (CBMT) and having passed the Board certification Examination given by the CBMT.

(vi) The Registered Drama Therapist (RDT) certification from the National Association for Drama Therapy (NADT) and having passed the National Counselor Examination given by the National Board for Certified Counselors (NBCC).

(vii) The Certified Clinical Mental Health Counselor (CCMHC) certification from the Academy of Certified Clinical Mental Health Counselors (ACCMHC) and having passed the credentialing examination given by ACCMHC.

(viii) The Nationally Certified Psychologist (NCP) certification from the Northamerican Association of Masters in Psychology (NAMPP), and having passed the Practice Exam of Psychological Knowledge given by NAMPP.

[Pa.B. Doc. No. 01-502. Filed for public inspection March 23, 2001, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CHS. 243 AND 245]

### Retirement Contributions

The State Employees' Retirement Board (Board) proposes to amend §§ 243.6, 245.4, 245.5 and 245.6. The proposed amendments are being proposed to delete the restrictions for purchasing retirement credit, thereby allowing the costs of purchase to be deducted from the actuarial value of the retirement account.

This proposal was adopted by the Board at its meeting on October 25, 2000.

#### A. *Effective Date*

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

#### B. *Contact Person*

For further information contact Sean Sanderson, Director of Communications, State Employees' Retirement System, 30 North Third Street, P. O. Box 1147, Harrisburg, PA, (717) 237-0261, or Brian E. McDonough, Deputy Chief Counsel, State Employees' Retirement System, 30 North Third Street, P. O. Box 1147, Harrisburg, PA, 17108-1147, (717) 237-0229. Information regarding submitting comments on this proposal appears in section H of this preamble.

#### C. *Statutory Authority*

This proposed rulemaking is being made under the authority of 71 Pa.C.S. § 5907(d) and (h) (relating to State Employees' Retirement Code) (code).

#### D. *Background and Purpose*

The Board is responsible for implementing the purchase of service provisions of the code, and a component of that purchase program is a method of paying for that purchase by eligible members, that is, their contributions. Although the code authorizes the contributions to be made in any manner agreed upon by the Board and member, the current regulations limit payment methods. Deletion of these regulations will restore the Board's statutory authority to authorize the actuarial debiting of the member's account as an agreed upon way to make these contributions.

The purpose of the proposed repeal of these restrictions is to permit the member and the Board to agree upon how member contributions for the purchase of service can be made. Members would still have the options of paying by lump sum or payroll deduction, but also would have the option to authorize an actuarial reduction in the value of their account to pay for the requested purchase. This would substantially reduce or eliminate out-of-pocket costs for members to avail themselves of service purchases authorized by the code. A sister agency, the Public School Employees' Retirement System (Retirement Sys-

tem), currently permits the actuarial reduction of school member accounts for service purchases. These regulatory repeals would enable the Board to offer similar opportunities to State employees.

E. *Benefits, Costs and Compliance*

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

*Benefits*

These proposed amendments would benefit State employees eligible for service purchases under the code. By reducing the potential out-of-pocket costs to members with an offsetting actuarial reduction in the value of their accounts, easier access to statutorily authorized service purchases would ensue without any loss in the fiscal integrity of the Retirement System. Customer service would be improved together with a corresponding reduction in bookkeeping and recordkeeping to the extent that payroll deductions would be reduced.

*Costs*

There are no additional costs to the Commonwealth, its citizens or State employees associated with these amendments.

*Compliance Costs*

The proposed amendments are not expected to impose any additional compliance costs on State employees.

F. *Sunset Review*

Not applicable.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 12, 2001, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and the Senate Finance Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

H. *Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding these proposed amendments to Sean Sanderson, Director of Communications, State Employees' Retirement System, P. O. Box 1147, Harrisburg, PA 17108-1147 (express mail: 30 North Third Street, 5th Floor, Harrisburg, PA 17108-1147). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*.

*Electronic Comments*—Comments may be submitted electronically to the Board at ssanderson@state.pa.us and must also be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,  
*Chairperson*

**Fiscal Note:** 31-1. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART X. STATE EMPLOYEES' RETIREMENT BOARD**

**CHAPTER 243. MEMBERSHIP, CREDITED SERVICE, CLASSES OF SERVICE AND ELIGIBILITY FOR BENEFITS**

§ 243.6. **Creditable nonstate service.**

\* \* \* \* \*

**[(g) Creditable State and nonstate service—noncancellable purchase of.** In all instances where creditable State or nonstate service may be purchased, any active member, by application, electing to purchase the service may not be permitted to cancel the purchase thereof once payment has been made by lump sum or the member has agreed, in writing, to payroll deductions upon such terms and conditions as provided in this part. ]

**CHAPTER 245. CONTRIBUTIONS**

§ 245.4. **Member contributions for the purchase of credit for previous State service or to become a full coverage member.**

**[(a) ]** \* \* \*

\* \* \* \* \*

**[(b) Method of payment.** The amount payable for the purchase of previous State service or to become a full coverage member shall be paid in a lump sum within 30 days of certification of the amount due or, in the case of an active member, may be paid through payroll deductions over a 1, 2, but not more than 3-year period, provided statutory interest at 4% annually is charged through the repayment period. ]

§ 245.5. **[ Contributions for the purchase of credit for creditable nonstate service ] (Reserved).**

**[(a) The payment for the purchase of nonintervening military service (not to exceed 5 years) or of total intervening military service, shall be made in a lump sum within 30 days after billing or, in the case of an active member, may be paid through payroll deductions over a 1, 2, but not more than, 3-year period, provided statutory interest at 4% annually is charged through the repayment period.**

**(b) The payment for the purchase of creditable nonstate service, other than military and magisterial service, shall be made in a lump sum within 30 days of billing; or in the case of an active member,**

may be paid through payroll deductions over a 1, 2, but not more than, 3-year period, provided statutory interest at 4% annually is charged through the repayment period. ]

§ 245.6. Incomplete payments.

\* \* \* \* \*

[ (c) *Incomplete payments under certain conditions.* In the event a member agrees to make payments for purchase of certain service, as provided in sections 5504 and 5505 of the code (relating to member contributions for the purchase of credit for previous State services or to become a full coverage member; and contributions for the purchase of credit for creditable nonstate service), and dies in

State service, or terminates State service before any payments are made, then the request for purchase of such service shall be cancelled, unless payment is made in a lump sum within 30 days after such event by the member or anyone acting on his behalf. In the event a member applies for the purchase of service and dies prior to a billing for such service being made, then his legally constituted representative may purchase such service by payment of a lump sum within 30 days after billing. ]

[Pa.B. Doc. No. 01-503. Filed for public inspection March 23, 2001, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Referendum on Continuation of the Pennsylvania Potato Research Program

Under the applicable provisions of the Agricultural Commodities Marketing Act (3 Pa.C.S. §§ 4501—4513), a referendum was held from February 9 to February 23, 2001, to determine if the producers affected by the Pennsylvania Potato Research Program (Program) desired to have the Program continue for another 5 years. In order to pass, a majority of eligible producers voting had to vote in favor of the Program continuing. An impartial Teller Committee met on February 27, 2001, to count the

ballots. These results were submitted by the Teller Committee: a total of 83 eligible votes were cast, with 68 voting in favor of continuing the Program and 15 voting against continuing the Program. Stated differently, 82% of the eligible votes favored continuing the Program and 18% favored ending it. There were 19 spoiled or ineligible ballots.

Because a majority of the votes were cast in favor of the Program, the Program shall continue for another 5 years.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-504. Filed for public inspection March 23, 2001, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 13, 2001.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-8-01	Community Bank System, Inc., DeWitt, New York, to acquire 100% of First Liberty Bank Corp., Jermyn PA, and thereby indirectly acquire First Liberty Bank and Trust, Jermyn, PA	DeWitt, NY	Filed

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-13-01	Embassy Bank for the Lehigh Valley Bethlehem Hanover Township Northampton County  <i>Correspondent:</i> David M. Lobach, Jr. 6932 Kings Highway South Zionsville, PA 18092	Bethlehem Hanover Township Northampton County	Filed

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-12-01	First Penn Bank, Philadelphia, and IGA Federal Savings, Feasterville Surviving Institution— First Penn Bank, Philadelphia	Philadelphia	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-9-01	Leesport Bank Leesport Berks County	237 Route 61 South Schuylkill Haven North Manheim Township Schuylkill County	Filed
3-12-01	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	247 Wyoming Avenue Kingston Luzerne County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-505. Filed for public inspection March 23, 2001, 9:00 a.m.]

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

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 March, 2001, is 8%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as 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 5.45 to which was added 2.50 percentage points for a total of 7.95 that by law is rounded off to the nearest quarter at 8%.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-506. Filed for public inspection March 23, 2001, 9:00 a.m.]

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

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 April, 2001, is 8%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as 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 5.39 to which was added 2.50 percentage points for a total of 7.89 that by law is rounded off to the nearest quarter at 8%.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-507. Filed for public inspection March 23, 2001, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

#### NPDES APPLICATIONS

#### PART I PERMITS

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

Unless indicated otherwise below, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6(d).

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived (Renewal)</i>
PA0053589	Buckingham Lumber & Millwork P. O. Box 307 Buckingham, PA 18912	Bucks County Buckingham Town- ship	Mill Creek	

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4700.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream (Watershed)</i>	<i>EPA Waived (Renewal)</i>
PA0080055	Conewago Industrial Park Water and Sewer Company P. O. Box 332 Lemoyne, PA 17043-0332	Lancaster County West Donegal Township	Conewago Creek (7-G)	Renewal
PA0081043	Guardian Elder Care, Inc. Brookline Manor & Retirement Village R. R. 1 Box 463 Mifflintown, PA 17059	Juniata County Fermanagh Township	Big Run (12-A)	Renewal

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived Y/N?</i>
PA0209368	Benton Foundry Inc 5297 State Route 487 Benton PA 17814-7641	Columbia County Sugarloaf Township	5C	Y
PA0032352	Williamsport Area School District 1400 West Third Street Williamsport PA 17701-7898	Lycoming County Hepburn Township	10A	Y
PA0032361	Williamsport Area School District 1400 West Third Street Williamsport PA 17701-7898	Lycoming County Woodward Township	10A	Y
PA0027375	City of DuBois P. O. Box 408 16 West Scribner Avenue DuBois PA 15801	Clearfield County Sandy Township	17C	Y
PA0110540	Furman Foods Inc Box 50 Northumberland PA 17857-0500	Northumberland County Point Township	10D	Y
PA0033316	Knittle Enterprises 24 Pincrest Drive Williamsport PA 17701-9730	Lycoming County Eldred Township	10B	Y
PA0113123	Patrick J Witkowski P. O. Box 322 Laporte, PA 18626	Sullivan County Laporte Township	10B	Y

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

**PA0020044**, Sewage, **Fredonia Municipal Authority**, 45 Water Street, P. O. Box 487, Fredonia, PA 16134.

This facility is located in Fredonia Borough, **Mercer County**.

Description of Proposed Activity: renewal of sewage disposal.

The receiving stream, Mill Run, is in watershed 20-A and classified for: trout stocked fishery, water supply, recreation. The nearest public water supply is the Beaver Falls Municipal Authority intake on the Beaver River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.1.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	4.5		9.0
(11-1 to 4-30)	13		26.0
Fecal Coliform (10-1 to 4-30)		200/100 ml as a geometric average	
(5-1 to 9-30)		5,800/100 ml as a geometric average	
Total Residual Chlorine	0.3		0.9
pH		Minimum of 6.0 to Maximum of 9.0	

The EPA Waiver is in effect.

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

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

**No. PA0058262**, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue.

This application is for issuance of an NPDES permit to discharge treated sewage from proposed STP serving Somerset development in Newtown Township, **Delaware County**. This is a new discharge to Hunter's Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 85,000 GPD are as follows:

## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
Suspended Solids	10		20
Ammonia (as N) (5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Phosphorus (as P)	1.0		2.0
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		

Other Conditions:

The EPA Waiver is in effect.

Conditions for future permit modification.

Effective disinfection.-(UV disinfection system).

**No. PA0050393**, Sewage, **Worcester Township**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490.

This application is for renewal of an NPDES permit to discharge treated sewage from Valley green WWTP in Worcester Township, **Montgomery County**. This is an existing discharge to Zacharias Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.22 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Total Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Phosphorus (as P)	1.0		2.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		

Other Conditions:

The EPA Waiver is in effect.

**No. PA0012467**, Industrial Waste, **Laurel Pipe Line Company**, L.P., P. O. Box 368, Emmaus, PA 18049.

This application is for renewal of an NPDES permit to discharge treated groundwater, stormwater and hydrostatic test water and from Laurel Pipe Line Company - Booth Station facility in Bethel Township, **Delaware County**. This is an existing discharge to Green Creek—3G Ridley watershed.

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

The proposed effluent limits for Monitoring Point 101, based on an average flow of 70,000 GPD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Benzene	0.005	0.01	0.013
Total BETX	0.1	0.2	0.25
Toluene	Monitor/Report	Monitor/Report	
Ethylbenzene	Monitor/Report	Monitor/Report	
Xylene, Total	Monitor/Report	Monitor/Report	
pH	Within limits of 6.0—9.0 Standard Units at all times		

The proposed effluent limit for Outfall 001, storm water runoff is as follows:

<i>Parameter</i>	<i>Average Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15	30
Diesel Range Organics		Monitor/Report
Gasoline Range Organics		Monitor/Report



Other Requirements:

1. DMR to Department
2. Product Contaminated Stormwater Runoff
3. Monitoring and Reporting
4. PPC Plan Requirements
5. Other Wastewaters
6. Definitions
7. Hydrostatic Testwater Discharge Requirements
8. Conditions for Future Permit Modification

The EPA Waiver is in effect.

**No. PA0058319**, Sewage, 932 Beck Road, Quakertown, PA 18951.

This application is for issuance of an NPDES permit to discharge treated sewage from the small flow sewage treatment plant in Haycock Township, **Bucks County**. This is a new discharge to an unnamed tributary to Tohickon Creek. The nearest intake potable water supply is located approximately 20 miles downstream at Point Pleasant pump station.

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 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Total Residual Chlorine	Monitor/Report	Monitor/Report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

**No. PA0025976**. Sewage, **Upper Moreland-Hatboro Joint Sewer Authority**, P. O. Box 535, Willow Grove, PA 19090-0535.

This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant located in Upper Moreland Township, **Montgomery County**. This is an existing discharge to Pennypack Creek.

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

The proposed effluent limits for Outfall 001, based on an average annual flow of 7.173 million gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia Nitrogen			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 6 mg/l at all times		
Total Residual Chlorine	0.06		0.18
Copper, Total	Monitor		Monitor
Zinc, Total	0.15		0.37
pH	Within limits of 6.0—9.0 Standard Units at all times		

The EPA Waiver is not in effect.

Other Conditions:

- Pretreatment Program
- High Flow Management Plan
- Stormwater Discharge

**No. PA0058041**, Sewage, **Limerick Township Municipal Authority**, 529 King Road, P. O. Box 29, Royersford, PA 19468.

This application is for issuance of an NPDES permit to discharge treated sewage from Possum Hollow Run wastewater treatment plant in Limerick Township, **Montgomery County**. This is a new discharge to the Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.7 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)	20		40
Dissolved Oxygen	Monitor/Report		
Fecal Coliform	200 colonies/100 ml as a geometric average		
pH	Within limits of 6.0—9.0 Standard Units at all times		

The EPA Waiver is in effect.

The first downstream potable water supply intake considered during this evaluation is the Citizens Utility Home Water Company's water filtration plant. The water filtration plant is located approximately 2.1 miles downstream of the proposed discharge point. This discharge is not expected to impact any potable water supply.

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

**PA#0060453.** Sewerage, **Camp Lavi**, 311 Dennis Street, Oceanside, NY 11572.

This proposed facility is located in Buckingham Township, **Wayne County**.

Description of Proposed Activity: renewal of NPDES permit.

The receiving stream, unnamed tributary to the Equinunk Creek, is in the State Water Plan watershed 1A, and is classified for: high quality, cold water fishery. The nearest downstream public water supply intake for Stroudsburg/East Stroudsburg water supply is located on Delaware River is 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .024 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
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	
pH	6.0 to 9.0 standard units at all times	
Total Residual Chlorine	1.2	2.8

**PA-0070114,** Sewerage, **Peifer Brothers/Melanie Manor**, P. O. Box 550, Elizabethtown, PA 17022.

This proposed facility is located in Union Township, **Schuylkill County**.

Description of Proposed Activity: renewal of NPDES Permit.

The receiving stream, Dark Run, is in the State Water Plan watershed 5E and is classified for cold water fishery. The nearest downstream public water supply intake for Danville Water Supply is located on the Susquehanna River is 25 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.018 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0		50.0
Total Suspended Solids	30.0		60.0
NH <sub>3</sub> -N (5-1 to 10-31)	14.0		28.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	1.2		2.8

**PA-0063525**, Sewerage, **Pocono Mountain School District**, P. O. Box 200, Swiftwater, PA 18370-0200.

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

Description of Proposed Activity: renewal of NPDES Permit

The receiving stream, Clear Run, is in the State Water Plan watershed 1E, and is classified for: high quality, cold water fishery. The nearest downstream public water supply intake for Northampton Water Supply on Lehigh River is located on the Lehigh River is 35 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .027 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	20.0
Total Suspended Solids	10.0	20.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorous as "P"	1.0	2.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0 to 9.0 standard units at all times	
Total Residual Chlorine	1.20	2.80

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

Final Notice is hereby given that the Pennsylvania Department of Environmental Protection, after public notice, has on March 1, 2001 issued a National Pollutant Discharge Elimination System Permit to:

**Permit No. PA 0012319**

Permittee: **Textile Chemical Company, Inc.**

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

Flows for Outfall 001—MP 201 were incorrectly calculated at 0.084 MGD. The correct flow is 0.15 MGD.

Flows for Outfall 001—MP 101 were incorrectly calculated at 0.005 MGD. The correct flow is 0.011 MGD.

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

**PA 0038288**, Industrial Waste, SIC Codes 5093 and 5171, **RecOil, Inc.**, 280 East Street, York, PA 17403.

This proposed facility is located in York City, **York County**.

Description of proposed activity: Discharge of treated stormwater from waste oil processing facility.

The receiving stream of an unnamed tributary of Mill Creek is in Watershed 7-H, and classified for: warm water fishery.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Oil and Grease	XXX	XXX	5.0	XXX
pH		From 6.0 to 9.0 inclusive		
Total Dissolved Solids	XXX	XXX	XXX	Monitor & Report
Phenolics	XXX	XXX	XXX	Monitor & Report
VOCs <sup>(1)</sup>	XXX	XXX	XXX	Monitor & Report
SVOCs <sup>(2)</sup>	XXX	XXX	XXX	Monitor & Report
Total Lead	XXX	XXX	XXX	Monitor & Report

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

The EPA waiver is in effect.

*Footnotes:*

(1) Volatile Organic Compounds (VOCs) to be monitored (maximum daily) are benzene, tetrachloro-ethylene, and trichloroethylene.

(2) Semi-Volatile Organic Compounds (SVOCs) to be monitored (maximum daily) are Benzo(a)Anthracene, Benzo(a)pyrene, Fluoranthene and Naphthalene.

**Application No. PA 0088617**, SIC Code 4952, Sewage, **Bratton Township Supervisors**, 460 Mountain Lane, McVeytown, PA 17051.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Carlisle Run/Juniata River in Watershed 12-A, in Bratton Township, **Mifflin County**.

The receiving stream is classified for HQ-CWF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Dauphin Consolidated Water located in Harrisburg. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.060 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5	XXX	1.6
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	100,000/100 ml as a geometric average		
(10-1 to 4-30)			

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

The EPA waiver is in effect.

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

**PA0094226**, Industrial Waste, SIC, 4941, **Wilksburg-Penn Joint Water Authority Water Treatment Plant**, 2200 Robinson Boulevard, Wilksburg, PA 15221.

This application is for issuance of an NPDES permit to discharge filter backwash water from Wilksburg Water Treatment Plant in Penn Hills Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is City of Pittsburgh Water Treatment Plant, located at Allegheny River, 1.0 miles below the discharge point.

*Outfall 001*: existing discharge, design flow of 1.6 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
TSS			30		60
Iron (T)			2		4
Aluminum (T)			4		8
Manganese (T)			1		2
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0096571**, Sewage, **Bethlehem Center School District**, 194 Crawford Road, Fredericktown, PA 15333.

This application is for renewal of an NPDES permit to discharge treated sewage from Bethlehem Center School District Sr. High, Jr. High and Elementary Schools STP in Deemston Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Black Dog Hollow Run, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Tri County Joint Authority.

*Outfall 001*: existing discharge, design flow of 0.025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	15			30
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	5.0			10.0
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)				
Total Residual Chlorine	Monitor and Report			
(1st month—36th month)	.05			
(37th month—expiration)	.11			

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

**PA0096652**, Sewage, **Emma Garin**, 4010 Noblestown Road, Oakdale, PA 15071.

This application is for renewal of an NPDES permit to discharge treated sewage from the Pennsylvania Motor Speedway STP in North Fayette Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary (Drainage Swale) to Half Crown Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: West View Borough Municipal Water Authority.

*Outfall 001*: existing discharge, design flow of 0.025 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
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	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0218774**, Sewage, **Grizzle, Inc./TA Casa Nova**, 241 East Main Street, Mt. Pleasant, PA 15666.

This application is for issuance of an NPDES permit to discharge treated sewage from Casa Nova STP in Jenner Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Bens 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: Saltsburg Municipal Authority.

*Outfall 001*: new discharge, design flow of 0.00106 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
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	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**WATER QUALITY MANAGEMENT PERMITS  
CONTROLLED INDUSTRIAL WASTE AND SEWAGE  
WASTEWATER  
APPLICATIONS UNDER THE PENNSYLVANIA  
CLEAN STREAMS LAW  
PART II PERMITS**

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted

above the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin*.

tin and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

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

**WQM Permit No. 1501405.** Sewerage. **Kennett Consolidated School District**, 130 East South Street, Kennett Square, PA 19348. Applicant is requesting approval for the construction and operation of a new sewage pump station to serve Kennett Consolidated Middle School located in New Garden Township, **Chester County**.

**WQM Permit No. 1501406.** Sewerage. **Penn Township**, 260 Lewis Road, West Grove, PA 19390. Applicant is requesting approval for the construction and operation of the Elk Creek Farms pump station and forcemain located in Penn Township, **Chester County**.

**WQM Permit No. 0901404.** Sewerage. **Hilltown Township Water & Sewer Authority**, P. O. Box 143, Hilltown, PA 18927. Applicant is requesting approval to build a 150,000-gpd-wastewater treatment facility to serve a proposed development in the central district located in Hilltown Township, **Bucks County**.

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

**WQM Permit No. 1301401.** Sewerage, **Split Rock Country Club, Inc.**, Box 592, Lake Harmony, PA 18624.

This proposed facility is located in Kidder Township, **Carbon County**.

Description of Proposed Action/Activity: The permitting of an existing spray irrigation system for a 27 hole golf course to use treated residential effluent for irrigation of golf course fairways, tees and greens on a seasonal basis.

**WQM Permit No. 4501402.** Sewerage 4501402, **Arrowhead Sewer Company, Inc.**, H.C. 88 Box 305, Pocono Lake, PA 18347.

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

Description of Proposed Action/Activity: Construction of a 113,000 gallon influent equalization tank with associated piping, pumps, blowers and appurtenances for providing proper equalization for incoming domestic sewage flows into the existing wastewater treatment facility. Neither increase to existing treatment plant capacity, nor increase to permitted flow is proposed for this project.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 1401403.** Sewerage New, **Pennsylvania State University**, Physical Plant Building, University Park, PA 16801.

This proposed facility is located in College Township, **Centre County**.

Description of Proposed Action/Activity: Pennsylvania State University is applying for a permit to construct a sanitary sewer main from the College Avenue/University Drive Cloverleaf up and along University Drive to Bryce Jordan Center and perform complete upgrades to the existing East Campus Steam Plant and Porter Road Pumping Stations. Application was received at the Northcentral Regional Office at Williamsport, on February 20, 2001.

**WQM Permit No 1400408.** Sewerage **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8499.

This proposed facility is located in College Township, **Centre County**.

Description of Proposed Action/Activity: Proposed is the expansion and modification to the Authority's Spring Creek Water Pollution Control Facility for a projected future flow of 9.0 million gallons per day. In addition, the project will include membrane filtration treatment, advanced disinfections, and transmission pipeline to make possible the beneficial re-use of 3.0 million gallons per day or reclaimed sewage effluent, which has been given, advanced membrane treatment. The application was received on December 19, 2000.

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**NPDES Stormwater Individual Permit**

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

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

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

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

The application and related documents, including the erosion and sediment control plan for the earth distur-

bance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the

30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**NPDES Permit PAS10 G459**, Stormwater. **2001 Expansion Project**, 417 Bank Lane, Dover, DE 19904 has applied to discharge stormwater associated with a construction activity located in Londonderry and Franklin Townships, **Chester County** to Big Elk, East and West Branches of White Clay Creeks (HQ-TSF-MF).

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

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

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q220	The Swain School, Inc. Lynald Silsbee 1100 S. 24th St. Allentown, PA 18103	Lehigh County Salisbury Township	Little Lehigh Cr. HQ-CWF

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

**NPDES Permit PAS10B014**, Stormwater. **Lincroft, Inc.**, 207 Iron Bridge Road, Freeport, PA 16229 has applied to discharge stormwater associated with a construction activity located in South Buffalo Township, **Armstrong County** to Pine Run/HQ-TSF and Buffalo Creek/HQ-TSF.

*Armstrong County Conservation District: Armsdale Administration Building, RD # 8, Box 294, Kittanning, PA 16201; (724) 548-3425.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10B014	Lincroft, Inc. 207 Iron Bridge Road Freeport, PA 16229	Armstrong County South Buffalo Township	Pine Creek/HQ-TSF Buffalo Creek/HQ-TSF

**NPDES Permit PAS100246**, Stormwater. **DEP/Bureau of Abandoned Mine Reclamation**, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119 has applied to discharge stormwater associated with a construction activity located in Big Beaver Borough, **Beaver County** to Little Beaver Creek/HQ-WWF.

*Beaver County Conservation District: 1000 Third Street, Suite 202, Beaver, PA 15009; (724) 774-7090.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS100246	DEP/Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119	Beaver County Big Beaver Borough	Little Beaver Creek/ HQ-WWF

**NPDES Permit PAS10W067-1**, Stormwater. **West McMurray Development, Inc.**, 300 Weyman Plaza, Suite 210, Pittsburgh, PA 15236 has applied to discharge stormwater associated with a construction activity located in North Strabane Township, **Washington County** to Chartiers Creek/WWF and Canonsburg Lake/HQ-WWF.

*Washington County Conservation District: 400 West Beau Street, Suite 602, Washington, PA 15301-4402; (724) 228-6774.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10W067-1	West McMurray Development, Inc. 300 Weyman Plaza Suite 210 Pittsburgh, PA 15235	Washington County North Strabane Township	Chartiers Creek/WWF Canonsburg Lake/HQ-WWF

## SAFE DRINKING WATER MINOR AMENDMENT

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

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

Application No., Minor Amendment.

Applicant	<b>Consumers Pennsylvania Water Company</b>
City	City of Shamokin
Responsible Official	Richard T. Subasic
Type of Facility	Public Water Supply
Consulting Engineer	CET Engineering Services 321 Washington Street Huntington, PA 16652
Application Received Date	March 7, 2001
Description of Action	Replace Ralpho Township storage tank with new tank in Shamokin Township.

### Biosolids Individual Permits (PABIG and PABIS)

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (DEP) proposes to issue a permit to land apply biosolids subject to certain requirements set forth in the permit.

Persons wishing to comment on the proposed permit are invited to submit a statement to the responsible DEP Regional Office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement 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 Management Regional 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, comments received, and other information are on file and may be inspected and arrangements made for copying at the responsible DEP Regional Office indicated above the application.

Persons with a disability that 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.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**PABIS 4821. Circle H Ranch, Pike Township, Potter County.** Leslie's Septic Service, P. O. Box 211, Yahn Road, Galeton, PA. 16922-0211 has applied to beneficially use their biosolids on the Circle H Ranch Farm in Pike Township, Potter County.

#### *Special Conditions*

1. Management Practice—In addition to applicable conditions of the Farm Conservation Plan, and unharvested grass/hay buffer strip, a minimum of 15 feet in width, shall be maintained along the downslope perimeter of each field closest to Pine Creek. This buffer strip shall not be utilized for the application of treated septage.
2. Monitoring—The effectiveness of the grass/hay buffer strip shall be visually monitored monthly and after/during major precipitation events for evidence of runoff beyond the unharvested grass/hay buffer strip.

#### *Recordkeeping*

1. Record of the date, time weather conditions and observations shall be maintained and made available to the Department and the Potter County Conservation District during site inspections.

#### *Reporting*

1. Any evidence of treated septage runoff beyond the grass/hay buffer strip shall be reported to the Department immediately by telephone and within 48 hours in writing.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

**Acknowledgment of notices of intent to remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other



contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Madison Square Furniture**, Hanover Borough, **York County**. Alliance Environmental Services, Inc., 1414 North Cameron Street, Harrisburg, PA 17103, on behalf of Madison Square Furniture, West Elm Avenue, P. O. Box 65, Hanover, PA 17331, has submitted a Notice of Intent to Remediate soils and groundwater contaminated with PCBs, solvents, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet a combination of the statewide health and site specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Hanover Evening Sun* on March 11, 2001.

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

**New Bethlehem Operating Center**, South Bethlehem Borough, **Armstrong County**. Robert W. King, 98 Vanadium Road, Bridgeville, PA 15017 (on behalf of Donald and Judy Guntrum, 401 Broad Street, New Bethlehem, PA 16242, and Columbia Gas Transmission, P. O. Box 1273, Charleston, WV 25304) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs and solvents. The applicant proposes to remediate the site to meet the Background Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Leader Vindicator* on January 31, 2001.

**Invensys Appliance Controls, Siebe Appliance Controls, Robertshaw Controls**, New Stanton Borough, Hempfield Township, **Westmoreland County**. William Randall, IT Corporation, 2790 Mosside Boulevard, Monroeville, PA 15146 (on behalf of Invensys Appliance

Controls, 1046 Corporate Lane, Export, PA) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with heavy metals, and solvents. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Advisor* on February 15, 2001.

**Eastside Whole Foods Market Project**, City of Pittsburgh, **Allegheny County**. David Brown, 1550 Obey Street, Suite 201, Pittsburgh, PA 15205 (on behalf of Port Authority of Allegheny County, 2235 Beaver Avenue, Pittsburgh, PA 15233, AAA West Penn/West Virginia, 5900 Baum Boulevard, Pittsburgh, PA 15206, UPMC Shadyside, 200 Lothrop Street, 401 Medical Arts Building, Pittsburgh, PA 15213, Eastside Limited Partnership, c/o The Mosites Company, 336 Fourth Avenue, Pittsburgh, PA 15222, Pennsylvania Department of Transportation, 45 Thoms Run Road, Bridgeville, PA 15017, and City of Pittsburgh, 301 City-County Building, 414 Grant Street, Pittsburgh, PA 15219) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX, Gasoline-unleaded, and undetermined. The applicant proposes to remediate the site to meet the special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post-Gazette* on February 18, 2001.

**Eastside Retail Project**, City of Pittsburgh, **Allegheny County**. David Brown, 1550 Obey Street, Suite 201, Pittsburgh, PA 15205 (on behalf of Port Authority of Allegheny County, 2235 Beaver Avenue, Pittsburgh, PA 15233, Public Parking Authority of Pittsburgh, 232 Boulevard of the Allies, Pittsburgh, PA 15222, BAC Realty Corporation, 5931 Ellsworth Avenue, Pittsburgh, PA 15206, M. Blank Family Limited Partnership c/o Myrna Blank, 5940 Penn Circle South, Pittsburgh, PA 15206, and City of Pittsburgh, 301 City-County Building, 414 Grant Street, Pittsburgh, PA 15219) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX, Gasoline-unleaded, and Undetermined. The applicant proposes to remediate the site to meet the special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post-Gazette* on February 18, 2001.

**Westinghouse Air Brake Technology Company**, Borough of Wilmerding, **Allegheny County**. Bruce Shaw, American Geosciences, Inc., 3925 Reed Blvd., Suite 400 Murrysville, PA 15668-1848 (on behalf of Westinghouse Air Brake Technology Company, 1001 Air Brake Avenue, Wilmerding, PA 15148) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Heavy Metals, Solvents, BTEX, and PHCs. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Woodland Progress Star* on March 7, 2001.

**Fair Oaks Site**, Leet Township, **Allegheny County**. Angelo L. Masullo, Jr. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Robertson-Ceco Corporation, Suite 425, 5000 Executive Parkway, San Ramon, CA 94583) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Lead, Heavy Metals, Solvents, and PAHs. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Beaver County Times* on March 12, 2001.

### RESIDUAL WASTE GENERAL PERMITS

**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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, Floor 14, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR072. R. E. Pierson Co., Inc.**, P. O. Box 430, Woodstown, NJ 08098-0430. General Permit Number WMGR072 for the beneficial use of dewatered dredge spoil for a general road construction ramp project at the Philadelphia International Airport. Central Office received the application on March 1, 2001 and determined administratively complete on March 12, 2001.

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.

### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE

#### GENERAL PERMITS

**Request for Determination of Applicability Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southeast Region: Regional Solid Waste Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Permit No. WMGR038SE003. Tire Jockey Services, Inc.**, P. O. Box 66, Fairless Hills, PA 19030.

Description: Tire Jockey Services, Inc. has applied for a determination of applicability under residual waste General Permit No. WMGR038 for processing and beneficial use of waste tires at a facility located in Falls Township, **Bucks County**.

