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# PENNSYLVANIA BULLETIN

Volume 30  
Saturday, January 1, 2000 • Harrisburg, Pa.  
Number 1  
Pages 1—190

See Part II page 111 for the  
Environmental Quality Board's Erosion  
and Sediment Control Regulations

See Part III page 127 for the  
Subject Index for  
January—December 1999

## **Part I**

### **Agencies in this issue:**

The Governor  
The General Assembly  
The Courts  
Commission on Sentencing  
Department of Agriculture  
Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Public Welfare  
Environmental Quality Board  
Executive Board  
Independent Regulatory Review Commission  
Insurance Department  
Office of General Counsel  
Pennsylvania Public Utility Commission  
Securities Commission  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 302, December 2000**

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**PENNSYLVANIA**



**BULLETIN**

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# Contents

## THE GOVERNOR

### EXECUTIVE ORDER

Rescission of Executive Order 1980-13 ..... 8

### PROCLAMATION

Amendment to proclamation..... 8

## THE GENERAL ASSEMBLY

Recent actions during the 1999 regular session of the General Assembly..... 10

## THE COURTS

### APPELLATE RULES

Internal operating procedures of the Commonwealth Court ..... 11

### LOCAL COURT RULES

#### Montgomery County

Mediator compensation pursuant to Montgomery County local rule of civil procedure \* 1940.8..... 14

### PHILADELPHIA RULES

Amendment of Phila.R.Civ.P. No. 1028(B); president judge general court regulation no. 99-03..... 13

Fee schedule for disclosure of adoption information; administrative regulation no. 99-9 ..... 13

Wiretapping and electronic surveillance; 18 Pa.C.S. § 5701 et seq.; president judge general court regulation no. 99-05..... 13

## EXECUTIVE AGENCIES

### COMMISSION ON SENTENCING

#### Notices

Commission meeting schedule for 2000..... 48

### DEPARTMENT OF AGRICULTURE

#### Notices

Commercial Orchard and Fruit Tree Nursery Indemnity Program ..... 48

### DEPARTMENT OF BANKING

#### Notices

Action on applications..... 49

### DEPARTMENT OF EDUCATION

#### Notices

Annual State application under Part B of the Individuals with Disabilities Education Act for Federal Fiscal Year 2000 ..... 50

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Advisory board/committee meeting schedules for 2000 ..... 51

Applications, actions and special notices..... 54

Environmental stewardship and watershed protection (growing greener) grant applications and notice of grant workshops ..... 78

## DEPARTMENT OF GENERAL SERVICES

### Notices

Contract awards ..... 107

State contracts information..... 97

## DEPARTMENT OF HEALTH

### Notices

Application of Abington Memorial Hospital for exception to 28 Pa. Code § 153.1(a) ..... 79

Application of Elk Regional Health for exception to 28 Pa. Code § 107.62 ..... 79

Application of Gastrointestinal Specialists, Inc. for exception to 28 Pa. Code § 571.1 ..... 79

Application of Gettysburg Hospital for exception to 28 Pa. Code § 107.62 ..... 80

Application of Grandview Hospital for exception to 28 Pa. Code § 51.6 ..... 80

Application of Lancaster General Hospital for exception to 28 Pa. Code § 109.23 ..... 80

Application of Lancaster General Hospital for exception to 28 Pa. Code § 151.21 ..... 81

Application of Lancaster General Hospital for exception to 28 Pa. Code § 153.1(a) ..... 81

Application of Memorial Hospital of Towanda for exception to 28 Pa. Code § 125.14(a) ..... 81

Application of Sewickley Valley Hospital for exception to 28 Pa. Code § 153.1(a) ..... 82

Application of UPMC Presbyterian Medical Center to 28 Pa. Code § 153.1(a) ..... 82

Application of UPMC Rehabilitation Hospital for exception to 28 Pa. Code § 107.2 ..... 82

Application of Pennsylvania Hospital of the University of Pennsylvania Health System for exception to 28 Pa. Code § 153.1(a) ..... 82

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; public meetings ... 83

Integrated HIV Planning Council; public meetings ... 83

## DEPARTMENT OF LABOR AND INDUSTRY

### Notices

Unemployment compensation benefit rate table..... 83

## DEPARTMENT OF PUBLIC WELFARE

### Rules and Regulations

Special MA eligibility provisions ..... 15

### Notices

Public hearing on declining resident population at Polk Center ..... 90

## ENVIRONMENTAL QUALITY BOARD

### Rules and Regulations

Erosion and sediment control (Part II) ..... 111

## EXECUTIVE BOARD

### Statement of Policy

#### Reorganization of:

Department of Transportation ..... 44

Public School Employees' Retirement System..... 44

State Employees' Retirement System..... 44

---

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**INDEPENDENT REGULATORY REVIEW  
COMMISSION**

**Notices**

Actions taken by the Commission ..... 90  
 Notice of comments issued ..... 90

**INSURANCE DEPARTMENT**

**Proposed Rulemaking**

Valuation of life insurance policies ..... 23

**Notices**

Coal Mine Compensation Rating Bureau of Pennsylvania; Workers' Compensation loss cost filing..... 93  
 Progressive Northern Insurance Company; private passenger automobile rate revision..... 93  
 Review procedure hearings; cancellation or refusal of insurance ..... 93

**OFFICE OF GENERAL COUNSEL**

**Notices**

Invitation to publish (OGC-ITP-2000-01) ..... 94

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Proposed Rulemaking**

Procedures to ensure customer consent to a charge of natural gas suppliers ..... 37

**Notices**

Investigation into year 2000 compliance by public utilities; doc. I-009800076; default orders re: complaints filed by the Law Bureau prosecutory staff... 94  
 Service of notice of motor carrier applications..... 94

**SECURITIES COMMISSION**

**Rules and Regulations**

National Securities Market Improvement Act of 1996 amendments ..... 18

**TURNPIKE COMMISSION**

**Notices**

Retention of management consulting firm ..... 95

# 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 1999.

<b>4 Pa. Code (Administration)</b>		<b>64 Pa. Code (Securities)</b>	
<b>Adopted Rules</b>		<b>Adopted Rules</b>	
1 .....	8	202 .....	18
		203 .....	18
<b>Statements of Policy</b>		204 .....	18
4 (3 documents).....	44	205 .....	18
		207 .....	18
<b>25 Pa. Code (Environmental Protection)</b>		209 .....	18
<b>Adopted Rules</b>		211 .....	18
97 .....	111	504 .....	18
		513 .....	18
<b>31 Pa. Code (Insurance)</b>		603 .....	18
<b>Proposed Rulemaking</b>		606 .....	18
84c .....	23	609 .....	18
		<b>210 Pa. Code (Appellate Rules)</b>	
<b>52 Pa. Code (Public Utilities)</b>		<b>Adopted Rules</b>	
<b>Proposed Rulemaking</b>		67 .....	11
59 .....	37	<b>249 Pa. Code (Philadelphia Rules)</b>	
		Unclassified .....	13
<b>55 Pa. Code (Public Welfare)</b>		<b>255 Pa. Code (Local Court Rules)</b>	
<b>Adopted Rules</b>		Unclassified .....	14
140 .....	15		





# PENNSYLVANIA BULLETIN

Volume 30  
Saturday, January 1, 2000 • Harrisburg, Pa.

Number 1

## **Part II**

This part contains the  
Environmental Quality Board's  
Erosion and Sediment Control Regulations

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## PENNSYLVANIA

## BULLETIN

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 1999-5]

### Rescission of Executive Order 1980-13

December 9, 1999

On May 15, 1998, I signed Senate Bill 5 which contains the Commonwealth Procurement Code, Act 57 of 1998. The Commonwealth Procurement Code gives the Department of General Services the general authority to procure and to establish procurement policy for executive agencies.

To implement the Commonwealth Procurement Code, the Secretary of General Services issued the Field Procurement Handbook, M215.3, which establishes policy, procedures, and guidelines for the procurement of supplies, services, and construction.

Therefore, I hereby rescind Executive Order 1980-13, Contract Management, which had delegated to the Secretary of the Budget the authority to establish procurement policy for services.

*Governor*

**Fiscal Note:** GOV 99-7. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter BB. CONTRACT MANAGEMENT

§ 1.331. [Reserved].

§ 1.332. [Reserved].

[Pa.B. Doc. No. 00-1. Filed for public inspection December 30, 1999, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Amendment to Proclamation

December 16, 1999

*Whereas*, on July 20, 1999, I declared a State of Drought Emergency in fifty-five counties of the Commonwealth due to a long and continuing period of unusually dry weather, abnormally low stream flows, and reduced groundwater which resulted in widespread shortage of water supplies throughout the Commonwealth; and

*Whereas*, on September 10, 1999, I amended my July 20, 1999, proclamation to include twelve northwestern counties of the Commonwealth in the designated drought emergency area; and

*Whereas*, on September 30, 1999, I amended my proclamation to lift the drought emergency for all counties with the exception of Somerset County, which had a continuing need to implement mandatory water conservation measures within the County, and the agricultural drought emergency affecting all 67 counties of the Commonwealth; and

*Whereas*, during the past several weeks sufficient amounts of rainfall in Somerset County have increased stream flows, raised groundwater levels, and permitted the Commonwealth Drought Coordinator to rescind three local water rationing plans that were in effect in Somerset County; and

*Whereas*, officials of the Department of Environmental Protection have recommended to me that the drought emergency proclamation be lifted in Somerset County.

*Now Therefore*, I, Tom Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution, the Emergency Management Services Code, 35 Pa.C.S. Section 7101 et seq., as amended, and other laws of the Commonwealth, do hereby amend my Proclamation of July 20, 1999, as follows:

1. Somerset County is removed from the designated drought emergency area.
2. This Proclamation Amendment shall take effect immediately.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, this sixteenth day of December in the year of our Lord, one thousand nine hundred and ninety-nine and of the Commonwealth, the two hundred and twenty-fourth.

*Governor*

[Pa.B. Doc. No. 00-2. Filed for public inspection December 30, 1999, 9:00 a.m.]

# THE GENERAL ASSEMBLY

## Recent Actions During the 1999 Regular Session of the General Assembly

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

### 1999 ACTS—ACTS 57 through 69 (numerical)

<i>Act No.</i>	<i>Enact. Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1999-57	Dec. 13	SB1135	PN1563	Immediately	Drought, Orchard and Nursery Indemnity and Flood Relief Act—enactment
1999-58	Dec. 15	SB19	PN1164	Immediately	Transportation (74 Pa.C.S.)—aviation advisory committee
1999-59	Dec. 15	SB167	PN1550	Immediately*	Crimes Code (18 Pa.C.S.)—omnibus amendments
1999-60	Dec. 15	SB179	PN1499	Immediately	Pennsylvania Commission on Crime and Delinquency Law—commission composition and juvenile justice plan updating
1999-61	Dec. 15	SB1011	PN1267	Immediately	Automobile Theft Prevention Act—sunset provisions repeal
1999-62	Dec. 15	SB1100	PN1408	Immediately	J. Doyle Corman Highway—designation
1999-63	Dec. 15	HB1848	PN2767	Jan. 1, 2000	Tax Reform Code of 1971—omnibus amendments
1999-64	Dec. 15	HB739	PN2710	Immediately	Health and Safety (35 Pa.C.S.)—emergency management assistance
1999-65	Dec. 15	HB1268	PN2665	60 days	Gerst Way and Hopkins-Bowser Highway—designation
1999-66	Dec. 15	HB1569	PN2772	Immediately*	Fiscal Code, The—omnibus amendments
1999-67	Dec. 15	HB1675	PN2563	60 days	Child Labor Law—employment of minors in sale of alcoholic beverages or malt liquor
1999-68	Dec. 15	HB868	PN2773	Immediately*	Environmental Resources (27 Pa.C.S.)—enactment
1999-69	Dec. 16	SB555	PN1555	Immediately*	Electronic Transactions Act—enactment

\* with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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

CARL L. MEASE,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 00-3. Filed for public inspection December 30, 1999, 9:00 a.m.]

# THE COURTS

## Title 210—APPELLATE RULES

### PART II. INTERNAL PROCEDURES

[210 PA. CODE CH. 67]

#### Internal Operating Procedures of the Commonwealth Court

##### Amendment to Internal Operating Procedure 101

###### § 67.1. Classification of Judges; Definitions.

For the purpose of these Internal Operating Procedures, the following terms shall have the meanings indicated:

“[Active] Commissioned Judge” means a judge serving as a member of this court by gubernatorial appointment or, pursuant to election during an elective term as a member of this court;

\* \* \* \* \*

“Judge” shall include

- (1) each [active] commissioned judge with respect to all matters,
- (2) each senior judge with respect to matters before any panel on which the senior judge has been designated to sit, and
- (3) each assigned judge with respect to designation as a duty judge.

##### Amendment to Internal Operating Procedure 111

###### § 67.2. Courts En Banc and Panels; Number of Judges Assigned.

An en banc court shall consist of seven [active] commissioned judges. Panels of the court shall consist of three judges, except in the circumstance of a two-member panel in accordance with Pa. R.A.P. 3102(b).

##### Amendment to Internal Operating Procedure 211

###### § 67.13. Petition for Review; Clarification.

(a) Upon receipt by the chief clerk from a pro se party of a written communication which evidences an intention to appeal, the chief clerk shall time-stamp the writing the date of receipt. The chief clerk shall advise the party by letter:

- (1) As to the procedures necessary to perfect the appeal.
- (2) That the date of receipt of the pro se communication will be preserved as the date of filing of the appeal, on condition that the party files a proper petition for review within thirty days of the date of the letter from the chief clerk. If the party fails to file a proper petition for review within that period, the chief clerk shall advise the party by letter that the court will take no further action in the matter.

(b) Upon receipt by the chief clerk of a notice of appeal in cases in which a petition for review is the proper appeal document, the chief clerk shall time-stamp the notice of appeal with the date of receipt and the court shall forthwith enter an order giving

the party 30 days to file a petition for review and indicating that the failure to do so will result in the dismissal of the appeal.

##### Amendment to Internal Operating Procedure 261

###### § 67.33. Decisions; Notation of Recusals.

If a judge anticipates recusal with respect to a case on which the judge has been assigned to sit, the judge shall notify the presiding judge of the court en banc or panel as soon as possible. [An active] A commissioned judge may also be recused with respect to responding with an objection or no objection under § 67.28 (relating to decisions; objections). For the information of the judge who, as the writer of the opinion of the court, has the responsibility for preparing the opinions to be filed in accordance with § 67.34 (relating to decisions; filing), a recused judge, whether sitting on the particular court en banc or panel or not, shall communicate the fact of recusal by notation upon the response form or in writing otherwise. The judge responsible for preparing the opinions to be filed shall have the non-participation of a judge noted upon the majority opinion of the court, whether such judge was sitting as a member of the court en banc or panel or not.

##### Amendment to Internal Operating Procedure 291

###### § 67.35. Rearguments; Petitions for Reargument.

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

### CHAPTER 5. MEDIATION

#### § 501. Policy.

Pursuant to an order of September 15, 1999, the Commonwealth Court established a Mediation Program, effective January 1, 2000.

#### IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: :  
Order Establishing Mediation : 126 M.D. No. 3  
Program :

#### Order

And Now, this 15th day of September, 1999, It Is Hereby Ordered that effective January 1, 2000 counseled appeals of orders of the courts of common pleas and counseled petitions for review of state administrative agency action filed in Commonwealth Court’s appellate jurisdiction and counseled actions filed in the Court’s original jurisdiction may be referred at the discretion of the Court to the Court’s Mediation Program to facilitate settlement and otherwise to assist in the expeditious resolution of matters before the Court. Cases that have not been selected by the Court for mediation may be referred at any time to the Mediation

Program at the request of counsel or at the direction of any en banc or three-judge panel of the Court.

Tax appeals from orders of the Board of Finance and Revenue, which are now subject to a status conference program, and all pro se matters shall be exempt from the Mediation Program. Mediation shall be offered at no cost to the parties and shall be conducted by senior judges of the Court assigned on a periodic basis by the President Judge. A senior judge selected by the President Judge shall serve as the initial coordinator of the Mediation Program and shall screen cases for mediation and otherwise manage the Mediation Program in cooperation with the Chief Clerk of the Court.

It Is Further Ordered that within ten days after receipt of the notice of appeal, petition for review or complaint, the appellant, petitioner or plaintiff shall file with the Chief Clerk the required docketing statement on a form provided by the Court at the time of the notice of appeal, petition for review or complaint is filed. The appellant, petitioner or plaintiff shall also file a Statement of Issues with the docketing statement. The Statement of Issues shall be no more than two pages in length and shall set forth a brief summary of the issues and a summary of the case necessary for an understanding of the nature of the appeal, petition for review or complaint. Service of the Statement of Issues shall be made on all parties, and an original and five copies shall be filed with the Chief Clerk's Office along with a proof of service.

Cases shall be screened for referral to mediation immediately upon the filing of the docketing statement and any other form prescribed by the Court setting forth the issues and a summary of the case. After a case has been selected for mediation, the Chief Clerk shall notify counsel for all parties by letter of the referral to the Mediation Program and of the name of the mediation judge assigned to conduct mediation. The mediation judge shall promptly contact counsel to establish the location, date and time for mediation.

Within ten days of receiving notice of mediation, counsel shall provide the mediation judge with a mediation statement of no more than five pages, setting forth the positions of counsel as to the key disputed and undisputed facts and legal issues in the case and stating whether prior settlement negotiations have occurred. The mediation statement shall also identify any motions filed and their disposition; the mediation judge may dispose of only those motions related to scheduling or to the mediation process. In actions arising under the Court's appellate jurisdiction, counsel for the appellant or the petitioner shall attach as exhibits to the mediation statement a copy of the judgment or order on appeal and any opinion or adjudication issued by the common pleas court or agency. Copies of the mediation statement need not be served upon opposing counsel unless so directed by the mediation judge. Documents prepared solely for mediation and the notes of the mediation judge shall not be filed with the Chief Clerk.

All cases referred to mediation shall remain subject to the Court's normal scheduling for briefing and/or oral argument. The Court's briefing and/or oral argument schedule shall not be modified by

the Chief Clerk unless so directed by the mediation judge to accommodate mediation.

All mediation sessions must be attended by counsel for each party with authority to settle the matter and, if required, such other person with actual authority to negotiate a settlement, whether involving the Commonwealth of Pennsylvania, a local government unit or an individual litigant. The mediation judge may at his or her discretion require the parties (or real parties in interest) to attend mediation. In cases involving the Commonwealth government, upon direction of the mediation judge, counsel shall have available someone from the appropriate agency with authority to settle who can be reached during mediation to discuss settlement if such person is not already required to be in attendance by the mediation judge. The mediation judge may in the alternative obtain the name and title of the government official or officials authorized to settle on behalf of the state or local government unit.

No future mediation shall be conducted unless the mediation judge determines that further sessions are necessary to effectuate a settlement. The mediation judge assigned to mediate a case shall attend all future mediation sessions scheduled in the case. The mediation judge shall possess authority to impose any necessary sanctions for the failure of counsel to comply with the requirements of this order.

The mediation judge shall not disclose the substance of the mediation settlement discussions and proceedings, and counsel likewise shall not disclose such discussions and proceedings to anyone other than to their clients or to co-counsel. No information obtained during settlement discussions shall be construed as an admission against interest, and counsel shall not use any information obtained during settlement discussions as the basis for any motion or application other than one related to the Court's briefing or argument scheduling. Where settlement is reached, counsel shall prepare a written settlement agreement and obtain all necessary signatures of the parties and counsel. The agreement shall be binding upon the parties to the agreement, and after execution counsel shall file a stipulation of dismissal within ten days thereof. Where necessary or upon the request of counsel the mediation judge may enter an appropriate order approving the settlement and remanding the case to the tribunal below for its enforcement and/or implementation.

Any case not resolved by mediation shall remain on the Court's docket and proceed as if mediation had not occurred. The mediation judge shall not participate in any decision on the merits of the case. Upon the termination of mediation either through settlement and dismissal or through a continuation of the case on the Court's docket, the mediation judge shall dispose of all documents obtained during mediation unless the mediation judge determines to retain any part of non-confidential documents until final disposition of a case. In any event, the mediation statements and any other confidential documents submitted to the mediation judge shall be destroyed immediately upon the termination of mediation.



The Court's order establishing a Mediation Program shall be published in the *Pennsylvania Bulletin* and in legal newspapers throughout the Commonwealth prior to the effective date of the Mediation Program. The order shall be posted in the Chief Clerk's Office and a copy thereof shall be mailed to all counsel whose cases have been selected for mediation. The Court also shall amend its Internal Operating Procedures to incorporate the mediation procedures and shall give notice thereof simultaneously with notice of the Court's order establishing the Mediation Program. This order may be amended at the discretion of the Court.

JOSEPH T. DOYLE,  
*President Judge*

[Pa.B. Doc. No. 00-4. Filed for public inspection December 30, 1999, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

Amendment of Phila.R.Civ.P.No. 1028(B); President Judge General Court Regulation No. 99-03

#### Order

And Now, this 24th day of November, 1999, the Board of Judges of Philadelphia County having voted at the Board of Judges' Meeting held November 18, 1999 to amend Phila.R.Civ.P.No. 1028(B), *It Is Hereby Ordered and Decreed* that Phila.R.Civ.P.No. 1028(B) is amended as follows.

This General Court Regulation is promulgated in accordance with Pa.Civ.P.No. 239 and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The original General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for the First Judicial District.

ALEX BONAVITACOLA,  
*President Judge*

#### Rule 1028. Preliminary Objections.

\* \* \* \* \*

(B) In the event that the preliminary objections are not filed with Motion Court within thirty (30) days after filing with the Prothonotary, the party against whom the objections are asserted may file with the Motion Court a praecipe, **[accompanied by current docket entries] and a proposed order**, requesting that the objections be overruled.

\* \* \* \* \*

[Pa.B. Doc. No. 00-5. Filed for public inspection December 30, 1999, 9:00 a.m.]

### PHILADELPHIA COUNTY

Fee Schedule for Disclosure of Adoption Information; Administrative Regulation No. 99-9

Effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the following fees are established in furtherance of 23 Pa.C.S. Section 2905.

- (a) Request for Limited (non-identifying) Information \$ 50.00
- (b) Request for identifying information (which will only be disclosed upon consent of natural parents) \$150.00

This fund shall be maintained in a dedicated account which shall be used for, but not limited to, the development and implementation of effective and efficient automation, professional training, and/or any initiatives that contribute to the effective functioning of the Adoption Branch and/or the Family Court system.

PAUL P. PANEPINTO,  
*Administrative Judge,  
Family Court Division*

[Pa.B. Doc. No. 00-6. Filed for public inspection December 30, 1999, 9:00 a.m.]

### PHILADELPHIA COUNTY

Wiretapping and Electronic Surveillance; 18 Pa.C.S. § 5701 et seq.; President Judge General Court Regulation No. 99-05

The Superior Court of Pennsylvania recently held, in *Commonwealth v. Darush*, \_\_\_ A.2d \_\_\_, 1999 Pa. Super. 248 (filed September 27, 1999), that a warrant is required where a consenting law enforcement officer telephones an individual at home and records that conversation. Further, the Supreme Court of Pennsylvania held, in *Commonwealth v. Brion*, 652 A.2d 287 (Pa. 1994), that the probable cause determination and warrant requirement for participant monitoring of oral communications within a private home, pursuant to 18 Pa.C.S. § 5704(2), must follow the same procedures set forth in the Wiretap Act, 18 Pa.C.S. § 5701 et seq., for other probable cause determinations. 18 Pa.C.S. § 5704(2)(iv) requires that the President Judge, or his designee who shall also be a judge of a court of common pleas, issue an order authorizing the in-home interception.

Pursuant to 18 Pa.C.S. § 5704(2)(iv) the following procedure is to be utilized to obtain warrants pursuant to 18 Pa.C.S. § 5701 et seq.:

(a) Applications shall be prepared by the Attorney for the Commonwealth and will include necessary affidavits, proposed Order and a request to seal the record. The application shall be filed in Active Criminal Records, Room 206 Criminal Justice Center, where it will be docketed and assigned a miscellaneous number. The Application shall be presented to the Criminal Motion Court during normal business hours for review and signature. Approved Applications shall be returned by the Attorney for the Commonwealth to Room 206 Criminal Justice Center, where the approving judge's name will be entered on the docket, the Court seal will be affixed to the Order and the record will be sealed and securely stored.

(b) During normal business hours, in the event the Criminal Motions Judge is unavailable the entire day, the Attorney for the Commonwealth may present the application to any Common Pleas Court Judge sitting in the Criminal Division.

(c) Under extreme circumstances, after normal business hours, the Attorney for the Commonwealth, absent a miscellaneous docket number, may present the petition to the Common Pleas Court Emergency Judge for signature. The Attorney for the Commonwealth will obtain a miscellaneous docket number from Active Criminal Records the morning of the following business day.

This General Court Regulation is issued in accordance with 18 Pa.C.S. 5704(2)(iv) and shall become effective immediately. As required by Pa.R.Crim.P. No. 6, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Criminal Procedure Rules Committee. Copies of the Regulation shall also be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the law library for the First Judicial District. The General Court Regulation will also be posted on the First Judicial District's website at <http://courts.phila.gov>.

ALEX BONAVIDACOLA,  
*President Judge*

[Pa.B. Doc. No. 00-7. Filed for public inspection December 30, 1999, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### MONTGOMERY COUNTY

#### Mediator Compensation Pursuant to Montgomery County Local Rule of Civil Procedure \*1940.8

##### Order

*And Now*, this 6th day of December, 1999, pursuant to Montgomery County Local Rule of Civil Procedure \*1948.8, the Court hereby establishes the rate of mediator compensation for the Court's custody mediation orientation session at one hundred and fifty dollars (\$150.00). This rate shall be effective December 13, 1999, and shall remain in effect until further Order of this Court.

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

*By the Court*

JOSEPH A. SMYTH,  
*President Judge*

[Pa.B. Doc. No. 00-8. Filed for public inspection December 30, 1999, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

#### [55 PA. CODE CH. 140]

#### Special MA Eligibility Provisions

##### *Statutory Authority*

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

Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(1)(iv)) (CDL) and 1 Pa. Code § 7.4(1)(iv) because the administrative regulations relate to Commonwealth grants and benefits. Additionally, notice of proposed rulemaking is omitted for good cause as unnecessary and contrary to public interest under section 204(3) of the CDL and 1 Pa. Code § 7.4(3). The amendments are mandated under section 4732(a)(10)(E) of the Balanced Budget Act of 1997 (Pub.L. No. 105-33) (42 U.S.C.A. § 1396a(a)(10)(E)). Failure to conform State regulations with Federal laws will seriously jeopardize Federal Financial Participation (FFP) in the Medicaid Program. The requirements of Federal law are specific, allowing for no alternative means of compliance. The Department is required to strictly adopt the Federal standard set forth in these amendments.

The provision mandates that full or partial Medicaid payment of the Medicare Part B premium is made to or on behalf of those individuals with incomes of at least 120% but less than 175% of the current Federal Poverty Income Guidelines (FPIG) and who meet established resource requirements. This provision is in accordance with section 4732 of the Balanced Budget Act of 1997.

##### *Purpose of the Amendments*

The purpose of these amendments is to expand the income limitations to allow individuals to qualify for full Medicaid payment of the Medicare Part B premium if they have income of at least 120% but less than 135% of the current FPIG; and for partial Medicaid payment of the Medicare Part B premium if they have income of at least 135% but less than 175% of the current FPIG.

##### *Background*

The Department's existing regulations provide for payment of Medicare Part B premiums for individuals with family income which is more than 100% but less than 120% of the current FPIG. Resources must not exceed twice the Supplemental Security Income (SSI) resource standard for the appropriate family size to qualify for payment of Medicare Part B premiums. These individuals are identified as Specified Low-Income Medicare Beneficiaries.

The Balanced Budget Act of 1997 mandates that there is an expansion in income limits to qualify for payment of the Medicare Part B premium. Individuals with income of at least 120% but not exceeding 135% of the current

FPIG can qualify for full Medicaid payment of the Medicare Part B premium. This group will be identified as Qualifying Individuals-1 (QI-1s). Additionally, the Balanced Budget Act of 1997 provides for a partial Medicaid payment of Part B premiums for those individuals whose income is at least 135% but less than 175% of the current FPIG. The amount of partial payment is established by the Federal government in accordance with Federal law. These QIs are eligible for Medicare cost-sharing for a portion of their Part B premium, specifically the increase in the Medicare Part B premium attributable to the shift of Medicare home health coverage from Part A to Part B (as provided in section 4611 of the Balanced Budget Act of 1997). This group will be identified as Qualifying Individuals-2 (QI-2s). The resource limits for these two new groupings must not exceed twice the SSI resource standard for the appropriate family size.

##### *Need for the Amendments*

Section 4732 of the Balanced Budget Act of 1997, enacted August 5, 1997, amended section 1902 (a)(10)(E) of the Social Security Act (42 U.S.C.A. § 1396a(a)(10)(E)). The Department is required to implement this mandatory provision of the Balanced Budget Act of 1997. The requirements relating to full and partial Medicaid payment of the Medicare Part B premium were implemented on January 1, 1998, through a notice of rule change published at 28 Pa.B. 3626 (August 1, 1998). The regulatory revisions in Annex A will assure compliance with Federal law. If the Department does not implement these requirements, the Department risks Federal financial sanctions.

##### *Summary*

1. *Section 140.201*—This section has been amended to specify when the Department will participate in Medicare cost-sharing for QIs-1 and QIs-2.
2. *Section 140.202*—This section, relating to definitions, has been amended to include a definition for QIs and the two subgroups, designated QI-1s and QI-2s.
3. *Section 140.231*—This section has been amended to specify income requirements for QIs-1 and QIs-2.
4. *Section 140.301*—This section has been amended to specify resource eligibility limitations for QIs-1 and QIs-2.
5. *Section 140.331*—This section has been amended to specify benefit coverage for QIs-1 and QIs-2.
6. *Section 140.332*—This section has been amended to specify category designation for QIs-1 and QIs-2.

##### *Affected Persons and Organization*

Individuals who are elderly or disabled, or both, who qualify for Medicare coverage and who meet the established income and resource requirements will benefit from these amendments. No individual will be adversely affected by these amendments.

##### *Accomplishments/Benefits*

Adoption of these amendments requires the Department to pay all or part of Medicare Part B premiums for the elderly or disabled individuals, or both, who have income of at least 120% but less than 175% of the FPIG. This will permit a vulnerable segment of the population to have more income available for living expenses and assure that these premiums are totally or partially paid.

*Fiscal Impact**Commonwealth*

A capped Federal allocation of funds has been established for this benefit. The capped allocation extends until Federal FY 2002 and increases each year. Currently, there is no State allocation for this change as the Federal funds cover all costs. There will be no costs or savings incurred by State government up to the capped amount.

*Public Sector*

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

*Private Sector*

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

*Paperwork Requirements*

Due to the capped funding available through the Balanced Budget Act of 1997, these amendments require the development of two new program status codes for monitoring and reporting of Medicare Part B payments paid for qualifying individuals.

*Effective Date*

The effective date for the provisions relating to qualifying individuals is retroactive to January 1, 1998.

*Sunset Date*

Although these amendments have no sunset date, it is important to note that these benefits are financed through a capped and time-limited Federal allocation of funds. This allocation extends until Federal FY 2002.

The Department continuously reviews the Medical Assistance (MA) Program and regulations through the Federally-monitored Quality Control and Corrective Action review process to ensure compliance with Federal law.

*Public Comment Period*

Although these amendments are being adopted without prior notice, interested persons are invited to submit their written comments, suggestions or objections within 30 days from the date of this application for consideration by the Department as to whether the amendments should be revised. Comments should be sent to the Department of Public Welfare, Edward J. Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, P. O. Box 2675, Harrisburg, PA 17120, (717) 787-4081.

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

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on August 31, 1999, the Department submitted a copy of these amendments with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. On the same date, these amendments were submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. § 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, these amendments were deemed approved by the Committees on October 30, 1999. Under section 5.1(e) of the

Regulatory Review Act, IRRC approved the final-omitted regulations on November 4, 1999.

*Findings*

The Department finds that:

(1) Public notice of intention to adopt the administrative regulations amended by this order is omitted in accordance with section 204(1)(iv) of the CDL and 1 Pa. Code § 7.4(1)(iv) because the administrative regulations relate to Commonwealth grants and benefits. Additionally, notice of proposed rulemaking is omitted for good cause and contrary to the public interest under section 204(3) of the CDL and the regulations thereunder, 1 Pa. Code § 7.4(3).

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

*Order*

The Department, acting under the code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 140, are amended by amending §§ 140.201, 140.202, 140.231, 140.301, 140.331 and 140.332 to read as set forth in Annex A.

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

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

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin* as final rulemaking and apply retroactively to January 1, 1998.

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 5963 (November 20, 1999).)

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-462. No fiscal impact; (8) recommends adoption. A Federal allocation of funds has been established for this benefit. Currently there is no State allocation for this change.

**Annex A****TITLE 55. PUBLIC WELFARE****PART II. PUBLIC ASSISTANCE MANUAL****Subpart C. ELIGIBILITY REQUIREMENTS****CHAPTER 140. SPECIAL MA ELIGIBILITY PROVISIONS****Subchapter B. ELIGIBILITY PROVISIONS FOR THE HEALTHY HORIZONS PROGRAM FOR THE ELDERLY/DISABLED****GENERAL PROVISIONS****§ 140.201. Policy on Healthy Horizons.**

(a) The Department provides MA under the Healthy Horizons Categorically Needy Program to elderly/disabled persons who are otherwise eligible with family income up to 100% of the current Federal Income Poverty Guidelines and resources not exceeding the SSI resource standard for the appropriate family size.

(b) The Department participates in QMB Medicare cost-sharing only under the Healthy Horizons Medicare

Cost-Sharing Program for qualified Medicare beneficiaries with family income up to 100% of the current Federal Poverty Income Guidelines and resources not exceeding twice the SSI resource standard for the appropriate family size.

(c) The Department also participates in the Medicare Cost-Sharing for qualified Medicare beneficiaries found eligible for benefits under the Healthy Horizons Categorically Needy Program.

(d) The Department participates in SLMB Medicare Cost-Sharing only under the Healthy Horizons Medicare Cost-Sharing Program for SLMBs with family income which on or after January 1, 1995, is more than 100% but does not exceed 120% of the current Federal Poverty Income Guidelines and resources not exceeding twice the SSI resource standard for the appropriate family size. Prior to January 1, 1995, for calendar years 1993 and 1994, family income shall be more than 100%, but may not exceed 110% of the applicable Federal Poverty Income Guidelines and resources may not exceed twice the SSI resource standard for the appropriate family size.

(e) The Department participates in Medicare cost-sharing under the Healthy Horizons Program for qualifying individuals whose family income is at least 120% and less than 135% or at least 135% and less than 175% of the current Federal Poverty Income Guidelines and whose resources do not exceed twice the SSI resource standard for the appropriate family size. These individuals are designated as QI-1s and QIs-2s, respectively.

(f) MA is provided under the program which is not advantageous for the client based on individual circumstances. Eligibility for MA benefits under both the NMP-MA and MNO-MA Programs is also explored.

**§ 140.202. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**INCOME REQUIREMENTS**

**§ 140.231. Income eligibility limitations.**

(a) For the Healthy Horizons Categorically Needy and Healthy Horizons QMB Cost-Sharing Programs, net family income after applicable deductions and disregards cannot exceed 100% of the current Department of Health and Human Services Annual Update of Federal Poverty Income Guidelines for the appropriate family size.

(b) For the Healthy Horizons SLMB Cost-Sharing Program, on or after January 1, 1995, net income after applicable deductions and disregards shall be more than 100% of the current Department of Health and Human Services annual update of Federal Poverty Income Guidelines for the appropriate family size but may not exceed 120%. Prior to January 1, 1995, for calendar years 1993 and 1994, net income after applicable deductions and disregards shall be more than 100% of the applicable Department of Health and Human Services Annual Update of Federal Poverty Income Guidelines for the appropriate family size, but cannot exceed 110%.

(c) For the Healthy Horizons Medicare Cost-Sharing Program for QI-1s, net income after applicable deductions and disregards shall be at least 120% and less than 135% of the current Department of Health and Human Services annual update of Federal Poverty Income Guidelines for the appropriate family size.

(d) For the Healthy Horizons Medicare Cost-Sharing Program for QI-2s, net income after applicable deductions and disregards shall be at least 135% and less than 175% of the current Department of Health and Human Services annual update of Federal Poverty Income Guidelines for the appropriate family size.

**RESOURCE REQUIREMENTS**

**§ 140.301. Resource eligibility limitations.**

(a) An applicant/recipient is resource eligible for the Health Horizons Categorically Needy Program if his total resources considered in accordance with Chapter 178, Subchapters A and B (relating to general provisions for MA resources common to all categories of MA; and aged,

blind and disabled categories of MA), do not exceed the SSI resource standard for the appropriate family size.

(b) An applicant/recipient is resource eligible for the SLMB, QMB, QI-1, and QI-2 Healthy Horizons Medicare Cost-Sharing Programs if total resources considered under Chapter 178, Subchapters A and B do not exceed twice the SSI resource standard for the appropriate family size in Chapter 178, Appendix A, Part (a) (relating to NMP-MA resource limits).

#### **BENEFIT COVERAGE**

##### **§ 140.331. Benefit coverage.**

(a) The Department will provide the following under the Healthy Horizons Categorically Needy Program:

- (1) Full categorically needy benefits.
- (2) Qualified Medicare beneficiaries are also eligible for the following:
  - (i) Buy-in of the Medicare Part A premium if the individual is enrolled in Medicare Part A and paying the Part A premium.
  - (ii) Buy-in of the Medicare Part B premium.
  - (iii) Payment of the Medicare Part A and Part B deductibles and coinsurances. The combined Medicare and Medicaid payment will not exceed the Department's Medicaid fee for the service provided.