The Department accepted the application as administratively complete on February 28, 2001.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications Submitted under the Solid Waste Management Act, (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate or Close Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Application No. 100934.** Application received for **IESI Pa. Blue Ridge Landfill Corp.**, P. O. Box 399, Scotland, PA 17254 located in Greene Township, **Franklin County**. Application is to increase ADV. Application determined to be administratively complete in the Regional Office on February 9, 2001.

**Application No. 100934.** Application received for **IESI Pa. Blue Ridge Landfill Corp.**, P. O. Box 399, Scotland, PA 17254 located in Greene Township, **Franklin County**. Application is for Northeastern Perimeter Adjustment and Base Grading. Application determined to be administratively complete in the Regional Office on March 7, 2001.

### SOLID AND HAZARDOUS WASTE 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 regulations to operate solid waste processing or disposal area or site.**

Comments on the individual permit application may be submitted to contact identified below. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend conditions upon, revisions to, and approval or denial of the application.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 100904. Centre County Solid Waste Authority—Dale Summit Transfer Station** located in College Township, **Centre County**. Received application in this office December 18, 2000, for the increase in daily average and maximum daily waste receipt, change in operating hours, and increase in storage time. This application was accepted March 7, 2001.

### AIR QUALITY

#### NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

##### NEW SOURCES AND MODIFICATIONS

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

The DEP has received applications for plan approvals and/or operating permits from the following facilities.

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

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

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121 through 143, the Federal Clean Air Act and regulations adopted under the Act.

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**Applications Received and Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**48-309-065A: Essroc Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) for operation of primary crushing and associated air cleaning device in Nazareth Borough, **Northampton County**.

**48-317-018: Keystone Food Products, Inc.** (3767 Hecktown Road, P. O. Box 326, Easton, PA 18044) for operation of four frying operations and associated air cleaning device in Lower Nazareth Township, **Northampton County**.

*Philadelphia Department of Public Health: Air Management Services, 321 University Ave., Philadelphia, PA 19104.*

**95-069: Ashland Specialty Chemical Co.—Philadelphia Composite Polymers Plant** (2801 Christopher Columbus Boulevard, Philadelphia, PA 19148-5103) for operation of producing and distributing polyester resin in the City of Philadelphia, **Philadelphia County**. The Synthetic Minor facility's significant air emission sources include fugitive emissions, tank wagon, rail car, and drum filling stations, two particulate sources; one is controlled by a filter cartridge dust collector, 14 product storage

tanks, nine raw material storage tanks, a spill control tank, four reactors with overhead condensers, four thinning tanks, nine blending tanks, a mix tank, a holding tank, an esterified water tank; all are controlled by a 14 MMBTU/hr natural gas or # 2 oil-fired fume afterburner, a 5 MMBTU/hr natural gas or # 2 oil-fired steam boiler, a 12 MMBTU/hr natural gas or # 2 oil-fired hot oil heater, and two emergency generators. Additional facility air emission control devices include four sets of carbon drums as back-up equipment to the Fume Afterburner.

**95-034: General Electric Co.—GE Industrial Systems Philadelphia Operation** (6901 Elmwood Avenue, Philadelphia, PA 19142) for manufacture of power equipment control cabinets and leasing of modular space trailers in the City of Philadelphia, **Philadelphia County**. The Synthetic Minor facility's significant air emission sources include a 3.35 MMBTU/hr natural gas-fired boiler, a 800,000 BTU/hr natural gas-fired cure oven, numerous particulate sources controlled by two baghouses, four paint booths each controlled by a filter, two winding machines, and a modular space project to refurbish portable buildings.

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**PLAN APPROVALS**

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

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*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**46-00013: Clemens Family Corp.** (2700 Funks Road, Hatfield, PA 19440) for a minor operating permit modification of three boilers for their Title V facility in Hatfield Township, **Montgomery County**.

**46-0212: Metropolitan Fiber Systems of Philadelphia** (630 Clark Street, King of Prussia, PA 19406) for installation of a 2,000 kW Caterpillar 3516 Generator in Upper Merion Township, **Montgomery County**.

**09-0124C: S.W.E.C., LLC** (USX Industrial Park, Fairless Hills, PA 19030) for modification for the transfer of ERCs in Falls Township, **Bucks County**.

**15-0027D: Johnson Matthey** (434 Devon Park Drive, Wayne, PA 19087) for modification of Coating Line No. 7 and SCR in Tredyffrin Township, **Chester County**.

**09-0138: Draper DBS, Inc.** (18 Oak Avenue, Chalfont, PA 18914) for construction of paint spray booths and cabinet making in Chalfont Borough, **Bucks County**.

**46-0012: Philadelphia Newspaper, Inc.** (800 River Road, Conshohocken, PA 19428) for a minor operating permit modification of natural gas fuel usage monitoring in Upper Merion Township, **Montgomery County**.

**AQ-SE-0015: Valley Forge, Inc.** (450 East Valley Forge Road, King of Prussia, PA 19406) for construction of a portable concrete crushing plant in Upper Merion Township, **Montgomery County**.

**46-0035: SmithKline Beecham Pharmaceuticals** (709 Swedeland Road, King of Prussia, PA 19406) for a minor operating permit modification to a boiler in Upper Merion Township, **Montgomery County**.

**46-0213: Cremation Society of Pennsylvania** (371 East Church Road, King of Prussia, PA 19406) for construction of a gas fired crematory in Upper Merion Township, **Montgomery County**.

**23-0047B: Degussa Corp.** (1200 West Front Street, Chester, PA 19013) for installation of a storage silo and filter baghouse in City of Chester, **Delaware County**.

**15-0027E: Johnson Matthey** (434 Devon Park Drive, Wayne, PA 19087) for installation of a diesel oil-fired electric emergency generator in Tredyffrin Township, **Chester County**.

**15-0109: Cypress Energy, LP** (Wall Street and Spring City Road, Phoenixville, PA 19460) for construction of an 870 Megawatt Combined Cycle Plant in East Pikeland Township, **Chester County**.

**15-0029C: Dopaco, Inc.** (241 Woodbine Road, Downingtown, PA 19335) for construction of a flexographic printing press in Downingtown Borough, **Chester County**.

**23-0002B: Stoney Creek Technologies, LLC** (3300 West 4th Street, Trainer, PA 19061) for installation of a thermal oxidizer in Trainer Borough, **Delaware County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**40-399-046: Bemis Co., Inc.** (Valmont Industrial Park, 20 Jaycee Drive, Hazleton, PA 18201) for construction of a photopolymer plate manufacturing process with associated air cleaning device in West Hazleton Borough, **Luzerne County**.

**40-399-047: Bemis Co., Inc.** (Valmont Industrial Park, 20 Jaycee Drive, Hazleton, PA 18201) for construction of a laser plate manufacturing process with associated air cleaning device in West Hazleton Borough, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**21-05045A: Metropolitan Edison Co. d/b/a GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for construction of 14 diesel-fired electrical generating units at the Allen Substation in Monroe Township, **Cumberland County**.

**67-05085A: Metropolitan Edison Company d/b/a GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for construction of 14 diesel-fired electrical generating units at the Cly Substation in Newberry Township, **York County**.

**67-05086A: Metropolitan Edison Company d/b/a GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for construction of nine diesel-fired electrical generating units at the Hill Substation in Shrewsbury Township, **York County**.

**67-05087A: Metropolitan Edison Company d/b/a GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for construction of six diesel-fired electrical generating units at the Pleasureville Substation in Springettsbury Township, **York County**.

**67-05088A: Metropolitan Edison Company d/b/a GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for construction of 10 diesel-fired electrical generating units at the Roundtop Substation in Warrington Township, **York County**.

**67-05089A: Metropolitan Edison Company d/b/a GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for construction of 10 diesel-fired electrical generating units at the Westgate Substation in York City, **York County**.

**67-05090A: Metropolitan Edison Company d/b/a GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001)

for construction of 10 diesel-fired electrical generating units at the Yoe Substation in Windsor Township, **York County**.

**67-05091A: Metropolitan Edison Company d/b/a GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for construction of 12 diesel-fired electrical generating units at the Yorkana Substation in Lower Windsor Township, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

**17-302-023: Dubois Regional Medical Center** (100 Hospital Avenue, Clearfield, PA 15801) for construction of three 20,921,875 BTU per hour natural gas/# 2 fuel oil fired boilers in the City of Dubois, **Clearfield County**. These boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

**49-301-015A: Wildwood Cemetery Co.** (1151 Cemetery Street, Williamsport, PA 17701) for construction of a crematory incinerator with integral secondary combustion chamber at Pomfret Manor Cemetery in the City of Sunbury, **Northumberland County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222.*

**04-00498A: Worldclass Processing Corp.** (21 Century Drive, Ambridge, PA 15003) for installation of a fan and scrubber system at the Ambridge Plant in Ambridge Borough, **Beaver County**.

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

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**09-0124A: S.W.E.C., LLC, 5000** (Dominion Boulevard, Glen Allen, VA 23060) for construction of a 550 MW combined-cycle electric power generation plant at their plant in the USX Industrial Park in Falls Township, **Bucks County**. The plant will include two combined-cycle combustion turbines, two respective heat recovery steam generators and a single steam turbine. The emissions from the plant will be controlled by selective catalytic reduction and a catalytic oxidizer. The sources and air pollution control devices are described in the applicant's application of December 19, 1999, and subsequent submissions.

Based on the information provided by the applicant and DEP's own analysis, this operation will emit 296 tons per year of nitrogen oxides, 110 tons per year of volatile organic compounds, 341 tons per year of carbon monoxide, 183 tons per year of particulate matter. These emissions will consume the following the Prevention of Significant Deterioration air quality increments available in the area of the maximum impact of the source:

Pollutant	Averaging Time	Maximum
		Modeled Impact
		$\mu\text{g}/\text{m}^3$
CO	1-hour	29.3
CO	8-hour	5.0
NO <sub>2</sub>	Annual	0.2
PM-10	24-hour	3.5
PM-10	Annual	0.3

In order to assure compliance with the applicable standards, DEP will place the following conditions on the plan approval:

### General Requirements

A. This Plan Approval is issued to the owner and operator for the construction of a combined cycle electric generating plant with a nominal output of 550 megawatts. The plant includes the following sources and associated air pollution control devices:

i. Two GE 7FA combined cycle combustion turbines, each equipped with a heat recovery steam generator with duct burners, and one single steam turbine. The emissions are controlled by dry low NO<sub>x</sub> combustion, a selective catalytic reduction system, and an oxidation catalyst system.

ii. Cooling tower equipped with mist eliminators.

iii. One auxiliary boiler rated at 41 million Btu heat input per hour.

iv. One diesel fired emergency pump rated at 280 HP.

B. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval, provided the following conditions are met:

i. The Department must receive written notice from the owner/operator of the completion of construction and the operator's intent to commence operation at least 5 working days, prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

ii. Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

iii. This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the owner/operator pursuant to Subpart (a), above.

iv. The owner/operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted, in writing, at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established.

v. The notice submitted by the owner/operator under Subpart i, above, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

vi. The emission reduction credit (ERC) use and transfer are approved by the Department.

C. This approval to construct shall become invalid if:

i. Construction, as defined in 40 CFR 52.21(b)(8), has not commenced within 18 months from the issue date of this Plan Approval; or

ii. Construction is discontinued for a period of 18 months or more; or

iii. Construction is not complete within a reasonable time as defined in the Plan Approval Application.

D. The Department may grant extensions to the Plan Approval deadlines regarding commencement of construction and completion of construction. Requests for extension shall comply with the "Policy of PSD Construction Deadline and Plan Approval Extensions." The policy contains a provision that extension requests must be received by the Department prior to expiration and with sufficient time to respond to the request prior to expiration (generally at least 4 months prior to expiration).

i. The extension request must include justification explaining why construction did not commence as scheduled. The request must include a revised schedule that shows when construction will be initiated. The schedule shall also show that construction will be continuous after construction is initiated.

ii. A responsible representative of the applicant must sign the extension request.

### New Source Review (NSR) and Emission Reduction Credits (ERC) Requirements:

A. The owner and operator shall comply with all the requirements of 25 Pa. Code § 127.208 - ERC Use and Transfer Requirements prior to the initial startup of any of the sources specified above.

B. The owner and operator shall provide ERC at a 1.3:1.0 ratio to offset the nitrogen oxides (NO<sub>x</sub>) emissions of 296 tons per year and volatile organic compounds (VOC) emissions of 110 tons per year. The required ERC are 384.8 tons of NO<sub>x</sub> and 143.0 tons of VOCs.

### New Source Performance Standards Requirements:

The combustion turbines are subject to Subpart GG, the duct burners are subject to Subpart Da, and the auxiliary boiler is subject to Subpart Dc of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of the Subparts. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to: Director, Air Protection Division, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103.

### Acid Rain Requirements:

A. Upon start-up, the facility is subject to the applicable requirements contained in 40 CFR Parts 72—78. In addition, the facility is subject to the applicable requirements contained in 25 Pa. Code § 127.531, regarding special conditions related to acid rain.

B. The owners and operators of each affected source and each affected unit at the source shall:

i. Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and,

ii. Have an Acid Rain permit.

### NO<sub>x</sub> Allowance Requirements

A. The facility shall comply with the applicable regulations contained in 25 Pa. Code §§ 123.101—123.120.

B. The owner and operator shall establish a compliance account prior to the commencement of operations and shall be responsible to acquire any required NO<sub>x</sub> allowances from those available in the NATS (25 Pa. Code § 123.117(a)).

C. The owner and operator shall comply with Chapter 145 of the Department's Rules and Regulations.

*Operating Requirements:*

A. Each unit and its associated air cleaning devices shall be installed, maintained and operated in accordance with manufacturers' specifications and good air pollution control practices.

B. The combustion turbines shall fire natural gas as primary fuel and No. 2 oil as secondary fuel. Only one combustion turbine shall be allowed to fire No. 2 fuel oil at any given time. The burning of No. 2 oil shall, in total, not exceed 720 hours per year in a 12-month rolling sum.

C. The duct burners and the auxiliary boiler shall fire natural gas only.

D. The auxiliary boiler shall not be operated at any time when the combustion turbine and/or the duct burner are in operation.

E. The operation of the fire pump shall not exceed 500 hours in a consecutive 12-month rolling sum. Equipment (a timer or equivalent) shall be provided on the fire pump so that at the request of the Department the total operating hours of the fire pump can be measured.

F. The dissolved/suspended solids in the cooling tower blow down water shall not exceed 1,000 ppm by weight.

G. The following condition applies to the start-up or shutdown of each combustion turbine:

i. A cold start-up shall be defined as an event that occurs after the combustion turbine has not been operating for at least 48 hours. A cold start-up shall not last longer than 5 hours after ignition.

ii. A warm start-up shall be defined as an event that occurs after the combustion turbine has not been operating for 8 to 48 hours. A warm start-up shall not last longer than 3 hours after ignition.

iii. A hot start-up shall be defined as an event that occurs after the combustion turbine has not been operating for less than 8 hours. A hot start-up shall not last longer than 1.5 hours after ignition.

iv. The emissions from a start-up or shutdown shall be included in the 12-month rolling sum.

v. The short-term emission limitations contained below do not apply during start-up and shutdown of the combustion turbines.

vi. A shut down commences with the termination of fuel injection into the combustion chamber(s).

H. The catalytic oxidizer shall be operated at all times when the combustion turbines and/or the duct burners are operating. A minimum catalytic bed temperature of 800(F shall be maintained to ensure that the carbon monoxide (CO) emission limitations specified below are met.

I. The selective catalytic reduction system shall be operated at all times when the combustion turbines and/or the duct burners are operating. A minimum catalytic bed temperature of 500(F shall be maintained to ensure that the nitrogen oxides (NO<sub>x</sub>) emission limitations specified below are met.

*Emission Limitations*

A. The emissions from each combustion turbine firing natural gas shall not exceed the limitations specified below:

<i>Pollutants</i>	<i>ppmvd@ 15%O<sub>2</sub>*</i>	<i>lb./MMBtu*</i>
Nitrogen Oxides (NO <sub>x</sub> )	3.0	
Volatile Organic Compounds (VOC)**		0.002
Carbon Monoxide (CO)	3.0	
Particulate Matter (PM and PM-10))		0.004
Sulfur Dioxide (SO <sub>2</sub> )		0.002
Ammonia Slip Concentration	10	

\* The emission limit, when firing natural gas, shall be calculated as a one-hour average.

\*\* The VOC emissions shall be reported as methane.

B. VOC emissions shall not exceed 0.0072 lb/MMBtu as methane when the turbines firing No.2 fuel oil.

C. NO<sub>x</sub> emissions shall not exceed 10 ppmvd at 15% O<sub>2</sub>, when the turbines firing No.2 fuel oil.

D. The emissions from the auxiliary boiler shall not exceed the limitations specified below:

<i>Pollutants</i>	<i>Emission Limits</i>
Nitrogen Oxides	0.035 lb/MMBtu
Volatile Organic Compounds (VOC)	0.003 lb/MMBtu
Carbon Monoxide (CO)	0.037 lb/MMBtu
Particulate Matters (PM)	0.010 lb/MMBtu
Sulfur Dioxide (SO <sub>2</sub> )	0.002 lb/MMBtu

E. The emissions from the fire pump shall not exceed the limitations specified below:

<i>Pollutants</i>	<i>Emission Limits</i>
Nitrogen Oxides	7.2 gm/brake horse power-hour
Volatile Organic Compounds (VOC)	0.47gm/brake horse power
Carbon Monoxide (CO)	1.2gm/brake horse power
Particulate Matters (PM)	0.22gm/brake horse power
Sulfur Dioxide (SO <sub>2</sub> )	0.17gm/brake horse power

F. The PM emissions from the cooling tower shall not exceed 1.4 pounds per hour and 6.2 tons per year as a 12-month rolling sum.

G. The combined emissions from the entire facility shall not exceed the limitations specified below:

<i>Pollutants</i>	<i>Facility Annual Emission Limits (TPY)*</i>
Nitrogen Oxides	296
Volatile Organic Compounds (VOC)	110
Carbon Monoxide (CO)	341
Particulate Matter (PM)	183
Sulfur Dioxide (SO <sub>2</sub> )	72
Sulfur Acid (H <sub>2</sub> SO <sub>4</sub> ) Mist	4

\* The facility annual emission limits are a 12-month rolling sum calculated monthly. The facility annual emission limits include the emissions during startups and shutdowns.

*Continuous Source Monitoring Requirements:*

A. The combustion turbines shall be equipped with continuous monitoring systems to monitor and record nitrogen oxides (NO<sub>x</sub>) emissions, carbon monoxide (CO) emissions, oxygen (O<sub>2</sub>) content in the flue gas, and the flue gas flow rate.

B. The continuous emission monitoring systems for NO<sub>x</sub>, CO, O<sub>2</sub>, and the flue gas flow rate shall be approved by the Department and installed, calibrated, operated and maintained in accordance with the requirements of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.

C. The continuous emission monitoring system for the parameters above must be approved by the Department. The continuous emission monitoring system shall be installed, operated and maintained in accordance with the requirements of Chapter 139 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection. Proposals containing the information as listed in Phase I section of the Department's Continuous Source Monitoring Manual for the continuous emission monitoring system must be submitted at least 180 days prior to the start-up of each combined cycle combustion turbine.

D. Testing as listed in the Phase II section of the Department's Continuous Source Monitoring Manual must be completed for the CEMs no later than 180 days after initial source start-up date and no later than 60 days after the source achieves normal process capacity.

E. The final report as listed in the Phase III section of the Department's Continuous Source Monitoring Manual must be submitted no later than 60 days after the completion of testing.

F. The continuous monitoring systems shall be installed, maintained and operated to achieve the following data availability requirements:

*Monitored Pollutants or Parameters*

NO<sub>x</sub>, CO, O<sub>2</sub>, Flue gas flow rate

Data Availability	<ul style="list-style-type: none"> <li>• 90% valid hours/calendar month</li> <li>• 95% valid hours/calendar quarter</li> </ul>
Valid Hour	<ul style="list-style-type: none"> <li>• 75% valid readings (45minutes/hour)</li> </ul>

G. Equipment shall be installed, operated and maintained to continuously monitor and record the temperature of gases entering the catalytic oxidizer and the selective catalytic reduction system.

H. Equipment shall be installed, operated and maintained to continuously monitor and record the ammonia solution injection rate and the pH or ammonia concentration of the solution to the SCR system.

I. Equipment shall be installed, operated and maintained to continuously monitor and record the amount of natural gas and No. 2 fuel oil combusted in the combustion turbines and the duct burners.

*Recordkeeping Requirements*

A. The owner and operator shall maintain records on all air pollution control system performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment, which is subject to this Plan Approval.

B. The owner and operator shall maintain a copy of the manufacturer's specifications for the combustion turbines, the duct burners, cooling towers and air cleaning devices on-site.

C. The owner and operator shall maintain a copy of the manufacturer's specifications for all CEMs that are required by this Plan Approval.

D. The owner and operator shall keep a record of all the stack tests that are required in this Plan Approval.

E. The owner and operator shall keep a monthly record of the fuel usage.

F. The owner and operator shall keep a record of the date of any malfunction, the time period of the malfunction, the cause of the malfunction and the action taken to correct the malfunction.

G. The owner and operator shall keep a record, on a monthly basis, of the facility's emissions in order to demonstrate compliance with the emission limits in Condition 8 of this Plan Approval.

H. The owner and operator shall keep all records that are required under 40 CRF Part 60 Subparts Da, Dc and Gg, and 40 CFR Parts 72—78.

I. The owner and operator shall keep a record of each startup and shutdown of the combustion turbines and/or duct burners.

J. The owner and operator shall keep a record of the results of the testing for cooling tower blow down water total dissolved and suspended solids.

K. The owner and operator shall, on a monthly basis, keep a record of the hours when No.2 fuel oil is fired in the turbines.

*Testing Requirements*

A. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after the initial startup of the facility, the owner or operator shall conduct performance tests as per Section 60.8 and Subparts Gg and Dd of 40 CFR Part 60 and Chapter 139 of the Rules and Regulations of the Department.

B. The perform test shall be conducted on the gas turbines and the duct burners for nitrogen oxides, carbon monoxide, volatile organic compounds, sulfur dioxide, ammonia slip concentration and total particulate matter and PM<sub>10</sub>.

C. During the stack test, the following parameters shall be measured and recorded:

- The catalytic oxidation bed temperature;
- The ammonia solution flow rate in GPM and its pH.

D. At least 60 days prior to the test, the company shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

E. At least 30 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

F. Within 30 days after the source tests, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**NOTICE OF INTENT TO ISSUE A PLAN APPROVAL AND AMEND A TITLE V OPERATING PERMIT**

Under 25 Pa. Code § 127.521 the Department of Environmental Protection (DEP) intends to amend the Title V Operating Permit of **Alliance Sanitary Landfill, Inc.** (398 South Keyser Avenue, Taylor, PA 18517) for their facility in Taylor Borough, Old Forge Borough and Ransom Township, **Lackawanna County**. The facility currently has a Title V Operating **Permit No. 35-00011**.

This plan approval, which was approved by the Department for the Area II expansion operations, will be incorporated into the Title V Operating Permit through an amendment at a later date.

Plan Approval No. 54-322-004 is for construction of Municipal Solid Waste Landfill Area II and landfill gas extraction system with two enclosed landfill gas flares. The landfill gas and volatile organic compound (VOC) emissions from the Area II landfill will be controlled by enclosed landfill gas flares and the VOC emissions shall not exceed 40 tons per year. Although the sources covered by this plan approval may be located at a major facility, the construction does not trigger major new source review or prevention of significant deterioration requirements. The plan approval limits VOC emissions from this Area II expansion operation to 40.0 tons per year.

The plan approval contains following conditions.

(1) The owner/operator shall install an interim landfill gas collection system, as submitted to the Department, for each pad. This interim gas collection system shall effectively capture the landfill gas within the landfill expansion within 18 months from the start of placement of waste in a pad. The interim collection and control system shall at all times keep the Area II landfill expansion's VOC emissions to less than 40 tons per year.

(2) Both interim and final collection system shall be designed to minimize offsite migration of the subsurface gas.

(3) The company shall maintain and demonstrate at least at 75% collection efficiency for the landfill gas collection system of Area II expansion operation.

(4) Under the Best Available Control Technology provisions of 25 Pa. Code § 127.129(a)(5) of Chapter 127 of the Rules and Regulations of the Department of Environmental Protection the following requirements are hereby established for each of the flares:

a) The flare must be enclosed ground type, which is shrouded with no visible flame shooting from the flare.

b) A minimum operating temperature of 1500°F shall be maintained for at least 0.3 second.

c) The flare shall be equipped with a continuous pilot ignition source using an auxiliary fuel, for example propane, natural gas.

d) The flare shall be equipped with an automatic shut-off mechanism designed to immediately stop the flow of gases when a flame-out occurs.

e) The flue gas temperature shall be measured and recorded.

f) The flare shall be designed for and operated with no visible emissions except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

(5) Source tests shall be conducted within 120 days after start-up for: a) the destruction/ removal efficiency (DRE) of at least 98% (by weight) for total nonmethane organic compounds; and b) NO<sub>x</sub> (measured as NO<sub>2</sub>). The Department reserves the right to require owner or operator to conduct the further test at any time after the initial compliance tests.

Source tests shall be conducted in accordance with the Department's Source Testing Manual. Test procedures are to be approved by the Department prior to actual testing.

(6) The operating temperature of the combustion system shall be continuously measured and recorded. The temperature shall be monitored and maintained at the

minimum temperature achieved during the performance test in which compliance with the DRE requirement was demonstrated.

(7) Temperatures shall be recorded whenever the flare is in operation. The recording charts shall be made available to the Department personnel upon request. These records shall be maintained for a period of time not less than 2 years.

(8) Issuance of an operating permit will be contingent upon the satisfactory demonstration that the visible emissions from the aforementioned source will not exceed zero percent opacity (except for periods not to exceed a total of 5 minutes during any 2 consecutive hours), as determined by Chapter 127.1 (Best Available Technology) of Chapter 127 of the Rules and Regulations of the Department of Environmental Protection.

(9) *Roads and Their Maintenance*

a) Roads in the Expansion Area II shall be wetted when weather permitting, using water or other dust control measures as approved by the Department to minimize fugitive emissions of dust as required by 25 Pa. Code §§ 123.1 and 123.2.

b) A log book shall be kept to demonstrate compliance with the above.

(10) *Recording and Reporting Requirements*

a) The owner/operator shall forecast, on an annual basis, both the potential and actual VOC emissions for the following year. Actual VOC emission estimates shall include current and scheduled collection system configurations for the forecast year. If the forecast indicates that the existing and scheduled landfill gas collection and control system is not sufficient to maintain emissions of VOC from the expansion area II below the threshold of 40 tons per year, additional collection and/or control shall be installed within 6 months of the forecast to ensure that the VOC emissions do not exceed the 40 tons per year emission limit.

b) Records required under this Plan Approval shall be kept for a minimum period of 2 years and shall be made available to the Department upon its request.

(11) This Area II expansion landfill is subject to Subpart WWW of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals, and other communications to both EPA and the Department. The EPA copies shall be forwarded to Director, Air, Toxics and Radiation Division, US EPA, Region III, 1650 Arch Street.

### MINING ACTIVITY APPLICATIONS

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



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

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

#### *Coal Applications Received*

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

**40663024R3. Coal Contractors (1991), Inc.**, (P. O. Box 639, Nuremberg, PA 18241-0639), renewal of an anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 925.0 acres, receiving stream—none. Application received March 7, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**65840119. Derry Stone & Lime Co., Inc.** (R. D. 5, Box 34, Latrobe, PA 15650). Transfer application received to transfer M.B Energy, Inc. to Derry Stone & Lime Co., Inc. for continuing commencement, operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County** affecting 643.7 acres.

Receiving streams unnamed tributaries to Stony Run and McGee Run to Conemaugh River. Transfer application received: February 27, 2001.

**65970103. Derry Stone & Lime Co., Inc.** (R. D. 5, Box 34, Latrobe, PA 15650). Transfer application received to transfer M.B Energy, Inc. to Derry Stone & Lime Co., Inc. for continuing commencement, operation, and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County** affecting 105 acres. Receiving streams unnamed tributaries to Stony Run and McGee Run to Conemaugh River. Transfer application received: February 27, 2001.

**03743055. Terry Reddinger** (Box 58, Distant, PA 16223). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Madison Township, **Armstrong County**, affecting 96.7 acres. Receiving stream: unnamed tributary to Mahoning Creek. Renewal application received: March 12, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**56010103. Hoffman Mining, Inc.** (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), commencement, operation and restoration of bituminous surface-auger mine in Shade Township, **Somerset County**, affecting 95.5 acres, receiving stream unnamed tributaries to Oven Run to Stony Creek River. Application received February 22, 2001.

**56830114.** Permit Renewal for reclamation only, **Hill-top Mining, Inc.** (126 Bronco Drive, Berlin, PA 15530), for continued restoration of a bituminous surface mine in Summit Township, **Somerset County**, affecting 106.92 acres, receiving stream unnamed tributary to Bigby Creek, Bigby Creek, and unnamed tributary to Casselman River. Application received March 2, 2001.

**56960104.** Permit Renewal for reclamation only, **Shade Mining Company** (118 Runway Road, P. O. Box 130, Friedens, PA 15541), for continued restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 34.4 acres, receiving stream unnamed tributaries to Oven Run. Application received March 1, 2001.

**56960102.** Permit Renewal for reclamation only, **Hoffman Mining, Inc.** (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), for continued restoration of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 196.0 acres, receiving stream Weaver Run to Paint Creek. Application received March 1, 2001.

**56980102.** Permit Revision, **Hoffman Mining, Inc.** (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), to include auger mining in Shade Township, **Somerset County**, affecting 92.7 acres, receiving stream unnamed tributaries to Oven Run. Application received March 6, 2001.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.*

**02743703. LTV Steel Company, Inc.**, to renew the permit for the Russellton #2 Coal Refuse Disposal Area in West Deer and Indiana Townships, **Allegheny County**. Receiving stream: no additional discharges. Application received: December 14, 2000.

**17841607. Fuel Fabricators, Inc.**, to renew the permit for the Fuel Fabricators' Coal Preparation Plant in Bradford Township, **Clearfield County**. Receiving stream: no additional discharges. Application received: January 12, 2001.

**32901601. Millcreek Processing**, to renew the existing permit for the Challenger Coal Yard in East Wheatfield Township, **Indiana County**. Receiving stream: no additional discharges. Application received: February 6, 2001.

**30841601. Consolidation Coal Co.**, to renew the permit for the Robena Prep. Plant in Monongahela Township, **Greene County**. Receiving stream: no additional discharges. Application received: February 23, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**37840101. Kerry Coal Company** (R. R. 2, Box 2139, Wampum, PA 16157). Renewal of an existing bituminous surface strip, auger and tipple refuse disposal operation in Little Beaver and Darlington Townships, **Lawrence and Beaver Counties** affecting 655.6 acres. Receiving streams: Six unnamed tributaries of the North Fork of Little Beaver Creek and the North Fork of Little Beaver Creek. Application received March 6, 2001.

**33800134. Planet Mining, Inc.** (R. D. 6, Box 231, Kittanning, PA 16201). Renewal of an existing bituminous surface strip operation in Knox Township, **Jefferson County** affecting 111.5 acres. Receiving streams: Three unnamed tributaries to Indian Camp Run. Application for reclamation only. Application received March 6, 2001.

**33860102. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip and auger operation in Oliver Township, **Jefferson County** affecting 465.0 acres. Receiving streams: Unnamed tributary of Little Sandy Creek. Application for reclamation only. Application received March 8, 2001.

#### *Coal Applications Returned*

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**1316-24930102-E-4. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853). Application for a stream encroachment to mine through and reconstruct a portion of unnamed tributary "B" to Brandy Camp Creek in Horton Township, **Elk County**. Receiving streams: Unnamed tributary of Johnson Run and unnamed tributary of Brandy Camp Creek. Application received August 31, 2000. Application returned: March 7, 2001.

#### *Noncoal Applications Received*

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

**38950301T. Haines & Kibblehouse, Inc.**, (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), transfer of an existing quarry operation from Sheridan Corporation in Cornwall Borough, **Lebanon County** affecting 175.5 acres, receiving stream - Snitz Creek. Application received March 2, 2001.

**38950301T. Haines & Kibblehouse, Inc.**, (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit #PA0223646 in Cornwall Borough, **Lebanon County** receiving stream - Snitz Creek. Application received March 2, 2001.

**38970301T. Haines & Kibblehouse, Inc.**, (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), transfer of an existing quarry operation from Sheridan Corporation in Cornwall Borough, **Lebanon County** affecting 194.1 acres, receiving stream - Snitz Creek. Application received March 2, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**37010301. Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Commencement, operation and restoration of a limestone operation in Slippery Rock Township, **Lawrence County** affecting 197.0 acres. Receiving streams: Nine unnamed tributaries to Slippery Rock Creek. Application received March 5, 2001.

**5380-37010301-E-1. Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Application for a stream encroachment to allow mining and support activities within 100 feet but no closer than 25 feet of Unnamed Tributary 1 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: Nine unnamed tributaries to Slippery Rock Creek. Application received March 5, 2001.

**5380-37010301-E-2. Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Application for a stream encroachment to mine through and reconstruct a replacement channel and permanent impoundment of a segment of Unnamed Tributary 3 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: Nine unnamed tributaries to Slippery Rock Creek. Application received March 5, 2001.

**5380-37010301-E-3. Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Application for a stream encroachment to mine through and reconstruct a segment of Unnamed Tributary 4 to Slippery Rock Creek and also to allow mining and support activities within 100 feet but no closer than 25 feet of the stream below the reconstruction segment in Slippery Rock Township, **Lawrence County**. Receiving streams: Nine unnamed tributaries to Slippery Rock Creek. Application received March 5, 2001.

**5380-37010301-E-4. Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Application for a stream encroachment to construct a temporary stream crossing; allow mining and support activities within 100 feet but no closer than 25 feet; and to mine through and reconstruct a segment of Unnamed Tributary 6 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: Nine unnamed tributaries to Slippery Rock Creek. Application received March 5, 2001.

**5380-37010301-E-5. Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Application for a stream encroachment to mine through and reconstruct a segment of Unnamed Tributary 9 to Slippery Rock Creek and also to allow mining and support activities within 100 feet but no closer than 25 feet of the stream above the reconstruction segment in Slippery Rock Township, **Lawrence County**. Receiving streams: Nine unnamed tributaries to Slippery Rock Creek. Application received March 5, 2001.

**5380-37010301-E-6. Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Application for a stream encroachment to mine through and reconstruct Unnamed Tributary 10 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: Nine unnamed tributaries to Slippery Rock Creek. Application received March 5, 2001.

**5380-37010301-E-7. Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Application for a stream encroachment to allow support activities within 100 feet but no closer than 25 feet of Unnamed Tributary 8 to Slippery Rock Creek in Slippery Rock Township,

**Lawrence County.** Receiving streams: Nine unnamed tributaries to Slippery Rock Creek. Application received March 5, 2001.

**FEDERAL WATER POLLUTION CONTROL ACT,  
SECTION 401**

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted above the application.

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

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

**WATER OBSTRUCTIONS & ENCROACHMENTS**

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

**E13-126. Borough of Nesquehoning,** 114 West Catawissa Street, Nesquehoning, PA 18240, Borough of Nesquehoning, **Carbon County,** ACOE Philadelphia District.

To repair and maintain the existing steel I-beam bridge, having a clear span of approximately 64 feet and an underclearance of approximately 9.8 feet, across Nesquehoning Creek. Work will include repairing the bridge backwall, replacing masonry plates and anchor bolts at beam bearings, and overlaying the deck surface. The project is located along Mermon Avenue, approxi-

mately 2,200 feet northeast of the intersection of S.R. 0209 and S.R. 0054. (Nesquehoning, PA, Quadrangle N: 21.3 inches; W: 8.8 inches).

**E35-335. Pennsylvania Department of Environmental Protection,** Bureau of Abandoned Mine Reclamation, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790. Grassy Island Creek Channel Rehabilitation in Jessup Borough, **Lackawanna County,** ACOE Baltimore District

To rehabilitate approximately 1,200 L.F. of the channel of Grassy Island Creek; and to remove the existing structure and construct and maintain a 12.0-foot x 8.0-foot box culvert in Grassy Island Creek. The channel will be constructed using the principles of fluvial geomorphology, and will incorporate a series of pools and riffles/steps, rock vanes, cross vanes and rip rap. The project is part of an abandoned mine reclamation project known as OSM 35 (2090) 101.1-Jessup Cemeteries and is located immediately upstream of the Lackawanna County Railroad Authority culvert. Olyphant, PA Quadrangle N: 18.2 inches; W: 8.2 inches.

**E39-396. Ronald A. Lokay,** 5785 Haasadah Road, Orefield, PA 18069. Pedestrian Bridge and Storage Building-Hassen Creek, in Upper Macungie Township, **Lehigh County,** ACOE Philadelphia District

To construct and maintain a single-span wooden pedestrian bridge, having a span of approximately 42 feet and an underclearance of 9.8 feet across Hassen Creek (HQ-CWF) to provide access to an existing barn and land along the left bank of the creek; and to construct and maintain a 24-foot x 20-foot storage building in the floodway along the right bank of Hassen Creek. The project is located at a private residence located along Haasadah Road (S.R. 4004), approximately 2 miles west of S.R. 0309. Allentown West, PA Quadrangle N: 21.2 inches; W: 16.0 inches.

**E39-397. Lower Macungie Township,** 3400 Brookside Road, Macungie, PA 18062-1427. Macungie Road Bridge across Little Lehigh Creek in Lower Macungie Township, **Lehigh County,** ACOE Philadelphia District.

To repair and maintain a 2-span bridge across Little Lehigh Creek (HQ-CWF), with work consisting of installing guide rail, repairing spalling and cracking in the concrete pier and abutments, removing debris and sediment from the channel, and placing rip rap around the base of the pier and abutments for scour protection. The bridge has two spans (27 feet and 24 feet) and an average underclearance of approximately 4.5 feet, and is located along T-504, approximately 0.7 mile west of the PA Turnpike, Northeast Extension. (Allentown West, PA Quadrangle N: 6.0 inches; W: 5.0 inches).

**E40-474A. TFP Limited,** 1140 Route 315, Wilkes-Barre, PA 18711. The Arena Hub Wetland Replacement in Wilkes-Barre Township, **Luzerne County,** ACOE Baltimore District.

To amend DEP Permit No. E40-474, which authorizes the construction and maintenance of a stream enclosure of Coal Brook (CWF), consisting of approximately 1,633 L.F. of 66-inch aluminized steel pipe with an improved (side-tapered) inlet, and the placement of fill in 2.05 acres of wetlands, for the purpose of constructing a retail-commercial shopping center (The Arena Hub). The amendment proposes a revised wetland replacement plan utilizing an off-site location within the drainage basin of Big Wapwallopen Creek, at the Blue Ridge Trail Golf Course, Dorrance Township. The amendment may include

a minor extension/realignment of the downstream and of the stream enclosure. The project is located south of Mundy Street and north of Interstate 81 approximately 1.0 mile southwest of the Interchange 47. Wilkes-Barre East, PA Quadrangle N: 21.1 inches; W: 12.5 inches.

**E45-405. Robert Brown**, 708 Horizon Drive, Stroudsburg, PA 18360. Wetland Encroachment - Maplewood Estates - Lot 4, Block 2, in Stroud Township, **Monroe County**, ACOE Philadelphia District.

To place fill in 0.16 acre of wetlands for the construction of a single-family dwelling, attached garage and driveway. The project is located on Longwood Drive, approximately 0.5 mile northeast of the intersection of S.R. 0611 and S.R. 2016 (Phillips Street). The applicant proposes to contribute to the Pennsylvania Wetlands Replacement Project in lieu of replacing wetlands on site. Stroudsburg, PA-NJ Quadrangle N: 21.8 inches; W: 10.9 inches.

**E52-170. Cable Vision of Oakland**, 40 Potash Road, Oakland, NJ 07436. Fiber Optics/Coaxial Cable over the Delaware River in Matamoras Borough, **Pike County**, ACOE Philadelphia District.

To install and maintain a fiber optics/coaxial cable utility line crossing of the Delaware River. The cable will be attached to the S.R. 0006 Bridge between Matamoras, PA and Port Jervis, NY and will be installed at a minimum height of 18 feet above the top of existing pavement. The project is located along Pennsylvania Avenue. Port Jervis South NY-NJ-PA Quadrangle N: 22.0 inches; W: 10.0 inches.

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

**E02-14025. Lane Construction Corporation**, 1 Rutgers Road, Second Floor, Pittsburgh, PA 15205. McKees Rocks Borough, **Allegheny County**, ACOE Pittsburgh District.

To amend Permit No. E02-14025 which authorized the construction of a dock on the left bank of the Ohio River (WWF) near River Mile 3.0. (Pittsburgh West, PA Quadrangle N: 17.6 inches; W: 6.8 inches). This amendment will authorize an expansion to the dock facility and its mooring area.

**E65-772. Rostraver Township Board of Commissioners**, 201 Port Royal Road, Rostraver, PA 15012. Rostraver Township, **Westmoreland County**, ACOE Pittsburgh District.

To rehabilitate, operate and maintain the existing Rostraver Township Bridge No. 3 having a normal span of 18.6 feet and an underclearance of 8.6 feet across Speers Run (WWF) located on Township Road 3003. (Donora, PA Quadrangle N: 2.5 inches; W: 14.4 inches).

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6945.*

**E20-497. Titusville Redevelopment Authority**, P. O. Box 425, Titusville, PA 16354. Walnut Street Bridge Replacement, in City of Titusville, **Crawford County**, ACOE Pittsburgh District (Titusville North, PA Quadrangle N: 0.75 inch; W: 6.4 inches).

To conduct the following activities associated with the Walnut Bridge Replacement Project located approximately 50 feet east of North Martin Street:

1) The removal of the existing steel beam and concrete slab Walnut Street Bridge over Church Run and associated stone masonry abutments

2) The construction and maintenance of a single cell precast box culvert bridge in Church Run with a clear span of approximately 22 feet, a culvert length of approximately 105 feet, and a 45-degree skew angle to the roadway

3) The relocation of a portion of an existing storm sewer and headwall

4) The relocation of an existing water line that crosses under Church Run.

**E24-216, North Central Enterprise, Inc.**, 201 Stackpole Street, St. Marys, PA 15857. Stackpole Industrial Complex, in City of St. Marys, **Elk County**, ACOE Pittsburgh District (Saint Marys, PA Quadrangle N: 10.2 inches; W: 7.2 inches).

To conduct the following activities in and along Elk Creek and a tributary to Elk Creek and mapped FEMA Floodway areas at the Stackpole Industrial Complex between Curry Street and Tannery Street northwest of Stackpole Street:

1. To remove the existing structure and to construct and maintain a precast concrete box culvert having a 15-foot wide by 8-foot high waterway opening in Elk Creek on Tannery Street approximately 700 feet north of Stackpole Street.

2. To construct and maintain a trashrack in and across the channel of Elk Creek approximately 50 feet upstream of Tannery Street.

3. To remove an existing trashrack and culverts in Elk Creek approximately 50 feet downstream of Tannery Street, restoring approximately 30 feet of open channel having a bottom width of 15 feet and 2:1 vegetated side slopes.

4. To replace the superstructure and maintain a prefabricated steel beam bridge (Bridge A) having a structure length of 33 feet, providing a clear waterway span of approximately 20 feet and an underclearance of 7 feet across Elk Creek approximately 350 feet downstream of Tannery Street.

5. To replace the superstructure and maintain a prefabricated steel beam bridge (Bridge B) having a structure length of 33 feet, providing a clear waterway span of approximately 20 feet and an underclearance of 7 feet across Elk Creek approximately 530 feet upstream of Stackpole Street.

6. To replace the superstructure and maintain a prefabricated steel beam bridge (Bridge C) having a clear span of approximately 20.5 feet and an underclearance of 5.7 feet across Elk Creek approximately 240 feet upstream of Stackpole Street.

7. To remove fencing and debris in and along approximately 100 feet of the channel of a tributary to Elk Creek approximately 400 feet upstream of its confluence with Elk Creek.

8. To construct and maintain four stormwater outfalls, two to Elk Creek downstream of Tannery Street and two to a tributary to Elk Creek 70 feet and 230 feet upstream of its confluence with Elk Creek.

**E37-137, Roger McKissick**, 2866 Bob White Drive, Duluth, GA 30096. McKissick Small Projects Permit, in Scott Township, **Lawrence County**, ACOE Pittsburgh District (Harlansburg, PA Quadrangle N: 3.5 inches; W: 15.2 inches).

To remove a deteriorating timber deck bridge and to construct and maintain a 60-inch corrugated metal cul-

vert and concrete headwall on the upstream side of an unnamed tributary to Big Run, located on a private drive approximately 1,000 feet west of the intersection of Glass Road and Hall Road.

**E62-376, Sheffield Volunteer Fire Department**, 318 South Main Street, Sheffield, PA 16347. Sheffield Volunteer Fire Department Parking Lot, in Sheffield, **Warren County**, ACOE Pittsburgh District (Sheffield, PA Quadrangle N: 13.8 inches; W: 4.5 inches).

To operate and maintain approximately 2 feet of fill in the floodway at the confluence of the West Branch Tionesta Creek and Two Mile Creek associated with the construction of a parking lot located on the land adjacent to the Sheffield Volunteer Fire Department within Village of Sheffield, placed prior to obtaining a permit.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D67-536, Logan's Reserve, LLC**, 9901 Langs Road, Baltimore, MD 21220. To modify, operate and maintain Logan's Reserve Pond #3 Dam across a tributary to East Branch Codorus Creek (CWF), directly and indirectly impacting 0.67 acre of wetlands (PEM) and 400 feet of stream and providing a minimum of 0.7 acre of wetland mitigation, for the purpose of irrigation and stormwater management for a golf course and residential development (Glen Rock, PA Quadrangle N: 21.52 inches; W: 13.3 inches) Springfield Township, **York County**.

### ACTIONS

#### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

#### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

#### I. Municipal and Industrial Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

**NPDES Permit No. PA0058254.** Sewage. **Father Patrick O'Neill**, 8901 Dickens Avenue, Miami Beach, FL 33154. Is authorized to discharge from a facility located in Douglass Township, **Montgomery County** into receiving waters named West Branch Perkiomen Creek and Perkiomen Watershed.

**NPDES Permit No. PA0053970.** Sewage. **Dawn Holding, L.P.**, 215 West Church Street, King of Prussia, PA 19406. Is authorized to discharge from a facility located at Martin's Mobile Home Village in West Nottingham Township, **Chester County** into an unnamed tributary to Northeast Creek.

**NPDES Permit No. PA0058131.** Sewage. **North 100 Partner L.P.**, 75 East Uwchlan Avenue, Exton PA 19341. Is authorized from a facility located in East Nantmeal Township, **Chester County** into receiving waters named Beaver Run.

**WQM Permit No. 4600431.** Sewerage. **James J. Gorman**, 1426 Rose Glen Road, Gladwyne, PA 19035. Applicant is granted approval for the construction and operation of a single residence STP located in Lower Merion Township, **Montgomery County**.

**WQM Permit No. 4600416.** Sewage. **HPC Associates**, Two Neshaminy Interplex, Suite 301, Trevoise, PA 19053. Applicant is granted approval to replace the existing equipment at the Meadowbrook Apartment Complex located in Abington Township, **Montgomery County**.

**WQM Permit No. 0900420.** Sewage. **Warren Manger**, 130 Beaumont Drive, Newtown, PA 18940. Applicant is granted approval for the construction and operation of sewage treatment plant to serve a residential dwelling located in Upper Makefield Township, **Bucks County**.

**WQM Permit No. 2301401.** Sewage. **Concord Township Sewer Authority**, 664 Concord Township Road, Glen Mills, PA 19342. Applicant is granted approval for the construction and operation of a pump station and forcemain to serve the proposed Windmill Creek II subdivision located in Concord Township, **Delaware County**.

**WQM Permit No. 1597404. Amendment No. 1** Sewage. **East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348. Applicant is granted approval for the construction and operation of a dechlorination system to the existing Baltimore Pike wastewater treatment plant located in East Marlborough Township, **Chester County**.

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

**NPDES Permit No. PA-0008346,** Industrial Waste, **Pennsylvania-American Water Company**, Northeast District, 20 East Union Street, Wilkes-Barre, PA 18701-1397.

This proposed facility is located in Harmony Township, **Susquehanna County**.

Description of Proposed Action/Activity: to discharge from a facility to East Branch Canawacta Creek

**NPDES Permit No. PA-0063461,** Sewage, **Mehoopany Township**, Schoolhouse Hill Road, Mehoopany, PA 18629.

This proposed facility is located in Mehoopany Township, **Wyoming County**.

Description of Proposed Action/Activity: to discharge to the Little Mehoopany Creek.

**NPDES Permit No. PA-0063428**, Sewerage, **Blue Mountain Ski Area**, Box 201, 127 Harvard Avenue, Palmerton, PA 18072.

This proposed facility is located in Lower Towamensing Township, **Carbon County**.

Description of Proposed Action/Activity: to discharge from a facility to Buckwha Creek.

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

**WQM Permit No 0501401**, Sewerage. **Municipal Authority of the Borough of Bedford**, 244 West Penn Street, Bedford, PA 15222. This permit approves the construction/operation of Sewers and Appurtenances in Bedford Borough, **Bedford County**.

**NPDES PA0087041**, Sewage. **Klaas Bakker, Inc.**, (Lake-In-Wood Campground), 576 Yellow Hill Road, Narvon, PA 17555-9335 is authorized to discharge from a facility located Brecknock Township, **Lancaster County** to an unnamed tributary of Black Creek in Watershed 7-J.

**NPDES PA0023442**, Sewage. **Wrightsville Borough Municipal Authority**, 129 South Second Street, P. O. Box 187, Wrightsville, PA 17368 is authorized to discharge from a facility located Wrightsville Borough, **York County** to the Susquehanna River in Watershed 7-I.

**NPDES PA0070106 Amendment No. 2**, Sewage. **Reading Terminals Corporation**, (Tuckerton Bulk Storage Facility), P. O. Box 2621, Harrisburg, PA 17105 is authorized to discharge from a facility located in Muhlenberg Township, **Berks County** to the receiving waters named Laurel Run.

**NPDES PA0012319**, Sewage. **Textile Chemical Company, Inc.**, (Pottsville Pike Facility), P. O. Box 13788, Reading, PA 19612-3788 is authorized to discharge from a facility located in Ontelaunee Township, **Berks County** to Schuylkill River in Watershed 3-C.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**NPDES Permit No. PA0033928**, Sewerage Renewal. **Town & Country Estates Mobile Home Park**, c/o Thomas Calkins, R. D. 3, Troy, PA 16947.

This proposed facility is located in Troy Township, **Bradford County**.

Description of Proposed Action/Activity: Renewal of an existing permit to discharge from facility to unnamed tributary of West Branch Sugar Creek.

**NPDES Permit No PA0209228**. Sewerage Renewal. **Lycoming County Water & Sewer**, 216 Old Cement Road, Montoursville, PA 17754.

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

Description of Proposed Action/Activity: Renewal of an existing permit to discharge from facility to receiving waters of the West Branch Susquehanna River.

**WQM Permit No. 1401401**. Sewerage New. **Mid-Centre County Authority**, P. O. Box 811, Milesburg, PA 16853.

This proposed facility is located in Boggs Township, **Centre County**.

Description of Proposed Action/Activity: New Construction for expansion/rehabilitation of the existing sewage treatment plant to 1.0 MGD annual average flow, 1.4 MGD maximum monthly average flow with an influent organic maximum monthly loading capacity of 2,569 lbs/day. Interceptor and pump stations will be upgraded.

**NPDES Permit No. PA0007455**, Industrial Waste renewal, **Textron Lycoming**, 652 Oliver Street, Williamsport, PA 17701.

This proposed facility is located in City of Williamsport, **Lycoming County**.

Description of Proposed Action/Activity: Renewal Metal finishing and Ground Water Cleanup.

**NPDES Permit No PA0045969**, Industrial Waste renewal, **Sunoco Inc (R&M)**, 1801 Market Street, 15th Floor/10PC, Philadelphia, PA 19380.

This proposed facility is located in Point Township, **Northumberland County**.

Description of Proposed Action/Activity: Renewal To discharge from facility, petroleum marketing terminal.

**NPDES Permit No. PA0032514**, Sewerage Renewal, **DCNR Bureau of State Parks**, Denton Hill State Park, 454 Lyman Run Road, Galeton, PA. 16922.

This proposed facility is located in Ulysses Township, **Potter County**.

Description of Proposed Action/Activity: discharge treated effluent.

**NPDES Permit No PA0228320**, Sewerage New. **Davidson Township Municipal Authority**, Box 7112, Sonestown, PA 17758.

This Proposed facility is located in Davidson Township, **Sullivan County**.

Description of Proposed Action/Activity: New discharge from community sand filter that treats septic effluent from service connections.

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

**NPDES Permit No. PA0003484**. Industrial. **Sunoco, Inc.**, 5733 Butler Street, Pittsburgh, PA 15201 is authorized to discharge from a facility located at City of Pittsburgh, Pittsburgh, **Allegheny County** to receiving waters named Allegheny River.

**NPDES Permit No. PA0006114**. Industrial Waste. **LTV Steel Company, Inc.**, P. O. Box 6778, Cleveland, OH 44101 is authorized to discharge from a facility located at Aliquippa Works, Aliquippa Borough, **Beaver County** to receiving waters named Ohio River.

**Permit No. PA0006114**, Industrial Waste. **LTV Steel Company**, P. O. Box 6778, Cleveland, OH 44101.

This notice reflects changes from the notice published in the July 15, 2000, *Pennsylvania Bulletin*.

*Outfalls: 013, 015, 017 and 018*

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
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Discharge shall consist of uncontaminated stormwater runoff only.

Deleted all process wastewater outfalls (that is, 113, 115, 118 and 019) from the permit, since the LTV facility shut down completely on January 5, 2001.

**NPDES Permit No. PA0204030.** Industrial. **Calgon Carbon Corporation**, 4301 Grand Avenue, Pittsburgh, PA 15225 is authorized to discharge from a facility located at Neville West Island Plant, Neville Township, **Allegheny County** to receiving waters named Back Channel of the Ohio River (001).

**NPDES Permit No. PA0204315.** Industrial. **J&L Structural, Inc.**, 111 Station Street, Aliquippa, PA 15001 is authorized to discharge from a facility located at 14" Products Mill, Aliquippa Borough, **Beaver County** to receiving waters named Ohio River (002, 003 and 004) and Logstown Run (001).

**NPDES Permit No. PA0216909.** Industrial. S-All, Inc., **Groundwater Remediation System**, c/o William Dux, Hershey Square 245, 1152 Mae Street Hummels-town, PA 17036 is authorized to discharge from a facility located at White Township, **Indiana County** to receiving waters named Stoney Run.

**NPDES Permit No. PAS236105.** Industrial. **Washington Penn Plastics**, V-BAT Plastics Division, 1500 Weirich Avenue, Washington, PA 15301-0189 is authorized to discharge from a facility located at V-BAT Plastics Division, Canton Township, **Washington County** to receiving waters named Unnamed Tributary to Chartiers Creek.

**NPDES Permit No. PAS806105.** Industrial. **Bruce-ton Farm Services, Inc.**, 1768 Mileground Road, Morgantown, WV 26505 is authorized to discharge from a facility located at Bruce-ton Bulk Storage Facility, Franklin Township, **Greene County** to receiving waters named Unnamed Tributary to Smith Creek (001).

**NPDES Permit No. PA0095681.** Sewage. **Casciola Homes, Inc.**, 17 Ridgewood Drive, McDonald, PA 15057-4445 is authorized to discharge from a facility located at Casciola Homes Sewage Treatment Plant, Cecil Township, **Washington County** to receiving waters named Millers Run.

**NPDES Permit No. PA0096466.** Sewage. **Pennsylvania Services Corporation**, P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370 is authorized to discharge from a facility located at Administration Building STP, Franklin Township, **Greene County** to receiving waters named Unnamed Tributary of Smith Creek.

**NPDES Permit No. PA0203726.** Sewage. **Jutope Realty, Inc.**, 108 North Beeson Avenue, Uniontown, PA 15401 is authorized to discharge from a facility located at U. S. Post Office Sewage Treatment Plant, Addison Bor-ough, **Somerset County** to receiving waters named Chub Run.

**Permit No. 0200410.** Sewerage. **Kennedy Township**, 340 Forest Grove Road, Coraopolis, PA 15108. Construc-tion of Pump Station and Force Main located in Kennedy Township, **Allegheny County** to serve Oak Pointe Plan of Lots.

**Permit No. 0201402.** Sewerage. **West Mifflin Sani-tary Sewer Municipal Authority**, 1302 Lower Bull Run Road, West Mifflin, PA 15122-2092. Construction of a pumping station, gravity and pressure sewers located in West Mifflin Borough, **Allegheny County** to serve New England Road Sanitary Sewer Project.

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

**NPDES Permit No. PA0103616.** Industrial Waste, **Temple-Inland Forest Products Corporation**, Mt. Jewett Complex, R.D. #1, Box 266, Hutchins Road, Kane, PA 16735.

This proposed facility is located in Sergeant Township, **McKean County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Sicily Run and an unnamed Tributary to Seven Mile Run and Seven Mile Run.

**NPDES Permit No. PA0221686.** Industrial Waste, **Plunkett Webster, Inc.**, Route 36, P. O. Box 459, Brookville, PA 15825.

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

Description of Proposed Action/Activity: This facility is authorized to discharge to Beaver Run.

**NPDES Permit No. PA0002429.** Industrial Waste, **Caparo Steel Company**, 15 Roemer Boulevard, Farrell, PA 16121.

This proposed facility is located in the City of Farrell, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Shenango River.

**NPDES Permit No. PA0034916.** Industrial Waste, **Werner Company—Greenville Division**, 93 Werner Road, Greenville, PA 16125-9499.

This proposed facility is located in Sugar Grove Town-ship, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Little Shenango River.

**NPDES Permit No. PA0223034.** Industrial Waste, **Duferco Farrell Corporation**, 15 Roemer Boulevard, Farrell, PA 16121.

This proposed facility is located in the City of Farrell, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Shenango River.

**WQM Permit No. 4300201.** Industrial Waste, **Duferco Farrell Corporation**, 15 Roemer Boulevard, Farrell, PA 16121-2299.

This proposed facility is located in Farrell/Sharon, **Mercer County**.

Description of Proposed Action/Activity: This project is for the replacement of an existing natural gas fired coil annealing furnace shop source and installation of an NCCW recycle system.

**WQM Permit No. 3398402**, Sewerage, **Summerville Borough Municipal Authority**, P. O. Box 278, Summerville, PA 15864.

This proposed facility is located in Summerville Borough, **Jefferson County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility.

**WQM Permit No. 2500413**, Sewerage, **Jonathan Bowser and Brenda McBride**, 12474 East Lake Road, North East, PA 16428.

This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility.

**WQM Permit No. 2501402**, Sewerage, **City of Erie**, 626 State Street, Erie, PA 16501-1128. This proposed facility is located in City of Erie, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction of the Eleventh and Peach Streets Relief Sanitary Sewer.

**WQM Permit No. 1600407**, Sewerage, **Emlenton Area Municipal Authority**, P. O. Box 448, Emlenton, PA 16373.

This proposed facility is located in Salem Township, **Clarion County**.

Description of Proposed Action/Activity: This project is for the construction of the Lamartine Sand Mounds.

**WQM Permit No. 2001401**, Sewerage, SRSTP, **Deborah A. Sedler**, 150 Earl Drive, Erie, PA 16509.

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

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

**WQM Permit No. 2001402**, Sewerage, SRSTP, **J. Patrick and Darlene J. Russell and Paul M. Hart**, 22455 Birchard Road, Cambridge Springs, PA 16403.

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

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

**WQM Permit No. 4301404**, Sewerage, SRSTP, **James L. Powell**, 29 Hughey Road, Greenville, PA 16125.

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

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

**WQM Permit No. 4301402**, Sewerage, SRSTP, **Dennis Shadron**, 1293 S. Perry Highway, Mercer, PA 16137.

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

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

**NPDES STORMWATER INDIVIDUAL PERMITS (PAS)**

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745, (412) 442-4000.*

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A079-1	Manor Development Group 109 Gateway Avenue Wexford, PA 15090	Allegheny County Pine Township	Pine Creek/TSF North Fork Pine Creek/TSF

**APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage Under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.



**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Pikeland Township Chester County	PAR10-G398	D & H Ventures 1216 Route 113, P. O. Box 188 Chester Springs, PA 19425	French Creek (TSF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA (610) 832-6131
Oxford Borough Chester County	PAR10-G404	Starr Road Farms P. O. Box 1037 Kennett Square, PA 19348	UNT to Tweed Creek (TSF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA (610) 832-6131
City of Philadelphia Philadelphia County	PAR10-5335	City of Philadelphia Capitol Program Office 1515 Arch Street, 11th Floor Philadelphia, PA 19102	Cobbs Creek (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA (610) 832-6131
Lehigh County City of Allentown	PAR10Q154	PA DOT District 5-0 Jack Porter 1713 Lehigh St. Allentown, PA 18103	Lehigh River TSF	Lehigh Co. Cons. Dist. (610) 391-9583
Luzerne County Wright Township	PAR10R22	Evergreen Hill Estates, Inc. 57 N. Mountain Blvd. Mountaintop, PA 18707	Big Wapwallopen Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Luzerne County Swoyersville Borough	PAR10R216	PA DEP/Aban. Mine Rec. 2 Public Square Wilkes-Barre, PA 18711-0790	Unnamed Tributary To Abrahams Creek CWF	Lehigh Co. Cons. Dist. (570) 674-7991
Cumru Township Berks County	PAR10C347	Rick Furches/The Williams Group Stonehill Subdivision 500 Walnut Road Birdsboro, PA 19508	Angelica Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Swatara Township Dauphin County	PAR10I254	Murin Messick Messick Construction, Inc. 2835 Schoolhouse Road Middletown, PA 17057	UNT Susquehanna River UNT Swatara Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, Pa. 17018 (717) 921-8100
South Hanover Township Dauphin County	PAR10I259	Meadows of Hanover Development Inc. 225 N. Presidential Blvd. Bala Cynwyd, PA 19004	Swatara Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, Pa. 17018 (717) 921-8100
St. Thomas Township Franklin County	PAR10M230	WCN Properties, L.P. P. O. Box N Chambersburg, PA 17201	Back Creek WWF	Franklin County CD 550 Cleveland Avenue Chambersburg, Pa. 17201 (717) 264-8074
Fairfield Township Lycoming County	PAR103941	Whispering Meadows William Sauers 294 Good Shepard Rd. Montoursville, PA 17754	Unt. East Mill Creek TSF	Lycoming County Cons Dist. 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 327-3574
City of Williamsport Lycoming County	PAR103940	West End Terraces Warrior Run Dev Corp. R. R. 1, Box 181 Turbotville, PA 17772	Daughertys Run WWF	Lycoming County Cons Dist. 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 327-3574
Butler County, Cranberry Township	PAR10E135	Marshall Woods Phase I Zokaites Contracting 375 Golfside Drive Wexford, PA 15090	Unnamed Tributary to Wolf Run and Brush Creek (WWF)	Butler Conservation District 122 McCune Drive Butler, PA 16001-65001 (724) 284-5270
<i>General Permit Type—PAG-3</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Montgomery County Whitemarsh Township	PAR130011	National Label Company 2025 Joshua Road Lafayette Hill, PA 19444	Unnamed Tributary to Schuylkill River	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428
Montgomery and Berks Counties West Pottsgrove and Douglass Townships	PAR500002	Pottstown Landfill 1425 Sell Road Pottstown, PA 19464	Unnamed Tributary and Swale Tributary to Manatawny Creek	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428
Bucks County Bristol Township	PAR230015	Graham Packaging Company Bristol Plant 6300 Bristol Pike Levittown, PA 19057-4998	Delaware River, 2E-Common Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428
Philadelphia County City of Philadelphia	PAR800099	Aircraft Service International Group Philadelphia Fuel Facility 3 Hog Island Road Philadelphia, PA 19153	Unnamed Tributary to Delaware River	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Delaware County Chichester Township	PAR900007	PPL Interstate Energy Company Marcus Hook Pump Station 1111 West Ridge Road Linwood, PA 19061	Naamans Creek	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428
Montgomery County Franconia Township	PAR120023	Leidy's, Inc. 266 West Cherry Lane P. O. Box 257 Souderton, PA 18964	Skippack Creek - Perkiomen Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428
Delaware County City of Chester	PAR900004	American Ref-Fuel Company of Delaware Valley, L.P. 10 Highland Avenue Chester, PA 19013	Delaware River	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428
Chester County New Garden Township	PAR600068	Blittersdorf Used Auto Parts 1019 Newark Road Toughkenamon, PA 19374	Unnamed Tributary to East Branch White Clay Creek	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428
York County Fairview Township	PAR113537	Flight Systems, Inc. 505 Fishing Creek Road Lewisberry, PA 17339	UNT to Fishing Creek/TSF	DEP-Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Swatara Township	PAR803516	Hess Trucking Company 5737 Grayson Road Harrisburg, PA 17111	Spring Creek/WWF	DEP-Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Middletown Borough	PAR803601	PA Air National Guard 193 SOW/EM 62 Olmsted Blvd. Middletown, PA 17057	UNT to Susquehanna River/WWF	DEP-Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Middlesex Township	PAR803510	Daily Express P. O. Box 39 Carlisle, PA 17013	Letort Spring Run/CWF	DEP-Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clearfield County Pike Township	PAR214820	North American Refractories Company RHI Refractories America 501 East Market St., Suite 14 Clearfield PA 16830	Anderson Creek	Northcentral Regional Office DEP 208 West Third Street Suite 101 Williamsport, PA 17701
Clearfield County Bradford Township	PAR224831	Willamette Industries Inc. Johnsonburg Mill 100 Center Street Johnsonburg, PA 15845	Roaring Run	Northcentral Regional Office DEP 208 West Third Street Suite 101 Williamsport, PA 17701

## NOTICES

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lycoming County City of Williamsport	PAR704807	HRI Inc. 1750 West College Ave. State College, PA 16801	Daugherty Run	Northcentral Regional Office DEP 208 West Third Street Suite 101 Williamsport, PA 17701
<i>General Permit Type—PAG-4</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County Amity Township	PAG043548	Marcy Woods 167 Geiger Road Douglassville, PA 19518-8951	UNT to Monocacy Creek	DEP-Southcentral Region Office 909 Elmerton Avenue Harrisburg, PA 17110-8200
Berks County Greenwich Township	PAG043558	Karen R. Kuhns 1685 Route 143 Lenhartsville, PA 19534-9404	UNT to Maiden Creek	DEP-Southcentral Region Office 909 Elmerton Avenue Harrisburg, PA 17110-8200
Potter County Sharon Township	PAG045113	Philip E. Bauder R. D. 1 Box 496 Shinglehouse, PA 16748	Unnamed Tributary to Honeoye Creek	Northcentral Regional Office DEP 208 West Third St. Suite 101 Williamsport, PA 17701
Centre County Curtin Township	PAG044892	Sarah E. Edge 101 Orviston Mountain Rd. Howard, PA 16841	Romola Branch	Northcentral Regional Office DEP 208 West Third St. Suite 101 Williamsport, PA 17701
Springfield Township Mercer County	PAG048710	Dennis Shadron 1293 S. Perry Highway Mercer, PA 16137	Tributary Neshannock Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Otter Creek Township Mercer County	PAG048716	James L. Powell 29 Hughey Road Greenville, PA 16125	Tributary Little Shenango River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cambridge Township Crawford County	PAG048715	J. Patrick and Darlene Russell and Paul M. Hart 22455 Birchard Road Cambridge Springs, PA 16403	Unnamed Tributary To French Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Cambridge Township Crawford County	PAG048711	Deborah A. Sedler 150 Earl Drive Erie, PA 16509	Unnamed Tributary To French Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-5</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bucks County Bensalem Township	PAG050018	Robert Nolan 2460 Bristol Pike Bensalem, PA 19020	Delaware River	Southeast Region Water Management (610) 832-6130
Delaware County Marple Township	PAG050019	Sunoco Inc. 1801 Market Street 20/10 Penn Center Philadelphia, PA 19103	Trout Run	Southeast Region Water Management (610) 832-6130
York County Springettsbury Township	PAG053545	Amerada Hess 1 Hess Plaza Woodbridge, NJ 07095	Mill Creek/WWF	DEP - Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110-8200
Lancaster County Adamstown Borough	PAG053546	Getty Properties Corp. 86 Doremus Avenue Newark, NJ 07101	UNT to Little Muddy Creek / WWF	DEP - Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110-8200
Harborcreek Township Erie County	PAG058331	Dan Gebadlo Exit 9 Sunoco 6122 Station Road Erie, PA 16510	Unnamed Tributary To Six Mile Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-10</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Montgomery County Worcester Township	PAG100006	PECO Energy Company 680 Ridge Pike Plymouth Meeting, PA 19462	Zacharias Creek	DEP Southeast Region Water Management Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428
Delaware County Tinicum Township	PAG100007	Sun Pipe Line Company Ten Penn Center 1801 Market Street Philadelphia, PA 19103	Delaware	DEP Southeast Region Water Management Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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

**Permit No. 5100502**, Public Water Supply.  
 Applicant **Philadelphia Water Department**  
 1101 Market Street  
 Philadelphia, PA 19107  
 City of Philadelphia  
 County **Philadelphia**  
 Type of Facility Public Water Supply System  
 Consulting Engineer Hazen and Sawyer  
 1128 Walnut Street, Ste. 500  
 Philadelphia, PA 19107  
 Permit to Construct Issued March 7, 2001

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

**Permit No. 2640299**, Operations Permit. Public Water Supply.  
 Applicant **Orchard Heights Corporation**  
 R. R. 1, Box 30  
 Greentown, PA 18426  
 Borough or Township Damascus Township  
 County **Wayne County**  
 Type of Facility Public Water Supply  
 Consulting Engineer  
 Permit to Operate Issued April 10, 1997

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 0895501-T1**, Public Water Supply.  
 Applicant **Hanson Park, Inc.**  
 R.R. #1, Box 161  
 Harveys Lake, PA 16818  
 Township Ridgebury Township  
 County **Bradford**  
 Type of Facility Public Water Supply  
 Consulting Engineer None  
 Permit to Construct Issued March 13, 2001

**Operations Permit 0800501** issued to: **Consumers Pennsylvania Water Company**, 204 East Sunbury Street, Shamokin, PA 17872, Sayre Borough, **Bradford County** on March 13, 2001.