(b) The Department will provide the following under the QMB Healthy Horizons Medicare Cost-Sharing Program:

- (1) Buy-in of the Medicare Part A premium if the individual is enrolled in Medicare Part A and paying the Part A premium.
  - (2) Buy-in of the Medicare Part B premium.
  - (3) Payment of the Medicare Part A and Part B deductibles and coinsurances. The combined Medicare and Medicaid payment will not exceed the Department's Medicaid fee for the services provided.
- (c) Under the Healthy Horizons SLMB Medicare Cost-Sharing Program, the Department will provide buy-in of only the Medicare Part B premium if the individual is enrolled in or eligible for Medicare Part A.
- (d) For QI-1s, to the extent that Federal funding is provided, the Department will provide full Medicaid payment of the Medicare Part B Premium if the individual is enrolled in or eligible for Medicare Part A.

(e) For QI-2s, to the extent that Federal funding is provided, the Department will provide partial Medicaid payment of the Medicare Part B Premium if the individual is enrolled in or eligible for Medicare Part A. This is a reimbursement to the recipient, not a premium payment to Medicare.

(f) For QI-2s, partial payments of Medicare Part B premium payment will be made for the calendar year. For all other recipients of payments, the Department will pay the Medicare Part A premium, if appropriate, and the Medicare Part B premium beginning with the month following the month in which the applicant is determined eligible.

##### **§ 140.332. Category designation.**

(a) Elderly/disabled persons who are eligible to receive Healthy Horizons Categorically Needy benefits are designated as "PS" category and are identified by the appropriate program status code.

(b) Elderly persons who are eligible for Medicare Cost-Sharing only are designated as "PG" category.

(c) Disabled persons who are eligible for Medicare Cost-Sharing only are designated as "PL" category.

(d) Elderly disabled persons who are eligible for SLMB Medicare Cost-Sharing are designated as TA/TJ category and the appropriate program status code.

(e) Elderly/disabled persons who are eligible under the Healthy Horizons Medicare Cost-Sharing Program for QI-1s and QI-2s are designated as TA/TJ category and are identified by the appropriate program status code.

[Pa.B. Doc. No. 00-9. Filed for public inspection December 30, 1999, 9:00 a.m.]

## **Title 64—SECURITIES**

### **SECURITIES COMMISSION**

**[64 PA. CODE CHS. 202—205, 207, 209, 211, 504, 513, 603, 606 AND 609]**

#### **National Securities Market Improvement Act of 1996 Amendments**

##### *Statutory Authority*

The Securities Commission (Commission), under the authority contained in sections 202(g) and (i), 203(d), (i.1), (j) and (n)—(t), 204(a), 205(b), 207(g), (j.1) and (n), 209(b), 211(a) and (b), 504(d), 513, 603(a), 606(d) and 609(a) of the Pennsylvania Securities Act of 1972 (act) (70 P. S. §§ 1-202(g) and (i), 1-203(d), (i.1), (j) and (n)—(t), 1-204(a), 1-205(b), 1-207(g), (j.1) and (n), 1-209(b), 1-211(a) and (b), 1-504(d), 1-513, 1-603(a), 1-606(d) and 1-609(a)) amends and adopts regulations concerning the subject matter of the act.

##### *Publication of Notice of Proposed Rulemaking*

Publication of a notice of proposed rulemaking appeared at 29 Pa.B. 3898 (July 24, 1999).

##### *Public Comments*

One public comment was received from the Investment Company Institute which supported adoption of § 211.010 (relating to notice filings for Federally covered securities). No public comments were received with respect to any other proposed amendments.

##### *Comments of the Independent Regulatory Review Commission (IRRC)*

By letter dated September 23, 1999, IRRC advised that it had no objections, comments or suggestions with respect to the proposed amendments or regulations.

##### *Changes Made by the Commission on Adoption*

In deliberating final adoption, the Commission addressed two issues raised by Commission staff and made certain modifications to the proposed amendments. The first issue concerns § 203.189 (relating to isolated transactions). In 1997, the Commission waived the Pennsylvania domicile requirement and public media advertisement prohibition for offerings that were filed with the United States Securities and Exchange Commission (SEC) under section 5 of the Securities Act of 1933 (1933 Act) or under SEC Regulation A adopted under section 3(b) of the 1933 Act and did not sell to more than two persons in this Commonwealth within a consecutive 12-month period. Although implicit in the waiver of the public media

advertisement, the Commission did not affirmatively waive the limitation of no more than 90 offers in this Commonwealth during a consecutive 12-month period. In final form rulemaking, the Commission revised this section to include in subsection (b) a waiver of the limitation on offers contained in subsection (a)(2).

The second issue arose in the context of proposed amendments to § 204.010 (relating to increasing the number of offerees and purchasers) in which the Commission proposed to delete subsection (c)(2). This is a former Uniform Limited Offering Exemption provision which states that a disqualification on use of this exemption is waived automatically if the state which imposed the disqualification determines upon showing of good cause that it is not necessary under the circumstances that the exemption be denied. Because the disqualification provision in subsection (b) includes orders issued by other states for violations of their securities statutes, this waiver provision should be retained. In final form rulemaking, the Commission determined to withdraw the proposed change to § 204.010(c)(2).

*Summary and Purpose of Regulations*

- § 202.070. Commission Form 202-G has been deleted.
- § 202.091. The legal citations in this regulation have been updated.
- § 202.093. Use of advertising in connection with the solicitation of charitable pooled income funds has been clarified.
- § 202.095. Certain charitable gift annuities are exempt from registration under the act.
- § 203.041. Commission Form E has been adopted and Commission Form 203-D and Commission Form D Supplement have been repealed.
- § 203.091. The prospectus filing requirement has been conformed with amendments made to the act by the act of November 24, 1998 (P. L. 829 No. 109) (Act 109).
- § 203.101. Availability of this exemption has been conformed to amendments made to the act by Act 109 prohibiting use of general solicitation and payment of sales compensation.
- § 203.141. Commission Form 203-N has been deleted.
- § 203.151. This regulation has been conformed to amendments made to section 203(o) of the act by Act 109.
- § 203.161. Commission Form 203-P has been revised.
- § 203.171. Commission Form 203-Q has been deleted.
- § 203.183. Typographical errors have been corrected and obsolete language removed.
- § 203.184. "Son-in-law" and "daughter-in-law" have been included in the definition of "principal."
- § 203.185. Obsolete language has been removed.
- § 203.186. Commission Form 203R-6 has been deleted.
- § 203.187. Integration provisions adopted by Act 109 have been incorporated.
- § 203.189. Integration provisions adopted by Act 109 have been incorporated and waiver of 90 offer limitation extended to offerings filing under section 5 of the 1933 Act or SEC Regulation A.

- § 203.191. Commission Form E adopted to claim the exemption in section 203(s) of the act.
- § 203.201. Commission Form E adopted to claim the exemption in section 203(t) of the act.
- § 204.010. References to offerings made under SEC Rule 505 or 506 are deleted and provision relating to waiver of disqualification provision has been retained.
- § 204.011. Language relating to when waivers under this section are available has been clarified.
- § 204.012. This regulation establishes a waiver of the requirement to file a registration statement with the Commission prior to making offers (but not sales) in this Commonwealth when the issuer had filed a registration statement with the SEC.
- § 205.040. Obsolete language has been deleted.
- § 207.071. Escrow of promotional shares provisions have been modified in accordance with amendments adopted by Act 109.
- § 207.072. A new regulation concerning the escrow of use of proceeds has been adopted.
- § 207.101. The total period of effectiveness of a registration statement filed under section 205 of the act has been changed to conform to amendments in Act 109.
- § 207.130. Regulation has been changed to conform to Act 126 of 1994.
- § 207.140. Use of manual signatures has been waived and issuers making notice filings with the Commission through electronic means may type signatures on electronic forms.
- § 209.010. Language in Commission Form 209 has been clarified.
- § 211.010. A notice filing requirement for Federally covered securities has been adopted.
- § 504.060. The type of communication to purchasers and sellers in connection with a rescission offer made under section 504(d) or (e) of the act has been clarified.
- § 513.010. Section 504.060 for rescission offers apply to any rescission offer ordered under section 513 of the act unless otherwise specified by order of the Commission.
- § 603.011. Filing addresses have been updated.
- § 606.041. Various delegations of authority have been made to Commission staff.
- § 609.031. Legal citations have been updated.
- § 609.034. Legal citations have been updated.

*Persons Affected by these Amendments*

These regulatory actions generally are required to effectuate statutory changes made to the act by Act 109 of 1998. The regulatory proposals primarily affect issuers seeking to raise capital through the offer and sale of securities in this Commonwealth.

*Fiscal Impact*

None of the amendments increase costs on the regulated community or the Commonwealth. The Commonwealth will not incur any revenue loss as a result of the

regulatory actions. The amendments will decrease regulatory costs to issuers by eliminating certain filing requirements.

#### *Paperwork*

The Commission adopts new Commission Form E which will be used for making certain notice filings with the Commission in lieu of Form 203-D and Form D Supplement which have been deleted. Form E, therefore, is a multipurpose form which issuers may use to claim any of the three private placement exemptions under the act which require a notice filing.

Commission Form 202-G, Form 203-N, Form 203-Q and 203R-6 have been deleted and Commission Form 203-P is amended to reduce the amount of information required to be filed. Therefore, the amendments will reduce substantially the current paperwork requirements for issuers offering and selling securities in this Commonwealth.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 1, 1999, the Commission submitted a copy of the proposed rulemaking published at 29 Pa.B. 3898 to IRRC and the Chairpersons of the House Committee on Commerce and Economic Development and the Senate Committee on Banking and Insurance for comment and review. In accord with section 5(b) of the Regulatory Review Act, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available upon request.

By letter dated September 23, 1999, IRRC stated that it did not have any objections, comments or suggestions to offer on the proposed rulemaking published at 29 Pa.B. 3898.

In preparing these final-form regulations, the Commission considered all comments received from the public. It adopted changes to § 203.189 based on internal staff comment and withdrew proposed changes to § 204.010(c)(2). The final-form regulations were submitted on November 4, 1999, to the House Committee on Commerce and Economic Development and the Senate Committee on Banking and Insurance and IRRC. Final-form regulations were deemed approved by the House Committee on Commerce and Economic Development and the Senate Committee on Banking and Insurance on November 24, 1999. IRRC met on December 2, 1999, and approved the final-form regulations.

#### *Availability in Alternative Formats*

The amendments may be made available in alternative formats upon request. TDD users should use the AT&T Relay Center (800) 854-5984. To make arrangements for alternative formats, contact Joseph Shepherd, ADA Coordinator, at (717) 787-6828.

#### *Contact Person*

The contact person for an explanation of the amendments is G. Philip Rutledge, Deputy Chief Counsel, Securities Commission, Eastgate Building, 1010 N. Seventh Street, 2nd Floor, Harrisburg, PA 17102-1410, (717) 783-5130.

#### *Order*

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

(a) The regulations of the Commission, 64 Pa. Code Chapters 202—205, 207, 209, 211, 504, 513, 603, 606 and 609 are amended by amending §§ 202.070, 202.091, 202.093, 203.041, 203.091, 203.101, 203.141, 203.151, 203.161, 203.171, 203.183, 203.184, 203.185, 203.186, 203.187, 204.011, 204.012, 205.040, 207.071, 207.101, 207.130, 207.140, 209.010, 504.060, 603.011, 606.041, 609.031 and 609.034 to read as set forth at 29 Pa.B. 3898; by adding §§ 202.095, 203.191, 203.201, 207.072, 211.010 and 513.010 as set forth at 29 Pa.B. 3898; and by amending §§ 203.189 and 204.010 to read as set forth in Annex A.

(b) The Secretary of the Commission shall submit this order, 29 Pa.B. 3898 and Annex A to the Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary of the Commission shall certify this order, 29 Pa.B. 3898 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

M. JOANNA CUMMINGS,  
*Secretary*

**Fiscal Note:** Fiscal Note 50-113 remains valid for the final adoption of the subject regulations.

#### **Annex A**

#### **TITLE 64. SECURITIES**

#### **Subpart B. REGISTRATION OF SECURITIES**

#### **CHAPTER 203. EXEMPT TRANSACTIONS**

#### **§ 203.189. Isolated transaction exemption.**

(a) *General.* Under section 203(r) of the act (70 P. S. § 1-203(r)), the Commission finds it neither necessary nor appropriate for the protection of investors to require registration under section 201 of the act (70 P. S. § 1-201) for the offer and sale of securities by an issuer if:

(1) Sales made under this section do not result in the issuer having made sales of its securities to more than two persons in this Commonwealth during a period of 12-consecutive months. Only sales described in subsection (c) will be counted as sales for purposes of the numerical limitations contained in this paragraph.

(2) Offers made under this section do not result in the issuer having made offers to sell its securities to more than 90 persons in this Commonwealth during a period of 12-consecutive months. Only offers described in subsection (c) will be counted as offers for purposes of the numerical limitations contained in this paragraph.

(3) The issuer either is organized under the laws of the Commonwealth or has its principal place of business in this Commonwealth.

(4) Neither the issuer nor a promoter, officer or director of the issuer is subject to the disqualifications in § 204.010(b) (relating to increasing the number of purchasers and offerees).

(5) No public media advertisement is used or mass mailing is made in connection with offers and sales made under this section.

(6) Cash or securities are not given or paid, directly or indirectly, to a person as compensation in connection with a sale under this section unless the compensation is given or paid in connection with a sale made by a broker-dealer who either is registered under section 301 of the act (70 P. S. § 1-301) or exempt from registration under section



302(a) of the act (70 P. S. § 1-302(a)) and a person receiving compensation is either the broker-dealer or an agent of the broker-dealer who either is registered under section 301 of the act or exempt from registration under section 302(b) of the act.

(b) *Waivers.*

(1) Subsection (a)(2), (3) and (5) do not apply if the following criteria are met:

(i) The securities to be sold in reliance on this section are registered with the United States Securities and Exchange Commission under section 5 of the Securities Act of 1933 (1933 Act) (15 U.S.C.A. § 77e) or exempt from registration under Regulation A adopted under section 3(b) of the 1933 Act (15 U.S.C.A. § 77(c)(b)).

(ii) The issuer has complied with section 203(h) of the act.

(2) Subsection (a)(3) does not apply if the following criteria are met:

(i) The offers and sales of securities made in reliance on this section would qualify for an exemption from registration under section 5 of the 1933 Act under Rule 505 or Rule 506 of Regulation D (17 CFR 230.505 and 230.506 (relating to exemption for limited offers and sales of securities not exceeding \$5 million; and exemption for limited offers and sales without regard to dollar amount of offering)) promulgated under sections 3(b) and 4(2) of the 1933 Act.

(ii) The offers made in this Commonwealth in reliance on this section are made only to accredited investors as that term is defined in § 204.010.

(iii) The sales made in this Commonwealth in reliance on this section are made only to accredited investors as that term is defined in § 204.010.

(c) *Inclusion of prior offers and sales.* Offers and sales which occurred within the preceding 12 months from the date of an offer or sale to be made under this section that were made in reliance upon section 203(d), (f) or (s) of the act, §§ 203.187 and 204.010(a)(1) and (2) (relating to small issuer exemption; and increasing number of purchasers and offerees), SEC Rule 506 (17 CFR 230.506) or this section shall be counted against the numerical limitations in subsection (a)(1) and (2).

(d) *Integration.*

(1) Offers and sales made by the issuer under this section shall be counted as offers and sales under the applicable numerical limitations in § 204.010(a)(1) and (2) if offers and sales under § 204.010 occur within 12-consecutive months of an offer or sale made under this section.

(2) Offers and sales made by the issuer under this section shall be counted as offers and sales under the applicable numerical limitations in section 203(s) of the act (70 P. S. § 1-203(s)) if offers and sales under section 203(s) occur within 6-consecutive months of an offer or sale made under this section.

(e) *Counting of offerees and purchasers.* Section 609.012 (relating to computing the number of offerees, purchasers and clients) applies to offers and sales of securities made under this section.

**CHAPTER 204. EXEMPTION PROCEEDINGS**

**§ 204.010. Increasing the number of purchasers and offerees.**

(a) *Increases in purchasers and offerees.* Under section 204(a) of the act (70 P. S. § 1-204(a)), the number of

purchasers and offerees permitted under section 203(d) and (e) of the act, respectively (70 P. S. §§ 1-203(d) and (e)) shall be increased as follows, if the issuer complies with all the conditions described in subsection (b):

(1) The total number of persons to whom securities may be offered in this Commonwealth during 12-consecutive months under section 203(e) shall be 90 persons, except that offers made to experienced private placement investors, as that term is defined in subsection (d), who actually purchase the securities being offered are not included in the limitation established by this paragraph.

(2) The total number of persons to whom securities may be sold in this Commonwealth during 12-consecutive months under section 203(d) shall be 35 persons, except that sales made to experienced private placement investors, as that term is defined in subsection (d) are not included in the numerical limitation established by this paragraph.

(b) *Conditions.*

(1) *Disqualification.* The issuer or a person who is an officer, director, principal, partner (other than a limited partner), promoter or controlling person of the issuer or a person occupying a similar status or performing a similar function on behalf of the issuer, has not been convicted of a crime, made the subject of a sanction or otherwise found to have met any of the criteria described in section 305 (a)(ii)—(xiii) of the act (70 P. S. § 1-305(a)(ii)—(xiii)) unless the person subject to this disqualification is registered under section 301 of the act (70 P. S. § 1-301).

(2) *Notice filing.* With respect to reliance on subsection (a)(2), the issuer files with the Commission the notice required by section 203(d) of the act and § 203.041 (relating to limited offerings) and pays the filing fee required by section 602(b.1)(viii) of the act (70 P. S. § 1-602(b.1)(viii)).

(3) *Broker-dealer requirement.* All offers and sales made to persons in reliance on section 203(d) and (e) of the act, including the increased number of offerees and purchasers permitted by subsection (a), are effected by a broker-dealer registered under section 301 of the act, except that this condition does not apply if the issuer either is organized under the laws of the Commonwealth or has its principal place of business in this Commonwealth.

(4) *Statutory requirement.* With respect to all offers and sales made to persons permitted under this section, the issuer shall comply with all conditions imposed by section 203(d) and (e) of the act, respectively.

(c) *Exceptions.*

(1) Subsection (b)(1) does not apply if the person subject to the disqualification enumerated therein is licensed or registered to conduct securities related business in the state in which the administrative order or judgment was entered against the person or if the broker-dealer employing the person is licensed or registered in this Commonwealth and in the Form BD filed with the Commission has disclosed the order, conviction, judgment or decree relating to this person. Nothing in this paragraph shall be construed to allow a person disqualified under subsection (b)(1), to act in a capacity other than that for which the person is registered.

(2) A disqualification created under this section is automatically waived if the state securities administrator or agency of the state which created the basis for

disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied.

(d) *Definitions.* For purposes of this section, the following terms have the following meanings:

(1) *Experienced private placement investor.* An individual—and spouse when purchasing as joint tenants or as tenants by the entirety—who previously has purchased a minimum of \$450,000 of securities within the past 3 years in private placement offerings exclusive of the purchase of securities of an issuer of which the individual, or spouse, was an affiliate at the time of purchase.

(2) *Private placement offering of securities.* An offering of securities made in reliance on an exemption from the registration provisions of section 5(e) of the Securities Act of 1933 (15 U.S.C.A. § 77(e)) under section 3(b) or 4(2) of that act (15 U.S.C.A. §§ 77c(b) and 77d(2)).

(3) *Purchase of securities by an experienced private placement investor.* The sale of securities for cash or for an unconditional obligation to pay cash which obligation is to be discharged within 5 years from the date of the sale of the securities to the experienced private placement investor.

(4) *Accredited investor.* A person who meets the definition of accredited investor in SEC Rule 501(a) (17 CFR 230.501(a)).

(e) *Due diligence obligation.*

(1) A broker-dealer registered under section 301 of the act (70 P. S. § 1-301) that sells a security to an experienced private placement investor in reliance on subsection (a) must receive a written representation that the purchaser meets the definition of experienced private placement investor in subsection (d)(1) and must have reasonable grounds to believe, after reasonable inquiry, that the written representation is correct.

(2) An issuer that either is organized under the laws of the Commonwealth or has its principal place of business in this Commonwealth and sells its securities to experienced private placement investors in reliance on subsection (a) must receive a written representation that the purchaser meets the definition of experienced private placement investor in subsection (d)(1) and must have reasonable grounds to believe, after reasonable inquiry, that the written representation is correct.

(f) *Statutory basis for offers and sales under this section.* All offers and sales made to persons permitted by this section are deemed to be offers and sales made under section 203(d) and (e) of the act and all conditions imposed by those sections of the act are applicable to offers and sales to persons permitted by this section.

[Pa.B. Doc. No. 00-10. Filed for public inspection December 30, 1999, 9:00 a.m.]

# PROPOSED RULEMAKING

## INSURANCE DEPARTMENT

[31 PA. CODE CH. 84c]

### Valuation of Life Insurance Policies

The Insurance Department (Department) proposes to adopt Chapter 84c (relating to valuation of life insurance policies), to read as set forth in Annex A, under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and section 301(c)(1) and (3) of The Insurance Department Act of 1921 (40 P. S. § 71(c)(1) and (2)) (act).

#### *Purpose*

The purpose of the proposed rulemaking is to implement section 301(c)(1) and (3) of the act by adopting select mortality factors for use in determining minimum standards of valuation and by interpreting the minimum reserve standard for the valuation of life insurance plans with nonlevel premiums or benefits and plans with secondary guarantees. Reserves held by life insurance companies that market life insurance policies in this Commonwealth must comply with the minimum standards of valuation. The Department's adoption of the proposed rulemaking will help to assure the solvency of insurance companies by requiring adequate reserves.

Section 301(c)(1) of the act establishes as a minimum standard of valuation any mortality table adopted after 1980 by the NAIC and approved by regulation by the Commissioner for this purpose. The select mortality factors in the proposed rulemaking were adopted by the National Association of Insurance Commissioners (NAIC) as part of the Valuation of Life Insurance Model Regulation.

Section 301(c)(3) of the act provides that the minimum reserve valuation method for policies with nonlevel premiums or benefits shall be a method consistent with the principles of the act. The proposed rulemaking defines a valuation method that is intended to be consistent with the principles of the act.

The proposed rulemaking is patterned after the NAIC's Valuation of Life Insurance Model Regulation adopted in March 1999. The Department is seeking to implement the NAIC model regulation as part of a Nationwide initiative by State insurance regulators to achieve uniform reserve requirements. The majority of states are in the process of implementing the NAIC Valuation of Life Insurance Model Regulation with an effective date of January 1, 2000. The Department believes that it is essential that life insurance companies have uniform reserving requirements throughout the United States. For the Commonwealth to have different requirements would place a financial burden on life insurance companies doing business in this Commonwealth and may cause life insurance companies to cease doing business in this Commonwealth, to the detriment of insurance consumers of this Commonwealth. The Insurance Federation of Pennsylvania, representing a substantial portion of the life insurance industry operating in this Commonwealth, has expressed support for the adoption of this proposed rulemaking.

#### *Explanation of Regulatory Requirements*

The following is a description of the significant features in the proposed rulemaking.

Section 84c.2 (relating to applicability) provides that the proposed rulemaking will apply to policies issued on

and after the effective date of the rulemaking. The section also describes policies that are exempt from the proposed rulemaking.

Section 84c.4 (relating to segmented and unitary reserve methods) defines the segmented and unitary minimum reserve valuation methods to be applied in the valuation of life insurance plans with nonlevel premiums or benefits and plans with secondary guarantees.

Section 84c.5 (relating to general requirements for basic reserves and premium deficiency reserves) sets forth by reference to the Appendix A table of select mortality factors that may be used in determining the minimum mortality standard. In accordance with section 301(c)(1) of the act, select mortality factors may at the option of the insurer be used in determining the minimum mortality standard. The section also describes rules for using select mortality factors that are less than the factors in the Appendix in determining the minimum mortality standard for calculating deficiency reserves.

Section 84c.6 (relating to minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies)) describes the rules for using the segmented and unitary minimum reserve valuation methods for the valuation of policies with nonlevel premiums or benefits. An optional exemption is provided for yearly renewable term insurance and reinsurance and for certain juvenile policies.

Section 84c.7 (relating to minimum valuation standard for flexible premium and fixed premium universal life insurance policies that contain provisions resulting in the ability of a policyowner to keep a policy in force over a secondary guarantee period) describes the rules for using the segmented minimum reserve valuation method for the valuation of universal life insurance policies that contain a secondary guarantee. The section also describes the policy provisions that are considered as a secondary guarantee.

#### *Affected Parties*

The proposed rulemaking will apply to life insurance companies and fraternal benefit societies marketing life insurance policies in this Commonwealth.

#### *Fiscal Impact*

#### *State Government*

There will be no increase in cost to the Department due to the adoption of the proposed rulemaking. The Department currently reviews valuation filings submitted by domestic life insurance companies and fraternal benefit societies for compliance with the minimum standards of valuation. The proposed select mortality factors and the interpretation of the minimum reserve standard for plans with nonlevel premiums or benefits and for plans with secondary guarantees will not affect the time required to review a valuation filing.

#### *General Public*

Consumers will benefit from the advantages of purchasing life insurance from an insurance industry that is establishing sound and reasonable reserves to fulfill contractual obligations. Insurers may increase premium rates for policies sold after the effective date of this proposal because of an increase in the required reserves.

*Political Subdivisions*

Adoption of the proposed rulemaking will not impose additional costs on political subdivisions. Because this rulemaking promotes stability and sound reserves in the insurance industry, political subdivisions' tax revenues may benefit as a result of fewer insurance company insolvencies. Fewer insolvencies may also result in less unemployment.

*Private Sector*

The specific select factors and the rules for using the segmented reserve valuation method in the proposed rulemaking do not apply to policies issued prior to the effective date of this proposal. An insurance company may need to increase reserves on policies issued on and after the effective date of the proposal. The rulemaking does permit an insurance company to recognize the company's specific mortality experience in calculating deficiency reserves. This should ensure that the reserves for a company are sound and reasonable.

*Paperwork*

The adoption of the proposed rulemaking will not impose additional paperwork on the Department or the insurance industry. The select mortality factors and the interpretation of the minimum reserve standard affect an insurance company's reserve calculation but will not result in additional paperwork.

*Effectiveness/Sunset Date*

The proposed rulemaking will become effective upon final adoption and publication in the *Pennsylvania Bulletin* as final rulemaking. No sunset date has been assigned.

*Contact Person*

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

Questions or comments may also be E-mailed to psalvato@ins.state.pa.us or faxed to (717) 772-1969.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 21, 1999, the Department submitted a copy of these proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee. In addition to the submitted proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

**Fiscal Note:** 11-196. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 31. INSURANCE****PART IV. LIFE INSURANCE****CHAPTER 84c. VALUATION OF LIFE INSURANCE POLICIES**

Sec.	
84c.1.	Purpose.
84c.2.	Applicability.
84c.3.	Definitions.
84c.4.	Segmented and unitary reserve methods.
84c.5.	General requirements for basic reserves and premium deficiency reserves.
84c.6.	Minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies).
84c.7.	Minimum valuation standard for universal life insurance policies that contain provisions resulting in the ability of a policyowner to keep a policy in force over a secondary guarantee period.

**§ 84c.1. Purpose.**

This chapter implements section 301(c)(1) and (3) of the act (40 P. S. § 71(c)(1) and (3)) by adopting select mortality factors for use in determining minimum standards of valuation and by interpreting the minimum reserve standard for the valuation of life insurance plans with nonlevel premiums or benefits and plans with secondary guarantees. The method for calculating basic reserves defined in this chapter will constitute the Commissioner's Reserve Valuation Method for policies to which this chapter is applicable.

**§ 84c.2. Applicability.**

(a) This chapter applies to all life insurance policies, with or without nonforfeiture values, issued on or after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.), subject to the following exceptions:

(b) This chapter does not apply to:

(1) An individual life insurance policy issued on or after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) if the policy is issued in accordance with and as a result of the exercise of a reentry provision contained in the original life insurance policy of the same or greater face amount, issued before \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) that guarantees the premium rates of the new policy. This chapter also does not apply to subsequent policies issued as a result of the exercise of the reentry provision, or a derivation of the provision, in the new policy.

(2) A universal life policy that meets all the following requirements:

(i) Secondary guarantee period, if any, is 5 years or less.

(ii) Specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the 1980 CSO valuation tables and the applicable maximum valuation interest rate.

(iii) The initial surrender charge is not less than 100% of the first year annualized specified premium for the secondary guarantee period.

(3) A variable life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account.

(4) A variable universal life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account.

(5) A group life insurance certificate unless the certificate provides for a stated or implied schedule of maximum gross premiums required to continue coverage in force for a period in excess of 1 year.

**§ 84c.3. Definitions.**

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

*Act*—The Insurance Department Act of 1921 (40 P. S. §§ 1—321).

*Appointed actuary*—The actuary as defined in § 84b.4 (relating to definitions).

*Basic reserves*—Reserves calculated in accordance with section 301 of the act (40 P. S. § 71).

*Commissioner*—The Insurance Commissioner of the Commonwealth.

*Deficiency reserves*—The excess, if greater than zero, of minimum reserves calculated in accordance with section 303 of the act (40 P. S. § 73) over basic reserves.

*Guaranteed gross premiums*—The premiums under a policy of life insurance that are guaranteed and determined at issue.

*Maximum valuation interest rates*—The interest rates defined in section 301(c)(2) of the act that are to be used in determining the minimum standard for the valuation of life insurance policies.

*NAIC*—The National Association of Insurance Commissioners.

*1980 CSO valuation tables*—The Commissioners' 1980 Standard Ordinary Mortality Table without 10-year selection factors, adopted in section 301(c)(1) of the act and the smoker and nonsmoker variations of the table adopted in § 84.6 (relating to 1980 CSO and 1980 CET smoker and nonsmoker mortality tables).

*Scheduled gross premium*—The smallest illustrated gross premium at issue for other than universal life insurance policies. For universal life insurance policies, the term means the smallest specified premium described in § 84c.7(a)(3) (relating to minimum valuation standard for universal life insurance policies that contain provisions resulting in the ability of a policyowner to keep a policy in force over a secondary guarantee period), if any, or else the minimum premium described in § 84c.7(a)(4).

*Tabular cost of insurance*—The net single premium at the beginning of a policy year for 1-year term insurance in the amount of the guaranteed death benefit in that policy year.

*10-year select mortality factors*—The select mortality factors adopted in section 301(c)(1) of the act.

*Universal life insurance policy*—An individual life insurance policy under the provisions of which separately identified mortality and expense charges and interest credits other than in connection with dividend accumulations, premium deposit funds or other supplementary accounts are made to the policy.

**§ 84c.4. Segmented and unitary reserve methods.**

(a) *Segmented reserves.* Segmented reserves shall be calculated as follows:

(1) Segmented reserves shall equal the present value of all future guaranteed benefits less the present value of all future net premiums in the current segment and in all subsequent segments.

(2) The length of each segment is determined by the contract segmentation method, as described in subsection (b).

(3) The net premiums within each segment are a uniform percentage of the respective guaranteed gross premiums within the segment. The uniform percentage for each segment is such that, at the beginning of the segment, the present value of the net premiums within the segment equals the present value of the death benefits within the segment, plus the present value of any unusual guaranteed cash value occurring at the end of the segment, less any unusual guaranteed cash value occurring at the start of the segment, plus for the first segment only, the excess of subparagraph (i) over subparagraph (ii), as follows:

(i) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for in the first segment after the first policy year, divided by the present value, at the date of issue, of an annuity of 1 per year payable on the first and each subsequent anniversary within the first segment on which a premium falls due. However, the net level annual premium may not exceed the net level annual premium on the 19-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age 1 year higher than the age at issue of the policy.

(ii) A net 1-year term premium for the benefits provided for in the first policy year.

(4) The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the sum of the lengths of all segments of the policy.

(b) *Contract segmentation method.* The contract segmentation method is the method of dividing the period from issue to mandatory expiration of a policy into successive segments. The segments shall be calculated as follows:

(1) The length of a particular contract segment shall be set equal to the minimum of the value  $t$  for which  $G_t$  is greater than  $R_t$  (if  $G_t$  never exceeds  $R_t$  the segment length is deemed to be the number of years from the beginning of the segment to the mandatory expiration date of the policy), where  $G_t$  and  $R_t$  are as follows:

$$G_t = \frac{GP_{x+k+t}}{GP_{x+k+t-1}} \quad R_t = \frac{q_{x+k+t}}{q_{x+k+t-1}}$$

(i)  $R_1$  may be increased or decreased by 1% in any policy year, at the company's option, but  $R_t$  may not be less than 1.

(ii) If  $GP_{x+k+t}$  is greater than 0 and  $GP_{x+k+t-1}$  is equal to 0,  $G_t$  shall be deemed to be 1,000. If  $GP_{x+k+t}$  and  $GP_{x+k+t-1}$  are both equal to 0,  $G_t$  shall be deemed to be 0.

(2) The symbols used in paragraph (1) have the following meanings:

(i)  $x$  = original issue age.

(ii)  $k$  = the number of years from the date of issue to the beginning of the segment.

(iii)  $t$  = 1, 2, . . . ;  $t$  is reset to 1 at the beginning of each segment.

(iv)  $GP_{x+k+t-1}$  = Guaranteed gross premium per thousand of face amount for year  $t$  of the segment, ignoring policy fees only if level for the premium paying period of the policy.

(v)  $q_{x+k+t-1}$  = valuation mortality rate for deficiency reserves in policy year  $k+t$  but using the mortality of § 84c.5(b)(2) (relating to general requirements for basic reserves and premium deficiency reserves) if § 84c.5(b)(3) is elected for deficiency reserves.

(c) *Unitary reserves.* Unitary reserves shall be calculated as follows:

(1) Unitary reserves shall equal the present of all future guaranteed benefits less the present value of all future modified net premiums to the mandatory expiration of the policy.

(2) Modified net premiums are a uniform percentage of the respective guaranteed gross premiums, where the uniform percentage is such that, at issue, the present value of the net premiums equals the present value of all death benefits and pure endowments, plus the excess of subparagraph (i) over subparagraph (ii), as follows:

(i) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of 1 per year payable on the first and each subsequent anniversary of the policy on which a premium falls due. However, the net level annual premium may not exceed the net level annual premium on the 19-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age 1 year higher than the age at issue of the policy.

(ii) A net 1-year term premium for the benefits provided for in the first policy year.

(3) The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the length from issue to the mandatory expiration of the policy.

**§ 84c.5. General requirements for basic reserves and premium deficiency reserves.**

(a) *Basic reserves minimum standard.* At the election of the company for any one or more specified plans of life insurance, the minimum mortality standard for basic reserves may be calculated using the 1980 CSO valuation tables (or any other valuation mortality table adopted by the NAIC after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) and promulgated by regulation by the Commissioner for the purpose of calculating basic reserves) with select mortality factors. If select mortality factors are elected, they may be one of the following:

- (1) The 10-year select mortality factors.
- (2) The select mortality factors in Appendix A (relating to select mortality factors).
- (3) Any other table of select mortality factors adopted by the NAIC after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) and promulgated by regulation by the Commissioner for the purpose of calculating basic reserves.

(b) *Deficiency reserves minimum standard.* Deficiency reserves, if any, are calculated for each policy as the excess, if greater than zero, of the quantity A over the basic reserve. The quantity A is obtained by recalculating the basic reserve for the policy using guaranteed gross premiums instead of net premiums when the guaranteed

gross premiums are less than the corresponding net premiums. At the election of the company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables (or any other valuation mortality table adopted by the NAIC after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) and promulgated by regulation by the Commissioner for the purpose of calculating deficiency reserves) with select mortality factors. If select mortality factors are elected, they may be one of the following:

- (1) The 10-year select mortality factors.
- (2) The select mortality factors in Appendix A.
- (3) For durations in the first segment, X% of the select mortality factors in Appendix A, subject to the following:
  - (i) X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor expected to affect mortality experience.
  - (ii) X may not be less than 20%.
  - (iii) X may not decrease in any successive policy years.
  - (iv) X is such that, when using the valuation interest rate used for basic reserves, the actuarial present value of future death benefits, calculated using the mortality rates resulting from the application of X, is greater than or equal to the actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date.

(v) X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first 5 years after the valuation date.

(vi) The appointed actuary shall increase X at any valuation date when it is necessary to continue to meet all the requirements of paragraph (3).

(vii) The appointed actuary may decrease X at any valuation date as long as X does not decrease in any successive policy years and as long as it continues to meet all the requirements of paragraph (3).

(viii) The appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums.

(ix) If X is less than 100% at any duration for any policy, the following requirements shall be met:

(A) The appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in conformance with § 84b.8 (relating to statement of actuarial opinion based on an asset adequacy analysis).

(B) The appointed actuary shall annually opine for all policies subject to this chapter as to whether the mortality rates resulting from the application of X meet the requirements of paragraph (3). This opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The X factors shall reflect anticipated future mortality, without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience.

(4) Any other table of select mortality factors adopted by the NAIC after \_\_\_\_\_ (*Editor's Note:* The blank

refers to the effective date of adoption of this proposal.) and promulgated by regulation by the Commissioner for the purpose of calculating deficiency reserves.

(c) *Application of select mortality factors.* The select mortality factors may be used in calculating the minimum mortality standard for basic and deficiency reserves only for the first segment. However, if the first segment is less than 10 years, the appropriate 10-year select mortality factors may be used thereafter through the 10th policy year from the date of issue.