**Operations Permit Minor Amendment** issued to: **Sandy Ridge Water Authority**, P. O. Box 200, Sandy Ridge, PA 16677, Rush Township, **Centre County** on March 13, 2001.

**Operations Permit Minor Amendment** issued to: **Blossburg Municipal Authority**, 206 Main Street, Blossburg, PA 16912, Blossburg Borough, **Tioga County** on March 8, 2001.

**Operations Permit 0895501-T1** issued to: **Hanson Park, Inc.**, R.R. #1, Box 161, Harveys Lake, PA 18618, Ridgebury Township, **Bradford County** on March 13, 2001.

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

**Permit No 2088501-T1-MA5**, Minor Amendment. Public Water Supply.  
 Applicant **Meadville Area Water Authority**  
 Borough or Township City of Meadville  
 County **Crawford**  
 Type of Facility Public Water Supply  
 Consulting Engineer John L. Schaudé, P.E., Gannett Fleming, Inc., 601 Holiday Drive, Pittsburgh, PA 15220-2728  
 Permit to Construct Issued March 2, 2001

**WATER ALLOCATIONS**

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

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WA 47-1006A**. Water Allocation. **Mahoning Township Authority**, 1101 Bloom Road, Danville, PA 17821, Mahoning Township, **Montour County**. Approved right to purchase up to 765,000 gpd on a 30-day average from the Danville Municipal Authority. The Danville Municipal Authority source is the North Branch of the Susquehanna River.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5).**

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

Borough or Township	Township Address	County
Broad Top Township	P. O. Box 57, Defiance, PA 16633	Bedford

Plan Description: The approved plan provides for the construction of a lagoon sewage treatment facility to serve approximately 490 existing residential dwellings located in Broad Top Township, Coaldale Borough, and the Villages of Defiance and Riddlesburg. The proposed treatment facility will discharge into the Raystown Branch of the Juniata River. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**BIOSOLIDS INDIVIDUAL PERMITS (PABIG AND PABIS)**

The Department of Environmental Protection (Department) has taken the following actions on the previously

received individual permit applications for the land application of treated sewage sludge (biosolids).

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 of the Board at (717) 787-3483. The paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**PABIS 4821. Circle H Ranch**, Pike Township, **Potter County**. Leslie's Septic Service, P. O. Box 211, Yahn Road, Galeton, PA. 16922-0211 has applied to beneficially use their biosolids on the Circle H Ranch Farm in Pike Township, Potter County.

*Special Conditions*

1. Management Practice—In addition to applicable conditions of the Farm Conservation Plan, and unharvested grass/hay buffer strip, a minimum of 15 feet in width, shall be maintained along the downslope perimeter of each field closest to Pine Creek. This buffer strip shall not be utilized for the application of treated septage.

2. Monitoring—The effectiveness of the grass/hay buffer strip shall be visually monitored monthly and after/during major precipitation events for evidence of runoff beyond the unharvested grass/hay buffer strip.

*Recordkeeping*

1. Record of the date, time weather conditions and observations shall be maintained and made available to the Department and the Potter County Conservation District during site inspections.

*Reporting*

1. Any evidence of treated septage runoff beyond the grass/hay buffer strip shall be reported to the Department immediately by telephone and within 48 hours in writing.

**HAZARDOUS SITES CLEANUP**

**UNDER THE ACT OF OCTOBER 18, 1988**

**SETTLEMENT UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT AND THE HAZARDOUS SITES CLEANUP ACT**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with Kanaiyalal G. Jajal to resolve his liability for response costs incurred to remediate hazardous substances stored and/or disposed at the Susquehanna Road Drum Site (Site). This Site is located at 1668

Susquehanna Road in Upper Dublin Township, Montgomery County, PA and includes a barn where drums and compressed gas cylinders of hazardous substances were stored.

In May, 1998, the Department received a complaint about fuming drums of unknown materials stored at the Site. An emergency investigation by the Department revealed the presence of numerous unlabeled drums, some of which contained silicon tetrachloride, a reactive and corrosive hazardous substance which reacts with air and causes the release of hydrogen chloride gas into the atmosphere. Additionally, the Department discovered approximately 200 compressed gas cylinders, some of which contained silane, a reactive hazardous substance. Based upon the volatile conditions at the Site, including the threat of fire or explosion, the Department conducted a prompt interim response under Section 505(b) of HSCA (35 P.S. § 6020.505(b)) to abate the release and threat of release of hazardous substances. The Department incurred \$140,743.81 in response costs for this Site.

Mr. Jajal subleased space at the Site and stored hazardous substances in the barn on the Site. Therefore, Mr. Jajal is a "responsible person" in accordance with Section 701 of HSCA (35 P.S. § 6020.701) and as such, he has agreed to reimburse the Department for a share of the response costs expended at the Site. Accordingly, to resolve his liability, the Department and Mr. Jajal have executed a Consent Order and Agreement which requires Mr. Jajal to reimburse the Department in the amount of \$25,000.

This notice is provided under Section 1113 of HSCA (35 P.S. § 6020.1113) which provides that "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Order and Agreement, which contains the specific terms of the settlement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located in Lee Park, 555 North Lane, Suite 6010, Conshohocken PA 19428, by contacting either Donna Suevo at (610) 832-5933 or Gina Thomas, at (610) 832-6300. Donna Suevo and Gina Thomas may also be contacted electronically at dsuevo@state.pa.us and Thomas.gina@dep.state.pa.us, respectively. A public comment period on the Consent Order and Agreement will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to Donna Suevo at the above address.

**PUBLIC NOTICE OF PROPOSED CONSENT ORDER AND AGREEMENT**

**Sigma Electroplating Site, Whitpain Township, Montgomery County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1304) (HSCA) and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C.A. § 9601 et seq., (CERCLA), has entered into a Prospective Purchaser Agreement with 1950 Skippack Pike, LP (1950), for reimbursement of certain response costs incurred to remediate hazardous substances disposed at the Sigma Electroplating Site (the Site). This Site is located at 1950 Skippack Pike, Whitpain Township, Montgomery County.

This Site was the former location of electroplating operations of Sigma Electroplating, Inc. In November 1994, the Department initiated a prompt interim response action at the Site to remediate hazardous sub-

stances released and threatened to be released at the Site. This response action included the removal of deteriorating drums of hazardous substances located in and around the plating building at the Site, the removal of storage tanks abandoned on the Site as well as the removal of hazardous wastewater treatment sludge and contaminated soil on the Site. Presently, the Department maintains groundwater monitoring at the Site.

1950 desires to purchase the Site and intends to develop it for use as an executive office complex. 1950's development of the Site may include the demolition of the buildings presently located on the Site. However, no investigation of the areas underneath these structures has been conducted to determine whether there has been a release or threat of release of hazardous substances in these areas. To the extent that further investigation and/or demolition of existing structures reveals the presence of hazardous substances in amounts which exceed the cleanup standards set forth in the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) (Act 2), the Department under its authority under HSCA, shall conduct additional response actions to remediate such hazardous substances to meet an appropriate Act 2 standard consistent with the use proposed by 1950.

The Department has determined that it is in the public interest to resolve its claim against 1950. Therefore, 1950 shall reimburse the Department for certain response costs in the amount of \$15,000 and shall receive contribution protection from claims related to its purchase and ownership of the Site.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113) which states the "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Order and Agreement, which contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located in Lee Park, 555 North Lane, Suite 6010, Conshohocken PA 19428, by contacting either David Ewald, at (610) 832-6200 or Gina M. Thomas, at (610) 832-6300. David Ewald and Gina Thomas may also be contacted electronically at DEWALD@state.pa.us and Thomas.gina@dep.state.pa.us, respectively. A public comment period on the Consent Order and Agreement will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to David Ewald at the above address.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995**

### **PREAMBLE 2**

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in

environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed, and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

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

**Beaver County Detention Facility**, Hopewell Township, **Beaver County**. Brian E. Davis, Baker Environmental, Inc. AOP Building 3, 420 Rouser Road, Coraopolis, PA 15108 (on behalf of Bet-Tech International, 1150 Broadhead Road, Monaca, PA 15061-500, and County of Beaver, 810 Third Street, Beaver, PA 15009-2191) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals and PAHs. The report is intended to document remediation of the site to meet the Site Specific Standard.

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

**Spang Tool Facility former JSP International**, East Butler Borough, **Butler County**. Karen E. Souza, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Spang Tool Facility has submitted a Risk Assessment Report concerning remediation of site sediment contaminated with heavy metals. The report is intended to document remediation of the site to meet the site specific standard.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995**

### **PREAMBLE 3**

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A



remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**Former Metro Container Corp., Inc.**, Trainer Borough, **Delaware County**. Carl J. Bones, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, on behalf of Trainer Industries, LLC, P. O. Box 430, Marcus Hook, PA 19061, has submitted a revised Remedial Investigation and Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons. The report was approved by the Department on March 6, 2001.

**The Boeing Company**, Ridley Township and Edystone Borough, **Delaware County**. Colleen Costello, Langan Engineering & Environmental Services, Inc., 500 Hyde Park, Doylestown, PA 18901-1699 on behalf of the Boeing Company, P. O. Box 16858, MS P25-62, Philadelphia, PA 19142-0858, has submitted a Final Report concerning remediation of site soil contaminated with Benzene, Toluene, Ethyl Benzene, Cumene, Naphthalene, Fluorene, Phenanthrene and lead and groundwater contaminated with Benzene, Toluene, Ethyl Benzene, Cumene, Naphthalene, Fluorene, Phenanthrene, lead, Trichloroethene, Methylene Chloride and Antimony. The report demonstrated attainment of Statewide Health, Background and Site-specific standards and was approved by the Department on March 12, 2001.

**Krause Residence**, Royersford Borough, **Montgomery County**. Matthew E. Grubb, Hydrocon Services, Inc., 2945 S. Pike Avenue, Allentown, PA 18103, on behalf of Ronald and Andrea Krause, 339 N. 3rd Ave., Royersford, PA 19468, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and

polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 6, 2001.

**3207 Kennedy Road Property**, East Norriton Township, **Montgomery County**. Michael Williams, Clay Services, Corp., 111 N. 2nd St., North Wales, PA 19454, on behalf of Don Vaughn, 3207 Kennedy Rd., East Norriton, PA 19403, has submitted a Final Report concerning remediation of site soil contaminated with BTEX, petroleum hydrocarbons, and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 12, 2001.

**Pamela Rimato Residence**, City of Philadelphia, **Philadelphia County**. Kevin P. Van Kuren, P.G., Hydrocon Services, Inc., 2945 S. Pike Avenue, Allentown, PA 18103, on behalf of Pamela Rimato, 2403 S. Percy St., Philadelphia, PA, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report, which was submitted within 90 days of the release, demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 9, 2001.

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

**Trailer Village Mobile Home Park**, East Hempfield Township, **Lancaster County**. Alternative Environmental Solutions, Inc., 930 Pointview Avenue, Suite B., Ephrata, PA 17522, on behalf of Mary Kay Rowe, Trailer Village Mobile Home Park, 2801 Columbia Avenue, Lancaster, PA 17603, and Jerome H. Rhoads, Inc., P. O. Box 1198, Lancaster, PA 17608-1198, submitted a final report concerning the remediation of site soils and groundwater contaminated with BTEX, PAHs and PHCs. The final report demonstrated attainment of the statewide health standard, and was approved by the Department on March 6, 2001.

**Former Outten's Buick, Pontiac, Chevrolet**, Hamburg Borough, **Berks County**. On-Site Environmental, Inc., 807 Ravine Road, Downingtown, PA 19335, on behalf of Jonestown Bank & Trust Company, Two West Market Street, Jonestown, PA 17038, submitted a combined remedial investigation and final report concerning the remediation of site soils and groundwater contaminated with BTEX, PHCs, PAHs and lead. The final report demonstrated attainment of a combination of statewide health and site-specific standards, and was approved by the Department on March 6, 2001.

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

**Potter County Redevelopment Authority—Northern Site**, Coudersport Borough, **Potter County**. Moody & Associates, Inc. on behalf of its client Potter County Redevelopment Authority, 8 East 7th Street, P. O. Box 312, Coudersport, PA 16915, has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with lead, heavy metals and solvents. The Baseline Environmental Report was disapproved by the Department on March 2, 2001.

**Dollar Bazaar—Rock Shaddock**, Sayre Borough, **Bradford County**. Op-Tech Environmental Services, Inc., on behalf of its client Rock Shaddock, 128 Desmond Street, Sayre, PA 18840, has submitted a Final Report

concerning the remediation of site soil contaminated with solvents, BTEX, PHCs and PAHs. The Final Report demonstrated the attainment of the Statewide Health Standard and was approved by the Department on March 5, 2001.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, Floor 14, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR014D001. Highway Materials, Inc.**, 1750 Walton Road, Blue Bell, PA 19422. General Permit Number WMGR014D001 for the beneficial use of foundry sand in general roadway sub-base construction activity at the Temple Quarry site, **Berks County**. Central Office approved the determination of applicability on March 12, 2001.

Persons interested in reviewing the permit may contact the office noted above.

#### SOLID AND HAZARDOUS WASTE

##### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Actions on permits under the Solid Waste Management Act (35 P. S. §§ 6026.101—6026.908), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit I D No. 100434. Evergreen Landfill, Evergreen Landfill, Inc.**, P. O. Box 195, Coral, PA 15731. Operation of a municipal waste landfill in Center and Brush Valley Townships, **Indiana County**. Permit renewal issued in the Regional Office on March 7, 2001.

**Permit I D No. 100419. CBF, Inc., J & J Landfill**, Route 21, McClellandtown, PA 15458. Operation of an enclosed ground flare and a leachate evaporation system in German Township, **Fayette County**. Major permit modification issued in the Regional Office on March 6, 2001.

**Permit I D No. 101467. Kittanning Transfer Station** (formerly Tri-Valley Transfer Station), Route 7, Box 302, Pony Farm Road, Kittanning, PA 16201. Operation of a municipal waste transfer station in North Buffalo Township, **Armstrong County**. Permit modification authorizing a name change and additional municipal waste operations until July 26, 2010 issued in the Regional Office on March 6, 2001.

#### AIR QUALITY

**General Plan Approval and Operating Permit usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**21-05042A: Pennsy Supply, Inc.—Silver Springs Quarry** (1001 Paxton Street, Harrisburg, PA 17104) for construction/operation of a portable crushing plant in Silver Spring Township, **Cumberland County**.

**22-05034A: Pennsy Supply, Inc.—Hummelstown Quarry** (1001 Paxton Street, Harrisburg, PA 17104) for construction/operation of a portable crushing plant in South Hanover Township, **Dauphin County**.

**38-03031: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for construction/operation of a portable nonmetallic mineral processing plant in Cornwall Borough, **Lebanon County**.

**38-05024A: Pennsy Supply, Inc.—Prescott Quarry** (1001 Paxton Street, Harrisburg, PA 17104) for construction/operation of a portable crushing plant in South Lebanon Township, **Lebanon County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

**60-01: Evangelical Hospital** (One Hospital Drive, Lewisburg, PA 17837) on February 27, 2001, for construction and operation of two 12.55 million BTU per hour natural gas/#2 fuel oil-fired boilers under the General Plan Approval and General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) in Kelly Township, **Union County**.

**Operating Permit Administrative Amendments Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 (relating to administrative operating permit amendments).**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

**14-0007: Cerro Metal Products Co.** (P. O. Box 388, Bellefonte, PA 16823) on March 6, 2001, to incorporate conditions established in Plan Approval 14-0007A for two 12,810,000 BTU per hour natural gas-fired brass billet furnaces in Spring Township, **Centre County**.

**Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**46-0194: Freedom Alloys, Inc.** (155 Railroad Plaza, Royersford, PA 19468) on March 9, 2001, for operation of an Electric Induction Furnance in Royersford Borough, **Montgomery County**.

**09-00003: SuperPac, Inc.** (1220 Industrial Boulevard, Southampton, PA 18966) on March 6, 2001, for operation of a Facility Title V Operating Permit in Upper Southampton Township, **Bucks County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**22-03009: Brubaker Tool Corp.** (200 Front Street, Millersburg, PA 17061) on March 8, 2001, for a Natural Minor Operating Permit at the Millersburg Plant in Millersburg Borough, **Dauphin County**.

**36-05095: Kemp's Foods, Inc.** (1801 Hempstead Road, Lancaster, PA 17604) on March 5, 2001, for a Synthetic Minor Operating Permit in Lancaster City, **Lancaster County**.

#### **Nitrogen Oxides (NOx) Allowance Allocations Program**

#### **Revision to Title V Operating Permit to include Conditions relating to NOx Allowance Requirements in 25 Pa. Code §§ 145.1—145.100**

The Department of Environmental Protection (Department) has revised the following Operating Permit to incorporate the provisions of 25 Pa. Code §§ 145.1—145.90. These regulations establish a NOx Budget and a NOx Budget Trading Program for NOx budget units for the purpose of achieving the health-based ozone ambient air quality standard. The Department has establishing a NOx Allowance Allocation for each NOx budget unit listed in the permit under the provisions of 25 Pa. Code § 145.42.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Copies of these permits and other relevant information are available for review at the address given below:

*Bureau of Air Quality, Division of Permits, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, telephone: (717) 787-4325.*

**37-00023: Orion Power MidWest, L.P.** (7 East Redwood Street, Baltimore, MD 21202) located in Taylor Township, **Lawrence County**.

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

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**09-0110A: Riverside Construction Materials** (7900 Radcliffe Street, Bristol, PA 19007) on March 5, 2001, for operation of cement handling in Bristol Township, **Bucks County**.

**46-0078: G-Seven LTD.** (2289 North Penn Road, Hatfield, PA 19440) on March 6, 2001, for operation of a spray booth to dry filters in Hatfield Township, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**54-310-027: Wheelabrator Culm Services, Inc.** (500 Morea Road, Frackville, PA 17934) on March 7, 2001, for construction of a coal crushing operation and associated air cleaning device in Mahanoy Township, **Schuylkill County**.

**40-310-029C: Slusser Brothers Trucking and Excavating Co., Inc.** (Small Mountain Quarry, 125 North Warren Street, West Hazleton, PA 18201) on March 9, 2001, for construction of a stone crushing operation and associated air cleaning device in Dorrance Township, **Luzerne County**.

**54-317-002B: Kaytee Products, Inc.** (Bay-Mor Division, 55 South Sillyman Street, Cressona, PA 17929) on March 12, 2001, for modification of a grain processing and cleaning operation in Cressona Borough, **Schuylkill County**.

**40-320-011: SLC Graphics LP** (50 Rock Street, Pittston, PA 18640) on January 26, 2001, for installation of an air cleaning device in Hughestown Borough, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**06-01069K: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147) on March 9, 2001, for construction of a battery manufacturing facility controlled by fabric collectors and mist eliminators at the Plant S-1 in Richmond Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants.

**06-03030A: Bally Ribbon Mills** (23 North Seventh Street, Bally, PA 19503) on March 9, 2001, for modification of a No. 2 Boiler at the Bally Plant in Bally Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

**06-05037A: McConway and Torley Corp.** (230 Railroad Street, Kutztown, PA 19530) on March 8, 2001, for construction of a new core manufacturing operation and modification of the sand system at the Kutztown Foundry in Kutztown Borough, **Berks County**.

**21-05021C: Arnold Fuel Oil, Inc.—Mechanicsburg North Terminal** (P. O. Box 2621, Harrisburg, PA 17105) on March 9, 2001, for installation of a Backup Vapor Recovery Unit which controls the emissions from the loading rack in Silver Spring Township, **Cumberland County**. This source is subject to 40 CFR Part 60, Subpart XX—Standards of Performance for Bulk Gasoline Terminals.

**36-05019D: Anvil International, Inc.** (1411 Lancaster Avenue, Columbia, PA 17512) on March 9, 2001, for installation and modification of a foundry operation at the Columbia Plant in Columbia Borough, **Lancaster County**.

**67-329-001B: Republic Services Group of PA, LLC** (4400 Mount Pisgah Road, York, PA 17402) on March 9, 2001, for modification of the Municipal Solid Waste Landfill controlled by three IC engines and enclosed

ground flare located at the Modern Landfill in Lower Windsor and Windsor Townships, **York County**. This source is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

**12-399-014C: GKN Sinter Metals, Inc.** (RR 2, Box 47, Emporium, PA 15834-9797) on February 6, 2001, for construction of a sintered metal parts oil impregnation system (PK#1), eight heated oil tanks and associated air cleaning device (an electrostatic precipitator) at the Airport Road Plant (Plant 6) in Emporium Borough, **Cameron County**.

**41-327-003: PMF Industries, Inc.** (2601 Reach Road, Williamsport, PA 17701) on February 7, 2001, for construction of a batch open top vapor degreaser and associated air cleaning device (subzero refrigerated freeboard chiller) in the City of Williamsport, **Lycoming County**. This degreaser is subject to Subpart T of the National Emission Standards for Hazardous Air Pollutants.

**12-00002A: GKN Sinter Metals, Inc.** (R. R. 2, Box 47, Emporium, PA 15834-9797) on February 20, 2001, for installation of an air cleaning device (an electrostatic precipitator) on a sintered metal parts oil impregnation system (PK#20) and four heated oil tanks at the Cameron Road Plant (Plant 1) in Shippen Township, **Cameron County**. This facility is a Title V facility.

**47-399-015: TRW, Inc.** (601 East Market Street, Danville, PA 17821) on February 27, 2001, for installation of air cleaning devices [eight cyclones and eight mist eliminators] on eight hot forge presses in Danville Borough, **Montour County**.

**18-00006A: Dominion Transmission Corp.—Leidy Compressor Station** (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222-3199) on February 27, 2001, for installation of replacement air cleaning devices (screw-in prechamber systems) on five 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engines (Engines 1, 2, 3, 7 and 8) in Leidy Township, **Clinton County**. This facility is a Title V facility.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**11-403A: Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650) on February 8, 2001, for operation of a dry screening operation at Mine No. 42 in Adams Township, **Cambria County**.

**32-303A: Dominion Transmission, Inc.—Cherry Tree Station** (625 Liberty Avenue, Pittsburgh, PA 15222) on March 2, 2001, for operation of a compressor engine in Montgomery Township, **Indiana County**.

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**Plan Approvals Extensions Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.13 (relating to extensions).**

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*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**46-0186: Tri-Valley Crematory** (665—667 Harleysville Pike, Franconia, PA 18924) on March 5, 2001, for operation of a Crematory Incinerator in Franconia Township, **Montgomery County**.

**46-0158: Colorcon Div./BPSI** (415 Moyer Boulevard, West Point, PA 19486) on March 7, 2001, for operation of a NO-TOX Area in Upper Gwynedd Township, **Montgomery County**.

**46-317-006A: Colorcon Div./BPSI** (415 Moyer Boulevard, West Point, PA 19486) on March 7, 2001, for operation of a Manufacturing Process in Upper Gwynedd Township, **Montgomery County**.

**23-0004: American Ref-Fuel Co. of DV, L.P.** (10 Highland Avenue, Chester, PA 19013) on March 8, 2001 for the operation of a Mass Burn Resource Recovery Facility in City of Chester, **Delaware County**.

**46-0020A: Superior Tube Co.** (3900 Germantown Pike, Collegeville, PA 19426) on March 8, 2001, for operation of a Radiac Cut Off Saws in Lower Providence Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**07-05033: Grannas Bros. Stone and Asphalt Co., Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) on February 26, 2001, to authorize temporary operation of a drum mix asphalt plant controlled by a cyclone in series with a fabric collector, covered under this Plan Approval until June 26, 2001, at the Ganister Quarry in Catharine Township, **Blair County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities and Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

**14-313-039: Rutgers Organics Corp.** (201 Struble Road, State College, PA 16801) on February 28, 2001, to extend authorization to operate a chemical process facility (Product 9001) on a temporary basis until June 28, 2001 in College Township, **Centre County**.

**08-399-001C: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) on March 2, 2001, to extend authorization to operate various pieces of wire drawing and swaging equipment and associated air cleaning devices (fabric collectors and absolute filters) on a temporary basis until June 30, 2001, in North Towanda Township, **Bradford County**.

**08-316-014: Masonite Corp.** (P. O. Box 311, Towanda, PA 18848-0311) on March 8, 2001, to extend authorization to operate a hardboard press and resin blending facility and associated air cleaning devices on a temporary basis until July 6, 2001 in Wysox Township, **Bradford County**.

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

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*Philadelphia Department of Public Health, Air Management Services: 321 University Ave., Philadelphia, PA 19104*

**97019: Grays Ferry Cogeneration Partnership** (2600 Christian Street, Philadelphia, PA 19146) on March 8, 2001, to modify Permit Condition Numbers (I)(B) and (I)(C) to be consistent with Condition B.2.(a)(1) of the SO<sub>2</sub> Operating Permit Number SO<sub>2</sub>-95-002A in the City of Philadelphia, **Philadelphia County**. The existing conditions (I)(B) and (I)(C) will be removed and replaced with the following condition, "No more than four of the following units shall be operated simultaneously: Boilers #23, 24, 25, 26 and CT/HRSG." The original condition (I)(D) will be relabeled as (I)(C).

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); The Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### Coal Permits Issued

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**03950102. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for continued reclamation only of a bituminous surface mine located in Cowanshannock Township, **Armstrong County**, affecting 98.0 acres. Receiving streams: Cowanshannock Creek and one unnamed tributary to Cowanshannock Creek. Application received: January 3, 2001. Reclamation only renewal issued: March 7, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**56990102. Permit Transfer from Duppstadt Coal (partnership) to Duppstadt Coal (individual)** (2835 Stutzmantown Road, Somerset, PA 15501), for continued operation of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 87.8 acres, receiving stream Tub Mill Run, unnamed tributaries to Tub Mill Run, unnamed tributaries to Casselman River, and the Casselman River. Application received July 14, 2000. Issued March 7, 2001.

**56890111. Permit Transfer from Duppstadt Coal (partnership) to Duppstadt Coal (individual)** (2835 Stutzmantown Road, Somerset, PA 15501), for continued operation of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 70.8 acres, receiving streams Tub Mill Run, unnamed tributaries to Tub Mill Run, the Casselman River, and unnamed tributaries to the Casselman River. Application received July 14, 2000. Issued March 7, 2001.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.*

**0380302. Keystone Coal Mining Corp.**, P. O. Box 219, Shelocta, PA 15774, to revise the permit for the Margaret No. 7 Mine in Cowanshannock and Plumcreek Townships, **Armstrong County**, Receiving stream(s): no additional discharges. Permit issued February 21, 2001.

**03871302. DLR Mining, Inc.**, 3065 Airport Rd., Indiana, PA 15701, to revise the permit for the Triple K No. 1 Deep Mine in Burrell Township, **Armstrong County**, Receiving stream(s): no additional discharges. Permit issued February 16, 2001.

**30861601. Dunkard Mining Co.**, 200 Neville Rd., Neville Island, PA 15225, to renew the permit for the Dunkard Preparation Plant in Monongahela Township, **Greene County**, Receiving stream(s): no additional discharges. Permit issued February 18, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**33950107. R & L Coal Corp.** (P. O. Box 26, Punxsutawney, PA 15767) Renewal of an existing bituminous strip operation in Warsaw Township, **Jefferson County** affecting 39.5 acres. This renewal is issued for reclamation only. Receiving streams: Two unnamed tributaries to Mill Creek. Application received: January 18, 2001. Permit Issued: March 1, 2001.

### Coal Applications Denied

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**03910104. Big Mack Leasing Col., Inc.** (Rd 6, Box 231, Kittanning, PA 16201). Revision application denied for land use change for commencement, operation and reclamation of a bituminous surface mine located in Plumcreek Township, **Armstrong County**, affecting 59 acres. Receiving streams: Cherry Run to Crooked Creek to Ohio River. Revision application received: February 28, 2001. Revision application denied: March 8, 2001.

### Noncoal Permits Issued

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

**66000815. James Cashmark**, (46 Brookside Road, Tunkhannock, PA 18657), commencement, operation and restoration of a small bluestone operation in Washington Township, **Wyoming County** affecting 1.0 acre, receiving stream—none. Permit issued March 9, 2001.

**66000816. George S. Kuback**, (65 Van Moore Road, Tunkhannock, PA 18657), commencement, operation and restoration of a small quarry operation in Eaton Township, **Wyoming County** affecting 1.0 acre, receiving stream—none. Permit issued March 9, 2001.

**21992801. Zimmerman's Roofing, LLC**, (35 Ridge Road, Newville, PA 17241-9688), commencement, operation and restoration of a small quarry operation in North Newton Township, **Cumberland County** affecting 5.0 acres, receiving stream—none. Permit issued March 9, 2001.

**28002803. R & D Contractors**, (5436 Sunset Pike, Chambersburg, PA 17201), commencement, operation and restoration of a small quarry operation in Hamilton Township, **Franklin County** affecting 5.0 acres, receiving stream—none. Permit issued March 9, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**3378NC17. Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068). NPDES Renewal issued for continued operation and reclamation at a large noncoal surface mine (limestone quarry) located in Connellsville Township, **Fayette County**, affecting 73.57 acres. Receiving streams: unnamed tributary to Connell Run and Connell Run. Application received: January 9, 2001. NPDES Renewal issued: March 7, 2001.

**26900306. Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068). NPDES Renewal issued for continued operation and reclamation at a large noncoal surface mine (limestone quarry) located in Connellsville Township, **Fayette County**, affecting 51.4 acres. Receiving streams: unnamed tributary to Connell Run. Application received: January 9, 2001. NPDES Renewal issued: March 7, 2001.

**65900402. Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068). NPDES Renewal issued for continued operation and reclamation at a large noncoal surface mine (limestone quarry) located in Derry Township, **Westmoreland County**, affecting 1,303.0 acres. Receiving streams: unnamed tributaries to both and including Harbridge Run and Tannery Hollow. Application received: December 14, 2000. NPDES Renewal issued: March 7, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**16010801. Ranking & Sons Excavating** (8175 Route 66, Fairmount City, PA 16224) Commencement, operation and restoration of a small noncoal shale operation in Clarion Township, **Clarion County** affecting 3.5 acres. Receiving streams: Unnamed tributary to Brush Run. Application received: February 2, 2001. Permit Issued: March 7, 2001.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Permits Issued and Actions on 401 Certifications:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E09-811. Lower Makefield Township**, 1100 Edgewood Road, Yardley, PA 19067. Lower Makefield Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with the bridge replacement and roadway improvements for Sandy Run road:

1. To remove an existing simple span bridge and to construct and maintain, in its place, a twin cell precast concrete box culvert with cast-in-place concrete wing walls across Brock Creek (WWF). Each of the precast culverts will have a clear span of 22.0 feet. The left cell will be along the stream channel and will have a rise of approximately 6.0 feet (1.0 foot depressed) and the right cell will be placed along the overbank and will have a rise of 3.5 feet.

2. To install and maintain 245 linear feet of cellular concrete lining along the right overbank to provide scour protection for the ingress and egress of flows in this area.

3. To relocate and maintain a 30-inch RCP stormwater outfall structure and to install and maintain a 24-inch RCP stormwater outfall structure associated with the proposed drainage facilities.

This project also includes the relocation and maintenance of an existing 8-inch sanitary sewer pipe on the downstream side of the culvert. The application also proposes to construct and maintain temporary cofferdams associated with the diversion of stream flow through the project area. The site is located approximately 300 feet northwest of the intersection of Sandy Run Road and College Avenue, (Trenton West, NJ-PA USGS Quadrangle N: 20.1 inches; W:13.3 inches).

**E46-869. Sal Lapio Homes, Inc.**, 104 Mill Road, Sellersville, PA 18960. New Hanover Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed Acorn Hills Golf Course located on the northeast corner of Hanover Square Road and Wagner Road (Sas-samansville, PA Quadrangle N: 6.35 inches; W: 8:35 inches). The entire project will impact a de minimis 0.03 acre of wetland and wetland mitigation is not required.

1. To install and maintain an 8-foot wide cart bridge at two locations over the West Branch of Swamp Creek (TSF) associated with holes No. 10 and No. 12 (Sas-samansville, PA Quadrangle N: 5.5 inches; W: 8.5 inches).

2. To widen and improve an existing access road over the West Branch of Swamp Creek (Sassamansville, PA Quadrangle N: 5.5 inches; W: 8.5 inches).

3. To dredge 110 linear feet of Swamp Creek (TSF) and to install and maintain a 12-inch intake pipe and wet well to facilitate irrigation of the golf course. This work will be located on an off-site location on Evens Road east of Fagleysville Road (Sassamansville, PA Quadrangle N: 5.65 inches; W: 6.65 inches).

This project also includes activities under General Permits No. 5 (utility line crossing), No. 7 (minor road crossing) and waiver [105.12(a)(2)].

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

**E39-390. Joshi/Kalola Real Estate Partnership**, 4365 Farmington Circle, Allentown, PA 18104. Upper Macungie Township, **Lehigh County**, ACOE Philadelphia District. To place fill in 0.43 acre of wetlands for the purpose of constructing a commercial self-storage facility. The permittee is required to provide 0.49 acre of replacement wetlands. The project is located on the east side of Werley Road (T-544), approximately 500 feet south of Tilghman Street (S.R. 1002) (Allentown West, PA Quadrangle N: 16.4 inches; W: 10.0 inches).

**E40-539. Eagle Rock Resort Company, Inc.**, 1031 Valley of Lakes, Hazleton, PA 18201-9717. Hazle Township, **Luzerne County**, ACOE Baltimore District. To authorize fill previously placed in 0.46 acre of wetlands and to place additional fill in 0.21 acre of wetlands associated with Phases ER2 and Eastern Hills (Conyngham, PA Quadrangle N: 9.0 inches; W: 12.0 inches); to construct and maintain five road crossings of tributaries to Sugarloaf Creek (culverts 19/20, 21/22, 23A/24A, 17B/18B, and 25/26), consisting of single HDPE culverts ranging from 24 to 36 inches in diameter, and a 36-inch-diameter HDPE stormwater outfall to a tributary to Sugarloaf Creek (culvert 17A/18A) for the construction of Kickapoo Drive, and to relocate approximately 220 linear feet of a tributary to Sugarloaf Creek (Waterway 2) for the construction of Chippewa Drive, associated with Phase JA East (Conyngham, PA Quadrangle N: 10.2 inches; W: 12.5 inches). The permittee is required to provide 1.34 acres of replacement wetlands. The project is located at the Eagle Rock Resort, north of S.R. 0924 and east of the Schuylkill/Luzerne County boundary.

**E52-168. Penny James**, Box 322, Twin Lakes Road, Shohola, PA 18458. Shohola Township, **Pike County**, ACOE Philadelphia District. To maintain two sections of fence, totaling 213 feet in length, constructed across wetlands within the drainage basin of Shohola Creek. The wooden fence is approximately 6 feet high and is supported by 4-inch X 4-inch cedar posts. The project is located at a private residence on the east side of S.R. 1005 (Twin Lakes Road), approximately 0.8 mile south of the intersection of S.R. 1005 and S.R. 1006 (Shohola, PA-NY Quadrangle N: 12.7 inches; W: 6.3 inches).

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701 (570) 327-3636.*

**E08-365. John M. Sullivan**, Bradford County Board of Commissioners, Courthouse, 30 Main Street, Towanda, PA 18848. Knapps covered bridge rehab, in Burlington Township, **Bradford County**, ACOE Baltimore District (Ulster, PA Quadrangle N: 6.6 inches; W: 7.3 inches).

To remove deteriorated arch members, the upper portions of the abutments and wingwalls and the concrete

approach slabs of an existing single span, burr arch through truss bridge with a span of approximately 88 feet 10 inches and a normal waterway opening of 76 feet and to construct and maintain arch members, concrete encasement of existing abutments, concrete approach slabs, truss bearing seat and abutment wall upper portions of the above burr arch through truss bridge. The bridge is located over Browns Creek on T-554 approximately 0.8 mile northeast of Luthers Mills in Burlington Township, Bradford County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E55-167. James A. Trutt**, P. O. Box 243, Vicksburg, PA 17883. Bridge, in Center Township, **Snyder County**, ACOE Baltimore District (Middleburg, PA Quadrangle, N:19.9 inches; W:7.2 inches).

To construct and maintain a steel I-beam bridge with a 30-foot clear span and a 5-foot underclearance across Dry Run located 1,500 feet downstream of the SR 1001 bridge over Dry Run in Center Township, Snyder County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E03-390. Boggs Township Supervisors**, RD #1, Box 49A, Templeton, PA 16259. Boggs Township, **Armstrong County**, ACOE Pittsburgh District.

To remove the existing structure (Township Bridge No. 33) and to construct and maintain a bridge having a normal clear span of 20.0 feet and an underclearance of 6.9 feet across Scrubgrass Creek (CWF) located on T-822 at a point approximately 200 feet west of its intersection with T-632. Also, to construct and maintain temporary diversion devices in the channel during construction (Distant, PA Quadrangle N: 5.69 inches; W: 16.99 inches).

**E03-392. Pennsylvania Department of Transportation**, Engineering District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701-0429. Plumcreek Township, **Armstrong County**, ACOE Pittsburgh District.

To remove the existing bridge and to construct and maintain a bridge having a normal clear span of 75.0 feet and an underclearance of 12.0 feet across Plum Creek (TSF). The project is located on S.R. 2069 approximately 1,000 feet east of its intersection with S.R. 0210 (Elderton, PA Quadrangle N: 13.7 inches; W: 10.00 inches).

**E26-279. Fayette County Commissioners**, Courthouse, 61 East Main Street, Uniontown, PA 15401. Georges Township, **Fayette County**, ACOE Pittsburgh District.

To replace and maintain the deck of Fayette County Bridge No. 162, having a clear span of 30 feet and an underclearance of 6.5 feet across Mountain Creek (CWF) located on T-500 (Weaver Mill Road) at a point approximately 350 feet south of its intersection with T-345 (Smithfield, PA Quadrangle N: 6.08 inches; W: 8.55 inches). Emergency Permit EP2600205 was issued on December 11, 2000.

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

**E24-215. PA Department of Conservation and Natural Resources**, Bureau of Forestry, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8451,

Harrisburg, PA 17105-8451. Dents Run Road Across Tributary to Dents Run, in Benezette Township, **Elk County**, ACOE Pittsburgh District (Dents Run, PA Quadrangle N: 20.2 inches; W: 9.5 inches).

To remove the bridge and to install and maintain a 22.3-foot long precast concrete box culvert having a 20-foot wide by 4-foot high waterway opening in a tributary to Dents Run (Bell Draft) and impacting a de minimis amount of adjoining wetlands on Dents Run Road approximately 4.5 miles west of S.R. 555 at Dents Run in Elk State Forest.

**E25-602, Millcreek Township**, 3608 West 26th Street, Erie, PA 16506. Heidler Road Drainage Improvement Project, in Millcreek Township, **Erie County**, ACOE Pittsburgh District.

To conduct the following activities associated with the Heidler Road Drainage Improvement Project in a tributary to Walnut Creek downstream of Heidler Road northwest of Sterrettania Road (S.R. 832):

1. Realign approximately 800 feet of stream channel beginning at Heidler Road and extending downstream (Swanville, PA Quadrangle N: 8.0 inches; W: 6.9 inches).

2. Remove the existing structure and to install and maintain three 60-inch diameter HDPE pipe culverts having a length of 50 feet on a private driveway approximately 850 feet downstream of Heidler Road (Swanville, PA Quadrangle N: 8.1 inches; W: 6.85 inches).

3. Remove the existing structure and to install and maintain three 60-inch diameter HDPE pipe culverts having a length of 50 feet on a private driveway approximately 1,700 feet downstream of Heidler Road (Swanville, PA Quadrangle N: 8.5 inches; W: 6.45 inches).

4. Install and maintain concrete block stream bank walls along both banks for a distance of approximately 100 feet extending upstream from a private driveway approximately 2,600 feet downstream of Heidler Road (Swanville, PA Quadrangle N: 8.9 inches; W: 6.1 inches).

## SPECIAL NOTICES

### Announcement of Resource Recovery Demonstration Grants under the Solid Waste-Resource Recovery Development Act

In accordance with 25 Pa. Code Chapter 76.13 and 76.82 (c) of the Solid Waste—Resource Recovery Development Act Rules and Regulations, the Department of Environmental Protection has approved grants to the following application sponsors under the Pennsylvania Solid Waste-Resource Recovery Development Act of July 20, 1974 (P. L. 572, No. 198).

The grant offerings are subject to completion of a contract with the Department in accordance with the Scope of Work approved by the Bureau of Land Recycling and Waste Management. Grants are limited to no more than the maximum amount provided in the grant offering, up to 75% of the total eligible demonstration project costs.

Inquiries concerning this notice should be directed to Carl Hursh, Chief, Waste Reduction and Recycling, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

## 2000

### Act 198 Demonstration Grants

#### Bureau of Land Recycling and Waste Management

<i>Development Agency</i>	<i>Description of Project</i>	<i>Amount</i>
Lehigh County	Demonstration of a re-use center to collect and repair or refurbish items segregated from municipal solid waste	\$175,000

#### Bureau of Deep Mine Safety Approval of Request for Variance

The Bureau of Deep Mine Safety (BDMS) has conditionally approved Eighty Four Mining Company's request for a variance from the requirements of Section 228(a) of the Pennsylvania Bituminous Coal Mine Act (Act) at Mine 84. This notification contains a summary of this request and the basis for the Department's approval. 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:* Eighty Four Mining Company requested a variance of the requirements of Section 228(a) to conduct pre-shift examinations within 3 hours preceding the beginning of any 8-hour interval during which any person is scheduled to work or travel underground and establish the 8-hour intervals of time subject to these examinations at Mine 84.

Continued authorization for operation under the approval is contingent upon compliance with the measures described in Eighty Four Mining Company's variance request and the following conditions:

1. The approval only applies for days when Mine 84 operates less than 3 coal-producing shifts, and the coal-producing shift starting times are 10 hours or more apart.

2. Following any idle shift, the operator is required to conduct a pre-shift examination of all active areas of the entire mine in accordance with Section 228(a) within 3 hours immediately preceding the beginning of the first coal-producing shift and before any miners in such shift other than those who may be designated to make the examination enter the mine.

3. Workers other than those who may be designated to make the examination shall not enter or remain in an underground area unless a pre-shift examination has been completed for the established 8-hour interval.

4. The operator shall ensure that areas of the mine that have not been examined as part of the 8-hour interval pre-shift will be examined within 3 hours before workers, other than persons making the examination, enter those areas.

5. At all times certified miners, machine runners, shot-firers, and mine officials shall monitor their work areas for all dangerous conditions. Certified machine runners or mine officials shall conduct a methane test at all working places where energized equipment is located at intervals not to exceed 20 minutes. All dangerous conditions that are not corrected shall be immediately dangerous off and reported to a certified mine official. Certified mine officials shall notify incoming workers of all dangerous conditions in their assigned work areas and see that a danger sign is posted at the entrance to those areas before workers enter.



6. The operator shall use and maintain the systems for monitoring methane on continuous miners and longwall face equipment and for monitoring carbon monoxide on belt conveyors and permanent battery charging stations in compliance with all Federal requirements, and manufacturers' specifications.

7. This approval applies only to the schedule of shifts and pre-shift examinations set forth in the variance request. Changes in the pre-shift examination schedule will be submitted to the Department for approval before implementation.

The basis for the Bureau's approval is summarized as follows:

The Act requires that pre-shift examinations shall be made within 3 hours before the start of each coal production shift. The operator has scheduled coal production shifts that are 10 hours or longer in time. The extended shift schedules would result in pre-shift examinations being conducted at intervals of 10 hours or longer in time. The operator's proposal to conduct pre-shift examinations at 8-hour intervals will reduce the time between examinations and is more likely to detect hazards that could result in accidents.

In 1961 when the Act became law, coal miners worked in shifts of 8 hours as a general practice. The effect of the pre-shift examination requirement was that examiners conducted pre-shift examinations every 8 hours. Years of experience with pre-shift examinations conducted at 8-hour intervals have proved effective at detecting hazardous conditions. Extending the pre-shift interval from 8 hours to 10 hours or longer due to extended production schedules would not be as effective as 8-hour intervals. The extended shift schedules and examination intervals would increase the risk that changing or dangerous conditions in the mine would not be detected for a longer time while workers are in the mine.

The Bureau's approval of the variance request is conditioned on the operator's performance of 3 pre-shift examinations whenever 2 or fewer than 2 pre-shift examinations are required by Section 228(a) in a day. The additional pre-shift examination per day provides a greater probability that changing or dangerous conditions will be detected.

The approval modifies the operator's request to incorporate technological safety enhancements that will facilitate the early detection of hazardous conditions. These include:

- Continuous miners and longwall face equipment equipped with methane monitors that continuously monitor and automatically de-energize electrical power when methane levels exceed allowable limits.
- Conveyor belts and permanent battery charging stations throughout the mine equipped with carbon monoxide sensors that provide an alarm at a location that is staffed continually.

These monitoring and early warning systems which are not required by the Act will be required to be maintained as a condition of this approval.

In 1961, mines were generally idle one shift per day and/or one day per week. The Act requires that within 3 hours immediately preceding the beginning of a coal-producing shift and before any workers in such shift enter the underground areas, a pre-shift examination shall be made of such areas. This requirement is very important following an idle shift to detect potential hazards that could have developed during the idle period. The require-

ment to make a complete pre-shift examination of all active areas of the entire mine within 3 hours before the start of the first coal production shift and before workers enter the mine following an idle shift is retained as a provision of this approval.

Prior to October 18, 1999, the Pennsylvania Bituminous Coal Mine Act and Federal Mine Safety and Health Administration (MSHA) were generally consistent on the requirement for pre-shift examination. Effective October 18, 1999, MSHA revised its requirements for pre-shift examinations to be conducted on 8-hour intervals instead of 3 hours before the start of each shift. MSHA's justification for this change was based on an extensive study and evaluation that concluded the 8-hour equal interval examination provides a greater degree of safety than the requirement that examinations be made 3 hours prior to the start of the shift and before workers enter the mine.

[Pa.B. Doc. No. 01-508. Filed for public inspection March 23, 2001, 9:00 a.m.]

### Cleanup Standards Scientific Advisory Board Meeting

The Cleanup Standards Scientific Advisory Board meeting will be held on March 26, 2001, at 9:30 a.m., 400 Market Street, Rachel Carson State Office Building, Room 105, Harrisburg, PA.

Questions concerning the agenda for this meeting can be directed to Marilyn Wooding at (717) 783-7509 or e-mail to Wooding.Marilyn@dep.state.pa.us. All agendas, minutes and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website 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 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. 01-509. Filed for public inspection March 23, 2001, 9:00 a.m.]

### Water Resources Forums

The Department of Environmental Protection (DEP), in partnership with the Governor's Center for Local Government Services of the Department of Community and Economic Development, the Department of Conservation and Natural Resources and the Department of Agriculture, has scheduled 12 public forums for the purpose of collecting public input on this Commonwealth's current and future water resource needs.

The forums are an opportunity for the State to hear what Commonwealth residents have to say about water resources issues.

In an effort to promote and focus discussion, two questions have been developed that will be presented to the attendees:

- What one water resource need or issue do you feel needs greatest attention in your community?
- What tools do we need to help ensure adequate water supplies in this Commonwealth?

The forums will begin at 7 p.m. There will also be water resource related State agency exhibits and information on display from 6 p.m. to 7 p.m. There is no cost to attend the forum and registration is not required. For additional information, contact Kimberly Chism, Office of Water Management, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5807, or visit the website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (directLINK "Water Resources").

The forums will be held on the following dates at the following locations:

April 16—Bucks County  
Holiday Inn Northwest  
3499 Street Road  
Bensalem, PA 19020

April 17—Lehigh County  
Days Inn Conference Center  
1151 Bull Dog Drive  
Allentown, PA 18104

April 23—Dauphin County  
DEP  
400 Market Street  
2nd Floor Main Auditorium  
Harrisburg, PA 17101

April 24—Luzerne County  
Holiday Inn  
880 Kidder Street  
Wilkes-Barre, PA 18702

April 26—Centre County  
State College Inn  
1663 South Atherton Street  
State College, PA 16801

May 1—Lycoming County  
Genetti Hotel  
200 West Fourth Street  
Williamsport, PA 17701

May 3—Chester County  
Best Western Hotel Conference Center  
815 North Pottstown Pike  
Exton, PA 19341

May 16—Butler County  
Days Inn Conference Center  
139 Pittsburgh Road  
Butler, PA 16001

May 17—Westmoreland County  
Greensburg Garden & Civic Center  
951 Old Salem Road  
Greensburg, PA 15601

May 21—Bedford County  
Arena Hotel  
4407 Business Route 220 North  
P. O. Box 171  
Bedford, PA 15522

May 23—Erie County  
Ramada Inn  
401 West Plum Street  
Edinboro, PA 16412

May 24—Clearfield County  
Holiday Inn  
U.S. Route 219 & I 80  
DuBois, PA 15801

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Kimberly Chism at (717) 772-5807 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. 01-510. Filed for public inspection March 23, 2001, 9:00 a.m.]

### Wetland Replacement Project

The Department of Environmental Protection (Department) has approved the following wetland restoration project for funding under the Pennsylvania Wetland Replacement Project (PWRP). The PWRP is a jointly managed fund between the Department and the National Fish and Wildlife Foundation established to offset wetland losses. Construction for the following project is anticipated to begin in early spring 2001. Further information may be obtained by contacting Kelly Heffner, Department of Environmental Protection, Division of Waterways, Wetlands and Erosion Control, P. O. Box 8775, Harrisburg, PA 17105-8775; (717) 772-5970 or e-mail [Kheffner@state.pa.us](mailto:Kheffner@state.pa.us).

*Project No. S09C14-001*

Sponsored by the University Joint Authority, the primary objective of the .5-acre emergent wetland restoration in Spring Creek Watershed of the Susquehanna River drainage is for wildlife habitat. The wetland will use clean water from the treatment system to provide wildlife habitat. This wetland will be adjacent to Spring Creek. This project is located in Benner Township, Centre County.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 01-511. Filed for public inspection March 23, 2001, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Design Professional Selections

The Selections Committee (Committee) for the Department of General Services (Department) will meet to consider selections of Design Professionals for the following project:

*Project No. DGS 407-66*—Construction of New Convocation Center (Regional Development Complex), Indiana University, Indiana, Indiana County, PA. Construction Cost: \$31,892,500. The scope of work includes, but is not limited to, a building of approximately 200,000 gross square foot to address the needs of a Corporate Technology and Support Center. The building will include a high-tech incubator, continuing education facility and convocation complex to support commencement, sporting events, trade shows and cultural events. Also included are the extension of utilities to the facility, site alterations/improvements to including storm water management and

road improvements. The Department will select and contract for full-time Construction Manager (CM) services. The Professional shall work with the CM who will establish schedule, bid packages and cost control.

#### Requirements and Information

##### *Note—Project Program*

A Project Program, prepared by the Using Agency, is available for the following project: DGS 407-66. A Project Program is available on the Internet by clicking on the project number in the advertisement which can be accessed through the Public Works section on the Department's Home Page at [www.dgs.state.pa.us](http://www.dgs.state.pa.us). A copy of the Project Program may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468, or via e-mail by addressing a request to: [pbianchi@state.pa.us](mailto:pbianchi@state.pa.us).

##### *Instructions for Filing Application*

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Form 150-ASP must be filed with the Department. The signature on Form 150-ASP must be an original signature. Consultants listed on the requesting professional firm's application, Form 150-ASP, shall be deemed to be designated Key Consultants. Form 150-ASP, Application For Specific Project, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468. The Form 150-ASP can be downloaded from the Professional Selections website of the Department's Internet Home Page at <http://www.dgs.state.pa.us>. In addition, the Form 150-ASP can be obtained via e-mail by addressing a request to: [pbianchi@state.pa.us](mailto:pbianchi@state.pa.us).

(b) The requesting professional firm shall obtain from each consultant listed in Question 9, page 4 of the requesting professional firm's application (Form 150-ASP) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-ASP) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-ASP) for the specific project. The signature on the letter of certification must be an original signature.

(c) The requesting professional firm must submit six copies of Form 150-ASP, Application for Specific Project, for each project herein advertised in which the firm is interested and qualified to perform. At least one of the six copies submitted must contain all original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three relevant projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). The requesting professional firm or joint venture firm must be the Professional of Record for the projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). It is not acceptable to list work performed by Key Consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location, and the name of the Professional of Record. Color photo copies are accept-

able, however, renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-ASP). The pages of each copy of Form 150-ASP must be stapled with photographs and consultant's letters of certification followed by the resumes of Key Personnel (listed in Question 10 and/or 11 on Pages 5 and/or 6) included as the last section of the application. Do not bind the application (Form 150-ASP) in any way to any other documentation. Do not bind the application (Form 150-ASP) in a binder of any type.

(d) A complete project submission, which consists of documents described in paragraphs (a)—(c), must be received on or before the close of business (5 p.m.) Wednesday, April 4, 2001, and addressed to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the Form 150-ASP. Applications submitted on any other form are unacceptable and will not be considered by the Committee.

(e) The Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

(g) In accordance with Act 57 of 1998, where the amount of Base Construction Allocation is in excess of or equal to \$20,000,000 the fee to be paid to the design professional and the terms of the contract between the design professional and the Department shall be negotiated.

##### *Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials*

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed state work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Committee. The Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under Act 57 of May 15, 1998.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 01-512. Filed for public inspection March 23, 2001, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Requests for Exceptions; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Mercy Skilled Nursing Unit Wilkes-Barre  
25 Church Street, P. O. Box 658  
Wilkes-Barre, PA 18765

Mercy Skilled Nursing Facility  
746 Jefferson Avenue  
Scranton, PA 18501

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.8 (relating to ceiling heights):

Rebecca Residence  
3746 Cedar Ridge Road  
Allison Park, PA 15101

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, Fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail, or facsimile to the division and address listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-513. Filed for public inspection March 23, 2001, 9:00 a.m.]

### Requests for Exceptions; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Sacred Heart Hospital  
Transitional Care Facility  
421 Chew Street  
Allentown, PA 18192-3490

The request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, Fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail, or facsimile to the division and address listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-514. Filed for public inspection March 23, 2001, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Rescheduled Public Meeting

The Department of Public Welfare (Department) is announcing the opportunity for public comment on the plan to implement HealthChoices, the mandatory managed care program for Medical Assistance consumers in Pennsylvania, in the North/Central Zone. HealthChoices was implemented in five counties in the Southeast Zone in 1997, in 10 counties in the Southwest Zone in 1999, and is currently being implemented in 10 counties in the Lehigh/Capital Zone. The Department is now developing the HealthChoices program for the North/Central Zone, representing the balance of 42 counties in the State. The Department plans to divide the North/Central Zone into three Sub-zones: Northeast, Northwest, and Central with enrollment in the Northeast Sub-zone scheduled to begin in January 2003. Implementation in the two remaining sub-zones will occur in 2004 for the Northwest Sub-zone and 2005 for the Central Sub-zone.

A discussion paper on the plan to implement HealthChoices in the North/Central Zone may be obtained by calling (717) 772-6783 or accessing the DPW webpage at <http://www.dpw.state.pa.us/omap/dpwomap>.

In order to gather comments from all interested parties, the Department scheduled public meetings to discuss plans to implement HealthChoices in the North/Central Zone. Meetings were scheduled in Scranton on March 12, 2001, and State College on March 19, 2001. A third meeting was scheduled for March 5 in Erie, but was cancelled due to inclement weather.

A meeting in Erie has been rescheduled and will be held as follows:

- Northwest Sub-Zone—Friday, April 20, 2001  
9:30 a.m.—2:30 p.m.  
Hirt Auditorium  
Erie County Public Library  
160 E. Front Street  
Erie, PA

Persons who wish to present comments on the paper must schedule a 5-minute time slot by calling (717) 772-6783. The deadline to schedule a speaking slot at the

Erie meeting is April 13, 2001. Please bring a written copy of your comments to the meeting.

Comments may be submitted in writing to DPW/OMAP, Bureau of Policy, Budget, and Planning, P. O. Box 8046, Harrisburg, PA 17105.

Written comments also will be accepted at the following e-mail address: N-Central@dpw.state.pa.us.

Written comments will be accepted until 4 p.m., April 20, 2001.

FEATHER O. HOUSTOUN,  
*Secretary*

[Pa.B. Doc. No. 01-515. Filed for public inspection March 23, 2001, 9:00 a.m.]

### TANF Hardship Exceptions

The purpose of this notice is to announce the Department of Public Welfare's (DPW) intent to amend the Commonwealth's Temporary Assistance for Needy Families (TANF) (42 U.S.C.A. §§ 601—619) State Plan to establish hardship exceptions whereby certain recipients may continue to receive TANF beyond the 60-month limit prescribed by Federal law.

The Federal statute at 42 U.S.C.A. § 608(a)(7)(A) provides that a state may not use any of its Federal TANF funds to provide assistance to a family that includes an adult who has received TANF assistance for 60 months (whether or not consecutive). Federal regulations at 45 CFR 264.1(a)(1) provide that a state may not use Federal TANF funds for assistance to a family in which the head-of-household or spouse of the head-of-household has received TANF for 60 months. However, the statute at 42 U.S.C.A. § 608(a)(7)(C) and Federal regulations at 45 CFR 264.1(c) give states the option to extend assistance paid for by Federal TANF funds beyond the 5-year limit for up to 20% of the average monthly caseload. Assistance may be extended only if the family has a hardship as defined by the state or includes someone who has been battered or subjected to extreme cruelty.

This notice and subsequent State Plan amendments do not create a duty or obligation upon DPW to establish, continue, renew or extend availability of the above stated policy.

DPW invites interested persons to submit written comments and suggestions within the next 30 days concerning how DPW should define which families may qualify for the 20% hardship exemption. Comments should be addressed to Edward J. Zogby, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, P. O. Box 2675, Harrisburg, PA 17105-2675.

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

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-276. No fiscal impact; (8) recommends adoption.

There is no increase in State costs with this proposal. There will be an estimated increased cost in TANF Federal funds of \$4,598,000 in 2001-2002.

[Pa.B. Doc. No. 01-516. Filed for public inspection March 23, 2001, 9:00 a.m.]

### TANF Time-Out

The purpose of this notice is to announce the Department of Public Welfare's (DPW) intent to amend the Commonwealth's Temporary Assistance for Needy Families (TANF) (42 U.S.C.A. §§ 601—619) State Plan. The proposed amendment will permit persons who otherwise qualify for TANF to receive cash assistance that does not count toward the 60-month TANF time limit.

Federal law permits a state to have a fiscally segregated state-funded program (SSP). If a state segregates its TANF state funds from its Federal TANF funds, assistance benefits funded solely through state funds are subject to many TANF requirements such as work and child support, but are exempt from certain other requirements such as the 5-year time limit (42 U.S.C.A. § 609(a)(7)(B)(i)). DPW intends to amend its TANF state plan to create an SSP known as the Time-Out initiative.<sup>1</sup>

The Time-Out initiative will be implemented effective July 2, 2001. It will provide incentives for families meeting and/or exceeding minimum work participation requirements, or participating early in work and/or other employment-related activities. This initiative will also provide incentives to persons who are addressing barriers to self-sufficiency by working toward goals for self-sufficiency that are tailored to individual needs and situations.

Time-Out benefits may be granted to persons in the following groups as long as they meet all other TANF eligibility criteria:

#### 1. Working

- A recipient who is working (in paid employment) 30 hours per week, or
- A recipient who is working 20 hours per week and is also engaged in 10 hours or more of approved employment and training activities, or
- A two-parent family in which both parents are working a combined 55 hours per week.

#### 2. Early Engager

- A recipient who has received not more than 12 months of cash assistance, and
- Has completed the required 8-week job search, and
- Who is enrolled in a contracted or otherwise DPW-approved Employment and Training program for 30 hours per week, or
- Who is enrolled in a post-secondary educational activity defined as full-time by the college, university or institution.

<sup>1</sup>Funds expended in the Time-Out initiative will count towards the Maintenance of Effort requirement of § 409(a)(7) of the Social Security Act. That provision (42 U.S.C. § 609(a)(7)) and Federal regulations at 45 CFR § 263.1(a)(1) provide that states must spend in every fiscal year at least 80 percent of what they spent in fiscal year 1994 on expenditures to eligible families (in the Aid to Families with Dependent Children program).

### 3. *Exempt Volunteer*

- A recipient who is exempt from participating in work or work-related activities due to a temporary or permanent physical or mental disability, and
- Who participates in the Maximizing Participation Project (MPP).<sup>2</sup>

### 4. *Kinship Caregiver*

- A non-parental caretaker who has received 24 months or more of cash assistance for himself/herself and a related minor dependent child, and
- Who is not receiving cash assistance for children of his/her own, and
- Who is meeting the 20-hour weekly work requirement.

### 5. *Victim of Domestic Violence*

- A person who has been identified as a victim of domestic violence, and
- Who maintains compliance with a domestic violence plan developed with the assistance of a person trained in domestic violence counseling or services.

Participation in Time-Out is limited to 12 months in a person's lifetime for persons who meet the criteria specified in numbers 1-3 above. Victims of domestic violence may receive a Time-Out for 6 months with an additional 6 months if they are complying with their domestic violence plan.

Kinship caregivers may receive Time-Out indefinitely as long as they meet the criteria specified in number 4 above. The limit on the number of months a person can receive Time-Out benefits applies regardless of whether the months are consecutive.

A person may receive Time-Out benefits under one criterion and later receive Time-Out under another criterion, as long as the combined periods do not exceed the 12-month lifetime limit (excluding kinship caregivers).

This notice and subsequent State Plan amendments do not create a duty or obligation upon DPW to continue, renew or extend availability of the Time-Out Initiative. Continuation or renewal of the initiative is subject to availability of funds.

DPW invites interested persons to submit written comments regarding this notice within 30 days. Comments should be addressed to Edward J. Zogby, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, P. O. Box 2675, Harrisburg, PA 17105-2675.

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

FEATHER O. HOUSTON,  
*Secretary*

**Fiscal Note:** 14-NOT-275. (1) General funds; (2) Implementing Year 2001-02 is \$28,132,000; (3) 1st Succeeding Year 2002-03 is \$29,635,000; 2nd Succeeding Year 2003-04 is \$29,635,000; 3rd Succeeding Year 2004-05 is \$29,635,000; 4th Succeeding Year 2005-06 is \$29,635,000; 5th Succeeding Year 2006-07 is \$29,635,000; (4) 1999-00 Program—\$311,394,000; 1998-99 Program—\$259,688,000; 1997-98 Program—\$323,388,000; (7) Cash Grants; (8)

<sup>2</sup>The Maximizing Participation Project (MPP) is a new initiative that involves multidisciplinary social service teams working with TANF recipients. The goal is to develop a services plan which fosters self-sufficiency in TANF clients who have experienced physical or mental illnesses.

recommends adoption. Funds are included in the recommended budget for 2001-2002 for this purpose.

[Pa.B. Doc. No. 01-517. Filed for public inspection March 23, 2001, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Pharaoh's Gold 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 Pharaoh's Gold.