(d) *Policy fees.* In determining basic reserves or deficiency reserves, guaranteed gross premiums without policy fees may be used when the calculation involves the guaranteed gross premium but only if the policy fee is a level dollar amount after the first policy year. In determining deficiency reserves, policy fees may be included in guaranteed gross premiums, even if not included in the actual calculation of basic reserves.

(e) *Changes in guarantees.* Reserves for policies that have changes to guaranteed gross premiums, guaranteed benefits, guaranteed charges or guaranteed credits that are unilaterally made by the insurer after issue and that are effective for more than 1 year after the date of the change shall be the greatest of the following:

- (1) Reserves calculated ignoring the guarantee.
- (2) Reserves assuming the guarantee was made at issue.
- (3) Reserves assuming that the policy was issued on the date of the guarantee.

(f) *Documentation.* The Commissioner may require that the company document the extent of the adequacy of reserves for specified blocks, including policies issued prior to \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.). This documentation may include a demonstration of the extent to which aggregation with other nonspecified blocks of business is relied upon in the formation of the appointed actuary opinion under and consistent with § 84b.8.

**§ 84c.6. Minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies).**

(a) *Basic reserves.* Basic reserves shall be calculated as the greater of the segmented reserves and the unitary reserves. Both the segmented reserves and the unitary reserves for any policy shall use the same valuation mortality table and selection factors. At the option of the insurer, in calculating segmented reserves and net premiums, either of the following adjustments may be made:

(1) Treat the unitary reserve, if greater than zero, applicable at the end of each segment as a pure endowment and subtract the unitary reserve, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(2) Treat the guaranteed cash surrender value, if greater than zero, applicable at the end of each segment as a pure endowment and subtract the guaranteed cash surrender value, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(b) *Deficiency reserves.* The deficiency reserve at any duration shall be calculated as follows:

(1) On a unitary basis if the corresponding basic reserve is unitary.

(2) On a segmented basis if the corresponding basic reserve is segmented. The segment lengths shall equal those determined for segmented basic reserves.

(3) On the segmented basis if the corresponding basic reserve is equal to both the segmented reserve and the unitary reserve. The segment lengths shall equal those determined for segmented basic reserves.

(c) *Minimum value.* Basic reserves may not be less than the tabular cost of insurance for the balance of the policy year, if mean reserves are used. Basic reserves may not be less than the tabular cost of insurance for the balance of the current modal period or to the paid-to-date, if later, but not beyond the next policy anniversary, if mid-terminal reserves are used. The tabular cost of insurance shall use the same valuation mortality table and interest rates as that used for the calculation of the segmented reserves. However, if select mortality factors are used, they shall be the 10-year select factors. Total reserves (including basic reserves, deficiency reserves and any reserves held for supplemental benefits that would expire upon contract termination) may not be less than the amount that the policyowner would receive (including the cash surrender value of the supplemental benefits, if any, referred to in this section), exclusive of any deduction for policy loans, upon termination of the policy.

(d) *Unusual pattern of guaranteed cash surrender values.* The following requirement applies to any policy with an unusual pattern of guaranteed cash surrender values. This calculation is independent of the segmented and unitary reserves.

(1) The reserves actually held prior to the first unusual guaranteed cash surrender value may not be less than the reserves calculated by treating the first unusual guaranteed cash surrender value as a pure endowment and treating the policy as an  $n$  year policy providing term insurance plus a pure endowment equal to the unusual cash surrender value, where  $n$  is the number of years from the date of issue to the date the unusual cash surrender value is scheduled.

(2) The reserves actually held subsequent to any unusual guaranteed cash surrender value may not be less than the reserves calculated by treating the policy as an  $n$  year policy providing term insurance plus a pure endowment equal to the next unusual guaranteed cash surrender value, and treating any unusual guaranteed cash surrender value at the end of the prior segment as a net single premium.  $n$  shall equal the number of years from the date of the last unusual guaranteed cash surrender value prior to the valuation date to the earlier of the date of the next unusual guaranteed cash surrender value, if any, that is scheduled after the valuation date or the mandatory expiration date of the policy. The net premium for a given year during the  $n$  year period shall equal the product of the net to gross ratio and the respective gross premium where the net to gross ratio is subparagraph (i) divided by subparagraph (ii) as follows:

(i) The present value, at the beginning of the  $n$  year period, of death benefits payable during the  $n$  year period plus the present value, at the beginning of the  $n$  year period, of the next unusual guaranteed cash surrender value, if any, minus the amount of the last unusual guaranteed cash surrender value, if any, scheduled at the beginning of the  $n$  year period.

(ii) The present value, at the beginning of the  $n$  year period, of the scheduled gross premiums payable during the  $n$  year period.

(3) A policy is considered to have an unusual pattern of guaranteed cash surrender values if any future guaranteed cash surrender value exceeds the prior year's guaranteed cash surrender value by more than the sum of the following:

(i) 110% of the scheduled gross premium for that year.

(ii) 110% of 1 year's accrued interest on the sum of the prior year's guaranteed cash surrender value and the scheduled gross premium using the nonforfeiture interest rate used for calculating policy guaranteed cash surrender values.

(iii) 5% of the first policy year surrender charge, if any.

(e) *Optional exemption for yearly renewable term reinsurance.* At the option of the company, the following approach for reserves on yearly renewable term reinsurance may be used:

(1) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

(2) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in subsection (c).

(3) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excess in each policy year of the valuation net premium over the respective maximum guaranteed gross premium. The excess for each policy year may not be less than zero.

(4) The calculations use the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10-year select mortality factors, or any other table adopted after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) by the NAIC and promulgated by regulation by the Commissioner for the purpose of calculating basic and deficiency reserves.

(5) A reinsurance agreement shall be considered yearly renewable term reinsurance for purposes of subsection (e) if only the mortality risk is reinsured.

(6) If the assuming company chooses this optional exemption, the ceding company's reinsurance reserve credit shall be limited to the amount of reserve held by the assuming company for the affected policies.

(f) *Optional exemption for attained-age-based yearly renewable term life insurance policies.* At the option of the company, the following approach for reserves for attained-age-based yearly renewable term life insurance policies may be used:

(1) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

(2) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in subsection (c).

(3) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excess in each policy year of the valuation net premium over the respective maximum guaranteed gross premium. The excess for each year may not be less than zero.

(4) The calculations use the maximum valuation interest rate and the 1980 CSO valuation tables with or

without 10-year select mortality factors, or any other table adopted after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) by the NAIC and promulgated by regulation by the Commissioner for the purpose of calculating basic and deficiency reserves.

(5) A policy shall be considered an attained-age-based yearly renewable term life insurance policy for purposes of subsection (f) if both of the following apply:

(i) The premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are based upon the attained age of the insured so that the rate for any given policy at a given attained age of the insured is independent of the year the policy was issued.

(ii) The premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are the same as the premium rates for policies covering all insureds of the same sex, risk class, plan of insurance and attained age.

(6) For policies that become attained-age-based yearly renewable term policies and meet the conditions in paragraph (5) after an initial period of coverage, the approach of subsection (f) may be used after the initial period if the initial period is constant for all insureds of the same sex, risk class and plan of insurance or if the initial period runs to a common attained age for all insureds of the same sex, risk class and plan of insurance.

(7) If the approach in subsection (f) is elected, the approach shall be applied in determining reserves for all attained-age-based yearly renewable term life insurance policies issued on or after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*)

(g) *Exemption from unitary reserves for certain renewable term life insurance policies.* Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met:

(1) The policy consists of a series of periods where the length of the period is the same for each period, except that for the final renewal period the length may be truncated or extended to reach the expiry age, provided that this final renewal period is less than 10 years and less than twice the length of the earlier periods, and for each period, the premium rates on both the initial current premium scale and the guaranteed maximum premium scale are level.

(2) The guaranteed gross premiums in all periods are not less than the corresponding net premiums based upon the 1980 CSO valuation tables with or without the 10-year select mortality factors.

(3) There are no cash surrender values in any policy year.

(h) *Exemption from unitary reserves for certain juvenile policies.* Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met, based upon the initial current premium scale at issue:

(1) At issue, the insured is age 24 or younger.

(2) Until the insured reaches the end of the juvenile period, which shall occur at or before age 25, the gross premiums and death benefits are level, and there are no cash surrender values.



(3) After the end of the juvenile period, gross premiums are level for the remainder of the premium paying period, and death benefits are level for the remainder of the life of the policy.

**§ 84c.7. Minimum valuation standard for universal life insurance policies that contain provisions resulting in the ability of a policyowner to keep a policy in force over a secondary guarantee period.**

(a) *General requirements.*

(1) Each of the following shall be considered a policy with a secondary guarantee:

(i) A policy with a guarantee that the policy will remain in force at the original schedule of benefits, subject only to the payment of specified premiums.

(ii) A policy in which the minimum premium at any duration is less than the corresponding 1-year valuation premium, calculated using the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10-year select mortality factors, or any other table adopted after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) by the NAIC and promulgated by regulation by the Commissioner for this purpose.

(2) A secondary guarantee period is the period for which the policy is guaranteed to remain in force subject only to a secondary guarantee. When a policy contains more than 1 secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees. Secondary guarantees that are unilaterally changed by the insurer after issue shall be considered to have been made at issue. Reserves described in subsections (b) and (c) shall be recalculated from issue to reflect these changes.

(3) Specified premiums mean the premiums specified in the policy, the payment of which guarantees that the policy will remain in force at the original schedule of benefits, but which otherwise would be insufficient to keep the policy in force in the absence of the guarantee if maximum mortality and expense charges and minimum interest credits were made and any applicable surrender charges were assessed.

(4) The minimum premium for any policy year is the premium that, when paid into a policy with a zero account value at the beginning of the policy year, produces a zero account value at the end of the policy year. The minimum premium calculation shall use the policy cost factors (including mortality charges, loads and expense charges) and the interest crediting rate, which are all guaranteed at issue.

(5) The 1-year valuation premium means the net 1-year premium based upon the original schedule of benefits for a given policy year. The 1-year valuation premiums for all policy years are calculated at issue. The select mortality factors defined in § 84c.5(b)(2)–(4) (relating to general requirements for basic reserves and premium deficiency reserves) may not be used to calculate the 1-year valuation premiums.

(6) The 1-year valuation premium should reflect the frequency of fund processing, as well as the distribution of deaths assumption employed in the calculation of the monthly mortality charges to the fund.

(b) *Basic reserves for the secondary guarantees.* Basic reserves for the secondary guarantees shall be the segmented reserves for the secondary guarantee period. In calculating the segments and the segmented reserves, the gross premiums shall be set equal to the specified premiums, if any, or otherwise to the minimum premiums, that keep the policy in force and the segments will be determined according to the contract segmentation method as defined in § 84c.4(b)(relating to segmented and unitary reserve methods).

(c) *Deficiency reserves for the secondary guarantees.* Deficiency reserves, if any, for the secondary guarantees shall be calculated for the secondary guarantee period in the same manner as described in § 84c.6(b) (relating to minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies)) with gross premiums set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

(d) *Minimum reserves.* The minimum reserves during the secondary guarantee period are the greater of the basic reserves for the secondary guarantee plus the deficiency reserve, if any, for the secondary guarantees or the minimum reserves required by other rules or regulations governing universal life plans.

**Appendix A**

**SELECT MORTALITY FACTORS**

These tables apply to both age last birthday and age nearest birthday mortality tables.

For sex-blended mortality tables, compute select mortality factors in the same proportion as the underlying mortality. For example, for the 1980 CSO-B Table, the calculated select mortality factors are 80% of the appropriate male table in this appendix, plus 20% of the appropriate female table in this appendix.

**Male, Aggregate**

Issue Age	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
<b>0-15</b>	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
<b>16</b>	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
<b>17</b>	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
<b>18</b>	96	98	98	99	99	100	100	90	92	92	92	92	93	93	96	97	98	98	99	100
<b>19</b>	83	84	84	87	87	87	79	79	79	81	81	82	82	82	85	88	91	94	97	100
<b>20</b>	69	71	71	74	74	69	69	67	69	70	71	71	71	71	74	79	84	90	95	100
<b>21</b>	66	68	69	71	66	66	67	66	67	70	70	70	70	71	71	77	83	88	94	100
<b>22</b>	65	66	66	63	63	64	64	64	65	68	68	68	68	69	71	77	83	88	94	100
<b>23</b>	62	63	59	60	62	62	63	63	64	65	65	67	67	69	70	76	82	88	94	100

## PROPOSED RULEMAKING

## Male, Aggregate (Continued)

Issue	Duration																			
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
24	60	56	56	59	59	60	61	61	61	64	64	64	66	67	70	76	82	88	94	100
25	52	53	55	56	58	58	60	60	60	63	62	63	64	67	69	75	81	88	94	100
26	51	52	55	56	58	58	57	61	61	62	63	64	66	69	66	73	80	86	93	100
27	51	52	55	57	58	60	61	61	60	63	63	64	67	66	67	74	80	87	93	100
28	49	51	56	58	60	60	61	62	62	63	64	66	65	66	68	74	81	87	94	100
29	49	51	56	58	60	61	62	62	62	64	64	62	66	67	70	76	82	88	94	100
30	49	50	56	58	60	60	62	63	63	64	62	63	67	68	71	77	83	88	94	100
31	47	50	56	58	60	62	63	64	64	62	63	66	68	70	72	78	83	89	94	100
32	46	49	56	59	60	62	63	66	62	63	66	67	70	72	73	78	84	89	95	100
33	43	49	56	59	62	63	64	62	65	66	67	70	72	3	75	80	85	90	95	100
34	42	47	56	60	62	63	61	63	66	67	70	71	73	75	76	81	86	90	95	100
35	40	47	56	60	63	61	62	65	67	68	71	73	74	76	76	81	86	90	95	100
36	38	42	56	60	59	61	63	65	67	68	70	72	74	76	77	82	86	91	95	100
37	38	45	56	57	61	62	63	65	67	68	70	72	74	76	76	81	86	90	95	100
38	37	44	53	58	61	62	65	66	67	69	69	73	75	76	77	82	86	91	95	100
39	37	41	53	58	62	63	65	65	66	68	69	72	74	76	76	81	86	90	95	100
40	34	40	53	58	62	63	65	65	66	68	68	71	75	76	77	82	86	91	95	100
41	34	41	53	58	62	63	65	64	64	66	68	70	74	76	77	82	86	91	95	100
42	34	43	53	58	61	62	63	63	63	64	66	69	72	75	77	82	86	91	95	100
43	34	43	54	59	60	61	63	62	62	64	66	67	72	74	77	82	86	91	95	100
44	34	44	54	58	59	60	61	60	61	62	64	67	71	74	77	82	86	91	95	100
45	34	45	53	58	59	60	60	60	59	60	63	66	71	74	77	82	86	91	95	100
46	31	43	52	56	57	58	59	59	59	60	63	67	71	74	75	80	85	90	95	100
47	32	42	50	53	55	56	57	58	59	60	65	68	71	74	75	80	85	90	95	100
48	32	41	47	52	54	56	57	57	57	61	65	68	72	73	74	79	84	90	95	100
49	30	40	46	49	52	54	55	56	57	61	66	69	72	73	74	79	84	90	95	100
50	30	38	44	47	51	53	54	56	57	61	66	71	72	73	75	80	85	90	95	100
51	28	37	42	46	49	53	54	56	57	61	66	71	72	73	75	80	85	90	95	100
52	28	35	41	45	49	51	54	56	57	61	66	71	72	74	75	80	85	90	100	100
53	27	35	39	44	48	51	53	55	57	61	67	71	74	75	76	81	86	100	100	100
54	27	33	38	44	48	50	53	55	57	61	67	72	74	75	76	81	100	100	100	100
55	25	32	37	43	47	50	53	55	57	61	68	72	74	75	78	100	100	100	100	100
56	25	32	37	43	47	49	51	54	56	61	67	70	73	74	100	100	100	100	100	100
57	24	31	38	43	47	49	51	54	56	59	66	69	72	100	100	100	100	100	100	100
58	24	31	38	43	48	48	50	53	56	59	64	67	100	100	100	100	100	100	100	100
59	23	30	39	43	48	48	51	53	55	58	63	100	100	100	100	100	100	100	100	100
60	23	30	39	43	48	47	50	52	53	57	100	100	100	100	100	100	100	100	100	100
61	23	30	39	43	49	49	50	52	53	75	100	100	100	100	100	100	100	100	100	100
62	23	30	39	44	49	49	51	52	75	75	100	100	100	100	100	100	100	100	100	100
63	22	30	39	45	50	50	52	75	75	75	100	100	100	100	100	100	100	100	100	100
64	22	30	39	45	50	51	75	75	75	75	100	100	100	100	100	100	100	100	100	100
65	22	30	39	45	50	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
66	22	30	39	45	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
67	22	30	39	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
68	23	32	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
69	23	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
70	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
71	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
72	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
73	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
74	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
75	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
76	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100	100
77	48	52	55	60	60	65	70	70	100	100	100	100	100	100	100	100	100	100	100	100
78	48	52	55	60	60	65	70	100	100	100	100	100	100	100	100	100	100	100	100	100
79	48	52	55	60	60	65	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	48	52	55	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	48	52	55	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	48	52	55	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	48	52	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Male, Aggregate (Continued)

Issue	Duration																				
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
84	48	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Male, Nonsmoker

Issue	Duration																				
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	93	95	96	98	99	100	100	90	92	92	92	92	95	95	96	97	98	98	99	99	100
19	80	81	83	86	87	87	79	79	79	81	81	82	83	83	86	89	92	94	97	97	100
20	65	68	69	72	74	69	69	67	69	70	71	71	72	72	75	80	85	90	95	95	100
21	63	66	68	71	66	66	67	66	67	70	70	70	71	71	73	78	84	89	95	95	100
22	62	65	66	62	63	64	64	64	67	68	68	68	70	70	73	78	84	89	95	95	100
23	60	62	58	60	62	62	63	63	64	67	68	68	67	69	71	77	83	88	94	94	100
24	59	55	56	58	59	60	61	61	63	65	67	66	66	69	71	77	83	88	94	94	100
25	52	53	55	56	58	58	60	60	61	64	64	64	64	67	70	76	82	88	94	94	100
26	51	53	55	56	58	60	61	61	61	63	64	64	66	69	67	74	80	87	93	93	100
27	51	52	55	58	60	60	61	61	62	63	64	66	67	66	67	74	80	87	93	93	100
28	49	52	57	58	60	61	63	62	62	64	66	66	63	66	68	74	81	87	94	94	100
29	49	51	57	60	61	61	62	62	63	64	66	63	65	67	68	74	81	87	94	94	100
30	49	51	57	60	61	62	63	63	63	64	62	63	66	68	70	76	82	88	94	94	100
31	47	50	57	60	60	62	63	64	64	62	63	65	67	70	71	77	83	88	94	94	100
32	46	50	57	60	62	63	64	64	62	63	65	66	68	71	72	78	83	89	94	94	100
33	45	49	56	60	62	63	64	62	63	65	66	68	71	73	74	79	84	90	95	95	100
34	43	48	56	62	63	64	62	62	65	66	67	70	72	74	74	79	84	90	95	95	100
35	41	47	56	62	63	61	62	63	66	67	68	70	72	74	75	80	85	90	95	95	100
36	40	47	56	62	59	61	62	63	66	67	68	70	72	74	75	80	85	90	95	95	100
37	38	45	56	58	59	61	62	63	66	67	67	69	71	73	74	79	84	90	95	95	100
38	38	45	53	58	61	62	63	65	65	67	68	70	72	74	73	78	84	89	95	95	100
39	37	41	53	58	61	62	63	64	65	67	68	70	71	73	73	78	84	89	95	95	100
40	34	41	53	58	61	62	63	64	64	66	67	69	71	73	72	78	83	89	94	94	100
41	34	41	53	58	61	61	62	62	63	65	65	67	69	71	71	77	83	88	94	94	100
42	34	43	53	58	60	61	62	61	61	63	64	66	67	69	71	77	83	88	94	94	100
43	32	43	53	58	60	61	60	60	60	60	62	64	66	68	69	75	81	88	94	94	100
44	32	44	52	57	59	60	60	59	59	58	60	62	65	67	69	75	81	88	94	94	100
45	32	44	52	57	59	60	59	57	57	57	59	61	63	66	68	74	81	87	94	94	100
46	32	42	50	54	56	57	57	56	55	56	59	61	63	65	67	74	80	87	93	93	100
47	30	40	48	52	54	55	55	54	54	55	59	61	62	63	66	73	80	86	93	93	100
48	30	40	46	49	51	52	53	53	54	55	57	61	62	63	63	70	78	85	93	93	100
49	29	39	43	48	50	51	50	51	53	54	57	61	61	62	62	70	77	85	92	92	100
50	29	37	42	45	47	48	49	50	51	54	57	61	61	61	61	69	77	84	92	92	100
51	27	35	40	43	45	47	48	50	51	53	57	60	61	61	62	70	77	85	92	92	100
52	27	34	39	42	44	45	48	49	50	53	56	60	60	62	62	70	77	85	100	100	100
53	25	31	37	41	44	45	47	49	50	51	56	59	61	61	62	70	77	100	100	100	100
54	25	30	36	39	43	44	47	48	49	51	55	59	59	61	62	70	100	100	100	100	100
55	24	29	35	38	42	43	45	48	49	50	56	58	59	61	62	100	100	100	100	100	100
56	23	29	35	38	42	42	44	47	48	50	55	57	58	59	100	100	100	100	100	100	100
57	23	28	35	38	42	42	43	45	47	49	53	55	56	100	100	100	100	100	100	100	100
58	22	28	33	37	41	41	43	45	45	47	51	53	100	100	100	100	100	100	100	100	100
59	22	26	33	37	41	41	42	44	44	46	50	100	100	100	100	100	100	100	100	100	100
60	20	26	33	37	41	40	41	42	42	45	100	100	100	100	100	100	100	100	100	100	100
61	20	26	33	37	41	40	41	42	42	75	100	100	100	100	100	100	100	100	100	100	100
62	19	25	32	38	40	40	41	42	75	75	100	100	100	100	100	100	100	100	100	100	100
63	19	25	33	36	40	40	41	75	75	75	100	100	100	100	100	100	100	100	100	100	100
64	18	24	32	36	39	40	75	75	75	75	100	100	100	100	100	100	100	100	100	100	100
65	18	24	32	36	39	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
66	18	24	32	36	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
67	18	24	32	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100

PROPOSED RULEMAKING

Male, Nonsmoker (Continued)

Issue	Duration																				
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
68	18	24	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
69	18	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
70	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
71	48	52	55	60	60	65	70	70	0	70	100	100	100	100	100	100	100	100	100	100	100
72	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
73	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
74	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
75	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
76	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100	100	100
77	48	52	55	60	60	65	70	70	100	100	100	100	100	100	100	100	100	100	100	100	100
78	48	52	55	60	60	65	70	100	100	100	100	100	100	100	100	100	100	100	100	100	100
79	48	52	55	60	60	65	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	48	52	55	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	48	52	55	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	48	52	55	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	48	52	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	48	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Male, Smoker

Issue	Duration																				
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
19	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
20	98	100	100	100	100	100	100	99	99	99	100	99	99	99	100	100	100	100	100	100	100
21	95	98	99	100	95	96	96	95	96	97	97	96	96	96	96	97	98	98	99	99	100
22	92	95	96	90	90	93	93	92	93	95	95	93	93	92	93	94	96	97	99	99	100
23	90	92	85	88	88	89	89	89	89	90	90	90	90	89	90	92	94	95	97	98	100
24	87	81	82	85	84	86	88	86	86	88	88	86	86	88	89	91	93	96	98	100	100
25	77	78	79	82	81	83	83	82	83	85	84	84	84	85	86	89	92	94	97	100	100
26	75	77	79	82	82	83	83	82	83	84	84	84	84	85	81	85	89	92	96	100	100
27	73	75	78	82	82	83	83	82	82	82	82	84	84	80	81	85	89	92	96	100	100
28	71	73	79	82	81	82	83	81	81	82	82	82	80	80	81	85	89	92	96	100	100
29	69	72	78	81	81	82	82	81	81	81	81	77	80	80	81	85	89	92	96	100	100
30	68	71	78	81	81	81	82	81	81	81	76	77	80	80	81	85	89	92	96	100	100
31	65	70	77	81	79	81	82	81	81	76	77	79	81	81	83	86	90	93	97	100	100
32	63	67	77	78	79	81	81	81	76	77	77	80	83	83	85	88	91	94	97	100	100
33	60	65	74	78	79	79	81	76	77	77	79	80	83	85	85	88	91	94	97	100	100
34	57	62	74	77	79	79	75	76	77	79	79	81	83	85	87	90	92	95	97	100	100
35	53	60	73	77	79	75	75	76	77	79	80	82	84	86	88	90	93	95	98	100	100
36	52	59	71	75	74	75	75	76	77	79	79	81	83	85	87	90	92	95	97	100	100
37	49	58	70	71	74	74	75	76	77	78	79	81	84	86	86	89	92	94	97	100	100
38	48	55	66	70	72	74	74	75	76	78	79	81	83	85	87	90	92	95	97	100	100
39	45	50	65	70	72	72	74	74	75	77	79	81	84	86	86	89	92	94	97	100	100
40	41	49	63	68	71	72	73	74	74	76	78	80	83	85	86	89	92	94	97	100	100
41	40	49	63	68	71	72	72	72	73	75	76	78	81	84	85	88	91	94	97	100	100
42	40	49	62	68	70	71	71	71	71	73	75	76	81	83	85	88	91	94	97	100	100
43	39	50	62	67	69	69	70	70	70	71	73	76	79	83	85	88	91	94	97	100	100
44	39	50	60	66	68	69	68	69	69	69	71	74	79	81	85	88	91	94	97	100	100
45	37	50	60	66	68	68	68	67	67	67	69	73	78	81	85	88	91	94	97	100	100
46	37	48	58	63	65	67	66	66	66	67	71	74	78	81	84	87	90	94	97	100	100
47	36	47	55	61	63	64	64	64	65	67	71	75	79	81	84	87	90	94	97	100	100
48	35	46	53	58	60	62	63	63	65	67	72	75	79	81	83	86	90	93	97	100	100
49	34	45	51	56	58	59	61	62	63	67	72	77	80	81	83	86	90	93	97	100	100
50	34	43	49	53	55	57	60	61	63	67	73	78	80	81	81	85	89	92	96	100	100
51	32	42	47	52	55	57	60	61	63	67	73	78	80	83	84	87	90	94	97	100	100
52	32	40	46	50	54	56	60	61	63	67	73	78	81	84	85	88	91	94	100	100	100

Male, Smoker (Continued)

Issue	Duration																				
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
53	30	37	44	49	54	56	59	61	65	67	74	79	83	85	87	90	92	100	100	100	100
54	30	36	43	48	53	55	59	61	65	67	74	80	84	85	89	91	100	100	100	100	100
55	29	35	42	47	53	55	59	61	65	67	75	80	84	86	90	100	100	100	100	100	100
56	28	35	42	47	53	55	57	60	63	68	74	79	83	85	100	100	100	100	100	100	100
57	28	35	42	47	53	54	57	60	64	67	74	78	81	100	100	100	100	100	100	100	100
58	26	33	43	48	54	54	56	59	63	67	73	78	100	100	100	100	100	100	100	100	100
59	26	33	43	48	54	53	57	59	63	66	73	100	100	100	100	100	100	100	100	100	100
60	25	33	43	48	54	53	56	58	62	66	100	100	100	100	100	100	100	100	100	100	100
61	25	33	43	49	55	55	57	59	63	75	100	100	100	100	100	100	100	100	100	100	100
62	25	33	43	50	56	56	58	61	75	75	100	100	100	100	100	100	100	100	100	100	100
63	24	33	45	51	56	56	59	75	75	75	100	100	100	100	100	100	100	100	100	100	100
64	24	34	45	51	57	57	75	75	75	75	100	100	100	100	100	100	100	100	100	100	100
65	24	34	45	52	57	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
66	24	35	45	53	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
67	25	35	45	60	60	65	70	70	0	70	100	100	100	100	100	100	100	100	100	100	100
68	25	36	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
69	27	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
70	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
71	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
72	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
73	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
74	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
75	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
76	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100	100	100
77	48	52	55	60	60	65	70	70	100	100	100	100	100	100	100	100	100	100	100	100	100
78	48	52	55	60	60	65	70	100	100	100	100	100	100	100	100	100	100	100	100	100	100
79	48	52	55	60	60	65	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	48	52	55	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	48	52	55	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	48	52	55	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	48	52	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	48	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Female, Aggregate

Issue	Duration																				
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	99	100	100	100	100	100	100	100	93	95	96	97	97	100	100	100	100	100	100	100	100
18	83	83	84	84	84	84	86	78	78	79	82	84	85	88	88	90	93	95	98	98	100
19	65	66	68	68	68	68	63	63	64	66	69	71	72	74	75	80	85	90	95	95	100
20	48	50	51	51	51	47	48	48	49	51	56	57	58	61	63	70	78	85	85	93	100
21	47	48	50	51	47	47	48	49	51	53	57	60	61	64	64	71	78	86	93	93	100
22	44	47	48	45	47	47	48	49	53	54	60	61	63	64	66	73	80	86	93	93	100
23	42	45	44	45	47	47	49	51	53	54	61	64	64	67	69	75	81	88	94	94	100
24	39	40	42	44	47	47	50	51	54	56	64	64	66	69	70	76	82	88	94	94	100
25	34	38	41	44	47	47	50	53	56	57	64	67	69	71	73	78	84	89	95	95	100
26	34	38	41	45	49	49	51	56	58	59	66	69	70	73	70	76	82	88	94	94	100
27	34	38	41	47	50	51	54	57	59	60	69	70	73	70	71	77	83	88	94	94	100
28	34	37	43	47	53	53	56	59	62	63	70	73	70	72	74	79	84	90	95	95	100
29	34	38	43	49	54	56	58	60	63	64	73	70	72	74	75	80	85	90	95	95	100
30	35	38	43	50	56	56	59	63	66	67	70	71	74	75	76	81	86	90	95	95	100
31	35	38	43	51	56	58	60	64	67	65	71	72	74	75	76	81	86	90	95	95	100
32	35	39	45	51	56	59	63	66	65	66	72	72	75	76	76	81	86	90	95	95	100
33	36	39	44	52	58	62	64	65	66	67	72	74	75	76	76	81	86	90	95	95	100
34	36	40	45	52	58	63	63	66	67	68	74	74	76	76	76	81	86	90	95	95	100
35	36	40	45	53	59	61	65	67	68	70	75	74	75	76	75	80	85	90	95	95	100
36	36	40	45	53	55	62	65	67	68	70	74	74	74	75	75	80	85	90	95	95	100
37	36	41	47	52	57	62	65	67	68	69	72	72	73	75	74	79	84	90	95	95	100

PROPOSED RULEMAKING

Female, Aggregate (Continued)

Issue	Duration																				
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
38	34	41	44	52	57	63	66	68	69	70	72	71	72	74	75	80	85	90	95	100	100
39	34	40	45	53	58	63	66	68	69	69	70	70	70	73	74	79	84	90	95	100	100
40	32	40	45	53	58	65	65	67	68	69	70	69	70	73	73	78	84	89	95	100	100
41	32	40	45	53	57	63	64	67	68	68	69	69	69	73	74	79	84	90	95	100	100
42	32	40	45	52	56	61	63	65	66	68	69	68	70	74	75	80	85	90	95	100	100
43	31	39	45	51	55	59	61	65	65	66	68	69	69	74	77	82	86	91	95	100	100
44	31	39	45	50	54	58	61	63	64	66	67	68	71	75	78	82	87	91	96	100	100
45	31	38	44	49	53	56	59	62	63	65	67	68	71	77	79	83	87	92	96	100	100
46	29	37	43	48	51	54	59	62	63	65	67	69	71	77	78	82	87	91	96	100	100
47	28	35	41	46	49	54	57	61	62	66	68	69	71	77	77	82	86	91	95	100	100
48	28	35	41	44	49	52	57	61	63	66	68	71	72	75	77	82	86	91	95	100	100
49	26	34	39	43	47	52	55	61	63	67	69	71	72	75	75	80	85	90	95	100	100
50	25	32	38	41	46	50	55	61	63	67	69	72	72	75	74	79	84	90	95	100	100
51	25	32	38	41	45	50	55	61	63	66	68	69	71	74	74	79	84	90	95	100	100
52	23	30	36	41	45	51	56	61	62	65	66	68	68	73	73	78	84	89	100	100	100
53	23	30	36	41	47	51	56	61	62	63	65	66	68	72	72	78	83	100	100	100	100
54	22	29	35	41	47	53	57	61	61	62	62	66	66	69	70	76	100	100	100	100	100
55	22	29	35	41	47	53	57	61	61	61	62	63	64	68	69	100	100	100	100	100	100
56	22	29	35	41	45	51	56	59	60	61	62	63	64	67	100	100	100	100	100	100	100
57	22	29	35	41	45	50	54	56	58	59	61	62	63	100	100	100	100	100	100	100	100
58	22	30	36	41	44	49	53	56	57	57	61	62	100	100	100	100	100	100	100	100	100
59	22	30	36	41	44	48	51	53	55	56	59	100	100	100	100	100	100	100	100	100	100
60	22	30	36	41	43	47	50	51	53	55	100	100	100	100	100	100	100	100	100	100	100
61	22	29	35	39	42	46	49	50	52	80	100	100	100	100	100	100	100	100	100	100	100
62	20	28	33	39	41	45	47	49	80	80	100	100	100	100	100	100	100	100	100	100	100
63	20	28	33	38	41	44	46	80	80	80	100	100	100	100	100	100	100	100	100	100	100
64	19	27	32	36	40	42	80	80	80	80	100	100	100	100	100	100	100	100	100	100	100
65	19	25	30	35	39	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
66	19	25	30	35	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
67	19	25	30	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
68	19	25	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
69	19	64	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
70	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
71	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
72	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
73	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
74	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
75	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
76	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100	100
77	60	60	64	68	68	72	75	75	100	100	100	100	100	100	100	100	100	100	100	100	100
78	60	60	64	68	68	72	75	100	100	100	100	100	100	100	100	100	100	100	100	100	100
79	60	60	64	68	68	72	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	60	60	64	68	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	60	60	64	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Female, Nonsmoker

Issue	Duration																				
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	96	98	98	98	98	99	99	99	92	92	93	95	95	97	99	99	99	99	100	100	100
18	78	80	80	80	80	81	81	74	75	75	78	79	82	83	85	88	91	94	97	100	100
19	60	62	63	63	63	65	59	59	60	60	64	67	67	70	72	78	83	89	94	100	100
20	42	44	45	45	45	42	42	42	45	45	50	51	53	56	58	66	75	83	92	100	100
21	41	42	44	45	41	42	42	44	47	47	51	53	54	57	59	67	75	84	92	100	100
22	39	41	44	41	41	42	44	45	49	49	54	56	57	58	60	68	76	84	92	100	100

Female, Nonsmoker (Continued)

Issue	Duration																			
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
23	38	41	38	40	41	42	44	46	49	50	56	57	58	60	62	70	77	85	92	100
24	36	36	38	40	41	42	46	47	50	51	58	59	60	62	63	70	78	85	93	100
25	32	34	37	40	41	43	46	49	51	53	59	60	62	63	64	71	78	86	93	100
26	32	34	37	41	43	45	47	50	53	53	60	62	63	64	62	70	77	85	92	100
27	32	34	38	43	46	47	49	51	53	55	62	63	64	62	62	70	77	85	92	100
28	30	34	39	43	47	49	51	53	56	58	63	63	61	62	63	70	78	85	93	100
29	30	35	40	45	50	51	52	55	58	59	64	61	62	63	63	70	78	85	93	100
30	31	35	40	46	51	52	53	56	59	60	62	62	63	65	65	72	79	86	93	100
31	31	35	40	46	51	53	55	58	60	58	62	62	63	65	65	72	79	86	93	100
32	32	35	40	45	51	53	56	59	57	58	62	63	63	65	64	71	78	86	93	100
33	32	36	41	47	52	55	58	55	58	59	63	63	65	65	65	72	79	86	93	100
34	33	36	41	47	52	55	55	57	58	59	63	65	64	65	64	71	78	86	93	100
35	33	36	41	47	52	53	57	58	59	61	63	64	64	64	64	71	78	86	93	100
36	33	36	41	47	49	53	57	58	59	61	63	64	63	64	63	70	78	85	93	100
37	32	36	41	44	49	53	57	58	59	60	62	62	61	62	63	70	78	85	93	100
38	32	37	39	45	50	54	57	58	60	60	61	61	61	62	61	69	77	84	92	100
39	30	35	39	45	50	54	57	58	60	59	60	60	59	60	61	69	77	84	92	100
40	28	35	39	45	50	54	56	57	59	59	60	59	59	59	60	68	76	84	92	100
41	28	35	39	45	49	52	55	55	58	57	58	59	58	59	60	68	76	84	92	100
42	27	35	39	44	49	52	54	55	56	57	57	57	58	60	61	69	77	84	92	100
43	27	34	39	44	47	50	53	53	55	55	56	57	56	60	61	69	77	84	92	100
44	26	34	38	42	47	50	52	53	54	55	55	55	56	61	62	70	77	85	92	100
45	26	33	38	42	45	48	51	51	52	53	54	55	56	61	62	70	77	85	92	100
46	24	32	37	40	43	47	49	51	52	53	54	55	56	60	61	69	77	84	92	100
47	24	30	35	39	42	45	47	49	51	53	54	55	56	59	60	68	76	84	92	100
48	23	30	35	37	40	44	47	49	50	53	54	55	55	59	57	66	74	83	91	100
49	23	29	33	35	39	42	45	48	50	53	54	55	55	57	56	65	74	82	91	100
50	21	27	32	34	37	41	44	48	50	53	54	55	55	56	55	64	73	82	91	100
51	21	26	30	34	37	41	44	48	49	51	53	53	54	55	55	64	73	82	91	100
52	20	25	30	33	37	41	44	47	48	50	50	51	51	55	53	62	72	81	100	100
53	19	24	29	32	37	41	43	47	48	48	49	49	51	52	52	62	71	100	100	100
54	18	24	29	32	37	41	43	45	47	47	47	49	49	51	51	61	100	100	100	100
55	18	23	28	32	37	41	43	45	45	45	46	46	47	50	50	100	100	100	100	100
56	18	23	28	32	36	39	42	44	44	45	46	46	46	49	100	100	100	100	100	100
57	18	23	28	31	35	38	41	42	44	44	45	45	46	100	100	100	100	100	100	100
58	17	23	26	31	35	36	38	41	41	42	45	45	100	100	100	100	100	100	100	100
59	17	23	26	30	33	35	38	39	40	41	44	100	100	100	100	100	100	100	100	100
60	17	23	26	30	32	34	36	38	39	40	100	100	100	100	100	100	100	100	100	100
61	17	22	25	29	32	33	35	36	38	80	100	100	100	100	100	100	100	100	100	100
62	16	22	25	28	30	32	34	35	80	80	100	100	100	100	100	100	100	100	100	100
63	16	20	24	28	30	32	34	80	80	80	100	100	100	100	100	100	100	100	100	100
64	14	21	24	27	29	30	80	80	80	80	100	100	100	100	100	100	100	100	100	100
65	15	19	23	25	28	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
66	15	19	23	25	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
67	15	19	22	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
68	13	18	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
69	13	64	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
70	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
71	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
72	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
73	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
74	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
75	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
76	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
77	60	60	64	68	68	72	75	75	100	100	100	100	100	100	100	100	100	100	100	100
78	60	60	64	68	68	72	75	100	100	100	100	100	100	100	100	100	100	100	100	100
79	60	60	64	68	68	72	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	60	60	64	68	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	60	60	64	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