2. *Price:* The price of a Pennsylvania Pharaoh's Gold instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Pharaoh's Gold instant lottery game ticket will contain one play area featuring a "Pharaoh's Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Pharaoh's Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN) and 19 (NINTN). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and a Pyramid Symbol (PYMD).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THR DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$10, \$25, \$50, \$100, \$1,000 and \$25,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Pharaoh's Gold instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Pharaoh's Numbers" play symbols and a prize play symbol of \$25,000 (TWYFIVTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Pharaoh's Numbers" play symbols and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pyramid Symbol (PYMD) and a prize play symbol of \$100 (ONE HUN) appears under the Pyramid Symbol (PYMD) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Pharaoh's Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pyramid Symbol (PYMD) and a prize play symbol of \$50\$ (FIFTY) appears under the Pyramid Symbol (PYMD) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Pharaoh's Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pyramid Symbol (PYMD) and a prize play symbol of \$25\$ (TWY FIV) appears under the Pyramid Symbol (PYMD) play symbol, on a single ticket, shall be entitled to a prize of \$25.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Pharaoh's Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pyramid Symbol (PYMD) and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the Pyramid Symbol (PYMD) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Pharaoh's Numbers" play symbols and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pyramid Symbol (PYMD) and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the

Pyramid Symbol (PYMD) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Pharaoh's Numbers" play symbols and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Pharaoh's Numbers" play symbols and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pyramid Symbol (PYMD) and a prize play symbol of \$3<sup>00</sup> (THR DOL) appears under the Pyramid Symbol (PYMD) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Pharaoh's Numbers" play symbols and a prize play symbol of \$3<sup>00</sup> (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pyramid Symbol (PYMD) and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the Pyramid Symbol (PYMD) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Pharaoh's Numbers" play symbols and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Pharaoh's Numbers" play symbols and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

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:

*When Any Of Your Numbers Match Either Pharaoh's Number, Win With Prize(s) Of:*

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$1 x 2	1:20	300,000
\$2	1:37.50	160,000
\$2 (Pyramid)	1:11.11	540,000
\$1 x 3	1:44.12	136,000
\$2 + \$1	1:136.36	44,000
\$3	1:250	24,000
\$3 (Pyramid)	1:38.46	156,000
\$1 x 5	1:50	120,000
\$2 + \$3	1:300	20,000
\$1 x 2 + \$3	1:375	16,000
\$5	1:1,500	4,000
\$5 (Pyramid)	1:150	40,000

When Any Of Your  
Numbers Match  
Either Pharaoh's  
Number; Win With  
Prize(s) Of:

	Win	Approximate Odds	Approximate No. of Winners Per 6,000,000 Tickets
\$2 x 5	\$10	1:375	16,000
\$5 x 2	\$10	1:1,500	4,000
\$4 x 2 + \$2	\$10	1:1,500	4,000
\$10	\$10	1:1,500	4,000
\$10 (Pyramid)	\$10	1:115.38	52,000
\$5 x 5	\$25	1:750	8,000
\$10 x 2 + \$5	\$25	1:750	8,000
\$5 x 3 + \$10	\$25	1:1,500	4,000
\$4 x 5 + \$5	\$25	1:1,500	4,000
\$25	\$25	1:1,500	4,000
\$25 (Pyramid)	\$25	1:500	12,000
\$4 x 5 + \$10 x 3	\$50	1:1,200	5,000
\$10 x 5	\$50	1:3,000	2,000
\$5 x 10	\$50	1:3,000	2,000
\$5 x 4 + \$10 x 3	\$50	1:3,000	2,000
\$25 x 2	\$50	1:3,000	2,000
\$50	\$50	1:8,571	700
\$50 (Pyramid)	\$50	1:923.08	6,500
\$10 x 10	\$100	1:8,000	750
\$50 x 2	\$100	1:10,000	600
\$100	\$100	1:13,333	450
\$100 (Pyramid)	\$100	1:5,000	1,200
\$1,000	\$1,000	1:60,000	100
\$25,000	\$25,000	1:1,000,000	6

Pyramid = Auto win

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Pharaoh's Gold 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 Pharaoh's Gold, prize money from winning Pennsylvania Pharaoh's Gold 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 Pharaoh's Gold 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 Pharaoh's Gold or through normal communications methods.

LARRY P. WILLIAMS,  
Secretary

[Pa.B. Doc. No. 01-518. Filed for public inspection March 23, 2001, 9:00 a.m.]

### Pennsylvania Quick 6's 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 Quick 6's.

2. *Price:* The price of a Pennsylvania Quick 6's instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Quick 6's instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Play Area" are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$6<sup>00</sup> (SIX DOL), \$12\$ (TWLV), \$18\$ (EGHTN), \$24\$ (TWY FOR), \$36\$ (TRY SIX), \$72\$ (SVY TWO) and \$6,000 (SIX THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$6, \$12, \$18, \$24, \$36, \$72 and \$6,000. The player can win up to six times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Quick 6's instant lottery game.

7. *Determination of Prize Winners:*



(a) Holders of tickets with a play symbol of 6 (SIX) and a prize play symbol of \$6,000 (SIX THO) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$6,000.

(b) Holders of tickets with a play symbol of 6 (SIX) and a prize play symbol of \$72\$ (SVY TWO) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$72.

(c) Holders of tickets with a play symbol of 6 (SIX) and a prize play symbol of \$36\$ (TRY SIX) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$36.

(d) Holders of tickets with a play symbol of 6 (SIX) and a prize play symbol of \$24\$ (TWY FÖR) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$24.

(e) Holders of tickets with a play symbol of 6 (SIX) and a prize play symbol of \$18\$ (EGHTN) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$18.

(f) Holders of tickets with a play symbol of 6 (SIX) and a prize play symbol of \$12\$ (TWLV) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$12.

(g) Holders of tickets with a play symbol of 6 (SIX) and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$6.

(h) Holders of tickets with a play symbol of 6 (SIX) and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets with a play symbol of 6 (SIX) and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with a play symbol of 6 (SIX) and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appearing under it in the "Play 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:

*Find A "6" In  
The Play Area  
And Win With  
Prize(s) Of:*

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
\$1	\$1	1:9.68	1,488,000
\$1 x 2	\$2	1:21.43	672,000
\$2	\$2	1:30	480,000
\$2 x 2	\$4	1:300	48,000
\$4	\$4	1:300	48,000
\$1 x 6	\$6	1:100	144,000
\$2 x 3	\$6	1:150	96,000
\$6	\$6	1:300	48,000
\$2 x 6	\$12	1:375	38,400
\$12	\$12	1:1,500	9,600
\$6 x 3	\$18	1:750	19,200
\$2 x 3 + \$4 x 3	\$18	1:750	19,200
\$18	\$18	1:1,500	9,600
\$4 x 6	\$24	1:1,500	9,600
\$6 x 4	\$24	1:3,000	4,800
\$12 x 2	\$24	1:3,000	4,800
\$24	\$24	1:3,000	4,800
\$18 x 2	\$36	1:2,400	6,000
\$6 x 6	\$36	1:3,200	4,500
\$36	\$36	1:4,800	3,000
\$12 x 6	\$72	1:9,231	1,560
\$72	\$72	1:30,000	480
\$6,000	\$6,000	1:1,028,571	14

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Quick 6's 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 Quick 6's, prize money from winning Pennsylvania Quick 6's 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 Quick 6's 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 Quick 6's or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 01-519. Filed for public inspection March 23, 2001, 9:00 a.m.]

### **Pennsylvania Struck by Luck 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 Struck By Luck.

2. *Price:* The price of a Pennsylvania Struck By Luck instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Struck By Luck instant lottery game ticket will contain one play area featuring a "Lucky Number" area and a "Your Numbers" area. The play symbols and their captions located in the "Lucky Number" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRNTN) and 14 (FORTN). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRNTN), 14 (FORTN) and a Horseshoe Symbol (HORSHOE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$6.<sup>00</sup> (SIX DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$6, \$10, \$20, \$40, \$80 and \$500. A player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 13,680,000 tickets will be printed for the Pennsylvania Struck By Luck instant lottery game.

#### *7. Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horseshoe Symbol (HORSHOE) and a prize play symbol of \$500 (FIV HUN) appears under the Horseshoe Symbol (HORSHOE) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$80\$ (EIGHTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horseshoe Symbol

(HORSHOE) and a prize play symbol of \$80\$ (EIGHTY) appears under the Horseshoe Symbol (HORSHOE) play symbol, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horseshoe Symbol (HORSHOE) and a prize play symbol of \$40\$ (FORTY) appears under the Horseshoe Symbol (HORSHOE) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horseshoe Symbol (HORSHOE) and a prize play symbol of \$20\$ (TWENTY) appears under the Horseshoe Symbol (HORSHOE) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horseshoe Symbol (HORSHOE) and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) appears under the Horseshoe Symbol (HORSHOE) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$6.<sup>00</sup> (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horseshoe Symbol (HORSHOE) and a prize play symbol of \$6.<sup>00</sup> (SIX DOL) appears under the Horseshoe Symbol (HORSHOE) play symbol, on a single ticket, shall be entitled to a prize of \$6.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$4.<sup>00</sup> (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horseshoe Symbol (HORSHOE) and a prize play symbol of \$4.<sup>00</sup> (FOR DOL) appears under the Horseshoe Symbol (HORSHOE) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horseshoe Symbol (HORSHOE) and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) appears under the Horseshoe Symbol (HORSHOE) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Horseshoe Symbol (HORSHOE) and a prize play symbol of \$1.<sup>00</sup> (ONE DOL) appears under the Horseshoe Symbol (HORSHOE) play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Matches The Lucky Number Win With Prize(s) Of:*

<i>Prize(s) Of:</i>	<i>Win</i>
\$1	\$1
\$1 w/Horseshoe	\$1
\$1 x 2	\$2
\$2 w/Horseshoe	\$2
\$2	\$2
\$2 x 2	\$4
\$4 w/Horseshoe	\$4
\$4	\$4
\$2 x 3	\$6
\$6 w/Horseshoe	\$6
\$6	\$6
\$2 x 5	\$10
\$10 w/Horseshoe	\$10
\$10	\$10
\$10 x 2	\$20
\$4 x 5	\$20
\$20 w/Horseshoe	\$20
\$20	\$20
\$20 x 2	\$40
\$10 x 4	\$40
\$40 w/Horseshoe	\$40
\$40	\$40
\$10 x 2 + \$20 x 3	\$80
\$40 x 2	\$80
\$80 w/Horseshoe	\$80
\$80	\$80
\$500 w/Horseshoe	\$500
\$500	\$500

Horseshoe = Auto Win

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 13,680,000 Tickets</i>
1:18.75	729,600
1:11.54	1,185,600
1:60	228,000
1:60	228,000
1:150	91,200
1:250	54,720
1:250	54,720
1:500	27,360
1:750	18,240
1:750	18,240
1:1,500	9,120
1:150	91,200
1:150	91,200
1:300	45,600
1:1,500	9,120
1:500	27,360
1:1,500	9,120
1:1,500	9,120
1:5,333	2,565
1:5,333	2,565
1:4,800	2,850
1:20,000	684
1:17,143	798
1:24,000	570
1:17,143	798
1:40,000	342
1:30,000	456
1:30,000	456

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Struck By Luck 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 Struck By Luck, prize money from winning Pennsylvania Struck By Luck 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 Struck By Luck 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 Struck By Luck or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 01-520. Filed for public inspection March 23, 2001, 9:00 a.m.]

**Pennsylvania Wild Spot Bingo Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Wild Spot Bingo.

2. *Price:* The price of a Pennsylvania Wild Spot Bingo instant lottery game ticket is \$2.00.

3. *Play Symbols:*

(a) Each Pennsylvania Wild Spot Bingo instant lottery game ticket will contain four play areas designated as "Card 1," "Card 2," "Card 3" and "Card 4." The 76 play symbols located in the four play areas are: The numbers 1 through 75 and FREE.

(b) Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 squares in a 3 x 10 grid. The play symbols that may be located in each square are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; the letter O with a number 61 through 75 and WILD.

(c) When a player reveals the WILD symbol in the "Caller's Card" area, the player can use it as an extra free space in any of the four play areas.

4. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$10, \$20, \$100, \$250, \$500 and \$25,000. The player can win up to four times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Wild Spot Bingo instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in a "X" extending through the "FREE" space and through to each of the four corners on "Card 4," shall be entitled to a prize of \$25,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in a "X" extending through the "FREE" space and through to each of the four corners on "Card 3," shall be entitled to a prize of \$500.

(c) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 4," shall be entitled to a prize of \$250.

(d) Holders of tickets matching the "Caller's Card" play symbols in a "X" extending through the "FREE" space and through to each of the four corners on "Card 2," shall be entitled to a prize of \$250.

(e) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 2" or "Card 3," shall be entitled to a prize of \$100.

(f) Holders of tickets matching the "Caller's Card" play symbols in a "X" extending through the "FREE" space and through to each of the four corners on "Card 1," shall be entitled to a prize of \$100.

(g) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 1," shall be entitled to a prize of \$20.

(h) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 2," "Card 3" or "Card 4," shall be entitled to a prize of \$20.

(i) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1," shall be entitled to a prize of \$10.

(j) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 3," shall be entitled to a prize of \$5.

(k) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 1," "Card 2" or "Card 4," shall be entitled to a prize of \$2.

(l) A player may win more than one prize on a ticket; however, the player cannot win more than one prize on each "Card."

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get Bingo With Prizes Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,800,000 Tickets</i>
Line-Card 1	\$2	1:13.64	792,000
Line-Card 2	\$2	1:18.75	576,000
Line-Card 4	\$2	1:33.33	324,000
Line-Cards 1 & 2	\$4	1:30	360,000
Line-Cards 2 & 4	\$4	1:50	216,000
Line-Card 3	\$5	1:30	360,000
Line-Cards 1, 2 & 4	\$6	1:75	144,000
Corner-Card 1	\$10	1:150	72,000
Line-Cards 1, 2, 3 & 4	\$11	1:150	72,000
Corner-Card 2	\$20	1:375	28,800
Corner-Card 3	\$20	1:375	28,800
Corner-Card 4	\$20	1:750	14,400
Diamond-Card 1	\$20	1:750	14,400
Corner-Cards 1 & 4	\$30	1:600	18,000
Corner-Cards 1 & 3	\$30	1:600	18,000
Corner-Cards 3 & 4	\$40	1:4,800	2,250

<i>Get Bingo With Prizes Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,800,000 Tickets</i>
Diamond-Card 1 + Corner-Card 4	\$40	1:4,800	2,250
Diamond-Card 2	\$100	1:30,000	360
Diamond-Card 3	\$100	1:30,000	360
X-Card 1	\$100	1:30,000	360
X-Card 2	\$250	1:60,000	180
Diamond-Card 4	\$250	1:60,000	180
X-Card 2 + Diamond-Card 4	\$500	1:90,000	120
X-Card 3	\$500	1:135,000	80
X-Card 4	\$25,000	1:1,080,000	10

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Wild Spot Bingo instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Wild Spot Bingo, prize money from winning Pennsylvania Wild Spot Bingo instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Wild Spot Bingo instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Wild Spot Bingo or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 01-521. Filed for public inspection March 23, 2001, 9:00 a.m.]

Interested parties should note that program requirements have been modified since the last published notice December 30, 2000 at 30 Pa.B. 6958.

The authority for this expanded program can be found in Act 166 of 1992 (P. L. 166, No. 1250) (found in the Appendix to the Vehicle Code, 75 Pa.C.S., at pages 15 and 16). The Department's ability to expand its decentralized online vehicle titling and registration services program is limited by the availability of Departmental resources. Initially, on April 2, 2001, the Department will randomly select up to five letters of interest received from qualified applicants no later than 4 p.m. March 30, 2001. Other qualified applicants will be placed on a list according to the date their letter of interest is received by the Department. Additional qualified applicants will be selected according to the date of receipt of the application to participate in the program as permitted by available Department resources.

To be eligible for participation in this program, an applicant at the time of application must have continuous motor vehicle business experience for at least 6 months. The Department will not consider any applicant previously sanctioned by the Department for any violation of statute or regulation within that 6-month period.

Interested service providers may obtain a copy of the letter of interest procedures and program requirements by contracting the Program Administrator for Decentralized Services at the address and phone number listed at the end of this notice. Completed letters of interest shall be mailed to the same address: Driver and Vehicle Program Services, Attn: Program Administrator-Partnering Division, 1101 South Front Street, 4th Floor, Riverfront Office Center, Harrisburg, PA 17104, (717) 787-0489.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-522. Filed for public inspection March 23, 2001, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Department Authorized Services to Provide Decentralized Vehicle Titling and Registration Services By Means of Mainframe Connection

The Department of Transportation (Department), acting through its Office of Driver and Vehicle Program Services, intends to expand its existing program of decentralized online vehicle titling and registration services to permit additional applications of interested and qualified service providers. During this open-ended period, the Department will accept letters of interest from potential providers to perform online vehicle transactions for wholesale (intermediate) customers at no cost to the Department. Inter-

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, March 8, 2001, and took the following actions:

*Regulation Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective February 28, 2001:*

State Architects Licensure Board #16A-415: Biennial Renewal Fees (amends 49 Pa. Code Chapter 9).

*Regulation Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective February 27, 2001:*

Environmental Quality Board #7-351: Radon Certification; Continuing Education (amends 25 Pa. Code Chapter 240).

Department of Health #10-163: Schedule of Controlled Substances (amends 28 Pa. Code § 25.72).

*Regulation Approved:*

Pennsylvania Public Utility Commission #57-215: Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers (amends 52 Pa. Code Chapter 62).

Environmental Quality Board #7-353: Oil and Gas Wells (amends 25 Pa. Code Chapter 78).

Department of Agriculture #2-115: Sustainable Agriculture Programs (adds a new Chapter 130c to 7 Pa. Code).

Department of Agriculture #2-132: Dog Shelters (amends 7 Pa. Code § 21.24).

Department of Agriculture #2-133: Preferential Assessment of Farmland and Forest Land Under the Clean and Green Act (adds Chapter 137b to 7 Pa. Code).

Department of Education #6-269: Charter School Services and Programs for Children With Disabilities (adds Chapter 711 to 22 Pa. Code).

*Regulation Disapproved:*

State Board of Education #6-270: Special Education Services and Programs (amends Chapter 14 and deletes Chapter 342 of 22 Pa. Code).

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
March 8, 2001

*Pennsylvania Public Utility Commission; Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers; Regulation No. 57-215*

On May 11, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 62. The proposed regulation was published in the May 27, 2000, *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on January 31, 2001.

This regulation establishes the information each natural gas distribution company and natural gas supplier must supply to customers relating to marketing materials, pricing, billing, and service contracts and establishes standards restricting release of private customer information to third parties. The regulation is mandated by the Natural Gas Choice and Competition Act of 1999.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. §§ 501,

2201—2212) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
March 8, 2001

*Environmental Quality Board; Oil and Gas Wells; Regulation No. 7-353*

On May 31, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends Chapter 78 of 25 Pa. Code. The proposed regulation was published in the June 17, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 6, 2001.

This rulemaking updates and clarifies existing regulations. It amends brine spill reporting requirements, notification requirements, permit requirements, disposal options and drilling through gas storage reservoirs. In addition, it includes language that brings existing regulations into consistency with the statute concerning the elimination of the bonding requirements for oil and gas wells drilled prior to April 18, 1985.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (58 P. S. § 604) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
March 8, 2001

*Department of Agriculture; Sustainable Agriculture Programs; Regulation No. 2-115*

On March 5, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking adds a Chapter 130c to 7 Pa. Code. The proposed regulation was published in the March 20, 1999, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 31, 2001.

This regulation implements the Sustainable Agriculture Act, the act of December 12, 1994 (P. L. 891, No. 129). The regulation contains eligibility criteria and review procedures for loans or grants applications for sustainable agriculture projects. The purpose of these projects is to promote agricultural practices that are ecologically beneficial and will over the long term satisfy human needs and protect the environment. This is a voluntary program.

The Department indicates that it will have little to no fiscal impact on the Commonwealth, local governments or private sector.

We have determined this regulation is consistent with the statutory authority of the Department (3 P. S. §§ 2104, 2108, 2112 and 2115) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
March 8, 2001

*Department of Agriculture; Dog Shelters; Regulation No. 2-132*

On July 10, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking amends 7 Pa. Code § 21.24. The proposed regulation was published in the July 22, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 31, 2001.

This rulemaking updates and clarifies standards for dog enclosures with wire flooring. It amends existing requirements to make use of rest boards optional. The proposal requires that these shelters use metal strand flooring that is rigid and coated with a "vinyl type coating." The regulation should reduce costs in the long run, and decrease the cost and time associated with sanitizing rest boards and the enclosures.

We have determined this regulation is consistent with the statutory authority of the Department (3 P. S. §§ 459-207(b) and 902) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
March 8, 2001

*Department of Agriculture; Preferential Assessment of Farmland and Forestland Under the Clean and Green Act; Regulation No. 2-133*

On August 21, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking adds Chapter 137b to 7 Pa. Code. The proposed regulation was published in the September 2, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 24, 2001. On February 8, 2001, the Department withdrew the final-form regulation.

On February 15, 2001, the Department resubmitted the final-form regulation to the Commission.

This final-form rulemaking establishes a new chapter that replaces existing Chapters 137 and 137a. This regulation is designed to implement Act 156 of 1998, which amended the Pennsylvania Farmland and Forest Land Assessment Act of 1974, also known as the "Clean and Green Act."

We have determined this regulation is consistent with the statutory authority of the Department (72 P. S. § 5490.11) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By order of the Commission:*

This regulation is approved.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
March 8, 2001

*Department of Education; Charter School Programs for Children With Disabilities; Regulation No. 6-269*

On June 27, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Education (Department). This rulemaking adds Chapter 711 to 22 Pa. Code. The proposed regulation was published in the July 8, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 6, 2001.

This rulemaking establishes procedures for special education in charter schools; adopts relevant federal regulations relating to children with disabilities; defines terms related to special education for charter schools; and outlines the Department's authority to ensure charter schools' compliance with Federal laws, regulations and court decrees.

We have determined this regulation is consistent with the statutory authority of the Department (24 P. S. §§ 17-1701-A—17-1732-A) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, dissenting

Public Meeting held  
March 8, 2001

*Department of Education; Special Education Services and Programs; Regulation No. 6-270*

On August 23, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education (Board). This rulemaking amends Chapter 14 and deletes Chapter 342 of 22 Pa. Code. The proposed regulation was published in the September 2, 2000, *Pennsylvania Bulletin*

with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 5, 2001.

The regulation establishes procedures to identify students in need of special education services and describes requirements and procedures for delivery of such services. The regulation also incorporates Federal regulations at 34 CFR Part 300 by reference. Promulgation of this rule-making is necessary for the Commonwealth to continue receiving funds under the Federal Individuals with Disabilities Education Act.

The Board failed to respond to a number of the Commission's comments and provided an inadequate response to others. The comment response requirement in the Regulatory Review Act (71 P. S. § 745.2) was designed to enable the Commission to meet its mandate to determine whether a regulation is in the public interest. To determine what economic impact a regulation will have, whether there will be a negative effect on the public, and whether the requirements imposed by a regulation are clear, feasible and reasonable, this Commission needs to be able to gauge the reaction to the Board's response to the issues raised. Although the Board did provide a more detailed response and rationale subsequent to this Commission's inquiries, responses outside the regulatory review process do not provide the necessary public exposure to generate reaction, nor is it within the timelines outlined in that process.

An agency's final-form regulation should be accompanied by a response to comments of the Commission, and those of other commentators, that fully explains changes to the final-form regulation as well as its rationale for not making recommended changes. Further, questions asked in the Commission's comments should be answered, to help us further understand your proposal.

Several issues, which we raised in our comments, remain concerns. With respect to these issues, the Commission could have benefited from the public's reaction to the Board's subsequent responses. First, the statutory and regulatory definitions of "early intervention services" and "mutually agreed upon written arrangement" should be consistent. The definitions of these terms in § 14.101 are not identical to the corresponding statutory definitions. Clarity would be improved by either referencing or exactly repeating the statutory definitions.

Second, the final-form regulation should address the role of foster parents in obtaining special education or early intervention services. The Federal regulations at 34 CFR 300.20 define the term "parent" in two subsections. Subsection (a) generally defines "parent" and subsection (b) defines the term relating to "foster parent." The Federal definition provides "unless State law prohibits a foster parent from acting as a parent, a State may allow a foster parent to act as a parent." Therefore, the responsibility remains with the Board to clarify the role of foster parents.

Finally, the definitions of "itinerant," "part-time" and "resource" should be clarified. These definitions are confusing. In our comments on the proposed rulemaking, we asked the Board to clarify these definitions. The Board responded that these terms are well understood by practitioners in the field. However, these regulations will be used by a wider range of individuals than practitioners in the field.

Additionally, we have several remaining concerns relating to the reasonableness of the caseload requirements and the deletion of class size requirements (71 P. S.

§ 745.5a(i)(3)(iv)); clarity of the incorporation by reference of Federal regulations (71 P. S. § 745.5a(i)(3)(ii)); and the reasonableness of the 2-year reevaluation period for children in early intervention programs (71 P. S. § 745.5a(i)(3)(iv)).

First, we question the reasonableness of eliminating the class size restrictions. Section 14.142(a) of the final-form regulation contains a chart of the maximum caseload allowed on a single teacher's roll for each school district. In our comments on the proposed rulemaking, we noted that the existing caseload chart (22 Pa. Code § 342.42) established "the maximum number of exceptional students in the room with the teacher at any one time." The revised caseload chart does not contain such a limit.

In the Preamble, the Board explains that it chose to eliminate class size restrictions because: (1) there is no Federal requirement for establishing class sizes; (2) staffing of classes for students with disabilities cannot be determined effectively as a uniform Statewide standard; (3) caseload requirements provide general protections; and (4) procedural safeguards prevent class size from impeding students from achieving their goals established in their Individualized Education Programs (IEPs).

We are not persuaded by the Board's rationale. Although Federal requirements do not mandate class size restrictions, they do not preclude the Board from establishing such limits. As previously noted, the existing caseload chart imposed limits on the maximum number of exceptional students in a classroom. The Preamble does not indicate that the limits in the existing caseload chart were unreasonable. Restoring these limits would ensure that exceptional students receive the staff attention necessary to achieve the goals of their IEPs. Furthermore, the basis for the maximum caseloads contained in the chart is unexplained. The Board should specify how the caseload range was determined.

Second, we question the reasonableness of requiring parents and other interested parties to piece together the appropriate Federal regulations from an extensive list along with the pertinent Chapter 14 requirements. We continue to believe that inserting the references to the federal regulations in the corresponding sections would improve the clarity of the final-form regulation.

The final-form regulation includes an extensive list of Federal regulations which are incorporated by reference. This approach is confusing. In our comments, we noted that clarity would be improved if each reference to Federal regulations were inserted in the corresponding section of the Board's regulation.

The Board declined to make this change, stating that the Department of Education has and will continue to develop publications to help parents, teachers and administrators understand their rights under both state and federal statutes and regulations.

Third, we question the reasonableness of requiring reevaluations only every 2 years. Section 14.153(4)(iii) of the final-form regulation requires reevaluations to occur at least every 2 years for children in early intervention programs. The existing regulations require reevaluations every year. The Board has not adequately explained why it expanded the time frame for reevaluations to every 2 years.

We have determined this regulation is consistent with the statutory authority of the Board (24 P. S. §§ 1-101—26-2606-B) and the intention of the General Assembly. However, after considering the other criteria of the Regu-



latory Review Act discussed above, we find promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

This regulation is disapproved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 01-523. Filed for public inspection March 23, 2001, 9:00 a.m.]

### Notice of Comments Issued

Sections 5(d) and 5(g) of the Regulatory Review Act (71 P. S. §§ 745.5(d) and 745.5(g)) provide that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Commission may issue comments within 10 days of the close of the committees' comment period. The Commission's comments are based upon the criteria contained in subsections 5.1(h) and (i) of the Regulatory Review Act (75 P. S. §§ 745.5a(h) and (i)).

The Commission issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
11-179	Underground Storage Tank Indemnification Board Underground Storage Tank Indemnification Fund	03/12/01	01/22/03

#### **Underground Storage Tank Indemnification Board Regulation No. 11-179**

#### **Underground Storage Tank Indemnification Fund March 12, 2001**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Underground Storage Tank Indemnification Board (Board) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered by January 22, 2003, the regulation will be deemed withdrawn.

#### **1. Method of fee assessment.—Statutory authority; Economic impact; Reasonableness; Clarity.**

##### *Maximum fees*

Section 705(d)(1) of the Storage Tank and Spill Prevention Act (act) (35 P. S. § 6021.705(d)(1)) states "The board, by regulation, shall establish fees to be paid by the owner, operator or certified tank installer, as appropriate, of underground storage tanks. . . . Fees shall be adjusted as deemed necessary by the board, but no more than once a year."

Existing § 971.2, which would be deleted by this proposed regulation, currently establishes the specific fees the fund will collect. However, this new proposed regula-

tion would not "establish fees to be paid." Instead, §§ 977.12, 977.19 and 977.51 contain "maximum fees." Subsections 977.12(a) and 977.19(a) state the Board may modify fees not to exceed the maximum fees in the regulation. To do this, the Board is proposing to publish the actual fees in the *Pennsylvania Bulletin* 30 days prior to their effective date.

We question the statutory authority to "adjust" fees outside of the regulatory promulgation process. Even if the Board can justify its authority for the provision, we maintain that the actual fees should continue to be established by regulation, to increase clarity and to afford adequate notice to those who will be affected by the fee change. This new proposed process does not provide the opportunity for legislative or public input on the fee reductions, or on the underlying required actuarial study that is the basis for the fees.

#### **2. Section 977.4. Definitions.—Clarity.**

##### *Statutory definitions*

The following definitions are identical to those in the act: Operator, Owner, Regulated substance, Release, and UST—Underground Storage Tanks. A reference to the statutory definitions would be sufficient, rather than repeating the statutory definitions in the regulation.

##### *Certified company*

Since Title 25 is Environmental Protection, is the phrase ". . . which is authorized by this title or the DEP (Department of Environmental Protection). . . ." accurate? Is there a certification that is not in Title 25?

##### *Certified tank installer*

Since this definition relies upon certification by DEP, a reference to DEP's certification regulations would add clarity.

##### *Corrective action costs*

This definition uses the phrases "corrective action as defined in the act" and "as specified in regulations promulgated by the DEP." Specific references are needed to the act and DEP regulations.

##### *Regulated substance*

Subparagraph (i)(C) includes the phrase "determined by DEP by regulation." To what regulation does this phrase refer?

##### *Release*

Paragraph (i) under this definition refers to two Federal laws including § 311 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1321) "and regulations promulgated thereunder." A reference to the appropriate Federal regulations is needed.

##### *UST—Underground Storage Tanks*

Subparagraph (ii)(s) of this definition states that the definition does not include: "Other tanks excluded by policy or regulations promulgated under the act." To what policies and regulations, is this exclusion referring?

##### *Waste oils*

Why is a waste oil defined as "an accumulation of oil from several sources?" Couldn't it be from a single source? Also, under paragraph (ii), what is meant by "the reaction of incompatible oils that have been mixed"?

#### **3. Section 977.12. Owner and operator fees.—Clarity.**

*Subsection (d) Capacity fee.*

Section 977.12(d) states that the Board may charge a fee not to exceed an established maximum that "is calculated in accordance with section 705(d)(2) of the act." However, § 705(d)(2) does not contain a formula for a calculation. It states that the "capacity fee shall be set on the same actuarial basis" as the other fees. Hence, the word "calculated" should be removed from this subsection.

Similarly, subsection 977.18(b) states: "The capacity fees shall be calculated as set forth in § 977.12(d)." The word "calculated" should also be deleted from this subsection.

**Subsection (e) Changes to applicability of fees to particular substances.**

This subsection allows "any changes regarding which substances are assessed a tank fee" to be done by publication in the *Pennsylvania Bulletin*. There are two questions. First, is this intended to refer to the defined term "regulated substances"? If so, the word "regulated" should be added to subsection (e).

Second, the regulation relies on the defined term "regulated substance" to establish fees. For example, § 977.12(b)(2) assesses "a gallon fee on all regulated substances..." Publishing changes in the *Pennsylvania Bulletin* will not amend the regulation. The result will be a definition in the regulation and a different definition published in the *Pennsylvania Bulletin*. Therefore, subsection (e) should be deleted.

**4. Section 977.13. Tank fee payment procedure.—Reasonableness; Clarity.**

Subsection (b) states "the tank fee shall be calculated as set forth in § 977.12." However, § 977.12 does not contain a formula for calculating fees. Section 977.12 states that the Board may charge and modify fees, not to exceed an established maximum and based on an annual actuarial review. Hence, the word "calculated" should be removed from this subsection.

**5. Section 977.14. Gallon fee payment procedure.—Statutory authority; Reasonableness; Clarity.**

There are three questions. First, Section 705(e) of the act states that owners and operators are required to pay the fees to the fund. Section 977.14 requires distributors to collect the gallon fee. What is the statutory authority for "requiring" distributors to collect the gallon fee? If there is no such authority, the word "shall" should be replaced with "may," so that collection of fees by distributors is optional.

Second, subsection (e) applies to UST owners or operators who pay their fees directly to the fund and not through distributors. The other subsections before and after subsection (e) establish procedures and requirements for distributors to collect the gallon fee. Hence, subsection (e) seems to be misplaced. It should be placed before subsection (h).

Third, subsection (h) limits "gallon fees" to no more than \$5,000 per tank in 1 year. Section 705(d)(3) of the act uses the word "fees," not "per gallon fees." Hence, the maximum of \$5,000 should apply to all fees paid by owners and operators, not only to the per gallon fee described in this section.

**6. Section 977.17. Security for payment of gallon fee.—Reasonableness; Clarity.**

Subsection (a) states that the security shall be "calculated by multiplying the gallon fee as set forth in

§ 977.12(b)(ii)" by the number of gallons of regulated substance. There are two concerns.

First, there is a typographical error. There is no § 977.12(b)(ii). Should the reference be to § 977.12(b)(2)?

Second, even if the reference to § 977.12(b)(2) is correct, the reference is still unclear. Section 977.12(b)(2) states that the gallon fee will not exceed a maximum of 2¢ per gallon. It does not set the fee level. It states that fee levels will be published in the *Pennsylvania Bulletin* under § 977.12(a). Since the fee is subject to change, how will a tank owner determine the amount required for the security? The phrase "the gallon fee as set forth in § 977.12(b)(ii)" should be replaced with "the gallon fee as established under §§ 977.12(a) and 977.12(b)(2)."

**7. Section 977.19. Certified company fees.—Fiscal impact; Reasonableness, Clarity.**

There are three concerns. First, subsection (b) states that certified companies may be required to pay a fee not to exceed a maximum of \$2,000 per year. There is a concern with the fiscal impact of the maximum of \$2,000 on smaller companies that perform only 12 to 15 installations in a 3-year period. One commentator suggested that the fee should be "per tank" or linked to the number of tank installations performed by a company. The Board should examine the fiscal impact of the fee level on smaller business.

Second, subsection (c) uses the acronyms, "UMX," "UMR," "UTT" and "TL." We understand these acronyms are used by DEP. Clarity would be improved by adding a cross-reference to their definitions in DEP regulations.

Third, subsection (d) requires an activity fee per tank for all activities on a UST or heating oil tank (HOT). The required fee and an activity fee form for each activity must be submitted to the fund 30 days before the start of the activity. Similar language also appears in § 977.20(b). Where and how can UST or HOT owners obtain copies of the activity fee forms? Additionally, the requirement to submit the fee and forms 30 days before an activity will cause an unwanted delay if immediate action is required to correct problems with a storage tank system. What steps can UST or HOT owners pursue if immediate action is necessary?

**8. Section 977.31. Eligibility requirements.—Clarity.**

This section states "to be eligible for fund coverage, the participant shall meet the following eligibility requirements as set forth in section 706 of the act." (Emphasis added.) However, the following list of requirements differs from the language in section 706 of the act. The Board has the authority to clarify and establish additional requirements. However, the phrase should be changed to "under section 706 of the act, the participant shall meet the following eligibility requirements:..."

Also, the first paragraph is designated as subsection (a). This designation could be deleted since there is no subsection (b).

**9. Section 977.33. Fund coverage and exclusions.—Clarity.**

In paragraphs (1) and (2) of subsection (a), what is "the available coverage limit"? A reference to these limits should be added.

**10. Section 977.37. Priority of payment.—Clarity.**

The title of this section is "Priority of payment," but the first sentence uses the phrase "prioritize reimbursements."

(Emphasis added.) Section 705(b) of the act uses the phrase "prioritizing claims." The word "claims" should be used consistently.

**11. Section 977.61. Dispute procedures.—Reasonableness.**

Subsection (a) allows 35 days to file an appeal of a fund decision to the Executive Director. Subsection (b) only allows 15 days to appeal the Executive Director's decision to the Board. Is 15 days sufficient time to receive and review a decision of the Executive Director, and prepare an appeal of that decision to the Board?

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 01-524. Filed for public inspection March 23, 2001, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
12-54	Department of Labor and Industry Workers' Compensation Health & Safety	03/08/01

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 01-525. Filed for public inspection March 23, 2001, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Fortis Insurance Company; Requesting Approval to Increase Rates for Long Term Care Policy Forms 4040, 4042 and Associated Riders**

Fortis Insurance Company (Fortis) is requesting approval to increase its premium 35% for the Nursing Facility Policy Form 4040-PA and the associated riders. The average premium will increase from \$1,401 to \$1,891 and will affect 1,605 Commonwealth policyholders. Fortis is also requesting approval to increase its premium 35% for the Home Health Policy Form 4042-PA and the associated riders. The average premium will increase from \$1,500 to \$2,025 and will affect 177 Commonwealth policyholders. The requested effective date of the change is July 1, 2001.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry

Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-526. Filed for public inspection March 23, 2001, 9:00 a.m.]

**HealthAmerica; Rate Filing**

On March 9th, 2001, HealthAmerica submitted filings of CRC Factors to be used with all groups of two or more for the community rating by class methodology. The factors included are age, gender and industry.

An effective date of October 1st, 2001, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg and Pittsburgh regional offices.

M. DIANE KOKEN  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-527. Filed for public inspection March 23, 2001, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in the Insurance Department's Regional Office in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Herbert Sobel; file no. 01-265-00511; American Spirit Insurance Company; doc. no. PH01-03-009; June 8, 2001, at 9 a.m.

Appeal of Vivienne A. Crawford; file no. 01-210-00349; American Home Assurance Company; doc. no. PH01-03-008; June 8, 2001, at 10 a.m.

Appeal of Rusty R. Rhoades; file no. 01-210-00306; Erie Insurance Company; doc. no. PH01-03-013; June 8, 2001, at 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage

obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the 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 may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-528. Filed for public inspection March 23, 2001, 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. This administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Shariene J. Hampton; file no. 01-303-70182; Ohio Casualty Insurance Company; doc. no. PI01-03-014; June 1, 2001, at 9 a.m.

Appeal of William A. Jr., and Tanya M. Bernard; file no. 01-308-70081; State Farm Fire and Casualty Company; doc. no. PI01-03-010; June 1, 2001, at 11 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an

auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-529. Filed for public inspection March 23, 2001, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before April 16, 2001, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

#### **Applications of the following for approval 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-00117496 (Corrected) Olde City Transportation Co.** (3324 Willits Road, Apartment 10B, Philadelphia, PA 19136), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, and from points in said counties, to points in Pennsylvania, and vice versa. *Attorney:* John J. Gallagher, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-00117603 Peter Molnar, t/d/b/a Molnar Limousine Service** (3437 Denny Street, Pittsburgh, Allegheny County, PA 15201)—persons in limousine service, from points in the county of Allegheny, to other points in Pennsylvania, and return.

#### **Applications of the following for amendment to the common carrier permit approving the operation of motor vehicles as contract carriers for transportation of persons as described under each application.**

**A-00106294. Folder 3, Am-A Blair Cab, Inc., t/d/b/a Yellow Cab & Transfer Company** (219 East Sixth Avenue, P. O. Box 162, Altoona, PA 16603-0162), a corporation of the Commonwealth of Pennsylvania—persons and their baggage, not to exceed 25 pounds in weight, who will have a subsequent movement by air, in limousine type vehicles, from points in the county of Blair, to the Blair County Airport, Woodbury Township, Blair County; and persons and their baggage, not to exceed 25 pounds in weight, arriving by air, in limousine-type equipment, from the Blair County Airport in Woodbury

Township, Blair County, to points in Pennsylvania; with all passengers and their baggage to originate or terminate at the Blair County Airport in Woodbury Township, Blair County; subject to the following condition: that the service herein authorized shall be rendered in vehicles having a seating capacity of not less than 7 or more than 11 passengers, without the use of meters or dome lights; *So as to permit* the removal of the following condition: that the service herein authorized shall be rendered in vehicles having a seating capacity of not less than 7 or more than 11 passengers, without the use of taximeters or dome lights. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

**A-00115254, Folder 1, Am-A Majesty Company, Inc.** (200 Green Tree Road, Munhall, Allegheny County, PA 15120), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, from points in the counties of Armstrong, Indiana, Washington and Westmoreland, to the Pittsburgh International Airport, in the county of Allegheny, subject to the following condition: that no right, power or privilege is granted to provide service to or from hotels or motels located in the said counties; *So as to permit* the transportation of persons in airport transfer service, from points in the counties of Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Erie, Fayette, Greene, Jefferson, Lawrence, Somerset, Venango and Warren, to the Greater Pittsburgh International Airport, located in Allegheny County.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-530. Filed for public inspection March 23, 2001, 9:00 a.m.]

## Telecommunications

**A-310919F0002. Verizon Pennsylvania Inc. and OnSite Access Local, LLC.** Joint Petition of Verizon Pennsylvania Inc. and OnSite Access Local, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and OnSite Access Local, LLC filed on March 7, 2001, 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 Verizon Pennsylvania Inc. and OnSite Access Local, LLC Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-532. Filed for public inspection March 23, 2001, 9:00 a.m.]

## Telecommunications

**A-311019F0002. Verizon Pennsylvania Inc. and Comcast Telecommunications, Inc.** Joint Petition of Verizon Pennsylvania Inc. and Comcast Telecommunications, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Comcast Telecommunications, Inc. filed on March 9, 2001, 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 Verizon Pennsylvania Inc. and Comcast Telecommunications, 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. 01-531. Filed for public inspection March 23, 2001, 9:00 a.m.]

# PHILADELPHIA REGIONAL PORT AUTHORITY

## Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #0113.1, Furnish & Install Stairtreads & Stair Landing Tiles, Tioga Adm. Bldg., (TAB) until 2 p.m. on Thursday, April 12, 2001. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Fl., Philadelphia, PA 19134, (215) 426-2600 and will be available April 3, 2001. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held April 5, 2001, 10 a.m. at 3460 N. Delaware Ave., Philadelphia, PA 19134.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 01-533. Filed for public inspection March 23, 2001, 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

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

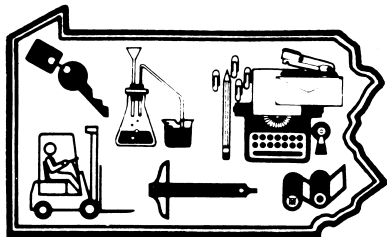
## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
State Treasurer



### Commodities

**5850-01** Microcomputer, LAN Hardware & Peripherals. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Hardware & Peripherals, 5850-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5850-01 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the deadline). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**6350-01** Security System Services. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Security System Services, 6350-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-01 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the deadline). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**6350-03** Surveillance & Security Equipment & Supplies. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Surveillance & Security Equipment & Supplies, 6350-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-03 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the deadline). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8188060** Aggregate Sizing Test Machine, Model TM-3. Manufacturer: Test Master. No Substitute.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8505630** Bearings, Gears Accessories.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**0835-B** FURNISH AND INSTALL RESTROOM EQUIPMENT/FIXTURES at the Railroad Museum of Pennsylvania, Strasburg, PA. Scope of work to include removal of existing—and replacement of new—toilets, urinals, sinks and partitions. A site visit prior to bidding is mandatory. To obtain Bid Packet and specifications, please contact KEN RIEGEL or ALLAN MARTIN at the Railroad Museum of Pennsylvania (717) 687-8628.

**Department:** Historical and Museum Commission  
**Location:** Railroad Museum of Pennsylvania, P. O. Box 15, 300 Gap Road, Strasburg, PA 17579  
**Duration:** Contract to be completed by June 30, 2001  
**Contact:** Ken Riegel or Allan Martin, (717) 687-8628

**1416230** Vinyl Coated Hexagonal Poultry Netting.

**Department:** Game Commission  
**Location:** Hughesville, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8220750** Precast Reinforced Concrete Box Culvert.

**Department:** Transportation  
**Location:** Crawford County, SR 1032  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1509110** Cold Roll Sheet Steel. Size: 48" x 96" x 16 GA.

**Department:** Corrections  
**Location:** Pittsburgh, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1373310** Self Contained Breathing Apparatus.

**Department:** PA Emergency Management Agency  
**Location:** Lewistown, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**PG-0011** The State Correctional Institution at Pine Grove will be soliciting bids for fire safety equipment/supplies necessary for the startup of the institutional Fire Emergency Rescue Team.

**Department:** Corrections  
**Location:** State Correctional Institution at Pine Grove, 189 Fyock Road, Indiana, PA 15701  
**Duration:** March, 2001  
**Contact:** Sherre Benninghoff, Purchasing Agent, (724) 465-9630

**8505690** Precast Concrete Box Culvert.

**Department:** Transportation  
**Location:** Adams County  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8252610** Truck, 17K, Shop, Dual Rear Wheel, Automatic, Diesel with Air Conditioning.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1462210** Furnish and Install Water Heaters.

**Department:** Public Welfare  
**Location:** Clarks Summit, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1457350** Canister, Samplers. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1444200** Drying Cabinets, Evidence. Minimum Size 60" x 28 x 84 with two separate drying compartments. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** State Police  
**Location:** Various, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**commu01** Various types of telecommunication items: industrial telephone, ariel drop wire, all-grade strandwise, adapter modular in-line jack to jack coupler, clamp ground rod etc. For a copy of the bid package please fax a request to (717) 861-2932.

**Department:** Military Affairs  
**Location:** State Army Board, Bldg. 0-47, Ft. Indiantown Gap, Annville, PA 17003-5002  
**Duration:** Fiscal Year 2001  
**Contact:** Anita Sommer, (717) 861-2928

**1424150** STD-330 Request for Leave, NCR Paper, 3 Part Snap Set.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1433110** Sewing Machines. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**0340** Pallet Rack for storing lumber.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** 04/01/01-06/01/01  
**Contact:** Stanley Rygelski, PA, (570) 587-7291

**5810-03** Microcomputer & Local Area Network (LAN) Software. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Software, 5810-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5810-03 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the deadline). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**7009-020** Beans, snap beans (blue lake variety), yellow beans (wax beans). US #1. To be used in cannery.

**Department:** Corrections  
**Location:** Correctional Industries, SCI Rockview, Rt 26 Box 1200, Bellefonte, PA 16823  
**Duration:** 1 year  
**Contact:** Maryann Ulrich, (717) 731-7134

**HOSP-07564** STATE CORRECTIONAL INSTITUTION GRATERFORD WILL PURCHASE ONE (1) 2000A KODAK X-OMAT PROCESSOR WITH MOUNTING STAND (INSTALLATION INCLUDED).

**Department:** Corrections  
**Location:** STATE CORRECTIONAL INST. GRATERFORD, BOX 246, OFF RT. 29, GRATERFORD, PA 19426  
**Duration:** 3 MONTHS  
**Contact:** KELLY RICHARDSON, (610) 489-4151

**1427380** Trailer-35 Ton, Self-Lifting, Detachable Lowboy.

**Department:** Conservation and Natural Resources  
**Location:** Quakertown, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1470200** Motorcycle Trailers.

**Department:** State Police  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8172030** Bituminous Paving Material-Complete in Place.

**Department:** Transportation  
**Location:** Various  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8172040** Bituminous Material-Complete in Place. ID2 Leveling Course, SRL=G, and ID2 Wearing Course, SRL=G.

**Department:** Transportation  
**Location:** Various Roadways in Fayette County  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

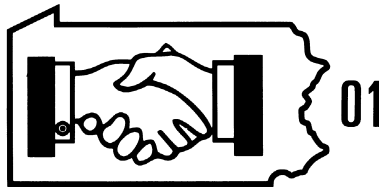
**1483200** Rae Multi Rae Plus Monitor Kit.

**Department:** State Police  
**Location:** Wilkes-Barre, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1441210** Wastewater Plant Dechlorination System.

**Department:** Public Welfare  
**Location:** Torrance, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

## SERVICES



Advertising

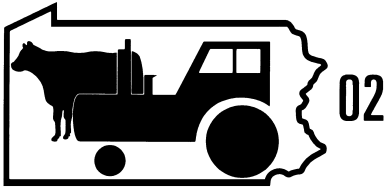
**E 6685** Professional services required to graphically design various interpretive wayside exhibit signs and publications for Pennsylvania State Parks. Contract may be awarded to two vendors. VENDOR MUST BE LOCATED WITHIN 300 MILES OF HARRISBURG.

**Department:** Conservation and Natural Resources  
**Location:** Throughout the Commonwealth of Pennsylvania  
**Duration:** July 1, 2001 thru June 30, 2003 w/option to renew  
**Contact:** Pamela Stouffer, (717) 783-0760

**FL 1301760** 2000 rolls, bin wrap on 30" high, 6 mil polyethylene in 16' rolls. Each roll will have a four-color process printing of Pennsylvania Produce...Simply Delicious logo every three to four feet. Pre-production proof required. Factor in setup cost and freight.

**Department:** Agriculture  
**Location:** PA Dept. of Agriculture, 2301 N. Cameron Street, Harrisburg, PA 17110  
**Duration:** 3 months  
**Contact:** Pamela Dailey, (717) 787-5647



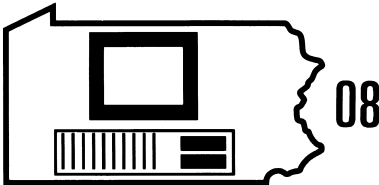


02

### Agricultural Services

**SP4012130017** Contractor will provide the removal, transportation and disposal of animal carcasses and 55 gallon barrels containing animal parts as required. This price is to include the furnishing of 55 gallon barrels for storage until called for pick-ups. It is estimated that 104 pick-ups will be required for the period of 12 months. This is only an estimate and pick-up will be upon request. The size and amount of carcasses and barrel disposal will vary. The carcasses will range in size from a large cow to a chicken. Note: This contract may be adjusted or cancelled pending the Laboratory's incinerator being put into full-time service.

**Department:** Agriculture  
**Location:** Harrisburg  
**Duration:** 1 Year  
**Contact:** Lewis Newpher, (717) 787-8808

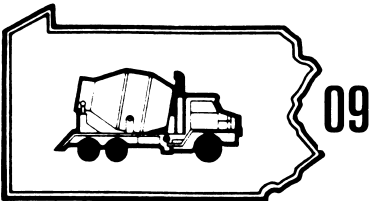


08

### Computer Related Services

**RFP#05-01** To announce the scheduled release date of the RFP for the MAMIS Reengineering Project for the Office of Medical Assistance Programs (OMAP), Department of Public Welfare. This project is a replacement of the current Medicaid Management Information System (MMIS) known as MAMIS. Further details on the scope of the project will be published on the web address below as they become available. It is anticipated that the RFP will be released in early Summer 2001. Access the OMAP WEB Site at: [www.dpw.state.pa.us/OMAP/rfp/OMAPrfp.asp](http://www.dpw.state.pa.us/OMAP/rfp/OMAPrfp.asp) for continuing and up-to-date information on this project. We are seeking approval to make a draft copy of the RFP available during April 2001 for review and comments.

**Department:** Public Welfare  
**Location:** Office of Medical Assistance Programs, Bureau of Data and Claims Management, Room 32A, Willow Oak Building (located on the grounds of Harrisburg State Hospital), Harrisburg, PA 17105  
**Duration:** Estimated 11/1/01-10/31/06  
**Contact:** Kathy A. King-McCarthy, (717) 705-3878



09

### Construction & Construction Maintenance

**DGS 377-1SC2** PROJECT TITLE: Elevated Water Tower. BRIEF DESCRIPTION: This Bid Package shall include all work associated with the elevated water tower. Design, fabricate and erect the water storage tank. Included are the foundation excavation, construction and backfill and all valves, fittings and appurtenances to 5' outside of the tower perimeter. Additionally construct the 4' X 6' concrete pads. Aggregate paving is included under DGS Contract 377-1SW4.1. ESTIMATED RANGE: \$1,000,000 to \$2,000,000. Elevated Water Tower. PLANS DEPOSIT: \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, Thirteen West, Pittsburgh, PA 15222, (412) 394-6888. Bid Date: WEDNESDAY, April 11, 2001 at 11 a.m. A Prebid Conference has been scheduled for Thursday, March 22, 2001 at 10 a.m. at the M.A.C.A. Bldg. located in Marienville, Forest County, PA. Contact: Tom Dirkes, (412) 394-6888. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 470 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6557

**DGS 377-1INX1** PROJECT TITLE: Miscellaneous Division. BRIEF DESCRIPTION: This Bid Package shall include all work associated with General Conditions on the Site. In addition, this contractor's work shall include furnishing and installing elevator, vehicle lift, gym lockers and benches, gymnasium equipment, medical equipment, loading dock equipment, aluminum curtainwalls, caulking and sealants, horizontal louvered window blinds, inmate dining room furniture, site signage, security and other miscellaneous items per the contract. ESTIMATED RANGE: \$500,000 to \$1,000,000. Miscellaneous Division Construction. PLANS DEPOSIT: \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, Thirteen West, Pittsburgh, PA 15222, (412) 394-6888. Bid Date: WEDNESDAY, April 11, 2001 at 11 a.m. A Prebid Conference has been scheduled for Wednesday, March 21, 2001 at 9 a.m. at the M.A.C.A. Bldg. located in Marienville, Forest County, PA. Contact: Tom Dirkes, (412) 394-6888. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 540 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS 377-1IN4** PROJECT TITLE: Flooring. BRIEF DESCRIPTION: This Bid Package shall include all work associated with the furnishing and installing resilient flooring, carpeting and fluid applied epoxy flooring. The work includes substrate preparation within the limits identified in the contract specifications. In addition, this contractor shall furnish, install and finish hardwood gymnasium flooring, including painted and other markings and furnish and install recessed foot grilles. ESTIMATED RANGE: \$500,000 to \$1,000,000. Flooring Construction. PLANS DEPOSIT: \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, Thirteen West, Pittsburgh, PA 15222, (412) 394-6888. Bid Date: WEDNESDAY, April 11, 2001 at 11 a.m. A Prebid Conference has been scheduled for Wednesday, March 21, 2001 at 1 p.m. at the M.A.C.A. Bldg. located in Marienville, Forest County, PA. Contact: Tom Dirkes, (412) 394-6888. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 540 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6557

**DGS 377-1IN2** PROJECT TITLE: Gypsum Systems. BRIEF DESCRIPTION: This Bid Package shall include all work associated with Carpentry and Gypsum Wallboard Systems, Ceilings and Fireproofing. In addition, this contract include all operable panel partitions and all projection screens. ESTIMATED RANGE: \$2,000,000 to \$5,000,000. Gypsum Systems Construction. PLANS DEPOSIT: \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, Thirteen West, Pittsburgh, PA 15222, (412) 394-6888. Bid Date: WEDNESDAY, April 11, 2001 at 11 a.m. A Prebid Conference has been scheduled for Wednesday, March 21, 2001 at 10 a.m. at the M.A.C.A. Bldg. located in Marienville, Forest County, PA. Contact: Tom Dirkes, (412) 394-6888. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 540 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS 377-1IN3** PROJECT TITLE: Ceramic Tile. BRIEF DESCRIPTION: This Bid Package shall include all work associated with the furnishing and installation of all ceramic and quarry tile. This contract also includes substrate preparation within the limits identified in the contract specifications. ESTIMATED RANGE: \$100,000 to \$500,000. Ceramic Tile Construction. PLANS DEPOSIT: \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, Thirteen West, Pittsburgh, PA 15222, (412) 394-6888. Bid Date: WEDNESDAY, April 11, 2001 at 11 a.m. A Prebid Conference has been scheduled for Wednesday, March 21, 2001 at 11 a.m. at the M.A.C.A. Bldg. located in Marienville, Forest County, PA. Contact: Tom Dirkes, (412) 394-6888. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 540 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6557

**DGS 377-1IN5** PROJECT TITLE: Painting. BRIEF DESCRIPTION: This Bid Package shall include all work necessary for the completion of all interior and exterior painting, including architectural and structural surfaces. Painting of factory-finished items and the interior of the pre-cast modular cells are not included in this Package. Color-coding and identification of piping systems and conduits are included in HVAC, Piping/Controls, Fans, Ductwork, Plumbing, Fire Protection and Electrical Contracts. ESTIMATED RANGE: \$500,000 to \$1,000,000. Painting Construction. PLANS DEPOSIT: \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, Thirteen West, Pittsburgh, PA 15222, (412) 394-6888. Bid Date: WEDNESDAY, April 11, 2001 at 11 a.m. A Prebid Conference has been scheduled for Wednesday, March 21, 2001 at 2 p.m. at the M.A.C.A. Bldg. located in Marienville, Forest County, PA. Contact: Tom Dirkes, (412) 394-6888. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 535 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS 377-1SW6** PROJECT TITLE: Stream Relocation. BRIEF DESCRIPTION: This Bid Package shall include all work associated with grubbing, earthwork, excavation, rock removal, compaction, dewatering, rough and final grading, erosion and sediment control, landscaping, surveying and site amenities for the relocation of a stream floodplain and corridor to be located along portions of the southern and eastern boundaries of the project site. ESTIMATED RANGE: \$500,000 to \$1,000,000. Stream Relocation Construction. PLANS DEPOSIT: \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, Thirteen West, Pittsburgh, PA 15222, (412) 394-6888. Bid Date: WEDNESDAY, APRIL 11, 2001 AT 11 a.m. A Prebid Conference has been scheduled for Thursday, March 22, 2001 at 1 p.m. at the M.A.C.A. Bldg. located in Marienville, Forest County, PA. Contact: Tom Dirkes, (412) 394-6888. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 180 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract & Bidding Unit, (717) 787-6556

**FM0859** PAVE NORTH PARKING LOT AT PENNDOT ENGINEERING OFFICE, UNIONTOWN, FAYETTE COUNTY

**Department:** Transportation  
**Location:** 825 N. GALLATIN AVE. EXT., UNIONTOWN, FAYETTE COUNTY, PA  
**Duration:** 180 DAYS AFTER AWARD  
**Contact:** KAREN MARCHEWKA, (724) 439-7429

**DGS 377-1IN6** PROJECT TITLE: Kitchen Equipment. BRIEF DESCRIPTION: This Bid Package shall include all work associated with the furnishing and installation of all kitchen equipment. This Contract also includes all metal fabrications, including backsplashes, countertops, work surfaces and garbage grinders. The Mechanical Contractor will install ductwork and fans for the exhaust hoods furnished by the Kitchen Contractor. This Contractor shall provide the faucets for installation by the Plumbing Contractor. ESTIMATED RANGE: \$1,000,000 to \$2,000,000. Kitchen Equipment Construction. PLANS DEPOSIT: \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, Thirteen West, Pittsburgh, PA 15222, (412) 394-6888. Bid Date: WEDNESDAY, APRIL 11, 2001 at 11 a.m. A Prebid Conference has been scheduled for Thursday, March 22, 2001 at 9 a.m. at the M.A.C.A. Bldg. located in Marienville, Forest County, PA. Contact: Tom Dirkes, (412) 394-6888. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 390 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6557

**MU 99-21** Mansfield University is accepting bids for replacement of roof on Manser Dining Hall. Install sheet membrane roofing and base flashing that are watertight; will not permit the passage of liquid water, and will withstand wind loads, thermally induced movement, and exposure to weather without failure. For bid packages call (570)662-4148 or send \$30 non-refundable check to: Purchasing Department, Mansfield University, Brooks Maintenance Building, Mansfield, Pa. 16933. Bid opening April 5, 2001 at 2 p.m.. Prebid conference has been scheduled for March 22, 2001 at 10 a.m. in Brooks Maintenance Building at Mansfield University. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Mansfield University, Brooks Maintenance Building, Mansfield, Pa. 16933  
**Duration:** 90 calendar days from Notice to Proceed  
**Contact:** Peg Chapel, Purchasing Department, (570) 662-4148

**FDC-405-799.4** All Electrical Work associated with New Comfort Stations at Fort Washington State Park in Montgomery County. Work includes service, site and building wiring and connections. NOTE: Requests for Bid Documents will be taken ON or AFTER March 26, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Whitmarsh Township  
**Duration:** 260 Days  
**Contact:** Construction Management Section, (717) 787-5055

**MU #99-11** Mansfield University is accepting bids for replacement of Manser Dining Hall Ceiling. Project consist of removal of existing acoustical ceiling system and to provide and install a new suspended acoustical ceiling system including the following related electrical work. Disconnect, remove and dispose of approximately 96 existing lighting fixtures. Remove and reinstall approximately 5 existing speakers in the ceiling. Install approximately 57 new recessed fluorescent troffers and 1 new exit sign and associated supporting equipment. Extend existing conduit and wiring from existing lighting and speakers circuits as required. For bid packages call (570) 662-4148 or send \$30 non-refundable check to: Purchasing Department, Brooks Maintenance Building, Mansfield University, Mansfield, Pa. 16933. Bid opening April 5, 2001 at 1 p.m.. Prebid conference has been scheduled for March 22, 2001 at 11 a.m. in Brooks Maintenance Building. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Mansfield University Campus, Manser Dining Hall, Mansfield, Pa.  
**Duration:** 60 calendar days from Notice to Proceed  
**Contact:** Peg Chapel, Purchasing Department, (570) 662-4148

**CAL 004** California University of Pennsylvania of the State System of Higher Education is interested in obtaining bidders for construction of the Kara Alumni House. There is a \$100 non-refundable charge for the project manual. Interested bidders can obtain a copy of project manual CAL 004 from MacLachlan, Cornelius & Filoni, 200 The Bank Tower, Pittsburgh, PA 15222, (412) 281-6568. Proposals are due Tuesday, May 8, 2001 at 2 p.m. in the Purchasing Office, California University of PA, 250 University Avenue, Room 117, Azorsky Administration Building, California, PA 15419. A pre-proposal hearing will be held on Monday, April 23, 2001 at 10 a.m. in the Eberly Science & Technology Auditorium, Room 110. The System encourages responses from small firms, minority firms, women owned firms, and firms which have not previously performed work for the System and will consider joint ventures that will enable these firms to participate in the System's contract.

**Department:** State System of Higher Education  
**Location:** California University of Pennsylvania, Purchasing Department-250 University Avenue, California, PA 15419  
**Duration:** One Year  
**Contact:** Vickie A. Laubach, (724) 938-4430

**FDC-405-799.3** All Mechanical Work associated with New Comfort Stations at Fort Washington State Park in Montgomery County. Work includes domestic water, sanitary waste, vent and fuel piping, propane gas heaters, duct work, air outlets and inlets, testing, adjusting and balancing. NOTE: Requests for Bid Documents will be taken ON or AFTER March 26, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Whitmarsh Township  
**Duration:** 260 Days  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-405-799.1** General Construction Work for New Comfort Stations at Fort Washington State Park in Montgomery County. Work includes earthwork, E & S measures, bituminous paving, water, sewage, and drain lines, reinforced concrete, masonry, carpentry, roofing, doors, tile, painting and bathroom accessories. NOTE: Requests for Bid Documents will be taken ON or AFTER March 26, 2001

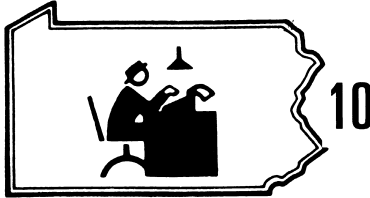
**Department:** Conservation and Natural Resources  
**Location:** Whitmarsh Township  
**Duration:** 260 Days  
**Contact:** Construction Management Section, (717) 787-5055

**DGS A 251-593** PROJECT TITLE: Roof Replacement. BRIEF DESCRIPTION: Roof replacement on low and high roofs of both the East and West ends of the tunnel with a 2-ply, modified bituminous, mop and torch system. ESTIMATED RANGE: \$100,000 to \$500,000. General Construction. PLANS DEPOSIT: \$25 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. (717) 787-3923. Bid Date: WEDNESDAY, April 11, 2001 at 11 a.m.

**Department:** General Services  
**Location:** Squirrel Tunnels, Pittsburgh, Allegheny County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS 377-1SC3 PROJECT TITLE:** Staff Residences. **BRIEF DESCRIPTION:** This Bid Package shall include the furnishing, installation and completion of three modular housing units for use as the facility staff residences. **ESTIMATED RANGE:** \$100,000 to \$500,000. **Staff Residences Construction. PLANS DEPOSIT:** \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, Thirteen West, Pittsburgh, PA 15222, (412) 394-6888. Bid Date: WEDNESDAY, April 11, 2001 at 11 a.m. A Prebid Conference has been scheduled for Thursday, March 22, 2001 at 11 a.m. at the M.A.C.A. Bldg. located in Marienville, Forest County, PA. Contact: Tom Dirkes, (412) 394-6888. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

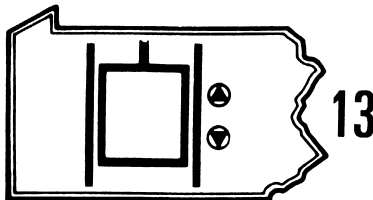
**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 520 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6557



### Court Reporting

**SP2500005** The PA Board of Probation and Parole (Board) is soliciting bids from prospective contractors to transcribe cassette tapes of Board hearing testimony as recorded by Board staff on either conventional or high speed cassette recorders. The average transcript will consist of approximately 700 lines. The total number of lines of typing for the initial term of this contract is estimated to be 240,000 lines.

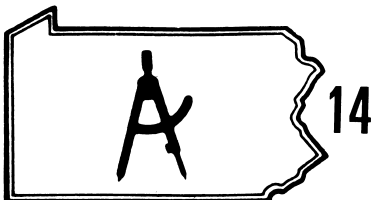
**Department:** Probation and Parole Board  
**Location:** PA Board of Probation and Parole, 1101 South Front Street, Suite 5500, Harrisburg, PA 17104-2521  
**Duration:** Three Years with two 1-year options to renew.  
**Contact:** Dawn Eshenour, (717) 787-1989



### Elevator Maintenance

**08-010G09** This contract is for the maintenance of 2 elevators located at the PA Dept. of Transportation, Engineering District 1-0, Oil City, PA 16323. A prebid job site visit is a must. All requests for bid packages must be faxed to Amy Judson-Burak, Purchasing Agent, at (814) 678-7051.

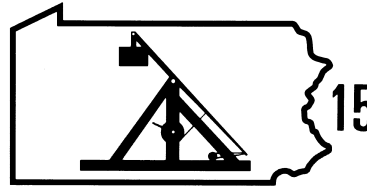
**Department:** Transportation  
**Location:** 255 Elm Street, Oil City, PA 16301  
**Duration:** 1 year with two 2 year renewals  
**Contact:** Amy Judson-Burak, (814) 678-7185



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** View Website



### Environmental Maintenance Service

**BF 473** Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine projects. Letters of interest must be received by Roderick A. Fletcher, P.E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m., April 23, 2001, to be considered.