PROPOSED RULEMAKING

Female, Nonsmoker (Continued)

Issue	Duration																				
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
83	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Female, Smoker

Issue	Duration																				
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	99	100	100	100	100	100	100	100	95	96	97	100	100	100	100	100	100	100	100	100	100
19	87	89	92	92	92	92	84	84	86	86	92	93	95	96	99	99	99	99	100	100	100
20	74	77	80	80	80	73	73	73	75	77	83	83	86	88	90	92	94	96	98	98	100
21	71	74	78	78	71	71	73	74	77	79	85	86	88	89	90	92	94	96	98	98	100
22	68	71	75	70	71	71	73	74	78	79	88	90	89	89	92	94	95	97	98	98	100
23	65	69	67	70	70	70	73	77	79	81	89	90	90	92	92	94	95	97	98	98	100
24	62	60	64	69	70	70	74	77	79	81	92	90	92	93	93	94	96	97	99	99	100
25	53	58	63	67	69	70	74	78	81	82	92	93	93	95	95	96	97	98	99	99	100
26	53	58	63	69	71	72	75	79	82	82	93	93	95	96	90	92	94	96	98	98	100
27	52	56	63	70	74	74	78	81	82	84	93	95	95	90	90	92	94	96	98	98	100
28	52	56	64	71	75	77	79	82	85	86	95	95	90	92	92	94	95	97	98	98	100
29	51	56	64	71	78	78	81	84	86	88	95	90	90	92	92	94	95	97	98	98	100
30	51	56	64	72	79	79	82	85	88	89	90	90	92	93	93	94	96	97	99	99	100
31	51	56	64	72	78	81	84	84	88	84	90	90	92	93	93	94	96	97	99	99	100
32	51	56	64	71	78	81	85	86	84	85	90	90	92	94	93	94	96	97	99	99	100
33	51	57	62	71	78	82	85	83	84	85	90	92	93	93	93	94	96	97	99	99	100
34	51	56	62	71	78	82	81	83	85	86	90	92	92	94	93	94	96	97	99	99	100
35	51	56	62	71	78	79	83	84	85	86	90	91	91	93	93	94	96	97	99	99	100
36	49	56	62	71	74	79	83	84	85	86	90	90	91	93	92	94	95	97	98	98	100
37	48	55	62	67	74	79	83	84	85	86	89	90	89	92	91	93	95	96	98	98	100
38	47	55	57	66	72	77	81	84	86	86	87	88	88	90	91	93	95	96	98	98	100
39	45	50	57	66	72	77	81	83	85	86	86	87	86	89	90	92	94	96	98	98	100
40	41	50	57	66	72	77	81	83	84	85	86	86	86	89	89	91	93	96	98	98	100
41	40	50	57	65	71	76	79	81	83	84	85	86	85	89	90	92	94	96	98	98	100
42	40	49	57	65	69	74	77	80	82	83	84	85	86	90	92	94	95	97	98	98	100
43	39	49	55	63	69	73	76	78	80	82	83	84	85	92	93	94	96	97	99	99	100
44	39	48	55	62	67	71	75	78	80	80	82	84	86	93	96	97	98	98	98	99	100
45	37	47	55	61	65	70	73	76	78	80	81	84	86	94	97	98	98	99	99	99	100
46	36	46	53	59	63	68	71	75	77	79	83	85	86	93	96	97	98	98	99	99	100
47	34	44	51	57	62	66	70	75	77	80	83	85	86	93	94	95	96	98	98	99	100
48	34	44	50	54	60	64	69	74	77	80	84	86	87	92	92	94	95	97	98	98	100
49	33	42	48	53	58	63	68	74	77	81	84	86	87	92	91	93	95	96	98	98	100
50	31	41	46	51	57	61	67	74	77	81	85	87	87	91	90	92	94	96	98	98	100
51	30	39	45	51	56	61	67	74	75	80	83	85	85	90	90	92	94	96	98	98	100
52	29	38	45	50	56	62	68	74	75	79	81	83	84	90	90	92	94	96	100	100	100
53	28	37	43	49	57	62	68	73	74	77	79	81	83	89	89	91	93	100	100	100	100
54	28	36	43	49	57	63	69	73	74	75	78	80	81	87	89	91	100	100	100	100	100
55	26	35	42	49	57	63	69	73	73	74	76	78	79	86	87	100	100	100	100	100	100
56	26	35	42	49	56	62	67	71	72	74	76	78	79	85	100	100	100	100	100	100	100
57	26	35	42	49	55	61	66	69	72	73	76	78	79	100	100	100	100	100	100	100	100
58	28	36	43	49	55	59	63	68	69	72	76	78	100	100	100	100	100	100	100	100	100
59	28	36	43	49	54	57	63	67	68	70	76	100	100	100	100	100	100	100	100	100	100
60	28	36	43	49	53	57	61	64	67	69	100	100	100	100	100	100	100	100	100	100	100
61	26	35	42	48	52	56	59	63	66	80	100	100	100	100	100	100	100	100	100	100	100
62	26	33	41	47	51	55	58	62	80	80	100	100	100	100	100	100	100	100	100	100	100
63	25	33	41	46	51	55	57	80	80	80	100	100	100	100	100	100	100	100	100	100	100
64	25	33	40	45	50	53	80	80	80	80	100	100	100	100	100	100	100	100	100	100	100
65	24	32	39	44	49	72	75	80	80	80	100	100	100	100	100	100	100	100	100	100	100
66	24	32	39	44	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
67	24	32	39	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100



Female, Smoker (Continued)

Issue	Duration																				
	Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
68	24	32	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
69	24	64	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
70	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
71	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
72	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
73	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
74	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
75	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
76	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100	100
77	60	60	64	68	68	72	75	75	100	100	100	100	100	100	100	100	100	100	100	100	100
78	60	60	64	68	68	72	75	100	100	100	100	100	100	100	100	100	100	100	100	100	100
79	60	60	64	68	68	72	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	60	60	64	68	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	60	60	64	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Pa.B. Doc. No. 00-11. Filed for public inspection December 30, 1999, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 59]

[L-00990145]

Public Meeting held  
November 4, 1999

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

## Proposed Rulemaking Order and Final Interim Guidelines

*By the Commission:*

At public meeting of August 26, 1999, the Commission issued a tentative order establishing interim guidelines to ensure customer consent to a change of natural gas suppliers. The guidelines were undertaken as part of the implementation duties performed by the Commission under the act. Signed into law on June 22, 1999, by Governor Tom Ridge, the act revised the code by, inter alia, adding Chapter 22 relating to restructuring of the natural gas industry. The Commission is the agency charged with implementing the act. Section 2206(b) of the act states that "[t]he Commission shall, by order or regulation, establish procedures to ensure that a natural gas distribution company does not change a retail gas customer's natural gas supplier without direct oral confirmation from the customer of record or written evidence of the customer's consent to a change of supplier." The purpose of the tentative order was to propose interim guidelines relating to the procedures for changing a customer's natural gas supplier to prevent unauthorized changing of suppliers, commonly referred to as "slamming." The tentative order was entered August 27, 1999, at Docket No. M-00991249F0006 and a 20-day comment period was set.

Comments were filed by the Pennsylvania Gas Association (PGA), the Office of Consumer Advocate (OCA), Natural Fuel Resources (NFR), T. W. Phillips Gas and Oil Company (T. W. Phillips), Columbia Gas of Pennsylvania (Columbia), United Gas Management (United), PG Energy Inc. (PG Energy) and the Peoples Natural Gas Company (PNG). We thank the parties for their suggestions on developing these guidelines.

## Procedures to Ensure Customer Consent to a Change of Natural Gas Suppliers

The Pennsylvania Public Utility Commission (Commission) on November 4, 1999, adopted a proposed rulemaking order to promulgate proposed regulations to implement and codify section 2206(b) of the Natural Gas Choice and Competition Act, 66 Pa.C.S. § 2206(b) (act) which requires the establishment of procedures to ensure that natural gas suppliers do not change a customer's gas supplier without direct oral confirmation from the customer of record or written evidence of the customer's consent to a change of supplier. The contact persons are Terrence J. Buda, Law Bureau (717) 787-5755 and Daniel Mumford, Bureau of Consumer Services (717) 783-1957.

### Executive Summary

On June 22, 1999, Governor Tom Ridge signed the act into law. The act revised 66 Pa.C.S. (relating to public utility code) (code), by inter alia, adding Chapter 22 (relating to Natural Gas Choice and Competition Act) to restructure the gas utility industry. The purpose of the act is to permit customers to buy natural gas supply service from their choice of gas suppliers.

Section 2206(b) of the act requires the "[t]he Commission shall, by order or regulation, establish procedures to ensure that a natural gas distribution company does not change a retail gas customer's natural gas supplier without direct oral confirmation from the customer of record or written evidence of the customer's consent to a change of supplier." The purpose of this proposed rulemaking is to implement and codify this provision of the act.

The instant order, based on review and consideration of all of the comments, presents a section-by-section summary of comments. The proposed section titles from the tentative order are used as headings. Any substantive changes to a section as a result of consideration of the comments are discussed immediately following the summary of comments for that section. The final interim guidelines, as revised under the discussion in the instant order, appear in Annex A of this order.

#### § 59.91. Definitions.

##### *Summary of Comments*

PG Energy recommends revision of the definition of "customer" to limit it to the scope of the instant guidelines. PG Energy suggests the definition be revised to read as follows:

Customer - A purchaser of natural gas in whose name a service account exists with either a natural gas distribution company or a natural gas supplier. In addition, the term shall include all persons identified in writing by the customer, pursuant to the procedures set forth in these guidelines, as authorized to act on a customer's behalf in changing the customer's natural gas supplier.

PG Energy also suggests that the term "customer" be used "solely and consistently throughout the guidelines."

##### *Discussion/Resolution*

We agree with PG Energy that the definition of "customer" is improved by wording that limits its applicability to the scope of this proceeding. We have, therefore, revised the definition of "customer" accordingly. However, we shall replace the word "guidelines" with "regulations" since these provisions are intended to become final regulations.

For residential customers who wish to designate a consenting individual to act on the customer's behalf for other matters relating to the customer's account, they may do so by utilizing applicable provisions of our Chapter 56 (relating to standards and billing practices for residential utility service), such as § 56.33(2) or § 56.131 (relating to third-party guarantor; and third-party notification). Since the guidelines contain this clear definition of the term "customer," we have also adopted PG Energy's other recommendation to consistently use the term "customer" in place of terms such as "customer of record," "customer or a person authorized to act on the customer's behalf" and "customer or authorized party."

#### § 59.92. Customer contacts with the natural gas. Distribution Company (NGDC).

##### *Summary of Comments*

T. W. Phillips suggested that in addition to the customer contacting the NGDC, this section should also refer to a "person authorized to act for the customer." United agrees with the proposed language of this section because it allows suppliers to not only manage their supply forecasts by controlling the enrollment timing, but also helps insure that customers with bad credit history are not given the opportunity to game the system by enrolling in a NGS's program without the NGS's consent, or securing of an appropriate security deposit.

##### *Discussion/Resolution*

With respect to T. W. Phillips suggestion, we will not adopt it because, as noted previously, the definition of the term "customer" in the guidelines has been revised to clearly include "persons identified in writing by the

customer, under the procedures set forth in these proposed regulations, as authorized to act on a customer's behalf in changing the customer's natural gas supplier."

#### § 59.93. Customer contacts with NGS.

##### *Summary of Comments*

The NFR recommended that subsection (a) be modified to clearly place the responsibility on the customer's new NGS to notify the NGDC of the customer's request to switch suppliers. To accomplish this, the NFR suggested replacing "contacted NGS" with "customer's new NGS" in the fourth line under the heading "Customer Contacts with NGS."

The NFR, PNG and United expressed concerns with the requirement in subsection (a)(1) that the NGS notify the NGDC "by the end of the next business day following the customer contact." The NFR pointed out that this requirement conflicts with the customer's 3-day right of rescission found in the tentative interim customer information order [Docket No. M-00991249F000] entered by the Commission on August 27, 1999. The NFR suggested that the communication to the NGDC should be required no later than the end of the fourth day following the request. In NFR's opinion, this change will allow an NGS to wait for the rescission period to end, thereby avoiding the need to retract switch requests if a customer exercises the right of rescission. The PNG also expressed concerns that confusion could result from sending out confirmation letters before the customer's 3-day rescission right expires, along with the additional administrative burden this will place on NGDCs if the rescission right is exercised. United suggested that a customer request should not be forwarded to the NGDC until all statutory "cooling off periods" have expired; the NGS has completed the customer's credit review; and that any verification procedure a NGS might use has been completed.

The PNG suggests that NGSs should have the option of batching supplier requests and transmitting them to the NGDC on a monthly basis before the beginning of the next available billing cycle. The PNG claimed that this is a process that they have used in their Energy Choice Program since 1997 and that batching requests is easier for both NGSs and NGDCs "without jeopardizing the timeliness of the customer's start date."

##### *Discussion/Resolution*

We agree with the NFR recommendation that subsection (a) be modified to clearly place the responsibility on the customer's new NGS to notify the NGDC of the customer's request to switch suppliers. With respect to the parties' concerns with the requirement in subsection (a)(1) that the NGS notify the NGDC "by the end of the next business day following the customer contact," we have altered the language in this guideline to recognize that NGSs may choose to apply the Chapter 56 credit provisions. Instead of requiring notification by the end of the next business day "following the customer contact," we will require notification by the end of the next business day "following completion of the application process." This new wording will allow NGSs to implement appropriate credit practices. Customers who contact an NGS that has chosen to apply the Chapter 56 credit provisions as part of the application process will not be disadvantaged since one of the requirements of these provisions is that applicants receive a full explanation of the credit and deposit procedures. See § 56.36(2). If a customer does not want to continue discussion with an NGS upon being informed by the NGS that its application process includes a credit check and possible request for a

deposit, then the customer can shop elsewhere. We believe this revision in subsection (a)(1) more accurately conveys the intent of this guideline; that is, that the NGS inform the NGDC in a timely manner once the NGS and customer reach an agreement. We have rejected PNG's suggestion that NGSs should have the option of batching supplier requests and transmitting them to the NGDC on a monthly basis before the beginning of the next available billing cycle. We have rejected this suggestion because we believe it will unnecessarily delay some customer requests and, therefore, fail to reflect our desire to see that customer requests to change suppliers are processed without unnecessary delays. For the same reason, we have rejected the suggestion to allow NGSs to wait for the 3-day rescission period to end before informing the NGDC of the customer's request to switch. While we recognize that some rescissions will occur during this 3-day period and thus cause additional administrative activity, we do not want the overwhelming majority of customer requests to be delayed for this reason. With the revision noted above, we believe the guideline strikes the proper balance between the establishment of an appropriate application period, and our desire to see that customer requests to change suppliers are processed without unnecessary delays.

#### § 59.94. Time frame requirement.

##### *Summary of Comments*

Columbia was concerned that by requiring NGDCs to make the change of suppliers effective at the beginning of the first feasible billing period following the 10-day waiting period, NGDCs will be placed in the position of "facilitating the breach of existing contracts that customers may have had with other NGSs," and will place NGDCs in the inappropriate position of "investigating and determining which NGS is the proper entity to provide service to the customer." Columbia recommends continuation of their current practice of rejecting an enrollment if an NGS submits a request to enroll a customer that is currently being served by another NGS. In such instances, Columbia's information system rejects the enrollment and sends a notice to the NGS. The NGS must then contact and inform the customer that their contract with their current NGS must first be terminated before service with the new NGS can be initiated.

United suggests that the term "switch" be changed to "enroll" to conform with utility operational rules already in place.

##### *Discussion/Resolution*

With respect to Columbia's concerns, we disagree with their analysis. Our experience to date with electric competition indicates that suppliers do not share with the distribution companies all of the terms of their contracts with customers. These terms, as well as any claims that one party has breached these terms, are clearly a matter between the customer and supplier. Suppliers may certainly pursue any complaints they may have regarding breach of contract, but that would be directed at the other party to the contract, not the NGDC who properly responds to an authorized customer request to change suppliers. We want the decision to change suppliers to remain with the customer, not the NGDC. In our view, the NGDCs would more likely become a party involved in disputes about switches if we modify the proposed method of NGDC processing of customer requests to change suppliers, and adopt in its place the "gatekeeper-type" model suggested by Columbia. Therefore, we have not modified the language in this guideline as recommended by Columbia.

Regarding United's suggestion to use the term "enroll" instead of "switch," we decline to do so since we believe the term "switch" more accurately reflects that the focus of the instant guidelines is on "change" of natural gas suppliers, not initial enrollment.

#### § 59.95. Persons authorized to act on behalf of a customer.

##### *Summary of Comments*

In addition to a signed authorization document, T. W. Phillips suggested that this guideline be modified to allow NGDCs to establish an electronic confirmation procedure for identification by the customer of third parties authorized to act on the customer's behalf.

Columbia is concerned that allowing third parties to change NGSs could increase slamming, and maintaining a record of authorized third parties would pose an increased administrative burden on NGDCs. This is especially a problem if the customer authorizes many different people to switch NGSs since the proposed guideline places no limit on the number of people a customer can authorize. Columbia suggests that this provision be eliminated from the guidelines, or at a minimum, customers should be limited to one authorized agent.

United "does not believe that the proposed guideline is either feasible or even-handed" and notes that "the current practice is not for the NGDC to insure that their communications are with the customer of record, but to assume that a householder or spouse who suggests that they have the ostensible authority to bind the account holder is sufficient."

PG Energy believed that the proposed guideline is "overly broad and should be revised to appropriately identify the narrow scope of authority vested in the third party by the customer."

##### *Discussion/Resolution*

In regard to T. W. Phillips suggestion that this guideline be modified to allow an electronic confirmation procedure established by the NGDC for identification by the customer of a third party to act on the customer's behalf, we are reluctant to allow use of an electronic confirmation procedure without additional information. Therefore, we have not revised the guideline to allow electronic designation of third parties to act for a customer. However, we would be receptive to NGDC pilot programs for electronic designation of third parties to act for a customer. These pilots would help all parties identify and address any legal or technical issues that may be involved with electronic communications of this nature.

Regarding Columbia's comments, we disagree that this guideline would increase slamming, or pose an undue increased administrative burden on NGDCs. As noted previously in the instant order, Chapter 56 allows customers to designate third-party guarantors, as well as designate third parties to receive termination notices. These customer options have been in effect since 1978 without any indication from NGDCs that they pose an unreasonable administrative hardship. Nor is there any indication that this guideline has posed undue increased administrative burden on electric distribution companies in electric competition. Moreover, while Columbia asserts this practice may increase the incidences of slamming, we view it as an added protection against unauthorized switches since NGSs know in advance that they must deal only with persons authorized to make decisions on

an account. For these reasons, we have not modified this guideline as recommended by Columbia.

We disagree with United that the proposed guideline is neither feasible nor even-handed. Our view is that it reflects a practice to ensure compliance with section 2206(b) of the act which states that “The Commission shall, by order or regulation, establish procedures to ensure that a natural gas distribution company does not change a retail gas customer’s natural gas supplier without direct oral confirmation from the customer of record or written evidence of the customer’s consent to a change of supplier.” [emphasis added]. The instant guideline allows NGDCs to verify that a person other than the customer of record has the customer’s permission to act on behalf of the customer.

#### § 59.98. Valid written authorization.

##### *Summary of Comments*

Both the OCA and NFR address the use of contracts in their comments. The OCA suggested the following:

“in certain types of sales circumstances, particularly door to door solicitations or offerings at public gatherings, the Commission should require that the customer sign the actual Terms of Service document itself and not an alternative document accompanying the Terms of Service document. In these types of sales situations, the opportunity for hard sell is obvious and it is possible that the written document will be presented to the customer as a mere formality or possibly even be misrepresented.”

The NFR requested “clarification as to whether or not a signed contract will be acceptable as authorization to switch.” The NFR also suggested that the guidelines should let NGSs use their own discretion as to how verbal or electronic switch requests be validated.

T. W. Phillips suggested that the guidelines should be revised to allow NGDCs “to utilize an electronic confirmation procedure to verify a customer’s consent to a change of natural gas supplier.”

##### *Discussion/Resolution*

Regarding the OCA’s suggestion that in certain types of sales circumstances, particularly door-to-door solicitations or offerings at public gatherings, the Commission should require that the customer sign the actual Terms of Service document itself, we disagree with this approach. We believe the best way to ensure that the purpose of a written authorization is clearly understood by a customer is to keep it limited to the sole purpose of obtaining the customer’s consent to change supplier. A “hard sell” sales approach may actually be easier to close if the customer is asked to sign a form filled with extensive information since the customer may not take the opportunity to read the whole document before signing. A document whose sole purpose is to obtain the customer’s consent to change suppliers is more likely to be read and understood in such circumstances.

With respect to NFR’s request for clarification as to whether or not a signed contract will be acceptable as a valid written authorization to switch, it does not since it has purposes other than obtaining the customer’s consent. For NGSs that intend to implement practices which rely on written rather than oral customer authorization, we advise that they develop a separate written authorization form whose sole purpose is to obtain the customer’s consent to change suppliers.

In regard to T. W. Phillips suggestion that the guidelines should be revised to allow NGDCs to utilize an

electronic authorization procedure, we are reluctant to include in the instant guidelines use of an electronic authorization procedure. Our reluctance is based, in part, on the difficulties parties have encountered setting up electronic communications between electric distribution companies and suppliers. Therefore, we have not revised the guideline to allow electronic authorizations. However, as previously stated in regard to T. W. Phillips’ other suggestion to establish an electronic confirmation procedure for identification of third parties, we would be receptive to NGDC pilot programs for electronic authorizations to help all parties identify and address any legal or technical issues that may be involved with electronic communications of this nature.

#### § 59.97. Customer dispute procedures.

##### *Summary of Comments*

The proposed guidelines under this section require that when a customer contacts a NGDC with a slamming allegation, the NGDC must “consider the matter a customer registered dispute.” The PGA objected to this requirement for numerous reasons. First, the PGA pointed out it would require the NGDCs to investigate and address slamming allegations in accordance with the Chapter 56 dispute provisions, which the PGA characterized as “costly and detailed standards.” Moreover, the PGA noted that the proposed guideline conflicts with the Chapter 56 definition of “dispute” and “initial inquiry,” since the guidelines require that customer contacts alleging unauthorized switching must automatically be considered a customer registered dispute. The PGA also argued that, if adopted, the NGDCs “stand to have a significant number of registered disputes entered on their records, and to incur significant investigation costs, even where the NGDC does little more than change the name of the supplier on the customer’s bill.” Further, the PGA rejected the argument that this provision is necessary, in part, to prevent an NGDC from favoring an affiliate NGS by discriminating in their application of dispute procedures. The PGA asserted that existing and pending standards of conduct proceedings and the code’s prohibitions against undue discrimination are sufficient to address these concerns. The PGA also rejected the imposition of dispute requirements in the name of maintaining a “competitive balance between electric and gas service.” The PGA urged the Commission to lift these requirements from the electric industry, instead of placing them on both industries. For all these reasons, the PGA recommended the guidelines be revised to allow the NGDC, once it has ascertained that it has fulfilled its responsibilities under the guidelines, to refer the customer to the NGS and not have to classify the contact as a dispute.

The NFR suggested that the procedures under subsection (b) of the proposed guidelines be made discretionary and applicable only in cases of repeated intentional slamming. The NFR believed that as proposed, this section could “unjustly penalize” an NGS for an unintentional error. In addition, since the customer receives written notice of an NGS switch and is provided an opportunity to cancel the switch, the customer should not “be relieved of paying for gas it received after a switch.”

##### *Discussion/Resolution*

After careful consideration of the comments regarding these procedures, we are not convinced that it is in the public interest to alter the requirements in this guideline. Consumers who contact either the NGDC or the NGS and allege slamming will have their grievance addressed by application of procedures which fully reflect the Commis-

sion's firm intolerance for this practice. The Chapter 56 dispute provisions have been applied by NGDCs for 20 years and, therefore, can be applied by NGDC customer service representatives with limited additional training. Certainly, one clarification that customer service representatives will need to be informed of is the standard that all slamming complaints are to be considered disputes on the initial call from the customer. We believe this is reasonable and necessary to both ensure satisfactory resolution of the customer's claim, and to ensure that complaints against affiliated suppliers are not handled differently than disputes against nonaffiliated suppliers.

In regard to PGA's concern that NGDCs stand to have a significant number of registered disputes entered on their records and incur significant investigation costs, parties must recognize that we are attempting to establish a process that reflects our often stated "zero tolerance" to slamming incidences. Simply put, we do not intend to tolerate numerous slamming complaints. If PGA's concern is realized and a "significant number" of customers need to complain to the NGDC about unauthorized switches, the Commission will take immediate enforcement action. This action often requires Commission staff review of appropriate company records. Any increased costs associated with the investigation of slamming complaints or the retention of appropriate records, must be balanced against the benefit to be derived for consumers. We find that any increased costs are offset by the fact that this guideline enhances the Commission's ability to find and stop inappropriate practices relating to changing suppliers.

We also disagree with the PGA's contention that it is not important to maintain a "competitive balance between electric and gas service." Some suppliers will offer both gas and electric supply to customers. It would be counterproductive to our goal of developing competitive gas and electric markets to impose substantively different rules for essentially the same activity.

Finally, in regard to the NFR's suggestion that the procedures under subsection (b) of the proposed guidelines be made discretionary and applicable only in cases of repeated intentional slamming, we have not altered this procedure as recommended since we believe the customer is entitled to relief so long as the customer's claim is filed in a timely manner, regardless of whether the customer was adversely affected intentionally or unintentionally.

#### **§ 59.98. Provider of last resort.**

No parties commented on this section of the guidelines. Therefore, we have retained them as proposed.

#### **§ 59.99. Record maintenance.**

No parties commented on this section of the guidelines. Therefore, we have retained them as proposed.

### **Information Needed to Process a Selection Request**

#### *Summary of Comments*

In the preamble to the tentative order, the Commission invited parties to comment on "what information a natural gas distribution company needs from a natural gas supplier to accurately process a supplier selection request."

The PGA suggested that NGSs should be required to provide some form of customer identification, and that guideline (a)(1) should be revised by adding a requirement that an NGS "provide such customer identification

data as required by the natural gas distribution company or established by Commission order."

The OCA, NFR and T. W. Phillips agreed that an NGS should have to submit a name, address and account number. The OCA stated that this "will aid in preventing the situation where a customer is inadvertently switched due to an incorrect account number, or a transposition of an account number," and will also require a procedure for NGSs and NGDCs to address information that does not match. The NFR also suggested that mailing address and date of customer switch request should be added to the list of required information.

Columbia suggested that in addition to the account number, "enrollment type and rate code" are the only other pieces of information that "allows it to properly match the NGS's record to Columbia's." Peoples claims that they do not need any information other than the account number to process a request.

#### *Discussion/Resolution*

The comments have helped clarify that, to aid in preventing unauthorized supplier selections caused by inadvertent errors, the "information match" by the NGDC is more important than the specific information required by each NGDC. Our current view is that specific customer identification data requirements will evolve on the basis of review of each natural gas distribution company's restructuring filing, or established with uniform requirements by Commission order. To help reduce the number of errors, however, we have revised guideline (a)(1) under the Customer Contacts with Natural Gas Suppliers section to require that NGDCs verify the accuracy of the information provided by the NGS by matching at least two data elements with their records. If, for example, an NGDC matches account number and customer name, it is more likely to identify errors than if the NGDC matches just one of these data elements with their records.

### **Third-Party Verification**

#### *Summary of Comments*

Vice Chairman Bloom attached a statement to the tentative order inviting parties to comment on the use of a third party to verify NGS selection requests.

The PGA and Peoples objected to any third-party verification system which NGDCs would be required to financially support.

Columbia and T. W. Phillips suggested that third-party verification is unnecessary. T. W. Phillips "sees no need for the Commission to establish an independent third-party verification procedure" as long as customers receive a 10-day confirmation letter.

The OCA believed that "independent third-party verification is an important protection and a good business practice to be implemented particularly by those suppliers receiving oral authorizations to switch" and it "would provide an additional layer of protection for both customers and suppliers." The OCA also "submits that the Commission's clear policy of zero tolerance may prove to be the most effective deterrent to slamming." If third-party verification is used, the OCA suggests that the third-party verifier should be completely independent of the NGS, operate from facilities that are physically separate from the NGS, and should receive no compensation or commission of any kind based upon the number of confirmed sales. The cost of the third-party verification procedure should be incurred by the NGS that utilizes the procedure. The OCA also noted that the "form and content of oral confirmation is not made clear, nor is the

necessity for verification or for record keeping.” The OCA went on to note the importance of record maintenance by the NGS in case the switch later becomes the subject of a dispute.

#### *Discussion/Resolution*

We greatly appreciate the comments of parties regarding third-party verification. Upon consideration of the comments, we have not revised the guidelines to include a third-party verification method. Essentially, we agree with the OCA’s opinion that the proposed guidelines strike the proper balance between the need to assure that a customer’s supplier is not changed without their consent, and the desire of all parties to create a market “that does not unduly hinder the move to competitive natural gas supply.”

#### *Conclusion*

As we indicated in the tentative order (page 4), “given the ambitious implementation of customer choice, which is to begin November 1, 1999, sufficient time does not exist to complete a rulemaking proceeding and have final regulations.” Therefore, we shall finalize these interim guidelines which must receive mandatory compliance. At the same time, we shall initiate the rulemaking proceeding to establish final-form regulations.

Accordingly, this proposal is promulgated under sections 501 and 1501 of the 66 Pa.C.S.; sections 201 and 202 of the act of July 31, 1968 (P. L. 769 No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204 (b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated thereunder in 4 Pa. Code §§ 7.251—7.725; *Therefore,*

#### *It Is Ordered That:*

(1) The proposed rulemaking at Docket No. L-00990145 is hereby granted to consider the regulations set forth in Annex A.

(2) The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor’s Budget Office for review of fiscal impact.

(3) The Secretary shall submit this order and Annex A for review and comment to the Independent Regulatory Review Commission and the Legislative Standing Committees.

(4) The Secretary shall certify this order and Annex A, and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*. An original and 15 copies of any comments referencing the docket number of the proposed regulations be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. The Secretary shall specify publication of the order in accordance with 45 Pa.C.S. § 727.

(5) The proposed regulations in Annex A are hereby adopted as Final Interim Guidelines at Docket No. M-00991249F0006 to provide mandatory guidance until a time as final regulations are approved at Docket No. L-00990145.

(6) A copy of this order and any accompanying statements of the Commissioners be served upon all jurisdictional natural gas distribution companies, the OCA, the Office of Small Business Advocate, the Natural Gas

Competition Legislative Stakeholders, the Pennsylvania Natural Gas Association and all parties to this proceeding.

(7) A copy of this order shall be posted on the Commission’s web site and shall be made available, upon request, to all interested parties.

*By the Commission*

JAMES J. MCNULTY,  
*Secretary*

**Fiscal Note:** 57-211. No fiscal impact; (8) recommends adoption.

### **Annex A**

## **TITLE 52. PUBLIC UTILITIES**

### **PART I. PUBLIC UTILITY COMMISSION**

#### **Subpart C. FIXED SERVICE UTILITIES**

#### **CHAPTER 59. GAS SERVICE STANDARDS FOR CHANGING A CUSTOMER’S NATURAL GAS SUPPLIER**

Sec.	
59.91.	Definitions.
59.92.	Customer contacts with the NGDC.
59.93.	Customer contacts with the NGS.
59.94.	Time frame requirement.
59.95.	Persons authorized to act on behalf of a customer.
59.96.	Valid written authorization.
59.97.	Customer dispute procedures.
59.98.	Provider of last resort.
59.99.	Records maintenance.

#### **§ 59.91. Definitions.**

The following words and terms, when used in this section and §§ 59.92—59.99, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The National Gas Choice and Competition Act, 66 Pa.C.S. Chapter 22.

*Customer*—A purchaser of natural gas in whose name a service account exists with either a NGDC or a NGS. The term includes all persons identified in writing by the customer, under §§ 59.92—59.99, as authorized to act on a customer’s behalf in changing the customer’s natural gas supplier.

*NGDC*—*Natural gas distribution company*—A natural gas distribution company as defined in section 2202 of the act (relating to definitions).

*NGS*—*Natural gas supplier*—A supplier as defined in section 2202 of the act.

#### **§ 59.92. Customer contacts with the NGDC.**

When a customer orally contacts the NGDC to request a change of natural gas suppliers, the NGDC company shall notify the customer that the selected natural gas supplier be contacted directly to initiate the change.

#### **§ 59.93. Customer contacts with the NGS.**

(a) When a contact occurs between a customer and an NGS to request a change of the NGS, upon receiving direct oral confirmation or written authorization from the customer to change the NGS, the customer’s new NGS shall:

(1) Notify the NGDC of the customer’s NGS selection by the end of the next business day following completion of the application process. The NGDC shall verify the accuracy of the information provided by the NGS by matching at least two data elements with their records.

(2) Upon receipt of this notification, the NGDC shall send the customer a confirmation letter noting the pro-

posed change of the NGS. This letter shall include notice of a 10-day waiting period in which the order may be canceled before the change of the NGS takes place. The notice shall include the date service with the new NGS will begin unless the customer contacts the NGDC to cancel the change. The 10-day waiting period shall begin on the day the letter is mailed. The letter shall be mailed by the end of the next business day following the receipt of the notification of the customer's selection of an NGS.

**§ 59.94. Time frame requirement.**

When a customer has provided the NGS with oral confirmation or written authorization to change NGSs, consistent with the Commission's data transfer and exchange standards, the NGDC shall make the change at the beginning of the first feasible billing period following the 10-day waiting period, as prescribed in § 59.93 (relating to customer contacts with the NGS).

**§ 59.95. Persons authorized to act on behalf of a customer.**

Any customer may identify persons authorized to make changes to the customer's account. To accomplish this, the customer shall provide the NGDC with a signed document identifying by name those persons who have the authority to initiate a change of the customer's NGS.

**§ 59.96. Valid written authorization.**

A document signed by the customer whose sole purpose is to obtain the customer's consent to change NGSs shall be accepted as valid and result in the initiation of the customer's request. Documents not considered as valid include canceled checks, signed entries into contests and documents used to claim prizes won in contests.

**§ 59.97. Customer dispute procedures.**

(a) When a customer contacts an NGDC or an NGS and alleges that the customer's NGS has been changed without consent, the company contacted shall:

- (1) Consider the matter a customer registered dispute.
- (2) Investigate and respond to the dispute consistent with the requirements in §§ 56.151 and 56.152 (relating to utility company dispute procedures).

(b) When the customer's dispute has been filed within the first two billing periods since the customer should reasonably have known of a change of NGSs and the dispute investigation establishes that the change occurred without the customer's consent, the customer is not

responsible for any NGS charges rendered during that period. If the customer has made payments during this period, the company responsible for initiating the change of supplier shall issue a complete refund within 30 days of the close of the dispute. The refund or credit provision applies only to the natural gas supply charges.

(c) A customer who has had an NGS changed without having consented to that change shall be switched back to the original NGS for no additional fee. Charges involved in the switch back to the prior NGS shall be the responsibility of the company that initiated the change without the customer's consent.

(d) When a customer files an informal complaint with the Commission alleging that the customer's NGS was changed without the customer's consent, the Bureau of Consumer Services will issue an informal decision that includes a determination of customer liability for NGS bills or administrative charges that might otherwise apply, rendered since the change of the NGS.

(e) In addition to customer-specific remedies, the Commission may, after investigation and decision, assess fines under 66 Pa.C.S. Chapter 33 (relating to violations and penalties) and initiate proceedings to revoke the license of an NGS that demonstrates a pattern of violating §§ 59.91—59.96, this section and §§ 59.98 and 59.99. The Commission may order a particular NGS that has a pattern of violating §§ 59.91—59.96, this section and §§ 59.98 and 59.99 to obtain written authorization from every new customer as a condition of providing service in this Commonwealth. This section is not intended to limit the Commission's authority.