**Department:** Environmental Protection  
**Location:** 30 acres of reclamation in Sewickley Township, Westmoreland County  
**Duration:** N/A  
**Contact:** Ron Henry, (717) 783-0473

**OSM 11(4784)101.1** Abandoned Mine Reclamation, Beaver Valley West, involves approximately 164,600 c.y. grading, 20 acres seeding and planting 8,160 trees. Federal Funds are available for this project from the \$20.1 million 1998 AML Grant. This project issues March 23, 2001; payment in the amount of \$10 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** White Township, Cambria County  
**Duration:** 190 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**SP3510016711** Provide drilling, sampling, field testing and laboratory analysis of soil, rock and concrete at sites throughout Pennsylvania on an as-needed basis. Contact Sharon Peterson at [shapeterso@state.pa.us](mailto:shapeterso@state.pa.us) or (717) 787-2471 to obtain a bid package.

**Department:** Environmental Protection  
**Location:** Throughout Pennsylvania  
**Duration:** July 1, 2001 through December 31, 2005  
**Contact:** Sharon Peterson, (717) 787-2471

**OSM 17(1941)101.1** Abandoned Mine Land Reclamation, Water Line Extension, Spring Valley/Salem involves approximately 27,500 l.f. 8" ductile iron pipe including fittings, a welded-steel water storage tank including foundation, pump station complete, and three pressure reducing vaults. Federal Funds are available for this project from the \$8.7 million 2000 AML Grant. This project issues March 23, 2001; payment in the amount of \$25 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Boggs and Bradford Townships, Clearfield County  
**Duration:** 375 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**OSM 32(3586)101.1** Abandoned Mine Land Reclamation, Well Sealing, Fulton Run (E-4) involves cleaning four wells and sealing each with concrete grout. Federal Funds are available for this project from the \$18 million 1999 AML Grant. This project issues March 23, 2001; payment in the amount of \$10 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** White Township, Indiana County  
**Duration:** 70 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**OSM 32(3823)101.1** Abandoned Mine Reclamation, Airshaft Southeast (Coal Run Headwaters) involves approximately 1,350,000 c.y. grading, 400 s.y. rock lining with filter material, gas line relocation, and seeding 100 acres. Federal Funds are available for this project from the \$18 million 1999 AML Grant. This project issues March 23, 2001; payment in the amount of \$15 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Young Township, Indiana County  
**Duration:** 375 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**OSM 35(2079)102.1** Abandoned Mine Reclamation, Eynon, involves approximately 11,500 c.y. grading, 24 c.y. Class C cement concrete, 11,800 c.y. drainage excavation, 7,000 s.y. rock lining, and seeding 8.8 acres. Federal Funds are available for this project from the \$27 million 2000 AML Grant. This project issues March 23, 2001; payment in the amount of \$10 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Archbald, Lackawanna County  
**Duration:** 170 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**BOGM 01-03** Clean Out and Plug 13 Abandoned and Orphan Oil and Gas Wells, each estimated to be between 2,000-3,000 feet in depth; prepare and restore well sites; and mobilize and demobilize plugging equipment. This project issues March 23, 2001; payment in the amount of \$10 must be received before bid documents will be sent.

**Department:** Environmental Protection

**Location:** South Fayette, Scott, Marshall and Cranberry Townships, Pleasant Hill, Lincoln, Jefferson and St. Clair, Allegheny and Butler Counties

**Duration:** 100 calendar days after notice to proceed

**Contact:** Construction Contracts Section, (717) 783-7994

**AMD 65(1183)101.1** Acid Mine Drainage Abatement, Keystone, involves approximately 2,580 c.y. trench excavation, 1,120 c.y. aggregate, 2,610 l.f. PVC pipe, 36 v.f. concrete manholes, 210 c.y. ditch excavation, 1,330 s.y. pvc lining, 160 s.y. rock lining with filter material, dewatering, mine drain excavation and construction, bituminous roadway restoration and seeding 3 acres. Federal Funds are available for this project from the \$27 million 2000 AML Grant. This project issues March 23, 2001; payment in the amount of \$10 must be received before bid documents will be sent.

**Department:** Environmental Protection

**Location:** Derry Township, Westmoreland County

**Duration:** 340 calendar days after notice to proceed

**Contact:** Construction Contracts Section, (717) 783-7994

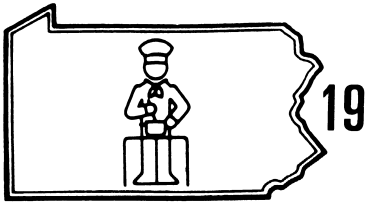
**OSM 54(3703)102.1** Abandoned Mine Reclamation, North Donaldson, involves approximately 761,100 c.y. grading, 13,860 c.y. drainage excavation, 10,085 s.y. rock lining, 144 l.f. 43" x 68" elliptical reinforced cement concrete pipe, and seeding 49.7 acres. Federal Funds are available for this project from the \$27 million 2000 AML Grant. This project issues March 23, 2001; payment in the amount of \$10 must be received before bid documents will be sent.

**Department:** Environmental Protection

**Location:** Frailey Township, Schuylkill County

**Duration:** 640 calendar days after notice to proceed

**Contact:** Construction Contracts Section, (717) 783-7994



## Food

**EGGS 2500-01** Eggs, Shell, White, Grade A-Medium, Class 2. Weekly deliveries (WEDNESDAY), quarterly bids. Grading certificate required with each delivery. Quantities and delivery dates to be established by the Institution.

**Department:** Corrections

**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612

**Duration:** July 1, 2001 thru June 30, 2002

**Contact:** Robert G. Berkey, (570) 674-2722

**FRYERS 2500-01** CHICKEN FRYERS, FROZEN. 3 pound average, split, ready to cook. To include any other related item required during this period. Quarterly bids. Monthly deliveries, quantities and delivery dates to be established by the Institution.

**Department:** Corrections

**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612

**Duration:** July 1, 2001 thru June 30, 2002

**Contact:** Robert G. Berkey, (570) 674-2722

**POUL 2500-01** POULTRY PRODUCTS, FROZEN, Turkey products as follows: Roll, Breakfast Sausage, Bologna, Ham, Salami, Franks and Kielbasi; Chicken Patties and any other poultry product that may be required for this period. Quarterly bids. Monthly deliveries, quantities and delivery dates will be established by Institution.

**Department:** Corrections

**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA. 18612

**Duration:** July 2001 thru June 2002

**Contact:** Patti Rovinski, (570) 674-2710

**PROD 2500-01** PRODUCE-Vegetables per PA. Spec. V-14; Fruits per PA. Spec. F-46. Quantities and delivery dates will be established by the Institution. Monthly bids/weekly deliveries.

**Department:** Corrections

**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA. 18612

**Duration:** July 2001 thru June 2002

**Contact:** Patti Rovinski, (570) 674-2710

**6000-08726** The vendor will provide Coca Cola, Diet Cola, Root Beer, Sprite (OR EQUAL) syrups in 5 gallon disposable "Bag-in-Box" containers for use in dispensing machines and CO2 in 20 lb. returnable and refillable squat cylinders for use with dispensing machines. Estimated quantity usage over a three year period is 1440 containers of Coca Cola, 360 containers of Diet Cola, 720 containers of Root Beer, 720 containers of Sprite and 432 cylinders of CO2. Delivery will consist of two deliveries per month on or about the 1st and 15th.

**Department:** Corrections

**Location:** State Correctional of Pittsburgh, 3001 Beaver Ave., P. O. Box 99901, Pittsburgh, PA 15233

**Duration:** July 01, 2001 to June 30, 2004

**Contact:** Carol Schaeffer/Purchasing Agent II, (412) 761-1955 Ext. 291

**MILK 2500-01** MILK, 2% pasteurized and homogenized and milk, skim, plain. Packaged in 5 gallon plastic containers and 1/2 pint containers. Estimated annual usage: 2%—80,040 gallons and 145,596 1/2 pints; Skim—3,600 gallons and 51,996 1/2 pints. AWARD WILL BE FOR 1 YEAR. Deliveries on Tuesday and Friday. Successful vendor to agree with monthly prices and discounts controlled by the Pennsylvania Milk Marketing Board. To include any other related item that may be required during this period.

**Department:** Corrections

**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612

**Duration:** July 1, 2001 thru June 30, 2002

**Contact:** Robert G. Berkey, (570) 674-2722

**Soda POP-2500** Furnish and set up three drink dispensers in the culinary department to serve carbonated beverages, as required, for a 36 month period beginning July 1, 2001 thru June 30, 2004. Regular and caffeine free diet syrups in a 5 gallon BIB (bag in the box). Estimated quantity for this period: 24,000 gallons. CO 2 in 20# squat cylinders. Estimated quantity for this period: 980 gallons. To include any other related item during this period.

**Department:** Corrections

**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612

**Duration:** 3 years

**Contact:** Robert G. Berkey, (570) 674-2722

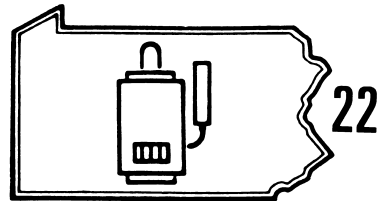
**DAIRY 2500-01** DAIRY PRODUCTS. To include American Cheese, Oleomargarine, Ice Cream Novelties and any other dairy product that may be required during this period. Quarterly bids. Weekly and monthly deliveries, quantities and delivery dates will be established by the Institution.

**Department:** Corrections

**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612

**Duration:** July 1, 2001 thru June 30, 2002

**Contact:** Robert G. Berkey, (570) 674-2722



## HVAC Services

**BOL-01** THE CONTRACTOR SHALL SUPPLY ALL CHEMICALS, TEST EQUIPMENT, LAB ANALYSIS, STAFF TRAINING, TO PROVIDE A COMPLETE WATER TREATMENT SERVICE PROGRAM THAT WILL INCLUDE STEAM BOILERS, AERATOR, CONDENSATE SYSTEM, HOT WATER RECIRCULATION SYSTEM.

**Department:** Corrections

**Location:** STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, STATE ROUTE 2007, HOUTZDALE, PENNSYLVANIA 16651

**Duration:** JULY 01, 2001 TO JUNE 30, 2004

**Contact:** DIANE K. DAVIS, P.A. II, (814) 378-1006

**CL-545, Replace Walk-In Coolers, Chandler** Clarion University is soliciting bids to replace one refrigerated baker's storage room, one first floor cook's refrigerator, one walk-in baker's refrigerator and freezer, and one three compartment refrigerator and freezer in Chandler Dining Hall. Work includes general, HVAC and electrical work associated with these replacements. Contracts shall be awarded for general, HVAC and electrical construction and furnishing and installation of food service equipment (4 prime contracts). Bid packages are available from the contact person by mailing \$20, nonrefundable deposit, to 218 Carrier Hall, Clarion University, Clarion, PA 16214. Prebid Conference: 10 a.m., March 30. Bid Opening: 2 p.m., April 11, 2001.

**Department:** State System of Higher Education

**Location:** Clarion University, Clarion, PA

**Duration:** 60 Days from Notice to Proceed

**Contact:** Judy McAninch, Contract Specialist, (814) 393-2240

**540002** THE CONTRACTOR WILL FURNISH ALL EQUIPMENT, PERSONNEL AND MATERIALS NECESSARY TO COMPLETE ELECTRICAL REPAIRS AND SERVICING AS REQUIRED BY THE DEPARTMENT. WORK WILL BE PERFORMED WITHIN MONROE COUNTY: (1) HOURLY RATE FOR ELECTRICAL FOREMAN-ESTIMATE OF 500 HOURS. PREMIUM HOURS 50 HOURS-TWO HOUR RESPONSE TIME. ESCALATION CLAUSE FOR CONTRACT DETERMINE BY CONSUMER PRICE INDEX NOT TO EXCEED 3% PER YEAR.

**Department:** Transportation

**Location:** PA DEPARTMENT OF TRANSPORTATION, MONROE COUNTY 5-4, SR611 2 MILES NW OF STROUDSBURG, STROUDSBURG, PA 18360

**Duration:** ONE YEAR PERIOD FROM DATE OF APPROVAL WITH FOUR-1 YEAR RENEWALS.

**Contact:** DENISE GRABOWSKI, (570) 424-3024

**MI-804 STB Stairway Exhaust** Project Name: MI-804 Science & Technology Building - Stairway Exhaust Project Scope: Furnish and install rooftop exhaust fan, ventilator, roof cubs (supply and install exhaust grills), all associated ductwork, control dampers, motors, fire dampers, thermostats, smoke detectors, and associated wiring, etc. for a successful installation. Prebid date & time: 03/26/01, 10 a.m. in the Science & Technology Building. Opening date & time: 04/09/01, 10 a.m. Room 232 Dilworth Building. Plans & specifications cost \$15 nonrefundable

**Department:** State System of Higher Education

**Location:** Science & Technology Building, Millersville University, Millersville, PA 17551

**Duration:** 15 calendar days from the date of the Notice to Proceed

**Contact:** Jill M. Coleman, (717) 872-3730

**060021** The Department of Transportation (District 6) is accepting bids for the repair of existing electrical facilities at the PA Department of Transportation's Salt Stockpile locations in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties. Interested Vendors may obtain bidding packages by faxing in your name, address, and phone number to Louis J. Porrini, Highway Maintenance Manager at (610) 205-6909, or E-mail your name, address and phone number to Louis at lporrini@dot.state.pa.us. The anticipated date for the release of Bid Documents will be March 26, 2001. A Prebid Conference is scheduled to be held in the District Office in King of Prussia at 10 a.m. on April 3, 2001. The bids will be opened in the King of Prussia Office. The bid opening is expected to be held April 10, 2001.

**Department:** Transportation  
**Location:** County Maintenance Stockpile Locations in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties.  
**Duration:** 2 years  
**Contact:** Louis J. Porrini, Highway Maintenance Manager, (610) 205-6703

**03-A-01** Heating, Ventilating and Air Conditioning Services: Furnish HVAC services on (Seasons 4 Inc) System, on a quarterly basis. Service to be available on a 24/7 basis. You may call for a bid package or fax us at (717) 787-0688

**Department:** Labor and Industry  
**Location:** Department of Labor and Industry, Altoona State Office Building, 1101 Green Avenue, Altoona, PA 16601-3483  
**Duration:** Upon Approval thru June 30, 2002 with four 1-year renewal options.  
**Contact:** Cheri Thomas/Bev Fenton, (717) 787-2877

**APR #304-210** Contractor to provide all necessary materials, labor and equipment for installation of a cooling HVAC tower at the Scranton State Office Building, bids to include demolition, removal and disposal of existing tower.

**Department:** General Services  
**Location:** Dept. of General Services, Bur. of Facilities Management, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503  
**Duration:** April 16, 2001 thru June 30, 2001  
**Contact:** Joseph G. Barrett, (570) 963-4817



### Janitorial Services

**064010** Supply daily janitorial services.

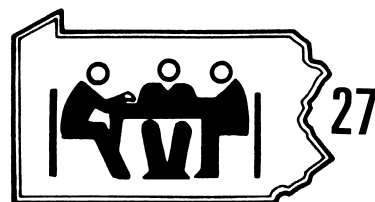
**Department:** Transportation  
**Location:** Swede Rd. & Johnson Hwy, Norristown, Pa 19401  
**Duration:** July 1, 2001 to June 30, 2002 with two 1 year renewals  
**Contact:** Tom Carroll, (610) 275-2368

**Bid #8276** Furnish all equipment, materials and labor to perform janitorial services, including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, etc., 3 visits per week. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Fern Ridge Station, HC #1, Box 1327, Blakeslee, PA 18610  
**Duration:** 7/1/01 to 6/30/04  
**Contact:** Donna Enders, (717) 783-5484

**304-07522** Contractor to provide the Harrisburg Capitol Complex with an approximate yearly total of 2,500 30"x5" clean and treated mop heads on an as-used, bi-weekly pick-up and exchange basis.

**Department:** General Services  
**Location:** Harrisburg Capitol Complex  
**Duration:** Contract Period: 07-01-01 thru 06-30-04.  
**Contact:** Marc Waxman, (717) 787-2155



### Lodging/Meeting Facilities

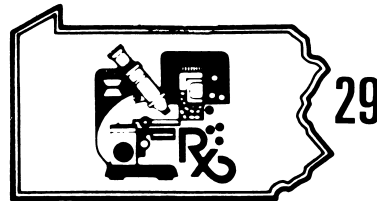
**SP2500010** The PA Board of Probation & Parole (PBPP) is soliciting bids from prospective vendors to provide lodging, meeting room space, food services & audio visual equipment for the agency's Basic Probation & Parole Skills Academy (four separate programs) to be held within the 2002 fiscal year (July, 2001 through June, 2002). The site must be within a 30-mile radius of the PBPP's Central Office located at 1101 S. Front Street, Harrisburg, Pennsylvania. Lodging is required for approximately 45-50 people for 15 nights for each program. A soundproof carpeted meeting room to accommodate approximately 55-60 people daily for each program. Meeting/breakout room for approximately 10 people daily for each program. Audio visual equipment will be required. Morning coffee breaks will be provided for approximately 40-50 people each day of the program. A sit down buffet style dinner will be provided for approximately 55-60 people on the last night (Thursday) of each program. A complete description of services required will be specified within the Service/Bid Contract Package/Specifications.

**Department:** Probation and Parole Board  
**Location:** Harrisburg, Pennsylvania Area (Within a 30-mile radius of PBPP's Central Office)

**Duration:** 7/1/01 to 6/30/02 (Estimated Period)  
**Contact:** Michelle Flynn, (717) 787-8879

**SP-01020001** We are interested in obtaining a vendor within a 40-mile radius of the State Capitol to host two 3-day conferences. The first of the 3-day conference to be held April 17, 18, and 19, 2001 and the second 3-day conference being held May 1, 2, and 3, 2001. There will be approximately 243 attendees. The vendor will need to block 60 rooms per night for both conferences; but these rooms will not be included in the price of the bid. The vendor will also have to include approximately seven rooms which will be included in the bid price for both conferences for each of the days as specified above. Complete specifications may be obtained by faxing your request to: (717) 787-3560 or email: rwadlinger@dpw.state.pa.us.

**Department:** Public Welfare  
**Location:** Harrisburg  
**Duration:** April 17, 18 and 19, 2001 and May 1, 2, and 3, 2001.  
**Contact:** Rose Wadlinger, (717) 783-3767



### Medical Services

**01-8** The contractor shall provide on-site in-service training to Psychiatric Treatment Team members at the State Correctional Institution at Waymart Forensic Treatment Center. Service to be provided once every other month during a six hour period.

**Department:** Corrections  
**Location:** SCI Waymart, Route 6 East, Waymart, PA 18472  
**Duration:** July 1, 2001 to June 30, 2004  
**Contact:** John Ondash, (570) 488-2513

**SP 10777004** Portable X-Ray Services

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** July 1, 2001-June 30, 2006  
**Contact:** Stanley Rygelski, PA, (570) 587-7291

**SP134100027** Psychiatric Services

**Department:** Military Affairs  
**Location:** PA Soldiers & Sailors Home, 560 East 3rd Street, P.O. Box 6239, Erie, PA 16512-6239  
**Duration:** 7-01-01 thru 6-30-06  
**Contact:** Jeanette Gualtieri, (814) 878-4936

**10873011** Contractor will provide Optometry services to patients at Harrisburg State Hospital. Services will be available monthly on a mutually agreed upon day. Contractor will provide all necessary equipment to perform routine Optometry Services. Contractor to come to the hospital to see patients on each ward or at the bedside if necessary.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron & Maclay Streets, Harrisburg, PA 17106  
**Duration:** Term of this contract is anticipated to begin July 1, 2001 and end June 30, 2004, a period of 3 years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**XRAY 2500** Two each Intra X-ray units, one Automatic Film Processor w/daylight loader and one lead lined mobile X-ray screen.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** 1 year  
**Contact:** Robert G. Berkey, (570) 674-2722

**10880004** Provide dental services at the Youth Forestry Camp #3, R. D.#1, Box 175, James Creek, PA 16657.

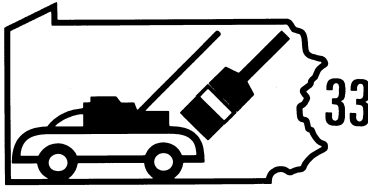
**Department:** Public Welfare  
**Location:** Youth Forestry Camp #3, R. D.#1, Box 175, James Creek, PA 16657.  
**Duration:** 7/1/01-6/30/02  
**Contact:** Dee Kuhn, (717) 789-5509



### Personnel, Temporary

**SUB-INST-001** The Hiram G. Andrews Center is seeking Professional Substitute Instructors on an As-needed basis for Trade Area, Business Education, and miscellaneous class instruction in accordance with the Bid Documents. To obtain a bid package, submit your written request to the attention of R.D. Robinson, Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905 or FAX your request to (814) 255-8370. This will NOT result in a contract for employment.

**Department:** Labor and Industry  
**Location:** Office of Vocational Rehabilitation, HIRAM G. ANDREWS CENTER, 727 Goucher Street, Johnstown, PA 15905  
**Duration:** For a period of 5 years from award of Contract  
**Contact:** Robert D. Robinson, Purchasing Agent II, (814) 255-8210



### Property Maintenance

**065013** This contract is for the removal of graffiti and the application of an anti-graffiti coating at various locations within Philadelphia County. The anticipated Bid Opening Date is April 18, 2001. Bidding packages may be obtained by faxing in a request to PennDot at (215) 560-6668 Attn. Bill Genz, County Coordinator

**Department:** Transportation  
**Location:** Philadelphia  
**Duration:** This contract is for a 1 year period with one 2 year renewal.  
**Contact:** Bill Genz, (215) 225-1415

**SP382100012** Service required to install Stucco on the exterior of a park residence.

**Department:** Conservation and Natural Resources  
**Location:** Nockamixon State Park  
**Duration:** 60 days after notice to proceed  
**Contact:** Sandra Lewis, (215) 453-5030

**CL-529-Slate Roof Replacement** Clarion University is soliciting bids for replacement of a 9,000 square foot slate roof on an office/classroom building on the Clarion campus. Bid packages are available from contact person: mail \$20/nonrefundable deposit to 218 Carrier Hall, Clarion University, Clarion, PA 16214. Prebid conference: 1 p.m., March 30, in McEntire Maintenance Building. Bid Opening: 2 p.m., April 12, 2001.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, PA  
**Duration:** 60 Days from Notice to Proceed  
**Contact:** Judy McAninch, Contract Specialist, (814) 393-2240

**Bid #8277** Furnish all materials, equipment & labor to perform lawn maintenance services THREE cuttings per month at the PA State Police, Transportation, Clothing Warehouse & Annex. Detailed Work Schedule & Bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Transportation, Clothing Warehouse & Annex, 20th & Herr Streets, Harrisburg, PA 17102  
**Duration:** 7/1/01 to 6/30/04  
**Contact:** Donna Enders, (717) 783-5484

**0817** Grass mowing and trimming at the 26 acre Conrad Weiser Homestead, a state historic site, located at Womelsdorf, Berks County.

**Department:** Historical and Museum Commission  
**Location:** Conrad Weiser Homestead, 28 Weiser Rd, Womelsdorf, PA 19567  
**Duration:** July 1, 2001 to June 30, 2002  
**Contact:** James A. Lewars, (610) 582-4900



### Railroad/Airline Related Services

**03379-000-00-AS-1-EXTENDED BID DUE DATE EXTENDED-----**Project Name: REPAIRS TO TURNTABLE—The scope includes (but is not limited to) removal/reinstallation of rails, replacement of deteriorated wooden ties and cleaning/painting all metal turntable bridge elements. Bidders will be required to submit demonstrated prior experience working on historic turntables along with their bids. Bidders will also be required to make a Mandatory Site Visit & Sign in and inspect the project during the bidding period. The visit must be arranged with the site at (717) 687-8628. Bids received from firms who have not visited the site and signed in will be rejected. Bids received for this project in excess of \$25,000 will be subject to Commonwealth Prevailing Wage requirements. All interested bidders should submit a \$25 (non-refundable) check and a request for a bid package in writing to: PA, Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 ---ATTENTION: Judi Yingling (717) 772-2401 OR ---FAX---(717) 214-2988. All proposals are due on Thursday, April 5, 2001 at 11:45 am. \*\*\*\*THIS BID DUE DATE IS AN EXTENSION TO THE PREVIOUS BID DUE DATE\*\*\*\* Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

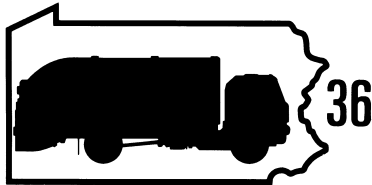
**Department:** Historical and Museum Commission  
**Location:** Railroad Museum of PA., P. O. Box 15, Strasburg, PA 17579-----Phone (717) 687-8628  
**Duration:** April 1, 2001 to June 30, 2002  
**Contact:** Judi Yingling, (717) 772-2401

**03379-000-00-AS-3-EXTENDED BID DUE DATE EXTENDED--**Project Name: REMOVE ASBESTOS FROM EIGHT LOCOMOTIVES-The scope includes (but is not limited to) removal of locomotive boiler and back head jacketing to expose areas of known asbestos, removal of said asbestos and the priming/painting of exposed boilers. All asbestos removal work is to take place in a special building at the site, recently constructed specifically for asbestos removal operations. In addition, bidders will provide unit prices for additional asbestos removal work on locomotives and passenger cars on an "as needed" basis over the next 4 fiscal years. Bidders will be required to submit demonstrated prior experience working on historic turntables along with their bids. Bidders will also be required to make a Mandatory Site Visit & Sign in and inspect the project during the bidding period. The visit must be arranged with the site at (717) 687-8628. Bids received from firms who have not visited the site and signed in will be rejected. Bids received for this project in excess of \$25,000 will be subject to Commonwealth Prevailing Wage requirements. All interested bidders should submit a \$25 (non-refundable) check and a request for a bid package in writing to: PA, Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 ---ATTENTION: Judi Yingling (717) 772-2401 OR---FAX---(717) 214-2988. All proposals are due on Thursday, April 5, 2001 at 11:45 am. \*\*\*\*THIS BID DUE DATE IS AN EXTENSION TO THE PREVIOUS BID DUE DATE\*\*\*\* Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

**Department:** Historical and Museum Commission  
**Location:** Railroad Museum of PA., P. O. Box 15, Strasburg, PA 17579-----Phone (717) 687-8628  
**Duration:** April 1, 2001 to June 30, 2002  
**Contact:** Judi Yingling, (717) 772-2401

**03379-000-00-AS-2-EXTENDED BID DUE DATE EXTENDED**---Project Name: RE-ALIGNMENT & REPLACEMENT OF RAILROAD TRACK-The scope includes (but is not limited to) removal/reinstallation of rails, replacement of deteriorated wooden ties, reconstruction of several yard turnouts, installation of new ballast, and limited site drainage. Bidders will be required to submit demonstrated prior experience working on historic turntables along with their bids. Bidders will also be required to make a Mandatory Site Visit & Sign in and inspect the project during the bidding period. The visit must be arranged with the site at (717) 687-8628. Bids received from firms who have not visited the site and signed in will be rejected. Bids received for this project in excess of \$25,000 will be subject to Commonwealth Prevailing Wage requirements. All interested bidders should submit a \$25 (non-refundable) check and a request for a bid package in writing to: PA. Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 --- ATTENTION: Judi Yingling (717) 772-2401 OR---FAX---(717) 214-2988. All proposals are due on Thursday, April 5, 2001 at 11:45 am. \*\*\*\*\*THIS BID DUE DATE IS AN EXTENSION TO THE PREVIOUS BID DUE DATE\*\*\*\*\* Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

**Department:** Historical and Museum Commission  
**Location:** Railroad Museum of PA., P. O. Box 15, Strasburg, PA 17579----Phone (717) 687-8628  
**Duration:** April 1, 2001 to June 30, 2002  
**Contact:** Judi Yingling, (717) 772-2401



### Sanitation

**608765** The Department Of Transportation (Engineering District Six Office Building) is accepting bids for the pickup of trash, refuse and recycled paper from (2)-8 cubic yard dumpsters, an estimated three times a week for the refuse/trash dumpster (52 weeks per year) and twice a week for the recycled dumpster (52 weeks per year) and on demand pickup of 10 times per year for each dumpster when called for. The location of the pickups is PennDOT Engineering District Six, 7000 Geerdes Blvd, King of Prussia, Pa. 19406. To obtain a bid package please fax name, address, phone and fax number to the purchasing agent, (Fax (610) 205-6980). The anticipated release of the bid package is April 3, 2001. Bid opening will be approximately 2 weeks from this date.

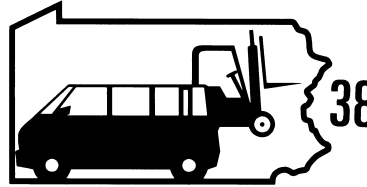
**Department:** Transportation  
**Location:** Pennsylvania Department of Transportation, Engineering District 6-0, 7000 Geerdes Blvd., King of Prussia, Pa. 19406  
**Duration:** Two years  
**Contact:** Larry McCool, Purchasing Agent, (610) 205-6740



### Security Services

**SP01780001** SECURITY GUARD SERVICES FOR DEPARTMENT OF PUBLIC WELFARE, BUREAU OF HEARINGS AND APPEALS. LOCATIONS ARE HARRISBURG, PHILADELPHIA, PITTSBURGH, ERIE AND READING, PENNSYLVANIA. BIDDERS ARE REQUIRED TO COMPLETELY INSPECT THE SITE OF THE REQUESTED SERVICE PRIOR TO SUBMITTING A BID. COPIES OF THE BID PACKAGE CAN BE OBTAINED THROUGH FASCIMILE AT (717) 787-3560.

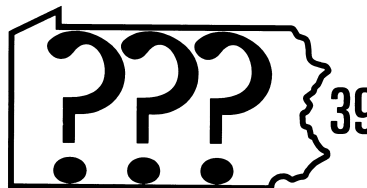
**Department:** Public Welfare  
**Location:** DPW BUREAU OF HEARINGS AND APPEALS, 1401 N 7TH STREET, HARRISBURG, PA 17105  
**Duration:** ESTIMATED 6-01-01---6-30-03 (WITH TWO 1 YEAR RENEWALS)  
**Contact:** BETH TROWBRIDGE, (717) 783-1083



### Vehicle, Heavy Equipment and Powered Machinery Services

**FL-1299510** We are accepting bids on two items as described: Ten each full body length aluminum truck caps for a 2001 Dodge Ram 1500 Regular Cab 119" WB Work Special pick-up truck; Ten each reinforced plastic bed liner, including tailgate liner for a 2001 Dodge Ram 1500 Regular Cab 119" WB Work Special pick-up truck.

**Department:** Agriculture  
**Location:** Rothrock Motor Sales Inc., RT. 22 & 15th Street, Allentown, PA 18104  
**Duration:** The duration of the contract shall be 15 days after receipt of contract.  
**Contact:** Scott Mohler, (717) 787-1467



### Miscellaneous

**PGC-2696** Provide ground application of herbicide in forested areas of Potter, Elk, Lycoming, Forest, Crawford, Cambria, Bedford, Luzerne, Dauphin & Monroe Cos. Application of herbicide will aid in the establishment of stands of high value trees by eliminating competing under-story vegetation, consisting primarily of hay scented fern, striped maple, beech brush and various species of grass. The type and categories of equipment, specific locations and timing for herbicide application to be in accordance with agency specifications, which are available upon request. Contractor to provide herbicide, labor, insurance and all miscellaneous expenses required to complete operation. Bid price should be inclusive of all costs. Bid to be awarded on price per treated acreage. (Approximate total acreage: 800 Acres.)

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Automotive & Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** Spraying to begin after July 1, 2001. Contract will expire on June 30, 2002.  
**Contact:** Diane E. Shultz or Linda E. Beaver, (717) 787-6594

**000780133** Repair and resurface existing bituminous pavement and construct new sidewalks and patios at White Haven Center. If you would like to receive a copy of this bid package please fax your request to (570) 443-4177.

**Department:** Public Welfare  
**Location:** White Haven Center, R. 2, Box 2195, White Haven, Pennsylvania 18661 (Luzerne County)  
**Duration:** All work under this entire contract will be completed within 120 calendar days from the effective date of contract.  
**Contact:** Sandra A. Repak, Purchasing Agent, (570) 443-4232

**PGC-2695** Provide ground application of herbicide in steep, forested areas of Warren, Venango & Cambria Cos. Application of herbicide will aid in the establishment of stands of high value trees by eliminating competing under-story vegetation, consisting primarily of hay scented fern, striped maple, beech brush and various species of grass. The type and categories of equipment, specific locations and timing for herbicide application is to be in accordance with agency specifications, available upon request. Contractor to provide herbicide, labor, insurance and all miscellaneous expenses required to complete operation. Bid price should be inclusive of all costs. Bid to be awarded on price per treated acreage. (Approximate total acreage: 524 Acres.)

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Automotive & Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** Spraying to begin after July 1, 2001. Contract will expire on June 30, 2002.  
**Contact:** Diane E. Shultz or Linda E. Beaver, (717) 787-6594

[Pa.B. Doc. No. 01-534. Filed for public inspection March 23, 2001, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*



**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
1270110-01	03/12/01	Mesko Glass & Mirror	24,960.00
1320150-01	03/12/01	Interboro Packaging	67,422.00
1329110-01	03/12/01	J Weinstein & Sons	55,110.00
1348110-01	03/12/01	Associated Building Specialties/ div Ad- vanced Building Supplies	38,410.00
8176760-01	03/12/01	K-B Offset Printing	36,750.00
8252570-01	03/12/01	Seely Equip- ment & Sup- ply	14,670.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 01-535. Filed for public inspection March 23, 2001, 9:00 a.m.]