**§ 59.98. Provider of last resort.**

Sections 59.91—59.97, this section and § 59.99 do not apply in instances when the customer's service is discontinued by the NGS and subsequently provided by the provider of last resort because no other NGS is willing to provide service to the customer.

**§ 59.99. Record maintenance.**

Each NGDC and each NGS shall preserve all records relating to unauthorized change of NGS disputes for 3 years from the date the customers filed the dispute. These records shall be made available to the Commission or its staff upon request.

[Pa.B. Doc. No. 00-12. Filed for public inspection December 30, 1999, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

#### Reorganization of the Department of Transportation

The Executive Board approved a reorganization of the Department of Transportation effective December 14, 1999.

The organization chart at 29 Pa.B. 45 (January 1, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 00-13. Filed for public inspection December 30, 1999, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

#### Reorganization of the State Employees' Retirement System

The Executive Board approved a reorganization of the State Employees' Retirement System effective December 14, 1999.

The organization chart at 29 Pa.B. 47 (January 1, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 00-15. Filed for public inspection December 30, 1999, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

#### Reorganization of the Public School Employees' Retirement System

The Executive Board approved a reorganization of the Public School Employees' Retirement System effective December 14, 1999.

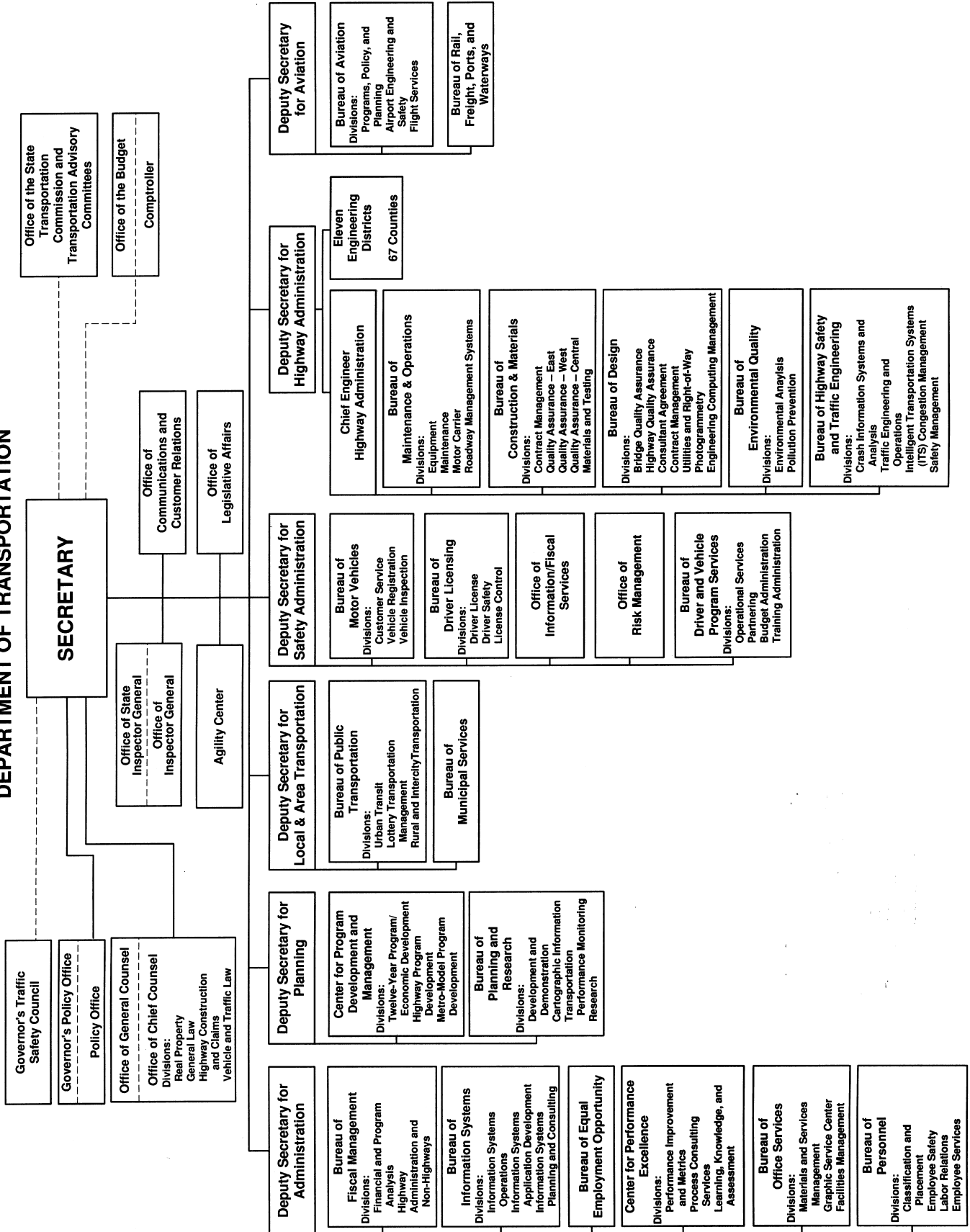
The organization chart at 29 Pa.B. 46 (January 1, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

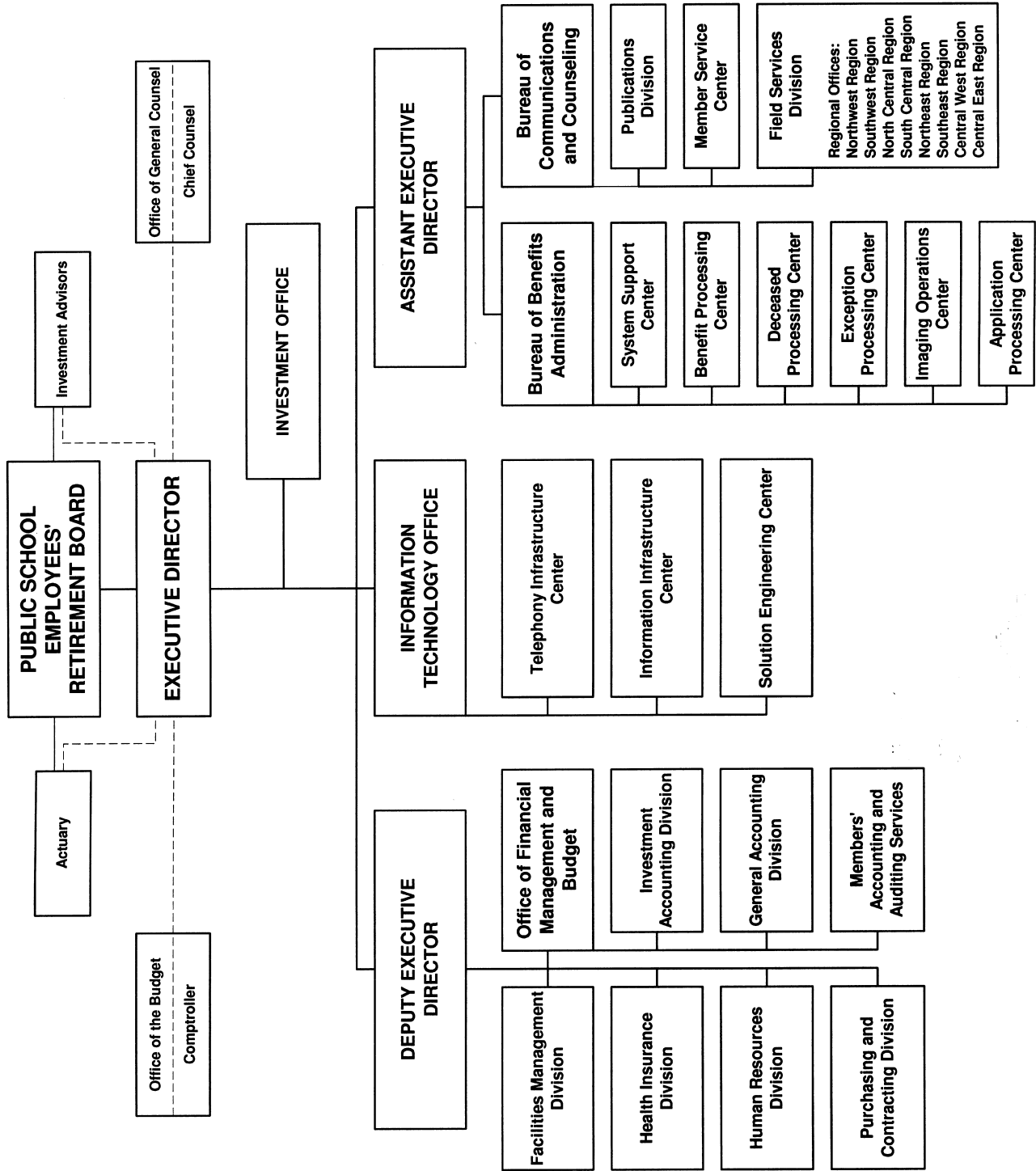
[Pa.B. Doc. No. 00-14. Filed for public inspection December 30, 1999, 9:00 a.m.]



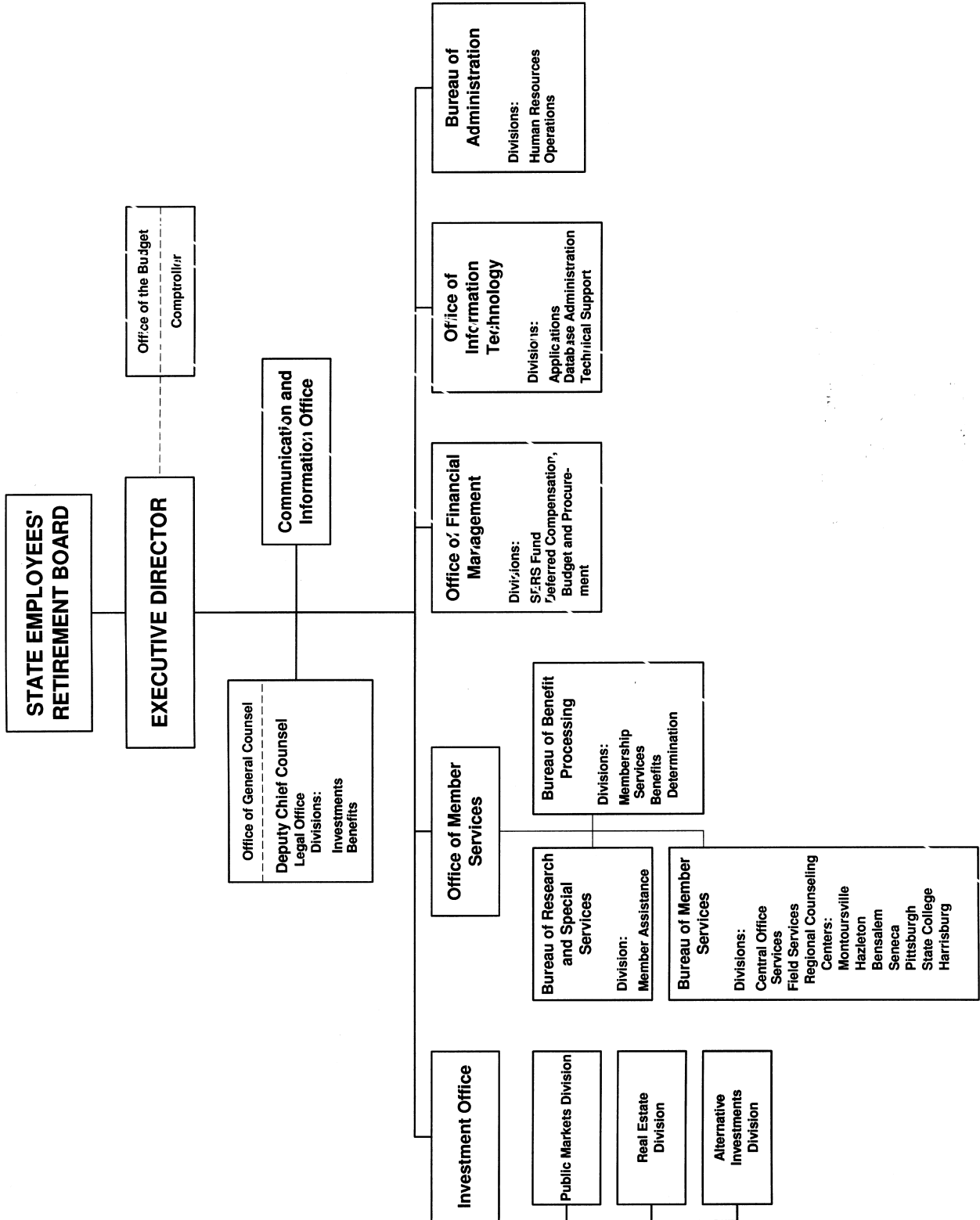
DEPARTMENT OF TRANSPORTATION



**PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM**



STATE EMPLOYEES' RETIREMENT SYSTEM



# NOTICES

## COMMISSION ON SENTENCING

### Commission Meeting Schedule for 2000

The Commission on Sentencing is giving notice that the following dates have been established for upcoming meetings in the year 2000:

February 1, 2 (Tuesday, Wednesday)—Harrisburg, PA

May 2, 3 (Tuesday, Wednesday)—Harrisburg, PA

August 8, 9 (Tuesday, Wednesday)—Pittsburgh, PA

December 5, 6 (Tuesday, Wednesday)—Philadelphia, PA

Tuesday evening dinner/work sessions are scheduled from 6 p.m. to 9 p.m. with the work session beginning at 7:30 p.m. All regular quarterly Commission meetings are scheduled to begin at 9 a.m. on Wednesday mornings. The February and May Commission meetings will be held at the Harrisburg Hilton and Towers, One North Second Street, Harrisburg, PA. The August meeting will be held at the Westin William Penn Hotel, 530 William Penn Place, Pittsburgh, PA. The location of the December meeting in Philadelphia will be announced at a later date.

If there are any questions concerning upcoming meetings, please contact Mark H. Bergstrom, Executive Director at (814) 863-2797.

FRANK DERMODY,  
*Chair*

[Pa.B. Doc. No. 00-16. Filed for public inspection December 30, 1999, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commercial Orchard and Fruit Tree Nursery Indemnity Program

The Department of Agriculture (Department) hereby gives notice of the statutory procedures and requirements under which it will award grants under the Commercial Orchard and Fruit Tree Nursery Indemnity Program (Program). In summary, the Program is intended to provide commercial orchard owners and commercial fruit tree nursery owners financial relief from some of the costs associated with the outbreak of Plum Pox Virus (PPV) in this Commonwealth. This notice restates statutory authority and provides background information.

#### *Authority*

The Drought, Orchard and Nursery Indemnity and Flood Relief Act (P. L. \_\_\_, No. 57) (act) took effect on December 13, 1999. The act establishes the Program, describes the circumstances under which grants are to be awarded and appropriates \$2 million to fund these grants.

#### *Background*

PPV—a plant pest indigenous to Europe—is a serious plant pest that injures and damages stone fruits such as

peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable. PPV has been detected on stone fruit trees located in Latimore and Huntington Townships, in Adams County. PPV has the potential to cause serious damage to the stone fruit production and stone fruit nursery industries within this Commonwealth. PPV is transmitted from infected trees by aphids and by budding or grafting with PPV-infected plant material.

The Department has used its authority under the Plant Pest Act (3 P. S. §§ 258.1—258.27) to establish a quarantine with respect to the townships where PPV has been detected. The quarantine order was published at 29 Pa.B. 5735 (November 6, 1999), and may be revised in the future as the Department's effort to contain and eradicate this plant pest moves forward. The quarantine order prohibits the movement of stone fruit trees and stone fruit budwood within the quarantined area, and prohibits the movement of stone fruit trees and stone fruit budwood out of the quarantined area.

There is no known control for PPV other than the destruction of infected trees and the aphids that can carry the disease. The Program is intended to provide some financial relief to owners of commercial orchards and owners of commercial fruit tree nurseries who incur costs related to controlling this plant pest.

#### *Eligibility*

A person who owns a commercial orchard or a commercial fruit tree nursery is eligible to apply for a grant under the Program.

#### *Applications*

A person who wishes to apply for a grant under the Program may download an application form from the Department's website: [www.pda.state.pa.us](http://www.pda.state.pa.us). The Department will also provide grant application forms upon request telephoned to the Department's Bureau of Plant Industry, at (717) 772-5203, or upon written request to the following address: Pennsylvania Department of Agriculture, ATTN: Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

An application for a grant under the Program will require the following information of an applicant:

1. The name and address of the applicant.
2. Verification that the applicant is the owner of a commercial orchard or a commercial fruit tree nursery.
3. A description of the location of the orchard or nursery.
4. A detailed description of the actions taken by the applicant with respect to PPV containment and eradication. These actions are limited to the following actions, when conducted with the prior written consent of the Department or the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine (USDA-APHIS-PPQ):
  - i. Removal and destruction of trees and nursery stock.
  - ii. Herbicide applications.
  - iii. Vector control measures.
  - iv. Other activities necessary to eradicate PPV.

5. A detailed statement of the costs incurred in performing the PPV containment and eradication measures described in the application, including any bills received by the applicant with respect to the PPV containment and eradication measures.

6. If some portion of the grant amount sought is reimbursement for the destruction of commercial orchard trees or commercial nursery stock, a statement of the number of acres of trees and/or nursery stock destroyed.

7. A request for a specific grant amount.

8. A signature acknowledging that representations made in the application are true, and further acknowledging that the criminal punishments and penalties of 18 Pa.C.S.A. § 4904 (relating to unsworn falsification to authorities) apply to any false statement made in the application.

An applicant shall submit a complete application form to the Department at the mailing address set forth earlier in this section.

#### *Review of Applications*

The Department will review and approve or disapprove any complete, timely grant application within 30 days of receipt. The Department will stamp or otherwise identify each grant application to record the date and the order in which these applications are received. The Department will consider reimbursement grant applications in the order they are received. The Department will approve a grant application if all of the following criteria are met:

1. The application meets the requirements of the act.
2. The PPV containment and eradication efforts for which a reimbursement grant is sought were undertaken in an area that was either subject to a PPV quarantine issued by the Department under the Plant Pest Act or made subject to such a quarantine order after the containment and eradication efforts were undertaken.
3. There are sufficient unencumbered funds available from the \$2 million appropriation contained in the act to fund the grant amount sought in the reimbursement grant application.

#### *Limitation on Grants*

Where the grant application seeks reimbursement for destruction of commercial orchard trees or commercial nursery stock, the grant amount with respect to that portion of the grant application shall not exceed \$1,000 per acre.

#### *Notice of Decision*

The Department will, within 10 days of completing its review, mail a reimbursement grant applicant written notice as to whether the reimbursement grant application is approved. If the application is not approved, the written notice will specify the basis for disapproval.

#### *Expiration of Appropriation*

Any portion of the \$2 million allocation funding the Program that is not used by June 30, 2001, shall lapse into the General Fund. If a grant application is not approved by the Department by that date, it shall be disapproved on the basis that funding has lapsed.

#### *No Right or Entitlement to Funds*

The appropriation of funds under the act does not create in any person a right or entitlement to a grant from these funds. Departmental approval of a grant application is the event that establishes entitlement of the applicant to the grant funds sought, provided allocated funds are available in an amount adequate to fund the grant.

#### *Additional Information*

Further information may be obtained by contacting the Pennsylvania Department of Agriculture, Attn: Lyle B. Forer, Director, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408. (717) 772-5203.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-17. Filed for public inspection December 30, 1999, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 21, 1999.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-30-99	Hudson United Bancorp, Union City, New Jersey, to acquire 100% of the voting shares of JeffBanks, Inc., Haverford, Pennsylvania, and so indirectly acquire Jefferson Bank, Haverford, Pennsylvania	Union City, NJ	Effective

*Note:* As of the effective date of this transaction, Jefferson Bank, Haverford, Pennsylvania, merged with and into Hudson United Bank, Union City, New Jersey.

## NOTICES

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-11-99	Main Street Bank Reading Berks County	65 North York Road Willow Grove Montgomery County	Opened
12-15-99	Smithfield State Bank Smithfield Fayette County	58 West Church Street Fairchance Fayette County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-13-99	Harris Savings Bank Harrisburg Dauphin County	<i>To:</i> 36 Robin Hood Drive Etters Newberry Township York County  <i>From:</i> 320 Newberry Commons Etters Newberry Township York County	Effective
12-20-99	Mercer County State Bank Sandy Lake Mercer County	<i>To:</i> 110-112 N. Franklin St. Cochranton Crawford County  <i>From:</i> 115 W. Adams Street Cochranton Crawford County	Approved

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-15-99	Philadelphia Telco Credit Union, Trevose, and Trident Credit Union, Philadelphia Surviving Institution— Philadelphia Telco Credit Union, Trevose	Trevose	Effective

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 00-18. Filed for public inspection December 30, 1999, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Annual State Application under Part B of the Individuals With Disabilities Education Act for Federal Fiscal Year 2000

Written Public Comment is invited regarding the Department of Education's proposed grant application to the United States Department of Education for funding under the Individuals With Disabilities Education Act-Part B for fiscal year 2000. The application describes the comprehensive framework of the delivery of special education in the Commonwealth.

The purpose is to receive comments on the Commonwealth's proposed application for Federal funds authorized by the Individuals With Disabilities Education Act under Part B. Comments regarding necessary changes are especially welcomed. The proposed grant application

provides modifications to the IDEA B State application that are necessary to ensure the State's compliance with Part B of the IDEA as amended June 4, 1997 or the final regulations implementing Part B issued on March 12, 1999 as deemed necessary by the state. These funds will be used to render services and programs to children with disabilities who are eligible for services under the Act.

Copies of the proposed grant application are available by calling (717) 783-6134 or the TDD at (717) 787-7367. Alternative formats of the document (such as Braille, large print, cassette tape) can be made available to members of the public upon request. Moreover, public comment is welcomed in alternative formats such as Braille or taped comments, and telephone comments from the disabled. Persons who are disabled and wish to submit comments by telephone, should contact Nancy Zeigler at (717) 783-6134 or TDD (717) 787-7367.

Written comments will be received until March 15, 2000. The written comments should be directed to: Judy Klebe, Special Education Advisor, Bureau of Special Edu-

cation, 333 Market Street, 7th Floor, Harrisburg, PA 17126.

Following receipt of all comments, the Department of Education will consider all public comments and make any necessary modifications to the proposed grant application before submission, by April 14, 2000, of the final grant application to the Secretary of the United States Department of Education.

Additionally, the Department of Education, Bureau of Special Education will hold public testimony for those willing to present oral testimony on the proposed grant application. One written copy of the oral testimony at the time of the presentation would be appreciated. Presentations should be limited to 15 minutes.

Dates, locations, and times for the oral testimony on the proposed grant application are as follows: February 10, 2000—2 p.m. to 6 p.m. Western Instructional Support Center, 5347 William Flynn Highway, Gibsonia, PA 15044; February 14, 2000—2 p.m. to 6 p.m. Eastern Instructional Support Center, 200 Anderson Road, King of Prussia, PA 19406; February 15, 2000—2 p.m. to 6 p.m. Central Instructional Support Center, 6340 Flank Drive, Suite 300, Harrisburg, PA 17112. To schedule an opportunity to present testimony, please call Nancy Zeigler no later than February 5, 2000 at (717) 783-6134 or TDD at (717) 787-7367. Persons with a disability who wish to attend the public testimony scheduled above, and require auxiliary aid service or other accommodation to participate in the proceedings should contact Nancy Zeigler at the telephone number listed.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-19. Filed for public inspection December 30, 1999, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Advisory Board/Committee Meeting Schedules for 2000

The following is a list of 2000 meetings of the advisory boards and committees associated with the Department of Environmental Protection (Department). Notice of these meetings is being given in accordance with the Sunshine Act.

These schedules and an agenda for each meeting will be available through the Public Participation Center on the Department's website at <http://www.dep.state.pa.us>

#### *Agricultural Advisory Board*

The Agricultural Advisory Board meetings for 2000 will be held at 10 a.m. in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA, on the following dates:

February 16, 2000  
April 19, 2000  
June 21, 2000  
August 23, 2000  
October 18, 2000  
December 20, 2000

*Contact:* Dean Auchenbach, Bureau of Water Quality Protection, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5668, or E-mail [Auchenbach.Dean@dep.state.pa.us](mailto:Auchenbach.Dean@dep.state.pa.us).

#### *Air Quality Technical Advisory Committee (AQTAC)*

The Air Quality Technical Advisory Committee (AQTAC) has scheduled meetings on the following dates at 9:30 a.m. at the Rachel Carson State Office Building, Fourth and Market Streets, Harrisburg. The dates, times and locations are subject to change and should be confirmed prior to the meeting.

January 13, 2000	2nd Floor Training Room
March 23, 2000	Room 105
May 23, 2000	Room 105
July 20, 2000	Room 105
September 21, 2000	Room 105
November 16, 2000	Room 105

*Contact:* Terry L. Black, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4310, (E-mail) [black.terry@dep.state.pa.us](mailto:black.terry@dep.state.pa.us)

#### *Biosolids Education Workgroup*

The Biosolids Education Workgroup announces its schedule of 2000 meetings. All meetings will be held beginning at 9:30 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building (unless otherwise noted) on the following dates:

January 20	
March 23	Holiday Inn Grantville
May 18	
July 13	
September 21	
November 16	

*Contact:* John Borland, Bureau of Water Quality Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 783-7423 or E-mail [Borland.John@dep.state.pa.us](mailto:Borland.John@dep.state.pa.us).

#### *Biosolids Technical Workgroup*

The Biosolids Technical Workgroup announces its schedule of 2000 meetings. All meetings will be held beginning at 9:30 a.m. for the following dates and locations:

January 13	Penn State Harrisburg; Science and Technology Building; Room 166
March 16	DEP Southcentral Regional Office; Susquehanna B
May 11	DEP Southcentral Regional Office; Susquehanna A
July 20	DEP Southcentral Regional Office; Susquehanna B
September 14	Penn State Harrisburg; Science and Technology Building; Room 166
November 9	DEP Southcentral Regional Office; Susquehanna A

*Contact:* Jay Africa, Bureau of Water Quality Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 783-2941 or E-mail [Africa.Jay@dep.state.pa.us](mailto:Africa.Jay@dep.state.pa.us).

#### *Pennsylvania Bituminous Mine Safety Advisory Committee*

The Pennsylvania Bituminous Mine Safety Advisory Committee meetings will be held at 10 a.m. in the Fayette County Health Center in Uniontown, on the following dates:

January 12  
April 12  
July 12  
October 11

*Contact:* Allison Gaida, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469 or E-mail Gaida.Allison@dep.state.pa.us.

*Chesapeake Bay Advisory Committee to the State Conservation Commission*

The Chesapeake Bay Advisory Committee to the State Conservation Commission meetings for 2000 will be held at 9 a.m. in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA, on the following dates:

March 2, 2000  
June 1, 2000  
September 7, 2000  
December 7, 2000

*Contact:* Dean Auchenbach, Bureau of Water Quality Protection, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5668, or E-mail Auchenbach.Dean@dep.state.pa.us.

*Citizens Advisory Council*

The Citizens Advisory Council meetings will be held in Room 105 of the Rachel Carson State Office Building. The meetings typically begin at 10:30 am unless otherwise noted.

January 10  
February 14  
March 20  
April 17  
May 15  
June 19  
July 17  
September 18  
October 16  
November 20

*Contact:* Stephanie Mioff, Citizens Advisory Council, P. O. Box 8459, Harrisburg, PA 17105-8459, (717) 787-4527 or E-mail Mioff.Stephanie@dep.state.pa.us.

*Cleanup Standards Scientific Advisory Board*

The Cleanup Standards Scientific Advisory Board (CSSAB) announces its schedule for the year 2000 meetings. Additional meetings may be scheduled to accommodate agenda items for the committee. All meetings are expected to begin at 9 a.m. and will be held in the 14th floor conference room of the Rachel Carson State Office Building in Harrisburg on the following dates:

February 3  
June 22  
September 28  
December 7

Questions concerning this schedule can be directed to Marilyn Wooding, Bureau of Land Recycling and Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471. You may be placed on a mailing list to receive agendas for upcoming meetings by calling Marilyn Wooding at (717) 783-7816. Questions concerning the agenda topics can be directed to Tom Fidler at the same address and number or through E-mail at Fidler.Tom@dep.state.pa.us

*Coastal Zone Advisory Committee Meeting*

In the year 2000, there will be one meeting of the Coastal Zone Advisory Committee on January 26, 2000, to review and approve state agency projects for the Coastal Zone Program and to provide participation in the review of coastal zone related programs in Pennsylvania. The

meeting will be held at 10 a.m. in the 10th floor conference room in the Rachel Carson State Office Building.

*Contact:* Robert S. Edwards, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555, at (717) 787-5259 or through E-mail at Edwards.Robert@dep.state.pa.us.

*Low-Level Waste Advisory Committee*

The Low-Level Waste Advisory Committee meeting will be held in the Rachel Carson State Office Building, Room 105, 400 Market Street, Harrisburg, PA 17101 starting at 9 a.m. Date, time and location are subject to change and should be confirmed prior to the meeting.

September 14, 2000

*Contact:* Rich Janati at (800) 232-2786 or E-mail at janati.rich@dep.state.pa.us.

*Mine Subsidence Insurance Board Meeting*

A regular meeting of the Mine Subsidence Insurance Board will take place on December 7, 2000, at 10 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building, Harrisburg, PA. The meeting is open to the public. Contact Lawrence Ruane, Mine Subsidence Insurance, P. O. Box 8462, Harrisburg, Pa. 17105-8462, (888) 357-2674, ruane.lawrence@dep.state.pa.us.

*Mining and Reclamation Advisory Board (MRAB)*

The MRAB announces its schedule of meetings for the year 2000. One quarterly meeting will be a combination of a field trip and full board meeting (2 days total). Three quarterly meetings will be held at 10 a.m. in the Rachel Carson State Office Building as listed:

January 6, 2000	Rachel Carson State Office Building Delaware Room, 16th Floor
April 27, 2000	Rachel Carson State Office Building Delaware Room, 16th Floor
July 6—7, 2000	Field Trip—Location to be Announced
October 26, 2000	Rachel Carson State Office Building Delaware Room, 16th Floor

*Contact:* Natalie Shepherd, Office of Mineral Resources Management, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-5338 or E-mail shepherd.natalie@dep.state.pa.us.

*Nonpoint Source Management Liaison Workgroup*

There will be a meeting of the Nonpoint Source Management Liaison Workgroup on October 26, 2000, to report and review initiatives described in the Commonwealth's Nonpoint Source Management Plan. The meeting will be held at 10 a.m. in Room 105 of the Rachel Carson State Office Building.

*Contact:* Fran Koch, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555, at (717) 787-5259 or through E-mail at Koch.Frances@dep.state.pa.us.

*Oil and Gas Technical Advisory Board*

The Oil and Gas Technical Advisory Board will meet on January 5th at 10 a.m. in Conference Room A at the Northwest Regional Office in Meadville.

*Contact:* James Erb, Director, Bureau of Oil and Gas Management, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 772-2199 or E-mail Erb.James@dep.state.pa.us

*PASEO/DEP Workgroup Meeting*

The PASEO/DEP Workgroup meetings will be held at 10 a.m. in the Terrace Room, Ramada Inn, 1450 S. Atherton Street, State College, PA, on the following dates:



April 25, 2000  
October 17, 2000

*Contact:* John McHale, Bureau of Water Quality Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-8184 or E-mail McHale.John@dep.state.pa.us.

*Radiation Protection Advisory Committee*

The Radiation Protection Advisory Committee meeting will be held in the Rachel Carson State Office Building, Room 105, 400 Market Street, Harrisburg, PA 17101 starting at 9 a.m. Date, time and location are subject to change and should be confirmed prior to the meeting.

March 30, 2000

*Contact:* William P. Kirk at (717) 783-9730 or E-mail at kirk.william@dep.state.pa.us.

*Recycling Fund Advisory Committee*

The Recycling Fund Advisory Committee meeting will be held in the First Floor Conference Room of the Rachel Carson State Office Building, on the following dates:

January 13, 2000 (1 p.m. to 3 p.m.)  
July 13, 2000 (10 a.m. to 3 p.m.)

*Contact:* Diana Welker, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA, 17105-8472, (717) 787-7382 or E-mail Welker.Diana@dep.state.pa.us.

*Sewage Advisory Committee*

The Sewage Advisory Committee (SAC) meetings will be held at 10:30 a.m. in Room 105 of the Rachel Carson State Office Building on the following dates:

March 15, 2000  
November 1, 2000

*Contact:* Jay Africa, Bureau of Water Quality Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 783-2941 or E-mail Africa.Jay@dep.state.pa.us.

*Small Business Assistance Compliance Advisory Committee*

The Small Business Assistance Program Compliance Advisory Committee will hold its quarterly meetings on the following dates at 10:30 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building, Fourth and Market Streets, Harrisburg. The dates, times and locations are subject to change and should be confirmed prior to the meeting.

January 26, 2000  
April 26, 2000  
July 26, 2000  
October 25, 2000

*Contact:* Jon Miller, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9257, (E-mail) miller.jon@dep.state.pa.us; and Gene Delvecchio, Office of the Small Business Ombudsman, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-8951, (E-mail) delvecchio.gene@dep.state.pa.us

*Solid Waste Advisory Committee*

The Solid Waste Advisory Committee meetings will be held at 10 a.m. in the First Floor Conference Room of the Rachel Carson State Office Building, unless otherwise noted, on the following dates:

January 13, 2000  
March 9, 2000  
May 11, 2000  
September 14—15, 2000 (Location to be determined)  
November 2, 2000

*Contact:* Rose Prough or Gayle Leader, Bureau of Land Recycling and Waste Management, P. O. Box 8471, Harrisburg, PA, 17105-8471, (717) 787-9871 or E-mail Leader.Gayle@dep.state.pa.us.

*State Board for Certification of Sewage Enforcement Officers*

The State Board for Certification of Sewage Enforcement Officers has scheduled the following dates for regular board meeting:

Friday, May 5, 2000, at 9:30 a.m. in the Rachel Carson State Office Building

Friday, December 1, 2000, at 9:30 a.m. in the Rachel Carson State Office Building.

Anyone interested in attending this meeting may contact Eartha Matthews at (717) 787-6045 for further details.

*State Board for Certification of Sewage Treatment Plant and Waterworks Operators*

The State Board for Certification of Sewage Treatment Plant and Waterworks Operators will meet on the following dates:

February 7, 2000  
June 12, 2000  
September 11, 2000  
December 18, 2000

If you have any questions concerning these meetings, please call Lynn Rice at (717) 787-5236.

*Storage Tank Advisory Committee*

The Storage Tank Advisory Committee (STAC) meetings will be held in the 10th Floor Conference Room of the Rachel Carson State Office Building on the following dates. All meetings are expected to begin at 10 a.m. However, dates, times and locations are subject to change and should be confirmed prior to each meeting.

February 1, 2000  
June 6, 2000  
October 3, 2000

*Contact:* C. Kay Hawk, Bureau of Watershed Conservation, (800) 42-TANKS (toll-free within Pennsylvania) or (717) 772-5599 or E-mail Hawk.Kay@dep.state.pa.us.

*Technical Advisory Committee on Diesel-Powered Equipment*

The Technical Advisory Committee on Diesel-Powered Equipment (TAC) meetings will be held at 10 a.m. in the Fayette County Health Center in Uniontown, on the following dates:

January 19  
April 19  
July 19  
October 18

*Contact:* Allison Gaida, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469 or E-mail Gaida.Allison@dep.state.pa.us.

*Small Water Systems Technical Assistance Center Board*

The Small Water Systems Technical Assistance Center Board announces its schedule of 2000 meetings. The meetings will be held at 11 a.m., in the Rachel Carson State Office Building, 400 Market Street in Harrisburg, as listed:

February 1	Room 105, 1st Floor
May 9	Room 105, 1st Floor
August 8	Room 105, 1st Floor
November 14	Room 105, 1st Floor

Questions concerning this schedule or agenda items can be directed to Donna Green at (717) 787-0122 or E-mail at Green.Donna@dep.state.pa.us. This schedule, an agenda for each meeting, and notices of meeting changes will be available through the Public Participation Center on the Department's World website at <http://www.dep.state.pa.us>.

#### *Water Resources Advisory Committee*

The Water Resources Advisory Committee (WRAC) announces its meeting dates for the year 2000. All meetings will be held in Room 105 of the Rachel Carson State Office Building, Harrisburg, beginning at 9 a.m. The dates are as follows:

January 12, 2000  
February 9, 2000  
March 8, 2000  
April 12, 2000  
May 10, 2000  
June 14, 2000  
July 13, 2000  
September 13, 2000  
November 8, 2000

*Contact:* Carol A. Young, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-2952 or E-mail Young.Carol@dep.state.pa.us.

#### *Wetlands Protection Advisory Committee*

The Wetlands Protection Advisory Committee (WETPAC) will meet on the following dates:

January 6, 2000  
March 7, 2000  
May 2, 2000  
July 6, 2000  
September 6, 2000  
November 15, 2000

All meetings will begin at 10 a.m. and be held in the First Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

*Contact:* Kelly Heffner, Bureau of Water Quality Protection, (717) 787-6827, or through E-mail at Heffner.Kelly@a1.dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the individual listed for each board or committee 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. 00-20. Filed for public inspection December 30, 1999, 9:00 a.m.]

### Applications, Actions and Special Notices

## APPLICATIONS

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

#### [National Pollution Discharge Elimination System Program (NPDES)]

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

#### (Part I Permits)

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

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

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

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

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

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

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


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

**PA 0025917 Amendment No. 2.** Sewage, **Chalfont-New Britain Joint Sewage Authority**, 1645 Upper State Road, Doylestown, PA 18901.

This application is for amendment of an NPDES permit to discharge treated sewage from Chalfont-New Britain sewage treatment plant in Doylestown Township, **Bucks County**. This is an existing discharge to the Neshaminy Creek.

The receiving stream is classified for the following uses: warm water fishery.

This amendment reflects rerate of the maximum monthly flow from 5.0 mgd to 6.0 mgd. The average annual flow remains unchanged at 4.0 mgd. No changes are made to the effluent limits.

The EPA waiver is not in effect.

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

**PA 0086070.** SIC Code 4225, Industrial waste, **Defense Logistics Agency**, Defense Distribution Depot Susquehanna Pennsylvania, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Marsh Run Pond, in Fairview Township, **York County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. The existing downstream potable water supply intake considered during the evaluation was the Wrightsville Water Company located in Wrightsville Borough, York County on the Susquehanna River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.144 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene	4.00	8.00	10.0
Tetrachlorethylene	1.00	2.00	2.50

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

The EPA waiver is in effect.

**PA 0086924.** SIC Code 3678, Industrial waste, **FCI Electronics, Inc.**, R. R. 1, Box 212, Mount Union, PA 17066.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Juniata River, in Shirley Township, **Huntingdon County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the United Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.058 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	31.0	60.0	77.0
Oil and Grease	15.0	—	30.0
Total Residual Chlorine	0.5	—	1.6
NH <sub>3</sub> -N		shall be monitored	
Total Cadmium	0.07	0.11	0.18
Total Chromium	1.71	2.77	4.3
Total Copper	2.07	3.38	5.2
Total Lead	0.43	0.69	1.1
Total Nickel	2.38	3.98	6.0
Total Silver	0.24	0.43	0.6
Total Zinc	1.48	2.61	3.7
Total Cyanide	0.65	1.2	1.6
Total Thallium		shall be monitored	
TTO	—	2.13	—

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

The EPA waiver is in effect.

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

**PA 0209066.** SIC: 4952, **Roulette Township**, R. D. 1 Station Road, Roulette, PA 16746.

This proposed action is for reissuance of an NPDES permit for an existing discharge of treated sewage to Allegheny River in Roulette Township, **Potter County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the assumed downstream potable water supply (PWS) considered during the evaluation is at the PA/NY border.

The proposed effluent limits for Outfall 001, based on a design flow of 0.13 mgd are:

<i>Discharge Parameter</i>	<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
pH (Std Units)	within the range 6.0 to 9.0		
Total Cl <sub>2</sub> Residual*	monitor		monitor
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
* monitor and report/provide effective de-chlorination			
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		

*Other Conditions:* None

The EPA waiver is in effect.

**PA 0209155.** Sewerage, SIC: 4952, **Sandro Sorge**, 344 College Hill Road, Bloomsburg, PA 17815.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Spruce Run in Madison Township, **Columbia County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Bloomsburg Water Company located at Bloomsburg on Fishing Creek.

The proposed effluent limits for Outfall 001 based on a design flow of 0.002 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
C-BOD <sub>5</sub>		
(6-1 to 10-31)	10	20
(11-1 to 5-31)	20	40
TSS		
(6-1 to 10-31)	10	20
(11-1 to 5-31)	20	40
Total Cl <sub>2</sub> Residual	2.0	4.6
Ammonia-N		
(6-1 to 10-31)	5	10
(11-1 to 5-31)	15	30
Fecal Coliform		
(5-1 to 9-30)	200#/100 ml as a geometric average	
(10-1 to 4-30)	200#/100 ml as a geometric average	
pH	6.0—9.0 at all times	

*Other Conditions:* None

The EPA waiver is in effect.

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

**PA 0098957.** Sewage, **Fayette County Housing Authority**, 624 Pittsburgh Road, Uniontown, PA 15401.

This application is for renewal of an NPDES permit to discharge treated sewage from the Village of Outcrop Sewage Treatment Plant in Springhill Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Georges Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Dunkard Valley Joint Municipal Authority on the Monongahela River at RM 84.8.

*Outfall 001*: existing discharge, design flow of 0.0263 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	15			30
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0102504.** Sewage, **Urraro Oil Company**, 6355 Sterrettania Road, P. O. Box 297, McKean, PA 16426.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to an unnamed tributary to Thomas Run in McKean Township, **Erie County**. This is an existing discharge.

The receiving water is classified for high quality, cold water and migratory fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the City of Erie intake, located in Lake Erie, approximately 9 miles downstream from the point of discharge.

The proposed effluent limits for Outfall 001, based on average design flow of 0.006 mgd are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N (5-1 to 10-31)	4	8
(11-1 to 4-30)	12	24
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine	1.4	3.3
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0005860.** Industrial waste, SIC: 2022. **Dairy Farmers of America, Inc.**, R. R. 1, Box 111B, S. R. 0208, New Wilmington, PA 16142.

This reflects changes made to the Notice published in the October 9, 1999 Bulletin.

The proposed discharge limits, based on a design flow of 0.5 mgd, are:

*Outfall No. 001*

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX		
BOD <sub>5</sub>	XX	XX	148
TSS	XX	XX	223
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	5,600/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.6

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 at all times	
XX—Monitor and report on monthly DMRs.			

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**Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges**

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0086266	Northern Lancaster County Authority 983 Beam Road Denver, PA 17517-0983	Lancaster County Brecknock Township	Little Muddy Creek	TRC
PA 0082635	Sun Valley Campground Assoc. Ltd. P. O. Box 708 Bowmansville, PA 17507	Lancaster County Brecknock Township	UNT to Red Run (Oak Creek)	TRC
PA 0042528	Lester B. Searer Margaretta Mobile Home Park 4754 East Prospect Road York, PA 17406-8653	York County	Cabin Creek	TRC
PA 0081451	Red Lion Area School District 696 Delta Road Red Lion, PA 17356	York County Chanceford Township	UNT to Toms Run	TRC
PA 0080756	Hershey Farms Inc. P. O. Box 159 Strasburg, PA 17579	Lancaster County Strasburg Township	Pequea Creek	TRC
PA 0086461	Pinch Pond Inc. 3075 Pinch Rd. Manheim, PA 17545	Lancaster County Rapho Township	Chickies Creek	TRC

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

**Applications under the Pennsylvania Clean  
Streams Law**

**(Part II Permits)**

The following permit applications and requests have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest

and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each comment will be notified in writing of the time and place if a hearing or conference concerning the plan or action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

**Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.100).**

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

**WQM Permit No. 2399413.** Sewerage. **Concord Township Sewer Authority**, P. O. Box 171, Concordville, PA 19331. Applicant request approval for the construction and operation of sewage pump station to serve Brinton Lake Corporate Center and adjacent properties located in Concord Township, **Delaware County**.

**WQM Permit No. 1599421.** Sewerage. **Owen J. Roberts School District**, 901 Ridge Road, Pottsville, PA 19465-9314. Applicant request approval for the construction and operation of a drip irrigation system to serve French Creek Elementary School located in East Nantmeal and South Coventry Townships, **Chester County**.

**WQM Permit No. 2399414.** Sewerage. **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319. Applicant request approval for the construction and operation of a sewage pump station and force main to serve Locksley Crossing Subdivision located in Thornbury Township, **Delaware County**.

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

**A. 3999404.** Sewerage. **Lynn Township Sewer Authority**, P. O. Box 208, New Tripoli, PA 18066. Application to replace two rectangular clarifiers with one new circular clarifier and to convert clarifiers into aerobic digestion tanks, located in Lynn Township, **Lehigh County**. Application received in the Regional Office December 2, 1999.

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

**A. 0195411 99-2.** Sewage, submitted by **Carroll Valley Borough**, 5685 Fairfield Road, Fairfield, PA 17320, Carroll Valley Borough, **Adams County** to make modifications to their existing onsite sewage treatment system project was received in the Southcentral Region on December 15, 1999.

*Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**A. Minor Amendment.** The Department has received a permit application from **Shamokin Dam Borough**, 144 West Eighth Avenue, P. O. Box 273, Shamokin Dam, PA 17876, Shamokin Dam Borough, **Snyder County**. The application is for construction of a 250,000 gallon elevated welded steel water storage tank and demolition of an existing 75,000 gallon elevated welded steel water storage tank.

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

**A. 566S053 Amendment No. 2.** Sewerage, **Cresson Borough Municipal Authority**, P. O. Box 75, Cresson, PA 16630. Application for the modification and operation of the existing Cresson STP located in Cresson Township, **Cambria County**. The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**A. 6599417.** Sewerage, **Judith E. Ferrarini**, 721 Warren Street, Greensburg, PA 15601. Application for the construction and operation of a small flow sewage treatment plant to serve the Burnside Estate located at Salem Township, **Westmoreland County**.

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

**WQM Permit No. 4299408.** Sewage, **Tracy L. Kio**, 301 Mill Street, Port Allegany, PA 16743. This project is for the construction of a Single Residence Sewage Treatment Plant in Liberty Township, **McKean County**.

**WQM Permit No. 4399430.** Sewage, **Bruce E. and Christine S. Henderson**, 328 Lyons Road, Stoneboro, PA 16153. This project is for the construction of a Single Residence Sewage Treatment Plant in Lake Township, **Mercer County**.

**WQM Permit No. 2099416.** Sewage, **James C. and Katherine A. Rothbrust**, 11602 State Highway 98, Meadville, PA 16335. This project is for the construction of a Single Residence Sewage Treatment Plant in Vernon Township, **Crawford County**.

**INDIVIDUAL PERMITS**

**(PAS)**

**NPDES Individual**

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day permit 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 the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected 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.

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

*Centre County Conservation District, 414 Holmes Ave., Suite 4, Bellefonte, PA 16823.*

**NPDES Permit PAS10F082.** Stormwater. **Buffalo Run Industrial Track**, SEDA COG Joint Rail Auth., R. R. 1, Box 372, Lewisburg, PA 17837 has applied to discharge stormwater from a construction activity located in Benner and Spring Townships, **Centre County** to Buffalo Run.

## SAFE DRINKING WATER

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

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

**4099506.** Public water supply. **Hex Acres Water Company**, Barbara Tambur, P. O. Box 746, Pittston, PA 18640. This proposal involves the addition of Well No. 3 and disinfection facilities to supplement the existing source of supply (Well No. 1) during periods of high demand. It is located in Exeter Township, **Luzerne County**. *Engineer: A+EG, Inc., Walter Poplawski, P. E.*

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

**Permit No. 3199501.** Public water supply, **The Grier School, Huntingdon County**. *Responsible Official: Douglas Grier, Director; Type of Facility: Installation of liquid chlorination system for Well No. 1. Consult-*

*ing Engineer: Daniel L. Mattern, PE., Consulting Engineer, 1076 East Bishop St., Bellefonte, PA 16823.*

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 1

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

Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, 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 has received the following Notices of Intent to Remediate:

*Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**James Davis Residence**, Wilson Borough, **Northampton County**. Brian Evans, Environmental Scientist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Notice of Intent to Remediate (on behalf of his client, James Davis, 1510 Washington Street, Easton, PA 18042) concerning the remediation of site soils and groundwater suspected to be contaminated with no. 2 home heating oil compounds. The applicant proposes to remediate the site to meet the Statewide health standard.

*Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.*

**Charles Pleska Residence**, Jefferson Township, **Washington County**. Brian R. Evans, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, and Charles Pleska, 104 Coal School Road, Avella, PA 15312 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Observer Reporter* on August 11, 1999.

**Howard E. Stuber**, Rochester Township, **Beaver County**. Shanin D. Sarnowski, Environmental and Geological Consultants, Inc., P.O. Box 512, 445 Second Street, Waterford, PA 16441-0512 and Howard E. Stuber, 373 Cleveland Street, Rochester, PA 15074 has submitted a Notice of Intent to Remediate soil contaminated with lead. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Beaver County Times* on November 3, 4 and 5, 1999.

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

**National Forge Company**, One Front St., Irvin, PA 16329, Brokenstraw Township, **County of Warren**, has submitted a Notice of Intent to Remediate groundwater. The site has been found to be contaminated with PAHs. The applicant proposes to remediate the site to meet the Statewide Health and Site Specific Standard. The Notice of Intent to Remediate was published in the *Warren Times Observer* on December 9, 1999.

## **SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES**

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

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

Determination of applicability requested under **General Permit No. WMGR029. Ernie's Waste Oil**, 155-C Swiontek Road, R. R. 3, Aliquippa, PA 15001. General Permit Number WMGR029D002 for the operation of a transfer facility for the processing of waste oil (including waste oil mixed with hazardous waste regulated under 25 Pa. Code § 261.5), spent antifreeze, and waste oil/water mixtures prior to beneficial use. The Department accepted the application as administratively completed on December 16, 1999.

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

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

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

**PAR 000030874. Copperhead Chemical Company, Inc.**, 2 River Road, Tamaqua, PA 18252. An application for a Thermal Treatment Unit at this captive hazardous waste treatment facility, located in Walker Township, **Schuylkill County**. The application was received in the Regional Office on September 29, 1999. A pre-application public hearing was held on December 2, 1999 to provide an overview of the application to any interested parties. On December 15, 1999, the application was found to be administratively complete.

## **AIR QUALITY**

### **Plan Approval and Operating Permit Applications Nonmajor Sources and Modifications**

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

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

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

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts

which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121 through 143, the Federal Clean Air Act and regulations adopted under the act.

#### OPERATING PERMITS

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

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**OP-46-0198: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041) for approval of Facility VOC/NOx RACT in Upper Hanover Township, **Montgomery County**.

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

**36-05067D: C & D Technologies, Inc.** (82 East Main Street, Leola, PA 17540) for operation of a lead-acid battery manufacturing plant in Upper Leacock Township, **Lancaster County**. A number of the plant's sources are subject to 40 CFR Part 60, Subpart KK—Standards of Performance for New Stationary Sources.

**29-318-003B: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233) for operation of the McConnellsburg manlift production facility in Ayr Township, **Fulton County**.

##### Notice of Intent to Issue Title V Operating Permits

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

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

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

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be

published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

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

**TVOP-15-00019: PECO Energy Co.** (100 Cromby Road, Phoenixville, PA 19460) in East Pikeland Township, **Chester County**. The facility's major emission points include: boilers, and associated fuel burning equipment which emit major levels of NOx, VOC, CO, and PM-10.

#### PLAN APPROVALS

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

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-46-0196: PB Power Development, L. P.** (North of State Highway 29, Palm, PA 18070) for construction of a 1000 MW Power Plant in Upper Hanover Township, **Montgomery County**.

**PA-15-0098: ChiRex Technology Center, Inc.** (383 Phoenixville Pike, Malvern, PA 19355) for installation of two new reactors in Charlestown Township, **Chester County**.

**PA-23-0009A: Boeing MACAM Systems Group—Phila** (Stewart Avenue & Route 291, Ridley PA 19078) for modification of four gas turbine generators in Ridley Township, **Delaware County**.

**PA-15-0055: Highway Materials Inc.** (Quarry Road, Downingtown, PA 19335) for installation of a baghouse in East Caln Township, **Chester County**.

**PA-09-0126: Air Liquide America Corp.** (19 Steel Road West, Morrisville, PA 19067) for installation of a Web Scrubber S-7 in Falls Township, **Bucks County**.

**09-312-026GP: Brenner Tool & Die, Inc.** (450 Winks Lane, Bensalem, PA 19020) for installation of two Miura LX 300 SG Boilers in Bensalem Township, **Bucks County**.

**PA-09-0024B: Waste Management of PA** (200 Bordertown Road, Tullytown, PA 19007) for construction of construction & demolition waste in Tullytown Borough, **Bucks County**.

**PA-46-0005L: Merck & Co., Inc.** (770 Sumneytown Pike, West Point, PA 19486) for modification of fluid bed grabulation dryer columns in Upper Gwynedd Township, **Montgomery County**.

**15-323-010GP: Graco Children's Products, Inc.** (47 Park Avenue, Elverson, PA 19520) for installation of a Guspro Burn Off Oven in Elverson Borough, **Chester County**.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.*

**40-310-044: Lonzetta Trucking and Excavating Co.** (P. O. Box 644, 340 Rocky Road, Hazleton, PA 18201) for constructing of a stone crushing plant at the Stockton Quarry, Hazle Township, **Luzerne County**.

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

**28-03004B: Bri-Mar Mfg. LLC** (1080 S. Main Street, Chambersburg, PA 17201) for installation of a third spray booth in Chambersburg Borough, **Franklin County**.

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

**59-304-008E: ACP Mfg. Co. LLC** (P. O. Box 68, Blossburg, PA 16912-0068) for construction of three downdraft benches to be controlled by an existing air cleaning device (a fabric collector) in Lawrence Township, **Tioga County**.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). 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. 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 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.

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

#### Coal Applications Received

**07990101. Cooney Brothers Coal Company** (P. O. Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous strip mine in Logan Township, **Blair County**, affecting 31.0 acres, receiving stream unnamed tributary to Kittanning Run and Kittanning Run, application received December 6, 1999.

**56663135. Permit Renewal, Zubek, Inc.** (173 House Coal Road, Berlin, PA 15531), commencement, operation and restoration of bituminous strip mine in Stonycreek Township, **Somerset County** affecting 128.2 acres, receiving stream to Schrock Run, application received December 14, 1999.

**32960104. Permit Revision, D. J. & W. Mining, Inc.** (P. O. Box 425, Indiana, PA 15701), for a change in land use from forestland to pastureland/land occasionally cut for hay on the Gary D. and Connie M. Spidell property in Rayne Township, **Indiana County**, affecting 79.4 acres, receiving stream unnamed tributary to Brush Run; unnamed tributary to Crooked Creek; Brush Run; and Crooked Creek, application received December 10, 1999.

**56880109. Permit Revision, PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), to temporarily close, mine through, and reconstruct a portion of T-568 beginning at its intersection with T-415 and continuing northward, on both sides of T-568, for a distance of approximately 3,540 feet to the limits of this surface mine permit in Brothersvalley Township, **Somerset County** affecting 154.2 acres, receiving stream unnamed tributaries of Bluelick Creek and Bluelick Creek, application received December 13, 1999.

*Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.*

**65890107R. Heritage Mining Co.** (P. O. Box 126, Cresson, PA 16630). Renewal application received for continued reclamation of a bituminous surface mine located in Unity Township, **Westmoreland County**, affecting 46.1 acres. Receiving streams: unnamed tributaries to Loyalhanna Creek. Renewal application received: December 16, 1999.

**02880102R. William J. Kisow** (82 Petrie Road, Corapolis, PA 15108). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Kennedy and Robinson Townships, **Allegheny County**, affecting 116.1 acres. Receiving streams: unnamed tributary to Chartiers Creek to Chartiers Creek to Ohio River. Renewal application received: December 16, 1999.

**26900103R. J & B Coal Co.** (R. R. 2, Box 75C, Smithfield, PA 15478). Renewal application received for continued reclamation of a bituminous surface mine located in Nicholson Township, **Fayette County**, affecting 31.6 acres. Receiving streams: Jacobs Creek and Monongahela River. Renewal application received: December 20, 1999.

**26940101R. J & B Coal Co.** (R. R. 2, Box 75C, Smithfield, PA 15478). Renewal application received for continued reclamation of a bituminous surface mine located in Nicholson Township, **Fayette County**, affecting 22.5 acres. Receiving streams: unnamed tributary to Jacobs Creek to Jacobs Creek to the Monongahela River. Renewal application received: December 20, 1999.

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

**10990103. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Slippery Rock Borough, **Butler County**, affecting 5.7 acres. Receiving streams: Unnamed tributary to Wolf Creek. Application to include a landuse change from "Unmanaged Natural Habitat" to "Commercial" on lands of Howard E. and Florence C. Meyer. Application received: November 18, 1999.

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

**11841302. Trent Coal, Inc.** (1789 Stoystown Rd., Friedens, PA 15541), to revise the permit for the Rice #2/Arrow #3 Mines in Portage Township, **Cambria County** to revise the existing permit to facilitate a land use change at the main portal site from forestland to industrial, commercial and wildlife habitat, no additional discharges. Application received November 4, 1999.

**30841320. Dana Mining Company of PA** (P. O. Box 1209, Morgantown, WV 26507), to transfer the permit for the Target No. 1 Mine in Dunkard Township, **Greene County** to transfer existing permit form Target Industries to Dana Mining Company of PA, no additional discharges. Application received November 9, 1999.

**02891701. Consolidation Coal Company** (200 Hidden Valley Road, McMurray, PA 15317), to renew the permit for the Harmar AMD Plant and Strohm Pump in Harmar and Indiana Townships and Fox Chapel Borough, **Allegheny County** to renew existing industrial waste permit and related NPDES permit, no additional discharges. Application received November 23, 1999.

**03991302. Rosebud Mining Company** (R. D. 9, Box 379A, Kittanning, PA 16201), to operate the Stitt Mine in Rayburn Township, **Armstrong County**, new deep mine. Trib. "A" to Cowanshannock Creek. Application received December 8, 1999.

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

**40663028C5. Pagnotti Enterprises, Inc.** (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), correction to an existing anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 474.4 acres, receiving stream—Nescopek Creek. Application received December 15, 1999.

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

*Noncoal Applications Received*

**10950301. Big "B" Mining Company** (R. D. 1, West Sunbury, PA 16061) Renewal of an existing clay operation in Clay Township, **Butler County** affecting 19.9 acres. Receiving streams: An unnamed tributary to Stony Run. Renewal of NPDES Permit No. PA0226891. Application received December 13, 1999.

**4878NC3. Frank Tucci** (R. D. 2, Cambridge Springs, PA 16403). Revision to an existing gravel operation in Rockdale Township, **Crawford County** affecting 15.8 acres. Receiving streams: Kelly Run. Revision to include

mining deeper and changing the post-mining reclamation from terrace to a water impoundment. Application received December 14, 1999.

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

### ENCROACHMENTS

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

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

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

**E13-122. Encroachment, Bear Creek Lakes Civic Association**, 6 Pool Drive, Jim Thorpe, PA 18229. To construct and maintain a 20-foot long, 6-foot wide rock jetty in Bear Creek Lake (Beaver Lake). The project is located at Bear Creek Lake (Beaver Lake), immediately west of the intersection of S. R. 0903 and Penn Forest Road (Christmans, PA Quadrangle N: 10.2 inches; W: 6.0 inches), Penn Forest Township, **Carbon County** (Philadelphia District, U. S. Army Corps of Engineers).

**E39-375. Encroachment, City of Allentown**, 435 Hamilton Street, Allentown, PA 18101. To place approximately 5,000 cubic yards of fill within the floodplain of the Little Lehigh Creek (HQ-CWF). The purpose of the project is to dispose of excess excavation as generated by previous construction operations at the adjacent wastewater treatment plant. The project is located immediately west of Kline Island/City of Allentown Wastewater Treatment Plant (Allentown East, PA Quadrangle N: 8.5 inches; W: 11.5 inches), City of Allentown, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

**E40-535. Encroachment, Plymouth Township**, 925 West Main Street, Plymouth, PA 18651. To place and maintain fill in the 100-year floodplain of the Susquehanna River and a retaining wall and 125 L. F. of R-7 riprap streambank protection along Harveys Creek for the purpose of upgrading the existing Harveys Creek Wastewater Pumping Station. The project is located on the south side of S. R. 0011, east of Harveys Creek (Nanticoke, PA Quadrangle N: 17.3 inches; W: 2.1 inches) Plymouth Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E45-380.** Encroachment, **Pennsylvania Game Commission**, P. O. Box 220, Dallas, PA 18612-0220. To construct and maintain a ford in Trout Creek (HQ-CWF) to provide access to a timber harvesting operation west of Bradys Lake. The project is located in SGL No. 127, approximately 3,000 feet downstream from Bradys Lake (Thornhurst, PA Quadrangle N: 6.0 inches; W: 5.4 inches), Coolbaugh Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

**E45-381.** Encroachment, **Jackson Township**, P. O. Box 213, Reeders, PA 18352. To construct and maintain two 6-inch diameter PVC water intake structures in Lake Akiba to be used as dry hydrants for fire protection. The projects are located along the eastern and southern shores of Lake Akiba (Saylorsburg, PA Quadrangle N: 20.5 inches; W: 16.8 inches), Jackson Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

**E54-270.** Encroachment. **Seiders Hill, Inc.** 301 North Second Street, Pottsville, PA 17901. To place fill in approximately 0.02 acre of wetlands for a vehicle parking used for recreational sports facility. The project is located on the southeast side of S. R. 0901 approximately 1 mile south of the intersection of S. R. 0901 and S. R. 0209 (Pottsville, PA Quadrangle N: 8.5 inches; W: 11.0 inches), North Manheim Township, **Schuylkill County** (Philadelphia District, U. S. Army Corps of Engineers).

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

**E31-157.** Encroachment. **Department of Conservation and Natural Resources**, 400 Market Street, Harrisburg, PA 17105. To remove an existing deteriorated structure and to construct and maintain a single span prestressed concrete adjacent box beam bridge having a clear span of 53.88 feet and an underclearance of 5.84 feet across Standing Stone Creek (HQ-CWF) located on Martin Road (T-486) about 0.83 mile south of its intersection with SR 1019 (Allensville, PA Quadrangle N: 14.5 inches; W: 15.2 inches) in Miller Township, **Huntingdon County**.

**E67-680.** Encroachment. 85 Associates, 1885 Whiteford Rd., York, PA 17402. To construct and maintain 490 linear feet of a 3-foot high earthen beam within the southern side of the 100-year floodway of an unnamed tributary to Mill Creek (WWF) for the purpose of constructing the Diehl Motor Company Service Center located northwest of Pleasant Valley and Whiteford Roads (York, PA Quadrangle N: 20.1 inches; W: 8.5 inches) in Springettsbury Township, **York County**.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E14-365.** Encroachment. **John and Amy Beck**, 537 Rattlesnake Pike, Julian, PA 16844. To construct and maintain a riprap protected 8-foot to 12-foot wide by 60-foot long area of fill and to place three wooden posts for a garage roof extension in the right floodway of Dewitt Run located 0.75 mile up SR 504 (Rattlesnake Pike) from SR 220 (Bear Knob Quadrangle N: 7.07 inches; W: 1.85 inches) in Union Township, **Centre County**. This project proposes to permanently impact 900 cubic feet of the right floodway of Dewitt Run, which is designated a Wild Trout—Cold Water Fishery.

**E53-337.** Encroachment. **Independence Pipeline Company**, 500 Renaissance Center, Detroit, MI 48243-

1904. To install, operate and maintain a 36-inch diameter high pressure pipeline beneath Hunting Shanty Brook (High Quality—Cold Water Fishery); an unnamed tributary to Hunting Shanty Brook (High Quality—Cold Water Fishery); Bailey Run (Exceptional Value); First Fork, Sinnemahoning Creek (High Quality—Cold Water Fishery); Right Branch, Lushbaugh Run (Exceptional Value); four unnamed tributaries to Right Branch, Lushbaugh Run (Exceptional Value); and wetlands associated to these respective streams for the conveyance of natural gas. The 36-inch diameter natural gas pipeline shall be installed within the stream channels in dry work conditions through the use of flumes or pumping water around the work areas, and at a minimum depth of 3.0-foot that will impact 110 linear feet of waterway and temporarily impact 0.40-acre of wetland. The project is located along the eastern and western right-of-way of SR 0872 approximately 1,500-feet north of East Fork Road and SR 0872 intersection (Wharton, PA Quadrangle N: 6.1 inches; W: 3.8 inches) in Portage and Wharton Townships, **Potter County**. All impacts to the 0.40-acre of wetland shall be temporary and no midigation will be required.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**EA20-006NW and WL2099602.** Encroachment. **Clear Lake Authority**, Main Street, Spartansburg, PA 16434. Request by Albert Delp, Delp's Salvage and Recycling Corp., on behalf of the Clear Lake Authority for authorization under waiver of permit requirements in section 105.12(a)(11) to remove the superstructure of the abandoned railroad bridge across Thompson Creek between SR 408 and SR 8 (Titusville North, PA Quadrangle N: 4.9 inches; W: 13.7 inches) located in Hydetown Borough, **Crawford County**.

#### WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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

**WA2-131B.** Water Allocation. **Pittsburgh Water & Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222. The applicant is requesting a subsidiary permit to buy water from the Pennsylvania American Water Company on an emergency basis for service to the Oakbrook Circle (Warrior Hills) development and adjacent areas in the **City of Pittsburgh**.

#### ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

**[National Pollution Discharge Elimination System Program (NPDES)]**

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

**(Part I Permits)**

The Department of Environmental Protection has taken the following actions on previously received permit appli-

cations and requests for plan approval and has issued the following significant orders.

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 provide 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.

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**Actions under The Clean Streams Law (35 P.S. § 691.1—691.1001).**

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*Permits Issued*

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

**WQM Permit No. 4699421.** Sewerage. **Montgomery County S.P.C.A.**, 10 East Ridge Road, Conshohocken, PA 19428. Applicant is granted approval for the construction and operation of lagoon treatment and spray irrigation of treated effluent from Montgomery County S.P.C.A. facility in Upper Frederick Township, **Montgomery County**.

**WQM Permit No. 0999426.** Sewerage. **Warwick Township Water and Sewer Authority**, 1733 Township Greene, P. O. Box 315, Jamison, PA 18929. Applicant is granted approval for the expansion of the Country Crossing Wastewater Treatment Plant from 0.12 mgd to 0.320 located in Warwick Township, **Bucks County**.

**WQM Permit No. 4699429.** Sewerage. **Abington Township**, 1176 Old York Road, Abington, PA 19001. Applicant is granted approval for the construction and operation of a new pump station and conveyance system to serve two hundred eleven house in the vicinity of Hampton Road, Meadowbrook Road and Washington Lane located in Abington Township, **Montgomery County**.

**WQM Permit No. 2399410.** Sewerage. **Concord Township Sewer Authority**, P. O. Box 171, Concordville, PA 19331. Applicant is granted for the construction and operation of a new pump station associated gravity collection pipe and force main serve Fox Valley Life Campus located in Concord Township, **Delaware County**.

**WQM Permit No. 4699425.** Sewerage. **Lower Providence Township Sewer Authority**, 100 Parkland Drive, Eagleville, PA 19403. Applicant is granted approval for the expansion of the existing sewage pump station to serve Audubon Square Shopping Center located in Lower Providence Township, **Montgomery County**.

**NPDES Permit No. PA0045187.** Sewerage. **Richland Meadows Mobil Home Park**, 232 Yankee Road, Quakertown, PA 19440 is authorized to discharge from a facility located in Richland Township, **Bucks County** to receiving waters named, Dry Swale to Morgan Creek.

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

**Permit No. PAG 043625.** Sewerage—Single Family Residence. **Laverne Meckley**, 10850 Kline Road, Brogue, PA 17309 is authorized to discharge from a facility located in Chanceford Township, **York County** to the receiving waters named unnamed tributary Otter Creek.

**Permit No. 0088056.** Industrial waste. **Gettysburg Municipal Authority**, (GMA Stream Well No. 2), 601 West Middle Street, Gettysburg, PA 17325 is authorized to discharge from a facility located in Cumberland Township, **Adams County** to the receiving waters named Marsh Creek.

**Permit No. PA0086665.** Sewerage. **Green Springs Brethren in Christ Church**, 720 Green Spring Road, Newville, PA 17241 is authorized to discharge from a facility located in North Newton Township, **Cumberland County** to the receiving waters named Green Spring Creek.

**Permit No. PA0086312.** Sewerage. **James Dorwart** (Dorwart Apartments), 1375 Old Quaker Road, Etters, PA 17319 is authorized to discharge from a facility located in Fairview Township, **York County** to the receiving waters named Bennett Run.

**Permit No. 6799411.** Sewerage. **Laverne Meckley**, 10850 Kline Road, Brogue, PA 17309. This permit approves the construction of Sewage Treatment Facility in Chanceford Township, **York County**.

**Permit No. 6795404 Amendment 98-1.** Sewerage. **James Dorwart**, 1375 Old Quaker Road, Etters, PA 17319. This permit approves the modifications to the construction/operation of Sewage Treatment Facilities in Fairview Township, **York County**.

*Northcentral Regional Office: Department of Environmental Protection, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**NPDES Permit No. PA0028606.** Sewerage. **Delaware Township Municipal Authority**, P. O. Box 80, Dewart, PA 17730. Renewal granted to applicant to discharge treated sewage, from facility located at Delaware Township, **Northumberland County**.

**NPDES Permit No. PA0024759A-1.** Sewerage Amendment. **Curwensville Municipal Authority**, 900 Susquehanna Avenue, Curwensville, PA 16833. Amendment granted to reduce the TRE's from residential section of the collection system. Facility located at Curwensville Borough, **Clearfield County**.

**NPDES Permit No. PA0228150.** Industrial waste. **Embassy Powdered Metals, Inc.**, P. O. Box 344, Airport Road, Emporium, PA 15834. Approval granted for a new discharge to the Driftwood Branch of Sinnamohing Creek, Emporium Borough, **Cameron County**.

**WQM Permit No. 1798409.** Sewerage. **Cooper Township Municipal Authority**, P. O. Box 466, Winburne, PA 16879. The project is a sewage collection system and plant to serve Grassflat, Drifting and Pleasant Hill. Facility located at Cooper Township, **Clearfield County**.

**WQM Permit No. 4199401.** Sewerage. **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113. Permit approved for renovation of the West Sewage Plant. The renovation will allow the sewage plant to process more flow, thereby, reducing the frequency of combined sewer overflows. Facility located at Williamsport, **Lycoming County**.

**WQM Permit No. 1499409.** Sewerage. **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801. Permission granted to construct and maintain approximately 6,060 feet of PVC gravity sanitary sewer line. The sewer extension will serve Colonnade Development located at Colonnade Patton Township, **Centre County**.

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

**NPDES Permit No. PA0020656.** Sewerage. **Newell Municipal Authority**, P. O. Box 92, Brownsville, PA 15417, is authorized to discharge from a facility located at Newell Sewage Treatment Plant, Newell Borough, **Fayette County** to receiving waters named the Monongahela River.

**NPDES Permit No. PA0021768 Amendment No. 2.** Sewerage. **Borough of Somerset**, 1043 South Center Avenue, Somerset, PA 15501 is authorized to discharge from a facility located at Main Sewage Treatment Plant, Somerset Township, **Somerset County** to receiving waters named Coxes Creek.

**NPDES Permit No. PA0035670.** Sewerage. **Pennsylvania Department of Transportation**, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060 is authorized to discharge from a facility located at Satellite Maintenance Facility Sewage Treatment Plant, Kiskiminetas Township, **Armstrong County** to receiving waters named Rattling Run.

**NPDES Permit No. PA0096521-A1.** Sewerage. **PA Department of Conservation and Natural Resources**, Bureau of State Parks, P. O. Box 8551, 400 Market Street, Harrisburg, PA 17105-8551 is authorized to discharge from a facility located at Boaters Change House STP, Stewart Township, **Fayette County** to receiving waters named Meadow Run.

**NPDES Permit No. PA0203998.** Sewerage. **Rostraver Preferred Properties, Inc.**, 566 Donner Avenue, Monessen, PA 15062 is authorized to discharge from a facility located at Todd Manor Sewage Treatment Plant, Rostraver Township, **Westmoreland County** to receiving waters named Cedar Creek.

**NPDES Permit No. PA0204285, Amendment No. 1.** Sewerage. **Reesman Mobile Home Park**, Box 99B,

Waynesburg, PA 15370 is authorized to discharge from a facility located at Reesman Mobile Home Park STP, Morgan Township, **Greene County** to receiving waters named Tributary of South Fork of Tenmile.

**NPDES Permit No. PA0216755.** Sewerage. **Helvetia Coal Company**, P. O. Box 219, Shelocta, PA 15774 is authorized to discharge from a facility located at Lucerne No. 6E Mine—No. 2 Portal STP, Blacklick Township, **Indiana County** to receiving waters named Stewart Run.

**Permit No. 2685405-A1.** Sewerage. **PA Department of Conservation and Natural Resources**, Bureau of State Parks, P. O. Box 8551, 400 Market Street, Harrisburg, PA 17105-8551. Construction of Sewage Treatment Plant located in Stewart Township, **Fayette County** to serve Ohiopyle Boater Change House STP.

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

**NPDES Permit No. PA0005860.** Industrial waste. **Dairy Farmers of America, Inc.**, R. R. 1, Box 111B, New Wilmington, PA 16142 is authorized to discharge from a facility located in Wilmington Township, **Lawrence County** to Shenango River and to an unnamed tributary to Buchanan Run.

**NPDES Permit No. PA0103811—Amendment No. 3.** Industrial waste. **Northwest Sanitary Landfill**, 1436 West Sunbury Road, West Sunbury, PA 16061 is authorized to discharge from a facility located in Cherry Township, **Butler County** to Findlay Run and to an unnamed tributary to South Branch of Slippery Rock Creek.

**NPDES Permit No. PA0104272.** Sewerage. **North East Access Area**, 450 Robinson Lane, Bellefonte, PA 16823 is authorized to discharge from a facility located in North East Township, **Erie County** to an unnamed tributary to Lake Erie.

**NPDES Permit No. PA0001791.** Industrial waste. **Osram Sylvania Products, Inc.**, P. O. Box 129, Warren, PA 16365 is authorized to discharge from a facility located in the City of Warren, **Warren County** to Allegheny River.

## INDIVIDUAL PERMITS

(PAS)

**The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10S024-R	Pine Ridge Equities, Inc. 400 Lincoln Ave. Rutherford, NJ 07070	Monroe County Pocono and Stroud Townships	Tributaries to Brothead and Pocono Creeks
PAS10U113	Transcontinental Gas Pipe Line Corp. 2800 Post Oak Blvd. (77056) P. O. Box 1396 Houston, TX 77251-1396	Northampton County Plainfield and Lower Mount Bethel Townships	Mud Run and Little Bushkill Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q812	Lehigh Valley Ind. Holding, L. P. c/o S. G. Petrucci Co., Inc. 171 Route 173 Asbury, NJ 08802	Lehigh County Upper Macungie Township	Little Lehigh Creek
PAS10Q185	Lehigh Valley Hospital & Health Network Cedar Crest & I-78 P. O. Box 689 Allentown, PA 18105	Lehigh County City of Bethlehem	Monocacy Creek
PAS10Q179	West Mount, L. P. 1024 North 30th St. Allentown, PA 18104	Lehigh County City of Allentown	Little Lehigh Creek
PAS10Q183	Vinart Realty Associates 675 State Rd. Emmaus, PA 18049	Lehigh County City of Allentown	Little Lehigh Creek
PAS10S019-R	Mid-Monroe Development Corp. P. O. Box 447, Route 209 Bushkill, PA 18324	Monroe County Middle Smithfield Township	Bushkill Creek & Pond Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS102513	Glendale Project Lawrence Buehler P. O. Box 88 Ridgway, PA 15853	Elk County Horton Township	Laurel Run

### INDIVIDUAL PERMITS

(PAR)

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#### Approvals to Use NPDES and Other General Permits

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The following parties have submitted (1) Notices of Intent (NOIs) for coverage under General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth; (2) NOIs for coverage under General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8, and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangement made for copying at the contact office noted.

The Department has acted on the following requests for coverage under the specified General Permit as follows:

*List of*

*General Permit Type*

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems



*List of  
General Permit Type*

PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit for Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit for Discharges Resulting From Hydrostatic Testing of Tanks and Pipelines

*General Permit Type—PAG-2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Tilden Township Berks County	PAR-10-C298	St. Mary's Church Rev. Joseph M. Braudis 766 State Street Hamburg, PA 19522	Hassler Run Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Washington Township Berks County	PAR-10-C305	Cubbler Subdivision Ann Cubbler 506 Carsonia Avenue Reading, PA 19606	Middle Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
New Morgan Borough Berks County	PAR-10-C290	New Morgan Borough Wastewater Facilities New Morgan Borough Bldg. D., Rm. 3, Grace Blvd. Morgantown, PA 19543	Conestoga River	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Maidencreek Township Berks County	PAR-10-C299	Maidencreek Plaza Robert Hanna V. P. Maidencreek Plaza Company P. O. Box 96 Temple, PA 19560	Willow Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Clarion County Strattanville Borough Clarion Township Monroe Township	PAR101522	PA American Water Company 800 West Hershey Park Drive Hershey, PA 17033	Piney Creek Douglas Run Mill Creek Jones Run Brush Run	DEP, Northwest Region Water Mgt. Program Mgr., 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Jefferson County Summerville Borough	PAR103332	Summerville Borough Municipal Authority P. O. Box 278 Summerville, PA 15864	Redbank Creek	Jefferson Conservation District 180 Main Street Brookville, PA 15825 (814) 849-7463
Venango County Rockland Township Richland Township	PAR107013	Allegheny Valley Trail Assoc. c/o Parks Unlimited, Inc. R. D. 5, Box 320 Franklin, PA 16323	Roberts Run Whitherup Run Shull Run Mill Creek Unnamed tributaries to the Allegheny River	Venango Conservation District R. D. 2, Box 108 Franklin, PA 16323 (814) 676-2832
Lycoming County Wolf & Muncy Creek Townships	PAR103933	Lime Bluff Recreation Area Wolf Twp. Bldg. 695 Rt. 405 Hwy. Hughesville, PA 17737	Unt. Muncy Creek	Lycoming County CD 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003

*General Permit Type—PAG-3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Blair County Freedom Township	PAR603537	Joseph H. Clark Clark's Auto Salvage R. D. 1, Box 51 East Freedom, PA 16637	Frankstown Branch/Juniata River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clearfield County Bradford Township	PAR704815	Timothy P. Olson Whitaker Roads Corp. P. O. Box 5657 Johnstown, PA 15904		Northcentral 208 W. Third St. Williamsport, PA 17701
Beaver County Ambridge	PAR206112	Centria H. H. Robertson Floor Systems 450 19th Street Ambridge, PA 15003	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Armstrong County North Buffalo Township	PAR216104	Asbury Graphite Mills, Inc. R. D. 7, Box 1 Kittanning, PA 16201	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Lake City Borough Erie County	PAR238316	Carlisle Engineered Products Inc. 10047 Keystone Drive Lake City, PA 16423	Kelly Run	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Oil City Venango County	PAR208359	Witherup Fabrication & Erection, Inc. P. O. Box 55 Kennerdell, PA 16374	Allegheny River	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Broad Top Township Bedford County	PAG043628	Broad Top Township Bernard R. Hoffnar/Ingrid Scharn P. O. Box 57 Defiance, PA 16633-0057	Six Mile Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Warwick Township Lancaster County	PAG-08-3535	Lititz Borough WWTP 50 Lititz Run Road Lititz, PA 17543-8503	Charles Noll Farm Warwick Township Lancaster County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-9*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Liberty Township Bedford County	PAG-09-3527	Burns Septic Service 139 Captain Phillips Memorial Road Saxton, PA 16678	N/A	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-10*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Beaver County Industry Borough	PAG106101	Buckeye Pipe Line Company P. O. Box 368 Emmaus, PA 18049	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

**Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

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

*Location: Grizzle Inc/TA Casa Nova.* Westside of SR 985 at the intersection of SR 4027. Jenner Township, **Somerset County**. Approval of a revision to the official sewage plan of Jenner Township, Somerset County. Project involves construction of a small flow sewage treatment facility to serve an existing structure (restaurant, bar, residence) located on SR 985. Treated effluent is to be discharged to Bens Creek.

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

*Location: Farmington Township, Warren County. Farmington Township Supervisors, R. D. 2, Box 2265, Russell, PA 16345.*

*Project Description:* This approved project proposes the construction of both small diameter pressure sewers with grinder pumps as well as a conventional gravity sewage collection and conveyance system to serve the Village of Lander. Identified nearby parcels with malfunctions will be also be included, and the sewage will be treated in a 25,000 gallon per day extended aeration treatment plant.

The treatment plant will be constructed north of the Village of Lander, off the intersection of Miller Hill and State Route 957, with a discharge to a tributary of Kiantone Creek, a CWF stream.

After implementation, this plant will also eliminate the current Lander Elementary School Sewage Treatment Plant.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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

**Permit No. 5899501.** Public water supply. **Pennsylvania American Water Company**, Paul Zielinski, 800 West Hersheypark Drive, Hershey, PA 17033. This proposal involves the addition of equipment to feed powdered activated carbon at the Montrose water treatment plant. Permit issued on November 29, 1999.

**Minor Amendment.** Public water supply. **National Utilities, Inc.**, Mountainhome Water System. It is located in Barrett Township, **Monroe County**. Permit issued on November 12, 1999.

**Minor Amendment.** Public water supply. **Crossroads Mobile Home Park** (formerly owned by Paul Fox). It is located in Moore Township, **Northampton County**. Permit issued on November 22, 1999.

**Operations Permit issued to Crossroads Mobile Home Park** on November 22, 1999, located in Moore Township, **Northampton County**.

**Operations Permit issued to Circle Green Condominiums Homeowners Association, Inc.**, on November 24, 1999, located in Palmyra Township, **Pike County** (for Well No. 1).

**Operations Permit issued to Circle Green Condominiums Homeowners Association, Inc.**, on November 24, 1999, located in Palmyra Township, **Pike County** (for Well No. 2).

*Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**Permit No. Minor Amendment.** The Department issued a construction permit to **Clearfield Municipal Authority**, 107 East Market Street, Clearfield, PA 17830, Clearfield Borough, **Clearfield County**. This permit

amendment authorizes construction of a finished water booster pump station, storage tank and water transmission and distribution lines to provide public water service to the Mount Zion area of Lawrence Township.

**Permit No. Minor Amendment.** The Department issued a construction permit to **Hamilton Township Municipal Authority**, P. O. Box 236, Morris Run, PA 16939, Hamilton Township, **Tioga County**. This minor permit amendment authorizes replacement of the filter media and support gravel in the permittee's Microflow Waterboy Model 133 water filtration plant.

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

**Permit No. 2599504.** Public water supply. **Windsor Mobile Home Park**, 2871 Route 6N East, Edinboro, PA 16412 has been issued a construction permit for the installation of well nos. 1, 2, 3, 4 and 5 in Washington Township, **Erie County**. *Type of Facility:* Community Water Supply *Consulting Engineer:* Robert L. Rabell, Rabell Surveying & Engineering, 10560 Walnut St., Albion, PA 16401. *Permit to Construct Issued:* December 13, 1999.

## 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—6027.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, 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 Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.*

**Charles Pleska Residence**, Jefferson Township, **Washington County**. Brian R. Evans, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 and Charles Pleska, 104 Coal School Road, Avella, PA 15312 has submitted a Final Report concerning remedia-

tion of site soil and groundwater contaminated with BTEX and PAHs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Exxon Pittsburgh Specialty Products Plant (Former)**, City of Pittsburgh, **Allegheny County**. Exxon Company, USA, 800 Bell Street, Houston, TX 77002 and Gloria McCleary, Integrated Science and Technology, Inc., 2595 South George Street, York, PA 17403 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAH. The report is intended to document remediation of the site to meet the site specific standard.

**Howard E. Stuber**, Rochester Township, **Beaver County**. Shanin D. Sarnowski, Environmental and Geological Consultants, Inc., P. O. Box 512, 445 Second Street, Waterford, PA 16441-0512 and Howard E. Stuber, 373 Cleveland Street, Rochester, PA 15074 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide health standard.

**Arco Chemical Company**, Beaver Valley Plant (West Landfield and Dravo Quarry) Potter Township, **Beaver County**. Thomas J. Walsh, Arco Chemical Company, 3801 West Chester Pike, Newtown Square, PA 19073 has submitted a Final Report concerning remediation of site soil, groundwater and sediment contaminated with heavy metals, BTEX, PHCs, PAH and C8+HC. 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 Remediations Act (35 P. S. §§ 6026.101—6027.908) and Chapter 250 Administration of Land Recycling Program**

Provisions of 25 Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediations Standards Act (Act). Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report, and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documenta-

tion supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, 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 of Environmental Protection has acted upon the following plans and reports:

*Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.*

**Arco Chemical Company**, Beaver Valley Plant (West Landfield and Dravo Quarry), Potter Township, **Beaver County**. Thomas J. Walsh, Arco Chemical Company, 3801 West Chester Pike, Newtown Square, PA 19073 has submitted a Final Report concerning remediation of site soil, groundwater and sediment contaminated with heavy metals BTEX, PHCs, PAH, and C8+HC. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on November 23, 1999.

## AIR QUALITY

### OPERATING PERMITS

**General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.*

**40-310-043GP: Barletta Materials & Construction, Inc.** (P. O. Box 1089, Glenside, PA 19038) for construction and operation of a portable stone crushing plant in Hazle Township, **Luzerne County**.

**48-310-039GP: Chrin Brothers, Inc.** (635 Industrial Drive, Easton, PA 18042) for construction and operation of a portable stone crushing plant at the Chrin Landfill/501 Building in Williams Township, **Northampton County**.

**Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**TVOP-15-00037: De La Rue Card Systems, Inc.** (523 James Hance Court, Exton, PA 19341) issued for operation of a Facility Title V Operating Permit in West Whiteland Township, **Chester County**.

**TVOP-46-00045: PECO Energy Co.** (300 Front Street, West Conshohocken, PA 19428) issued for operation of a Facility Title V Operating Permit in West Conshohocken Borough, **Montgomery County**.

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

**36-310-076: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) on December 10, 1999, for operation of a Norberg 1415 impact crusher controlled by a wet suppression system located at the Schoeneck Plant at 145 Stevens Road in West Cocalico Township, **Lancaster County**. These sources are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**67-05067: Persing Enterprises, Inc.** (214 North Franklin Street, Red Lion, PA 17356) on December 16, 1999, for operation of a sealer/stain booth, lacquer booth, and spray adhesive booth controlled by dry filters in Red Lion Borough, **York County**.

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

**TVOP-41-00001: Transcontinental Gas Pipeline Corp., Station 520** (Salladasburg, PA 17740) issued a Title V Operating Permit on December 7, 1999, for operation of five natural gas fired engines, two gas fired turbines, a boiler and a generator in Mifflin Township, **Lycoming County**.

**Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**OP-46-0035: SmithKline Beecham Pharmaceutical, Inc.** (709 Swedeland Road, King of Prussia, PA 19406) on December 9, 1999, for Facility VOCs/NOx RACT in Upper Merion Township, **Montgomery County**.

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

**TV-6500354: Atlantic Refining and Marketing Corp.** (Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103-1699) for their Delmont Terminal in Salem Township, **Westmoreland County**. The permit was amended to correct a typographical error.

**Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**OP-46-0035: SmithKline Beecham Pharm., Inc.** (709 Swedeland Road, King of Prussia, PA 19406) on December 9, 1999, for Facility VOCs/NOx RACT in Upper Merion Township, **Montgomery County**.

### PLAN APPROVALS

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to**

**construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-46-0193: Lithium Technology Corp.** (5115 Campus Drive, Plymouth Meeting, PA 19462) on December 9, 1999, for operation of a fiber coating pilot plant in Whitmarsh Township, **Montgomery County**.

**PA-15-0093: Bren Park t/a West Chester Animal Hosp.** (1138 Pottstown Pike, West Chester, PA 19380) on December 13, 1999, for operation of an animal crematory in West Goshen Township, **Chester County**.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.*

**40-313-029B: Gemark Services Corp.** (99 Stevens Lane, Exeter, PA 18643) on December 13, 1999, for construction of rotary kiln in Exeter Borough, **Luzerne County**.

**40-317-021: Stroehmann Bakeries L C** (Valmont Industrial Park, Kiwanis Boulevard, Hazleton, PA 18201) for modification of three baking ovens in West Hazleton Borough, **Luzerne County**.

**48-313-084: Elementis Pigments, Inc.** (1525 Wood Avenue, Easton, PA 18042) on December 20, 1999, for construction of a finishing plant milling and material handling system in Easton, **Northampton County**.

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

**28-05004A: Grove U. S. L.L.C.** (1565 Buchanan Trail East, Shady Grove, PA 17256) on December 13, 1999, for modification of a surface coating operation in Antrim Township, **Franklin County**.

**36-03102: Lippert Components, Inc.** (1658 Dry Tavern Road, Denver, PA 17517) on December 16, 1999, for construction of two spray booths utilizing high volume, low pressure, and airless spraying controlled by dry filters in Brecknock Township, **Lancaster County**.

**67-03076: Oakworks, Inc.** (923 East Well Spring Road, New Freedom, PA 17349) on December 16, 1999, for construction of four spray booths controlled by dry panel filters at Stonebridge Business Park in Hopewell Township, **York County**.

**Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**46-301-259B: East Norriton-Plymouth Whitpain JSA** (200 Ross Street, Norristown, PA 19401) on December 7, 1999, for operation of a sludge incinerator in Plymouth Township, **Montgomery County**.

**PA-46-0124: Montgomery Chemical** (901 Conshohocken Road, Conshohocken, PA 19428) on December 7, 1999, for operation of a chemical manufacturing process in Plymouth Township, **Montgomery County**.

**15-320-023: Dopaco, Inc.** (241 Woodbine Road, Downingtown, PA 19335) on December 13, 1999, operation of a flexographic printing press in Downingtown Borough, **Chester County**.

**46-313-146: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) on December 17, 1999, for operation of a base pigment dispersion facility in Hatfield Township, **Montgomery County**.

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

**59-304-008D: ACP Mfg. Co.** (P. O. Box 9, Blossburg, PA 16912-0068) on December 14, 1999, for operation of a foundry core-making machine and associated air cleaning device (a packed bed scrubber) on a temporary basis to April 12, 2000, in Lawrence Township, **Tioga County**.

**41-329-001A: Lycoming County Resource Management Services** (P. O. Box 187, Montgomery, PA 17752) on December 14, 1999, for operation of two landfill gas-fired reciprocating internal combustion engines on a temporary basis to April 12, 2000, at the Lycoming County Landfill in Brady Township, **Lycoming County**.

**47-303-003: Hanson Aggregates Pennsylvania, Inc.** (P. O. Box 231, Easton, PA 18044-2031) on December 14, 1999, for operation of a drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis to April 12, 2000, at the Milton Quarry in Liberty Township, **Montour County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act, (52 P. S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4401—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

#### Coal Applications Issued

**56673058.** Permit Renewal for reclamation only, **Windber High Standard Coal Company** (1210 Graham Avenue, Windber, PA 15963), for continued restoration of a bituminous strip mine in Paint Township, **Somerset County**, affecting 553.0 acres, receiving stream unnamed tributaries to Spruce Creek; unnamed tributaries to Paint Creek, unnamed tributary to Weaver Run; and unnamed tributary to Stony Creek, application received October 7, 1999, issued December 14, 1999.

*Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15061.*

**03960105. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Revision issued to allow for the construction of a passive treatment system within the 100 foot stream barrier of an unnamed tributary to Huskins Run, as well as to conduct surface mining activities within 10 feet of a township road on an existing bituminous surface auger mine located in Cowanshannon Township, **Armstrong County**, affecting 510.0 acres.

Receiving streams: unnamed tributaries to Huskins Run and Huskins Run. Revision application received: August 30, 1999. Revision issued: December 14, 1999.

**03840105. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Renewal issued for continued operation and reclamation of a bituminous surface mine located in West Franklin Township, **Armstrong County**, affecting 241.2 acres. Receiving streams: unnamed tributary to Buffalo Creek, and Buffalo Creek to the Allegheny River. Application received: September 2, 1999. Renewal issued: December 16, 1999.

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

**17880103. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Bradford Township, **Clearfield County** affecting 54.8 acres. Receiving streams: unnamed tributaries to Roaring Run to the West Branch of the Susquehanna River to the Susquehanna River. Application received August 11, 1999. Permit issued December 7, 1999.

**17970108. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319), revision to an existing bituminous surface mine-auger permit for a change in permit acreage from 458 to 475.2 acres. Receiving streams: unnamed tributaries of Whisky Run and unnamed tributaries of Haslett Run to Whisky Run and Haslett Run both contributory to West Branch Susquehanna River. Application received September 9, 1999. Permit issued December 6, 1999.

**17940107. River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847), renewal of an existing bituminous surface mine permit in Karthaus Township, **Clearfield County** affecting 440 acres. Receiving streams: tributaries to Saltlick Run and tributaries to Upper Three Runs to the West Branch of the Susquehanna River; and tributaries directly to the West Branch of the Susquehanna River. Application received August 19, 1999. Permit issued December 14, 1999.

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

**10970103. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Dale M. Pennington and the Charles H. Watts properties in Oakland Township, **Butler County**. Receiving streams: Two unnamed tributaries to Pine Run, and one unnamed tributary to Connoquenessing Creek. Application received: October 12, 1999. Permit issued: December 9, 1999.

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

**03841305. Keystone Coal Mining Corp.** (P. O. Box 219, Shelocta, PA 15774), to revise the permit for the Emilie 1 & 2 Mine, Portal Shaft No. 7 in Plumcreek and South Bend Townships, **Armstrong County**, post mining land use change to industrial, no additional discharges. Permit issued December 8, 1999.

**56841306. Lion Mining Company** (204 College Park Plaza, Johnstown, PA 15904), to revise the permit for the Grove #1/E Seam Mine in Jenner Township, **Somerset County** to revise the subsidence control plan boundary for the Upper Kittanning seam, no additional discharges. Permit issued December 8, 1999.

**03871302. DLR Mining Inc.** (R. R. 3, Box 115-A, Indiana, PA 15701), to transfer the permit for the Triple K No. 1 Mine in Burrell Township, **Armstrong County** to transfer from Triple K Coal Co. and revise permit to add the No. 2 portal surface site, unnamed trib. to Crooked Creek. Permit issued December 9, 1999.

**33901602. Hepburnia Coal Company** (P. O. Box 1, Grampian, PA 16838), to renew the permit for the Brockway Tipple in Snyder Township, **Jefferson County** to renew permit, no additional discharges. Permit issued December 10, 1999.

**03813704. Keystone Coal Mining Company**, P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Keystone No. 1 Refuse Disposal Area in Plumcreek Township, **Armstrong County** to renew permit, no additional discharges. Permit issued December 14, 1999.

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

**54900101C4. Blackwood, Inc.** (P. O. Box 436, Wind Gap, PA 18091), correction to an existing anthracite surface mine operation in Branch and Reilly Townships, **Schuylkill County** affecting 1847.6 acres, receiving streams—Panther Creek and Swatara Creek. Correction issued December 14, 1999.

**54850201R3. Ginther Coal Company** (P. O. Box 989, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing operation in Blythe Township, **Schuylkill County** affecting 31.1 acres, receiving stream—none. Renewal issued December 15, 1999.

**54763207C. Gilberton Coal Company** (P. O. Box 423, Gilberton, PA 17934), correction to an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 25.9 acres, receiving stream—none. Correction issued December 16, 1999.

**54950202C. Gilberton Coal Company** (P. O. Box 423, Gilberton, PA 17934), correction to an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 148.0 acres, receiving stream—none. Correction issued December 16, 1999.

*Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.*

*Noncoal Permits Issued*

**65930601. Timothy M. Hoover** (R. D. 3, Box 47, Saltsburg, PA 15681). NPDES renewal issued for continued operation of a large noncoal surface mine (sandstone quarry) located in Loyalhanna Township, **Westmoreland County**, affecting 77.4 acres. Receiving streams: unnamed tributary to the Conemaugh River. Application received: September 10, 1999. NPDES Renewal issued: December 16, 1999.

**26990301. Carbon Fuel Resources, Inc.** (P. O. Box 275, West Leisenring, PA 15489). Permit issued for commencement, operation and reclamation of a large noncoal (coke, slag, scrap metal) surface mine located in Dunbar Township and Vanderbilt Borough, **Fayette County**, affecting 297 acres. Receiving streams: unnamed tributaries to Dickerson Run to Dickerson Run to the Youghiogheny River. Application received: July 30, 1999. Permit issued: December 17, 1999.

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

*Noncoal Permits Issued*

**3075SM6. Atlantic States Materials of PA, Inc.** (P. O. Box 269, Mercer, PA 16137). Transfer of an existing sand and gravel operation in West Liberty Borough and

Worth Township, **Butler County** affecting 114.5 acres. This permit is transferred from H. W. Cooper Builders Supply, Inc. Receiving streams: None. Application received: March 30, 1999. Permit Issued: December 9, 1999.

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

**50940301C. Fred D. Thebes & Sons, Inc.** (R. R. 2, Box 133, New Bloomfield, PA 17068), correction to an existing quarry operation in Centre Township, **Perry County** affecting 13.0 acres, receiving stream—none. Correction issued December 17, 1999.

## **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

**E45-377.** Encroachment. **Stroud Township**, 1211 North Fifth Street, Stroudsburg, PA 18360. To construct and maintain a pedestrian bridge having a single span of 48 feet and an underclearance of approximately 2 feet across Flagler Run to provide a crossing for the Stroud Township Greenway Walking Trail. The project is located along the eastern property line of Stroudsburg Area School Authority, approximately 0.6 mile north of S. R. 0080—interchange 47 (Stroudsburg, PA Quadrangle N: 21.7 inches; W: 15.5 inches) in Stroud Township, **Monroe County**.

**E58-230.** Encroachment. **Pennsylvania Department of Transportation**, District 4-0, P. O. Box 111, Scranton,

PA 18501. To remove the existing structure and to construct and maintain a road crossing of the north branch Wyalusing Creek consisting of twin cell, 5.03 meter by 2.59 meter (16.5 foot by 8.5 foot) reinforced concrete box culverts with their inverts depressed 0.3 meter (1.0 foot) below stream bed elevation. The project includes the permanent placement of fill in 0.1 acre (0.25 hectare) of wetlands for the construction of the wingwalls and the construction of a temporary road crossing which includes 1.25 acre (3.09 hectare) of temporary wetland impacts. The project is located on S. R. 0858, Section 0571, approximately 0.1 mile south of the intersection of S. R. 0858 and S. R. 4017, (Lawton, PA Quadrangle N: 16.9 inches; W: 14.4 inches), Middletown Township, **Susquehanna County**. The permittee is required to provide 0.1 acre (0.25 hectare) of replacement wetlands.

**E58-231.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 5.4 meter by 1.8 meter (17.72 feet by 4.92 feet) reinforced concrete box culvert across a tributary of Choconut Creek with its invert depressed 300 mm (1.0 foot) below the streambed, impacting a de minimis area of wetlands equal to 0.01 acre. A temporary road crossing consisting of two 1.5 meter (60 inch) diameter C.M.P. culverts is also authorized and will temporarily impact 0.04 acre of wetlands. The project is located on S. R. 0267, Section 573, 100 meter (328 feet) north of Township Road 769 (Friendsville, PA Quadrangle N: 18.5 inches; W: 0.2 inch) in Choconut Township, **Susquehanna County**.

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

**E05-277.** Encroachment. **PennDot, District 9-0**, 1620 Juniata Street, Hollidaysburg, PA 16648. To remove the existing single span bridge and to construct and maintain a new pre-stressed concrete spread box beam bridge having a single clear span of 38.5 feet along highway centerline on a 60 degrees skew with a minimum underclearance of 5.52 feet over an unnamed tributary to West Branch Sideling Hill Creek (EV) on SR 2007, Section 001 located about 1 mile northeast of Wards Church (Amaranth, PA Quadrangle N: 21.0 inches; W: 10.92 inches) in Monroe Township, **Bedford County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E06-258.** Encroachment. **Ruth Osterburg**, 5171 Route 419, Womelsdorf, PA 19567. To maintain a bridge having a span of 10 feet and an underclearance of 5 feet across the channel of Mill Creek (CWF) at a point approximately 1,500 feet upstream of Host Church Road (Strausstown, PA Quadrangle N: 8.3 inches; W: 12.0 inches) in Tulpehocken Township, **Berks County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E21-287.** Encroachment. **Silver Spring Township**, 6475 Carlisle Pike, Mechanicsburg, PA 17055. To remove the existing structure and to construct and maintain a twin 16 feet by 4.0 feet each concrete box culverts at the channel of Trindle Spring Run (CWF) on Mulberry Drive (T-586) located about 1,200 feet west of its intersection with PA 114 (Mechanicsburg, PA Quadrangle N: 17.9 inches; W: 4.05 inches) in Silver Spring Township, **Cumberland County**. This permit also includes 401 Water Quality Certification.



**E28-267.** Encroachment. **Franklin County Commissioners**, John Hart, 157 Lincoln Way East, Chambersburg, PA 17201. To construct and maintain a new County Bridge No. 22 consisting of 3 spans of 48 feet with a pre-cast I-beam and concrete decking with a minimum underclearance of 11.46 feet over the Conococheague Creek (WWF) on T-481 (Boyer Mill Road) located just upstream of the existing Bridge No. 22 and to provide 350 feet of revetment along the banks of the normal low flow channel (Chambersburg, PA Quadrangle N: 6.9 inches; W: 8.25 inches) in Guilford and Hamilton Townships, **Franklin County**. This permit also includes 401 Water Quality Certification.

**E31-152.** Encroachment. **PA Department of Conservation & Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105. To (1) remove an existing bridge, (2) construct and maintain a single span timber beam bridge with timber deck across Detweiler Run (HQ-CWF) having a clear span of 25.16 feet and a minimum underclearance of 5.0 feet, (3) place R-7 riprap along both abutments and at the wingwalls of the new bridge to prevent scour, (4) remove approximately 14 cubic yards of accumulated unvegetated gravel material under the old bridge, and (5) construct a temporary diversion dike and road crossing to facilitate removal of the existing bridge and construction of the new bridge located on SR 1023 about 6.0 miles northeast of its intersection with SR 0026 at McAlevys Fort (McAlevys Fort, PA Quadrangle N: 12.8 inches; W: 1.2 inches) in Jackson Township, **Huntingdon County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E31-153.** Encroachment. **PA Department of Conservation & Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105. To remove an existing bridge and to construct and maintain a single span timber beam bridge concrete abutments protected with R-7 riprap rock having a clear span of 25.16 feet and a minimum underclearance of 5.17 feet across Standing Stone Creek (HQ-CWF) and to place fill in 0.011 de minimis acre of associated wetlands located on Seeger Road about 500 feet east of its intersection with SR 1023 (McAlevys Fort, PA Quadrangle N: 12.7 inches; W: 1.1 inches) in Jackson Township, **Huntingdon County**. This permit also includes 401 Water Quality Certification.

**E67-668.** Encroachment. **Harry M. and Carole C. Laspino**, 6713 Mountain Road, Felton, PA 17322. To remove an existing structure and to construct and maintain a 12 foot long, 59-inches high by 81-inches wide corrugated metal culvert in an unnamed tributary to North Branch Muddy Creek (CWF) to access an existing private residence located 250 feet south of the intersection of Lebanon Church Road and Mountain Road (Stewartstown, PA Quadrangle N: 15.8 inches; W: 11.1 inches) in North Hopewell Township, **York County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-674.** Encroachment. **Equine Meadows Associates, LP**, 1701 W. Market St., York, PA 17404. To place fill in a de minimis area of wetlands equal to 0.033 acre and a 10-foot culvert extension of an existing 36" corrugated metal pipe and a utility line crossing for the purpose of constructing Springwood Road widening and associated inlets in an unnamed tributary to Mill Creek for the proposed Equine Meadows residential subdivision located south of Cape Horn Road (SR 0024) approximately 3,500 feet southeast of its intersection with Lombard Road (Red Lion, PA Quadrangle N: 6.0 inches;

W: 17.0 inches) in York Township, **York County**. This permit also includes 401 Water Quality Certification.

*Northcentral Region, Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E18-274.** Encroachment. **John Gilchrist**, 105 South Water Street, Mill Hall, PA 17751. To 1) construct and maintain a C-shaped 10-foot by 28-foot by 12-foot by 30-foot by 4-foot 3-inch by 18-foot 9-inch wooden deck with a maximum height off the ground of 3-foot; 2) install and maintain 191 feet of 4-foot high chain link fence in the far left floodway of Fishing Creek located 400 feet north of the intersection of South Water Street and Church Street (Mill Hall, PA Quadrangle N: 19.4 inches; W: 15.5 inches) in the Borough of Mill Hall, **Clinton County**. This permit was issued under § 105.13(e) "Small Projects."

**E18-282.** Encroachment. **Pine Creek Township**, P. O. Box 596, Avis, PA 17721. To construct and maintain two parallel 15-inch diameter storm sewer outfall pipes and R-5 riprap at the outlets to Pine Creek off of T-567 approximately 1.3 miles north of the intersection of T-567 with SR 44 (Jersey Shore, PA Quadrangle N: 15.9 inches; W: 8.8 inches) in Pine Creek Township, **Clinton County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-453.** Encroachment. **Matthew Carey**, 216 Calebs Creek Road, Cogan Station, PA 17728. To place and maintain fill in the floodway of Calebs Creek for private, single dwelling lot development. The fill operation shall consist of placing a maximum of 57,160 cubic feet of fill in the floodway that will not impact wetlands or the waterway which is located along the eastern right-of-way of SR 2022 approximately 0.76-mile north of the intersection of Calebs Creek Road and SR 2022 (Montoursville North, PA Quadrangle N: 16.6 inches; W: 10.9 inches) in Eldred Township, **Lycoming County**. This permit was issued under § 105.13(e) "Small Projects."

**E53-334.** Encroachment. **Keith Horn, Inc.**, 133 Biddle Street, Kane, PA 16735. To construct and maintain a low flow crossing using two 58-inch by 36-inch pipe arches in Prouty Run located off Long Toe Road approximately 2.3 miles south of Route 44 (Ayers Hill, PA Quadrangle N: 9.1 inches; W: 5.6 inches) in Summit Township, **Potter County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-335.** Encroachment. **Gary Lamphier**, Harrison Township, P. O. Box 92, Harrison Valley, PA 16927. To maintain a 6 foot corrugated metal pipe on Marsh Creek located 0.1 mile north of SR 1010 (Harrison Valley, PA Quadrangle N: 17.8 inches; W: 13.9 inches) in Harrison Township, **Potter County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-389.** Encroachment. **Delmar Township**, R. R. 5, Box 70A, Wellsboro, PA 16901. To (1) remove existing structures; (2) construct, operate and maintain two minor road crossings of Pine Island Run—Exceptional Value; (3) construct and maintain rock stream deflectors in and along Pine Island Run; and (4) place and maintain roadway fill and wearing surface in the floodway of the same waterway for dirt and gravel roadway improvements. The dirt and gravel roadway improvement project covers 1.3-miles of Delmar Township Road Number 355 (T-355). The upstream most minor road crossing shall be

constructed with a corrugated metal arch culvert pipe that has a minimum span of 6.92-feet, rise of 4.75-feet, length of 36.0-feet, and depressed 0.50-feet. The downstream most minor road crossing shall be constructed with a corrugated metal culvert pipe that has a minimum diameter of 6-feet, length of 50-feet, and depressed 0.50-feet. The rock stream rock deflectors shall be constructed with a minimum of R-8 riprap. All in-stream structures shall be constructed in dry work conditions through the use of dams/pumps, cofferdams or flumes. The project is located along the western right-of-way of SR 0414 approximately 1.3-miles east of Clay Mine Road and T-355 (Tiadaghton, PA Quadrangle N: 3.3 inches; W: 5.5 inches) in Delmar Township, **Tioga County**. This permit does not authorize any temporary or permanent wetland impacts. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-394. Encroachment. Wal-Mart Realty**, 2001 Southeast Tenth Street, Bentonville, AR 72712-6489. To (1) repair, operate and maintain an existing outfall structure; (2) install and maintain rock streambank protection in and along Canoe Camp Creek; (3) and to construct, operate and maintain a stormwater outfall structure along the same waterway for the expansion of an existing commercial facility. The streambank protection work shall consist of regrading existing streambanks to a minimum slope of 1-foot vertical to 3-feet horizontal and installing a minimum of 500-feet of R-7 riprap. The stormwater outfall shall be constructed with a 30-inch diameter polyethylene pipe with a concrete headwall. The project is located along the eastern right-of-way of S. R. 0015 approximately 500-feet north of S. R. 2027 and S. R. 0015 intersection (PA Quadrangle N: 6.1 inches; W: 9.2 inches) in Richmond Township, **Tioga County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

## DAM SAFETY

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

*Permits issued and Actions on 401 Certification*

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D67-531. Dam. Pennsylvania Power and Light, Inc.** (Two North Ninth Street, Allentown, PA 18101-1179). To close Ash Basin No. 5 at the Brunner Island Steam Electric station (SES) in East Manchester Township, **York County**.

## SPECIAL NOTICES

### Request for Proposal

The MSSOB Parents' Association, Department of Environmental Protection and the Department of Conservation and Natural Resources is issuing a Request for Proposal (RFP) for childcare services. The childcare center is located in the Rachel Carson State Office Building located at Fourth and Market Streets, Harrisburg, and serves approximately 49 children. A copy of the RFP can

be obtained by writing and/or calling Helen Mabus, 55 East Wing, Main Capitol Building, Harrisburg, PA 17120, phone (717) 787-5166. Questions of a general nature regarding the services being requested may be directed to Kris Lutz, (717) 787-9240 or Audrey Marrocco, (717) 705-5422.

**Departments:** DEP and DCNR

**Location:** 400 Market Street, Rachel Carson State Office Building, Harrisburg, PA

**Duration:** One year—with four additional one-year extensions.

**Contacts:** Kris Lutz, (717) 787-9240 or Audrey Marrocco, (717) 705-5422

[Pa.B. Doc. No. 00-21. Filed for public inspection December 30, 1999, 9:00 a.m.]

## Environmental Stewardship and Watershed Protection (Growing Greener) Grant Applications and Notice of Grant Workshops

The new Environmental Stewardship and Watershed Protection Act authorizes the Department of Environmental Protection (Department) to make available grants to protect and restore watersheds, reclaim abandoned mines and plug abandoned oil and gas wells.

The Department has set February 11, 2000, as the deadline for its first round of Growing Greener grant applications.

Eligible applicants include: 1) counties, authorities and other municipalities; 2) county conservation districts; 3) watershed organizations, which means entities recognized by the Department and established to promote local watershed conservation efforts in an identified watershed; and 4) other authorized organizations, including nonprofit entities involved in research, restoration, education or other activities which further the protection, enhancement, conservation, preservation or enjoyment of Pennsylvania's environmental, conservation, recreation or similar resources.

Applications should describe the intended watershed protection project including: the organization of a watershed group, watershed assessments, development of watershed restoration/protection plans, implementation of watershed restoration/protection projects and demonstration/education/outreach activities.

Priority consideration will be given to applications submitted to implement local watershed-wide conservation efforts and to improve water quality impaired watersheds, including those polluted by past mining activities, agricultural and urban runoff, atmospheric deposition and earth-moving activities.

The Department will hold grant workshops at six locations around the state to respond to questions about Growing Greener and the grant program and to assist prospective applicants. The grant workshops will begin at 1:30 p.m. and 7 p.m. as follows:

January 11, 2000	January 13, 2000
DEP's Southeast Regional Office	DEP's Northeast Regional Office
Suite 6010, Lee Park 555 North Lane Conshohocken, Pa.	2 Public Square Wilkes-Barre, Pa.

January 19, 2000  
DEP's Northwest Regional  
Office  
230 Chestnut Street  
Meadville, Pa.

January 24, 2000  
DEP's Southcentral  
Regional Office  
Susquehanna River  
Conference Room  
909 Elmerton Avenue  
Harrisburg, Pa.

January 20, 2000  
Sheraton Inn—Pittsburgh  
North  
910 Sheraton Drive  
Mars, Pa.

January 26, 2000  
DEP's Northcentral  
Regional Office  
208 West Third Street  
Williamsport, Pa.

783-6154 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. 00-23. Filed for public inspection December 30, 1999, 9:00 a.m.]

### Application of Elk Regional Health Center for Exception to 28 Pa. Code § 107.62

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Elk Regional Health Center has requested an exception to the requirements of 28 Pa. Code § 107.62 relating to oral orders.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 00-24. Filed for public inspection December 30, 1999, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Abington Memorial Hospital for Exception to 28 Pa. Code § 153.1(a)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Abington Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1(a) which requires compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Abington seeks an exception to 7.4.A6 relating to the requirement for an airborne infection isolation room in at least one level of nursery care.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717)

### Application of Gastrointestinal Specialists, Inc. for Exception to 28 Pa. Code § 571.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Gastrointestinal Specialists, Inc., has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Gastrointestinal Specialists, Inc., seeks an exception to Sections 7.9.D3 and 7.9.D7 relating to medical air vacuum.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 00-25. Filed for public inspection December 30, 1999, 9:00 a.m.]

### **Application of Gettysburg Hospital for Exception to 28 Pa. Code § 107.62**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Gettysburg Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62 relating to Oral Orders.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 00-26. Filed for public inspection December 30, 1999, 9:00 a.m.]

### **Application of Grandview Hospital for Exception to 28 Pa. Code § 51.6**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Grandview Hospital has requested an exception to the requirements of 28 Pa. Code

§ 51.6 which requires healthcare practitioners licensed or certified by Commonwealth agencies to wear an identification tag which displays that person's full name and professional designation. Specifically, Grandview Hospital requests an exception to allow healthcare practitioners to wear tags bearing only the first name and the official professional designation.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 00-27. Filed for public inspection December 30, 1999, 9:00 a.m.]

### **Application of Lancaster General Hospital for Exception to 28 Pa. Code § 109.23**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Lancaster General Hospital has requested an exception to the requirements of 28 Pa. Code § 109.23 which requires annual review of the nursing care policies.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT:

(717) 783-6154 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. 00-28. Filed for public inspection December 30, 1999, 9:00 a.m.]

### **Application of Lancaster General Hospital for Exception to 28 Pa. Code § 151.21**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Lancaster General Hospital has requested an exception to the requirements of 28 Pa. Code § 151.21 which requires that fire, internal disaster and evacuation drills shall be held at least quarterly for each shift of hospital personnel and under varied conditions.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN,  
*Secretary*

[Pa.B. Doc. No. 00-29. Filed for public inspection December 30, 1999, 9:00 a.m.]

### **Application of Lancaster General Hospital for Exception to 28 Pa. Code § 153.1(a)**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Lancaster General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1(a) which requires compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Lancaster General seeks an exception to Sections 7.32.G1 and 7.32.G4 relating to a staff emergency assistance system and alternate technologies to be considered for emergency or nurse call systems.

The request is on file with the Department. Persons may receive a copy of the request for exception by

requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 00-30. Filed for public inspection December 30, 1999, 9:00 a.m.]

### **Application of Memorial Hospital of Towanda for Exception to 28 Pa. Code § 125.14(a)**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Memorial Hospital of Towanda has requested an exception to the requirements of 28 Pa. Code § 125.14(a) relating to Pronouncement of Death by a Physician.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 00-31. Filed for public inspection December 30, 1999, 9:00 a.m.]

### Application of Sewickley Valley Hospital for Exception to 28 Pa. Code § 153.1(a)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Sewickley Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1(a) which requires compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Sewickley seeks an exception to Section 7.2B19 that requires a shower and/or bathing facility for each 12 patients.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 00-32. Filed for public inspection December 30, 1999, 9:00 a.m.]

### Application of UPMC Presbyterian Medical Center for Exception to 28 Pa. Code § 153.1(a)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that UPMC Presbyterian Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1(a) which requires compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. UPMC seeks an exception to Sections 7.9.D3 and 7.9.D7 relating to medical air vacuum.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 00-33. Filed for public inspection December 30, 1999, 9:00 a.m.]

### Application of UPMC Rehabilitation Hospital for Exception to 28 Pa. Code § 107.2

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that UPMC Rehabilitation Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 relating to Medical Staff Membership.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 00-34. Filed for public inspection December 30, 1999, 9:00 a.m.]

### Application of Pennsylvania Hospital of the University of Pennsylvania Health System for Exception to 28 Pa. Code § 153.1(a)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Pennsylvania Hospital of the University of Pennsylvania Health System has requested an exception to the requirements of 28 Pa. Code § 153.1(a) which requires compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and

Healthcare Facilities. Pennsylvania Hospital seeks an exception to Sections 7.7.C9 and 7.10.H relating to medical air in the anesthesia workroom and in the cardiac catheterization lab.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 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, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 00-35. Filed for public inspection December 30, 1999, 9:00 a.m.]

### **Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings**

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health under sections 301 and 317 of the Public Health Service Act, 42 U.S.C.A. §§ 241(a) and 247(b), will hold a public meeting on Wednesday, January 19, 2000.

The meeting will be held at the Sheraton Inn Harrisburg East, 800 East Park Avenue, Harrisburg, PA 17111, from 10 a.m. to 4 p.m.

For additional information please contact Thomas M. DeMelfi, Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0574.

Persons with a disability who desire to attend the meeting, and require an auxiliary aid service or other accommodation to do so, should also contact Thomas DeMelfi at the above number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-36. Filed for public inspection December 30, 1999, 9:00 a.m.]

### **Integrated HIV Planning Council; Public Meetings**

The Statewide Integrated HIV Planning Council, established by the Department of Health will hold a public meeting on Tuesday, February 1, 2000.

The meeting will be held at the Sheraton Inn Harrisburg East, 800 East Park Avenue, Harrisburg, PA 17111, from 10:30 a.m. to 2:30 p.m.

For additional information, please contact Thomas M. DeMelfi, Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912 Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0574.

Persons with a disability who desire to attend the meeting, and require an auxiliary aid service or other accommodation to do so, should also contact Thomas DeMelfi at the above number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT]

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-37. Filed for public inspection December 30, 1999, 9:00 a.m.]

## **DEPARTMENT OF LABOR AND INDUSTRY**

### **Unemployment Compensation Benefit Rate Table**

The purpose of this notice is to effect the automatic extension of the Unemployment Compensation Benefit Rate Table. Each year the maximum weekly benefit rate is calculated as 66 2/3% of the average weekly wage in covered employment for the preceding fiscal year. The maximum weekly benefit rate for unemployment compensation purposes in this Commonwealth during calendar year 2000 will be \$408.

Under the authority contained in sections 201 and 404(e)(2) of the Unemployment Compensation Law (43 P. S. §§ 761 and 804(e)(2)) and 34 Pa. Code § 65.111 the table for 2000 is being adopted by this notice and will be codified at 34 Pa. Code Chapter 65, Appendix A. See 14 Pa.B. 4688 (December 29, 1984).

The deadline for conformity is January 1, 2000, as established by section 404(e)(2) of the Unemployment Compensation Law.

Any questions concerning this notice should be directed to Alan Williamson, Deputy Secretary for Unemployment Compensation Programs, Labor and Industry Building, Harrisburg, PA 17120.

JOHNNY J. BUTLER,  
*Secretary*

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of Compensation</i>	<i>Part E</i>
\$800-812	\$35	\$1320	\$910	\$560
813-837	36	1360	936	576
838-862	37	1400	962	592
863-887	38	1440	988	608
888-912	39	1480	1014	624
913-937	40	1520	1040	640
938-962	41	1560	1066	656
963-987	42	1600	1092	672
988-1012	43	1640	1118	688
1013-1037	44	1680	1144	704
1038-1062	45	1720	1170	720
1063-1087	46	1760	1196	736
1088-1112	47	1800	1222	752
1113-1162	48	1840	1248	768
1163-1187	49	1880	1274	784
1188-1212	50	1920	1300	800
1213-1237	51	1960	1326	816
1238-1262	52	2000	1352	832
1263-1287	53	2040	1378	848
1288-1312	54	2080	1404	864
1313-1337	55	2120	1430	880
1338-1362	56	2160	1456	896
1363-1387	57	2200	1482	912
1388-1412	58	2240	1508	928
1413-1437	59	2280	1534	944
1438-1462	60	2320	1560	960
1463-1487	61	2360	1586	976
1488-1512	62	2400	1612	992
1513-1537	63	2440	1638	1008
1538-1562	64	2480	1664	1024
1563-1587	65	2520	1690	1040
1588-1612	66	2560	1716	1056
1613-1637	67	2600	1742	1072
1638-1662	68	2640	1768	1088
1663-1687	69	2680	1794	1104
1688-1712	70	2720	1820	1120
1713-1737	71	2760	1846	1136
1738-1762	72	2800	1872	1152
1763-1787	73	2840	1898	1168
1788-1812	74	2880	1924	1184
1813-1837	75	2920	1950	1200
1838-1862	76	2960	1976	1216
1863-1887	77	3000	2002	1232
1888-1912	78	3040	2028	1248
1913-1937	79	3080	2054	1264
1938-1962	80	3120	2080	1280
1963-1987	81	3160	2106	1296
1988-2012	82	3200	2132	1312
2013-2037	83	3240	2158	1328
2038-2062	84	3280	2184	1344
2063-2087	85	3320	2210	1360
2088-2112	86	3360	2236	1376
2113-2137	87	3400	2262	1392
2138-2162	88	3440	2288	1408
2163-2187	89	3480	2314	1424
2188-2212	90	3520	2340	1440
2213-2237	91	3560	2366	1456
2238-2262	92	3600	2392	1472
2263-2287	93	3640	2418	1488
2288-2312	94	3680	2444	1504



<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of Compensation</i>	<i>Part E</i>
2313-2337	95	3720	2470	1520
2338-2362	96	3760	2496	1536
2363-2387	97	3800	2522	1552
2388-2412	98	3840	2548	1568
2413-2437	99	3880	2574	1584
2438-2462	100	3920	2600	1600
2463-2487	101	3960	2626	1616
2488-2512	102	4000	2652	1632
2513-2537	103	4040	2678	1648
2538-2562	104	4080	2704	1664
2563-2587	105	4120	2730	1680
2588-2612	106	4160	2756	1696
2613-2637	107	4200	2782	1712
2638-2662	108	4240	2808	1728
2663-2687	109	4280	2834	1744
2688-2712	110	4320	2860	1760
2713-2737	111	4360	2886	1776
2738-2762	112	4400	2912	1792
2763-2787	113	4440	2938	1808
2788-2812	114	4480	2964	1824
2813-2837	115	4520	2990	1840
2838-2862	116	4560	3016	1856
2863-2887	117	4600	3042	1872
2888-2912	118	4640	3068	1888
2913-2937	119	4680	3094	1904
2938-2962	120	4720	3120	1920
2963-2987	121	4760	3146	1936
2988-3012	122	4800	3172	1952
3013-3037	123	4840	3198	1968
3038-3062	124	4880	3224	1984
3063-3087	125	4920	3250	2000
3088-3112	126	4960	3276	2016
3113-3137	127	5000	3302	2032
3138-3162	128	5040	3328	2048
3163-3187	129	5080	3354	2064
3188-3212	130	5120	3380	2080
3213-3237	131	5160	3406	2096
3238-3262	132	5200	3432	2112
3263-3287	133	5240	3458	2128
3288-3312	134	5280	3484	2144
3313-3337	135	5320	3510	2160
3338-3362	136	5360	3536	2176
3363-3387	137	5400	3562	2192
3388-3412	138	5440	3588	2208
3413-3437	139	5480	3614	2224
3438-3462	140	5520	3640	2240
3463-3487	141	5560	3666	2256
3488-3512	142	5600	3692	2272
3513-3537	143	5640	3718	2288
3538-3562	144	5680	3744	2304
3563-3587	145	5720	3770	2320
3588-3612	146	5760	3796	2336
3613-3637	147	5800	3822	2352
3638-3662	148	5840	3848	2368
3663-3687	149	5880	3874	2384
3688-3712	150	5920	3900	2400
3713-3737	151	5960	3926	2416
3738-3762	152	6000	3952	2432
3763-3787	153	6040	3978	2448
3788-3812	154	6080	4004	2464

<i>Part A</i> <i>Highest</i> <i>Quarterly</i> <i>Wage</i>	<i>Part B</i> <i>Rate of</i> <i>Compensation</i>	<i>Part C</i> <i>Qualifying</i> <i>Wage</i>	<i>Part D</i> <i>Amount of Compensation</i>	<i>Part E</i>
3813-3837	155	6120	4030	2480
3838-3862	156	6160	4056	2496
3863-3887	157	6200	4082	2512
3888-3912	158	6240	4108	2528
3913-3937	159	6280	4134	2544
3938-3962	160	6320	4160	2560
3963-3987	161	6360	4186	2576
3988-4012	162	6400	4212	2592
4013-4037	163	6440	4238	2608
4038-4062	164	6480	4264	2624
4063-4087	165	6520	4290	2640
4088-4112	166	6560	4316	2656
4113-4137	167	6600	4342	2672
4138-4162	168	6640	4368	2688
4163-4187	169	6680	4394	2704
4188-4212	170	6720	4420	2720
4213-4237	171	6760	4446	2736
4238-4262	172	6800	4472	2752
4263-4287	173	6840	4498	2768
4288-4312	174	6880	4524	2784
4313-4337	175	6920	4550	2800
4338-4362	176	6960	4576	2816
4363-4387	177	7000	4602	2832
4388-4412	178	7040	4628	2848
4413-4437	179	7080	4654	2864
4438-4462	180	7120	4680	2880
4463-4487	181	7160	4706	2896
4488-4512	182	7200	4732	2912
4513-4537	183	7240	4758	2928
4538-4562	184	7280	4784	2944
4563-4587	185	7320	4810	2960
4588-4612	186	7360	4836	2976
4613-4637	187	7400	4862	2992
4638-4662	188	7440	4888	3008
4663-4687	189	7480	4914	3024
4688-4712	190	7520	4940	3040
4713-4737	191	7560	4966	3056
4738-4762	192	7600	4992	3072
4763-4787	193	7640	5018	3088
4788-4812	194	7680	5044	3104
4813-4837	195	7720	5070	3120
4838-4862	196	7760	5096	3136
4863-4887	197	7800	5122	3152
4888-4912	198	7840	5148	3168
4913-4937	199	7880	5174	3184
4938-4962	200	7920	5200	3200
4963-4987	201	7960	5226	3216
4988-5012	202	8000	5252	3232
5013-5037	203	8040	5278	3248
5038-5062	204	8080	5304	3264
5063-5087	205	8120	5330	3280
5088-5112	206	8160	5356	3296
5113-5137	207	8200	5382	3312
5138-5162	208	8240	5408	3328
5163-5187	209	8280	5434	3344
5188-5212	210	8320	5460	3360
5213-5237	211	8360	5486	3376
5238-5262	212	8400	5512	3392
5263-5287	213	8440	5538	3408
5288-5312	214	8480	5564	3424

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of Compensation</i>	<i>Part E</i>
5313-5337	215	8520	5590	3440
5338-5362	216	8560	5616	3456
5363-5387	217	8600	5642	3472
5388-5412	218	8640	5668	3488
5413-5437	219	8680	5694	3504
5438-5462	220	8720	5720	3520
5463-5487	221	8760	5746	3536
5488-5512	222	8800	5772	3552
5513-5537	223	8840	5798	3568
5538-5562	224	8880	5824	3584
5563-5587	225	8920	5850	3600
5588-5612	226	8960	5876	3616
5613-5637	227	9000	5902	3632
5638-5662	228	9040	5928	3648
5663-5687	229	9080	5954	3664
5688-5712	230	9120	5980	3680
5713-5737	231	9160	6006	3696
5738-5762	232	9200	6032	3712
5763-5787	233	9240	6058	3728
5788-5812	234	9280	6084	3744
5813-5837	235	9320	6110	3760
5838-5862	236	9360	6136	3776
5863-5887	237	9400	6162	3792
5888-5912	238	9440	6188	3808
5913-5937	239	9480	6214	3824
5938-5962	240	9520	6240	3840
5963-5987	241	9560	6266	3856
5988-6012	242	9600	6292	3872
6013-6037	243	9640	6318	3888
6038-6062	244	9680	6344	3904
6063-6087	245	9720	6370	3920
6088-6112	246	9760	6396	3936
6113-6137	247	9800	6422	3952
6138-6162	248	9840	6448	3968
6163-6187	249	9880	6474	3984
6188-6212	250	9920	6500	4000
6213-6237	251	9960	6526	4016
6238-6262	252	10000	6552	4032
6263-6287	253	10040	6578	4048
6288-6312	254	10080	6604	4064
6313-6337	255	10120	6630	4080
6338-6362	256	10160	6656	4096
6363-6387	257	10200	6682	4112
6388-6412	258	10240	6708	4128
6413-6437	259	10280	6734	4144
6438-6462	260	10320	6760	4160
6463-6487	261	10360	6786	4176
6488-6512	262	10400	6812	4192
6513-6537	263	10440	6838	4208
6538-6562	264	10480	6864	4224
6563-6587	265	10520	6890	4240
6588-6612	266	10560	6916	4256
6613-6637	267	10600	6942	4272
6638-6662	268	10640	6968	4288
6663-6687	269	10680	6994	4304
6688-6712	270	10720	7020	4320
6713-6737	271	10760	7046	4336
6738-6762	272	10800	7072	4352
6763-6787	273	10840	7098	4368
6788-6812	274	10880	7124	4384

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of Compensation</i>	<i>Part E</i>
6813-6837	275	10920	7150	4400
6838-6862	276	10960	7176	4416
6863-6887	277	11000	7202	4432
6888-6912	278	11040	7228	4448
6913-6937	279	11080	7254	4464
6938-6962	280	11120	7280	4480
6963-6987	281	11160	7306	4496
6988-7012	282	11200	7332	4512
7013-7037	283	11240	7358	4528
7038-7062	284	11280	7384	4544
7063-7087	285	11320	7410	4560
7088-7112	286	11360	7436	4576
7113-7137	287	11400	7462	4592
7138-7162	288	11440	7488	4608
7163-7187	289	11480	7514	4624
7188-7212	290	11520	7540	4640
7213-7237	291	11560	7566	4656
7238-7262	292	11600	7592	4672
7263-7287	293	11640	7618	4688
7288-7312	294	11680	7644	4704
7313-7337	295	11720	7670	4720
7338-7362	296	11760	7696	4736
7363-7387	297	11800	7722	4752
7388-7412	298	11840	7748	4768
7413-7437	299	11880	7774	4784
7438-7462	300	11920	7800	4800
7463-7487	301	11960	7826	4816
7488-7512	302	12000	7852	4832
7513-7537	303	12040	7878	4848
7538-7562	304	12080	7904	4864
7563-7587	305	12120	7930	4880
7588-7612	306	12160	7956	4896
7613-7637	307	12200	7982	4912
7638-7662	308	12240	8008	4928
7663-7687	309	12280	8034	4944
7688-7712	310	12320	8060	4960
7713-7737	311	12360	8086	4976
7738-7762	312	12400	8112	4992
7763-7787	313	12440	8138	5008
7788-7812	314	12480	8164	5024
7813-7837	315	12520	8190	5040
7838-7862	316	12560	8216	5056
7863-7887	317	12600	8242	5072
7888-7912	318	12640	8268	5088
7913-7937	319	12680	8294	5104
7938-7962	320	12720	8320	5120
7963-7987	321	12760	8346	5136
7988-8012	322	12800	8372	5152
8013-8037	323	12840	8398	5168
8038-8062	324	12880	8424	5184
8063-8087	325	12920	8450	5200
8088-8112	326	12960	8476	5216
8113-8137	327	13000	8502	5232
8138-8162	328	13040	8528	5248
8163-8187	329	13080	8554	5264
8188-8212	330	13120	8580	5280
8213-8237	331	13160	8606	5296
8238-8262	332	13200	8632	5312
8263-8287	333	13240	8658	5328
8288-8312	334	13280	8684	5344

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of Compensation</i>	<i>Part E</i>
8313-8337	335	13320	8710	5360
8338-8362	336	13360	8736	5376
8363-8387	337	13400	8762	5392
8388-8412	338	13440	8788	5408
8413-8437	339	13480	8814	5424
8438-8462	340	13520	8840	5440
8463-8487	341	13560	8866	5456
8488-8512	342	13600	8892	5472
8513-8537	343	13640	8918	5488
8538-8562	344	13680	8944	5504
8563-8587	345	13720	8970	5520
8588-8612	346	13760	8996	5536
8613-8637	347	13800	9022	5552
8638-8662	348	13840	9048	5568
8663-8687	349	13880	9074	5584
8688-8712	350	13920	9100	5600
8713-8737	351	13960	9126	5616
8738-8762	352	14000	9152	5632
8763-8787	353	14040	9178	5648
8788-8812	354	14080	9204	5664
8813-8837	355	14120	9230	5680
8838-8862	356	14160	9256	5696
8863-8887	357	14200	9282	5712
8888-8912	358	14240	9308	5728
8913-8937	359	14280	9334	5744
8938-8962	360	14320	9360	5760
8963-8987	361	14360	9386	5776
8988-9012	362	14400	9412	5792
9013-9037	363	14440	9438	5808
9038-9062	364	14480	9464	5824
9063-9087	365	14520	9490	5840
9088-9112	366	14560	9516	5856
9113-9137	367	14600	9542	5872
9138-9162	368	14640	9568	5888
9163-9187	369	14680	9594	5904
9188-9212	370	14720	9620	5920
9213-9237	371	14760	9646	5936
9238-9262	372	14800	9672	5952
9263-9287	373	14840	9698	5968
9288-9312	374	14880	9724	5984
9313-9337	375	14920	9750	6000
9338-9362	376	14960	9776	6016
9363-9387	377	15000	9802	6032
9388-9412	378	15040	9828	6048
9413-9437	379	15080	9854	6064
9438-9462	380	15120	9880	6080
9463-9487	381	15160	9906	6096
9488-9512	382	15200	9932	6112
9513-9537	383	15240	9958	6128
9538-9562	384	15280	9984	6144
9563-9587	385	15320	10010	6160
9588-9612	386	15360	10036	6176
9613-9637	387	15400	10062	6192
9638-9662	388	15440	10088	6208
9663-9687	389	15480	10114	6224
<b>9688-9712</b>	<b>390</b>	<b>15520</b>	<b>10140</b>	<b>6240</b>
<b>9713-9737</b>	<b>391</b>	<b>15560</b>	<b>10166</b>	<b>6256</b>
<b>9738-9762</b>	<b>392</b>	<b>15600</b>	<b>10192</b>	<b>6272</b>

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of Compensation</i>	<i>Part E</i>
<b>9763-[ or more ]9787 9788-9812</b>	<b>393 394</b>	<b>[ * ]15640 15680</b>	<b>10218 10244</b>	<b>6288 6304</b>
<b>9813-9837 9838-9862 9863-9887 9888-9912 9913-9937</b>	<b>395 396 397 398 399</b>	<b>15720 15760 15800 15840 15880</b>	<b>10270 10296 10322 10348 10374</b>	<b>6320 6336 6352 6368 6384</b>
<b>9938-9962 9963-9987 9988-10012 10013-10037 10038-10062</b>	<b>400 401 402 403 404</b>	<b>15920 15960 16000 16040 16080</b>	<b>10400 10426 10452 10478 10504</b>	<b>6400 6416 6432 6448 6464</b>
<b>10063-10087 10088-10112 10113-10137 10138-or more</b>	<b>405 406 407 408</b>	<b>16120 16160 16200 16240</b>	<b>10530 10556 10582 10608</b>	<b>6480 6496 6512 6528</b>

\*The claimant will be ineligible for benefits unless 20% of the claimant's total base year wages was paid in a quarter or quarters other than the high quarter.

[Pa.B. Doc. No. 00-38. Filed for public inspection December 30, 1999, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Public Hearing on Declining Resident Population at Polk Center

The Department of Public Welfare (Department) will hold a public hearing on the declining resident population at Polk Center. The hearing will be held on Friday, January 14, 2000, at 2 p.m. at the Rocky Grove Fire Hall, 29 Wood Street, Franklin, Venango County.

State law requires the Department to hold a public hearing on any State mental health or mental retardation facility within 30 days of a closure announcement or following a downsizing of 20% or more.

The decrease in patient population at Polk Center is a result of numerous factors, primarily successful community placement of individuals with mental retardation into small community homes, which provide alternatives to State center treatments and living arrangement.

Individuals or organizations wishing to testify should contact Mary Puskarich, Regional Director at (412) 565-5144 by January 7, 2000. Anyone requiring special accommodations is asked to inform the Department at the time of scheduling.

FEATHER O. HOUSTOUN,  
*Secretary*

[Pa.B. Doc. No. 00-39. Filed for public inspection December 30, 1999, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, December 16, 1999, and took the following actions:

*Regulations deemed approved under Section 5(g) of the Regulatory Review Act—Effective December 14, 1999*

Insurance Department # 11-194: Consent to Rate Filings (deletes Chapter 113 Pa. Code § 31).

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-40. Filed for public inspection December 30, 1999, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (I) of the act (75 P. S. § 745.5a(h)(I)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
11-182	Insurance Department Insurance Holding Company Systems (29 Pa.B. 5392 (October 16, 1999))	12/16/99	11/15/01

**Insurance Department Regulation  
No. 11-182**

**Insurance Holding Company Systems  
December 16, 1999**

We have reviewed this proposed regulation from the Insurance Department (Department) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to statutory authority, consistency with the statute, legislative intent, need, reasonableness, economic impact and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. *Section 25.1. Definitions.—Consistency with the statute; Legislative intent; and Clarity.*

*NAIC*

The definition of this term is “The National Association of Insurance Commissioners, or *successor organization*.” (Emphasis added.) This definition is inconsistent with Section 1401 of The Insurance Company Law (Act) (40 P.S. §§ 991.1401). The definition in the Act doesn’t include a reference to a “successor organization.” There is no indication that the General Assembly intended to recognize a successor organization to the NAIC. Consequently, the Department should delete the reference to a successor organization.

*Surplus*

This definition references “. . . accounting practices and procedures manuals adopted by the NAIC as required by the Commissioner.” It is unclear how many and which specific NAIC “manuals” are encompassed by this definition. Also, the phrase “. . . as required by the Commissioner.” is confusing. Will compliance with all or just some of the NAIC manuals be required? Why aren’t the specific requirements in the regulation? We request the Department clarify these issues in the final regulation.

*Ultimate Controlling Person*

This definition references direct or indirect control of the registrant. We have two concerns with this definition. First, to improve clarity, we suggest the Department define “registrant.” Second, what degree of control constitutes “indirect control of the registrant”? The Department should explain the distinction between “direct” and “indirect” control.

2. *Section 25.11. Expenses.—Reasonableness; Need; and Clarity.*

*General*

This section addresses expenses of experts and consultants. To improve clarity, the Department should add “of experts and consultants” to the title of this section.

Furthermore, the regulation does not outline what recourse, if any, is available if the person believes the charges are unreasonable. The Department should explain the process for questioning the costs of an expert or consultant.

*Subsection (c)*

This subsection requires per diem charges for experts to be comparable to prevailing rates for those services. How does the Department determine the prevailing rates? Also, why does the regulation only allow per diem rates, rather than per diem or hourly rates?

*Subsection (d)*

This subsection states that charges for experts “. . . will be made in accordance with provisions set forth in letters of engagement.” It appears to be obvious that charges must be made according to the contract between the Department and the expert. We request the Department explain why this subsection is necessary.

3. *Section 25.12. Forms—general requirements.—Statutory authority; Legislative intent; and Clarity.*

*Subsection (b)*

This subsection requires at least one copy of forms submitted to the Department to be signed. However, the regulation does not specify if electronic signatures are permitted. Senate Bill 555, relating to Uniform Electronic Transactions, was delivered to the Governor on December 8, 1999. This bill authorizes numerous electronic transactions, including electronic signatures. If Senate Bill 555 is signed into law before the Department submits the final regulation, the Department should amend the regulation to permit electronic signatures.

*Subsection (c)*

This subsection describes the procedures a filing person must follow to request that information in Forms A and E be treated as confidential. We question the Department’s statutory authority for this subsection as it relates to Form E (entitled Pre-Acquisition Notification Statement of the Potential Competitive Impact of a Proposed Merger or Acquisition).

Section 1403(c)(1) of the Act (40 P.S. § 991.1403(c)(1)) requires confidential treatment of preacquisition notices in the same manner as provided in Section 1407 of the Act. Section 1407 of the Act (40 P.S. § 991.1407) requires that all information and documents related to Sections 1404 (registration of insurers) and 1405 (standards and management of insurers within a holding company system) of the Act be given confidential treatment, unless the insurer gives written consent or has had an opportunity to be heard. Therefore, the Department should delete the reference to Form E in this subsection.

4. *Section 25.13. Forms—incorporation by reference, summaries and omissions.—Clarity.*

The last sentence of Subsection (a) begins with the term “Matter.” This term is vague and confusing. It appears the term refers to information that has been previously filed with the Department. We suggest the Department use a more descriptive term in place of “Matter.”

5. *Section 25.15. Forms—additional information and exhibits.—Clarity.*

Subsection (a) requires the filing person to submit additional information that is necessary to make the information on Forms A—E “not misleading.” The phrase “not misleading” is vague. How can the filing person make this judgment to the satisfaction of the Department? The Department should clarify what type of additional information the Department may require to verify the information.

6. *Section 25.16. Acquisition of control—statement filings.—Clarity.*

Subsection (b) largely repeats the requirements of Section 1402(g) of the Act (40 P. S. § 991.1402(g)). However, Subsection (b) is a lengthy single sentence which is very confusing. The Department could break the sentence into subparagraphs to improve readability and clarity. In addition, the Department should clarify what information is required to determine that a transaction will not change or influence the control of a domestic insurer.

7. *Section 25.18. Summary of registration—statement filing.—Statutory authority and Consistency with the statute.*

As written, this section would require an insurer to file Form C (Summary of Registration Statement) with any jurisdiction in which the insurer is required to do business, if required to do so by the chief regulatory insurance official in that jurisdiction. If that official does not establish a filing deadline, the insurer is required to file Form C within 15 days.

We have several concerns with this section. First, we question the Department’s statutory authority to establish filing requirements for another jurisdiction. Second, we note that the language in this section is contrary to the language in the statute. Section 1404(a)(1) (40 P. S. § 991.1404(a)(1)) creates an exemption from registration requirements for a foreign insurer subject to substantially similar registration requirements in the jurisdiction of its domicile. Under 40 P. S. § 991.1404(a)(1) and (2), the Department may require a foreign insurer which is not required to register in Pennsylvania, to file the same information with the Department as it files in the jurisdiction of its domicile. The Department should amend Section 25.18 to correspond with Section 1404(a)(1) and (2) of the Act. This approach is also consistent with the intent of Section 4B of the NAIC model regulations. If the Department does not revise this section, it should explain its authority to require insurers to make filings in other jurisdictions.

8. *Section 25.21. Transactions subject to prior notice—notice filing.—Economic impact; Reasonableness; and Clarity.*

Subsection (c) allows the Department to “. . . withdraw its prior approval of a transaction and require the transaction to be reversed or take other regulatory action as a result of a material change in information furnished on Form D.” As a practical matter, how could an insurer reasonably be expected to reverse a transaction which it has already executed? For example, if the Department gives its approval for an insurer to enter into a loan agreement, how could the insurer later nullify its loan agreement without incurring substantial costs?

It’s our understanding that the Department intended this subsection to preclude an insurer from proceeding with an approved transaction if a material change occurs before the transaction is consummated. Since the Depart-

ment approves a specific transaction, the insurer cannot materially deviate from the approved transaction without notifying the Department and receiving approval. The Department should amend this provision to clearly reflect its intent.

Also, what “other regulatory action” does the Department contemplate under Subsection (c)?

9. *Section 25.22. All dividends and other distributions.—Economic impact; Need; Reasonableness; and Clarity.*

*General*

This section in the existing regulations applies only to extraordinary dividends and other distributions. The proposed regulation imposes the existing reporting requirements for extraordinary dividends on all dividends. The Department should explain the need to apply this section to all dividends.

*Subsection (b)*

This subsection requires that dividends be paid “. . . only out of unassigned funds (surplus) . . . .” The phrase “unassigned funds (surplus)” is unclear. The defined term in Section 25.1 Definitions is “surplus.” The Department should use “surplus,” or explain the difference between that term and “unassigned funds (surplus).”

*Subsection (c)*

Subsection (c)(5) requires the insurer to submit a balance sheet and income statement covering the time period from the last annual submittal to “the end of the month preceding the month in which the request for dividend or other distribution approval is submitted.” Why would the most recent quarterly financial statement not suffice? Requiring financial statements through the end of the month preceding the insurer’s request may be a burdensome, expensive reporting requirement. The Department should revise the regulation to require the reporting through the end of the most recent quarter, or limit the requirement in the proposed regulation to extraordinary dividends.

*Subsection (f)*

This subsection allows the Department to “. . . withdraw its prior approval of a dividend or other distribution and require the transaction to be reversed or take other regulatory action as a result of a material change in information furnished under this section.” As a practical matter, how could an insurer reasonably be expected to reverse a dividend which it already paid? Also, what “other regulatory action” does the Department contemplate under Subsection (f)?

It’s our understanding that the Department intended this subsection to preclude an insurer from proceeding with an approved transaction if a material change occurs before the transaction is effected. Since the Department approves a specific transaction, the insurer cannot materially deviate from the approved transaction without notifying the Department and receiving further approval. The Department should amend this provision to clearly reflect its intent.

10. *FORM A. Statement regarding the acquisition of control of or merger with a domestic insurer.—Need and Economic impact.*

Item 3 requires biographical affidavits to be signed in the original and notarized. An affidavit is not required if one was filed within 3 years and there is no change to the information already on file. One commentator recommends lesser requirements. The commentator believes



copies of biographical affidavits should be allowed and, if there is no change to the information, the affidavit on file does not need to be replaced every 3 years.

The Department should explain why copies of biographical affidavits are not acceptable. Further, if there is no change to the information already on file, why is a new biographical affidavit needed? Why doesn't the Department simply require an annual affidavit attesting to the accuracy of the biographical affidavit on file?

11. *FORM B. Insurance holding company system annual registration statement.—Consistency with the statute; Need; Economic impact; and Clarity.*

The requirements for directors and executive officers are identical to the requirements in FORM A, Item 3 above. The Department should explain the need for original, notarized affidavits and the need to replicate them if there is no change in the information already on file.

JOHN A. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-41. Filed for public inspection December 30, 1999, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Coal Mine Compensation Rating Bureau of Pennsylvania; Workers' Compensation Loss Cost Filing

On December 21, 1999, the Pennsylvania Insurance Department received from the Coal Mine Compensation Rating Bureau (CMCRB) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of Act 44 of 1993. The CMCRB requests an overall 0.9% decrease. Also, the CMCRB has calculated the employer assessments to be 5.41%, compared to 3.66% last year. Updates to a variety of other rating values and Manual rules to reflect the most recent experience and terminology are also being submitted for approval.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPU, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120 (E-mail at cromberg@ins.state.pa.us) within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-42. Filed for public inspection December 30, 1999, 9:00 a.m.]

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### Progressive Northern Insurance Company; Private Passenger Automobile Rate Revision

On December 20, 1999, the Insurance Department (Department) received from Progressive Northern Insur-

ance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 7.1% increase amounting to \$7.4 million annually, to be effective March 7, 2000, for new business and May 4, 2000, for renewal business.

Unless formal administrative action is taken prior to February 18, 2000, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

All interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (E-mail at mburkett@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-43. Filed for public inspection December 30, 1999, 9:00 a.m.]

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### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). These administrative hearings will be held in the Insurance Department's Regional Offices 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 Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Erie Insurance Group; file no. 99-265-34522; Thomas J. and Paula G. Ferrentino; doc. no. PH99-12-015; March 6, 2000, at 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner 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. 00-44. Filed for public inspection December 30, 1999, 9:00 a.m.]

## OFFICE OF GENERAL COUNSEL

### Invitation to Publish (OGC-ITP-2000-01)

The Office of General Counsel has prepared a manuscript, *The Health Laws of Pennsylvania* (Manuscript), which will serve as a desk reference for all lawyers who practice health law, health care providers and facilities, and government officials. The Manuscript, which is the first of its kind, is intended to provide a starting point for lawyers with health law questions. The focus of the Manuscript is the statutes and regulations of the Commonwealth, with some references to Federal law and case law for the sake of clarity or completeness. Through this Invitation to Publish (ITP), the Office of General Counsel is seeking proposals from vendors interested in publishing the Manuscript. The Manuscript consists of approximately 300 single-sided pages printed on 8.5" x 11" bond paper. All of the text is available on 3.5" diskettes in Microsoft Word. The Manuscript must be published in a format that permits periodic updates. A minimum of 200 complimentary copies must be provided to the Office of General Counsel as well as other discounted copies if required. Interested parties may obtain a copy of the ITP by sending a written request to Howard Burde, Deputy General Counsel, by mail at the Office of General Counsel, 333 Market Street, 17th Floor, Harrisburg, PA 17101 or by Fax at (717) 772-9187. The Office of General Counsel has the right to reject any and all proposals received as a result of this ITP, or to negotiate separately with competing vendors. A preproposal conference will be held on Monday, January 31, 2000, at 10 a.m. at the Office of General Counsel, 333 Market Street, 17th Floor, Harrisburg, PA. The purpose of this preproposal conference is to summarize the ITP and respond to questions. The preproposal conference is for information only. Answers furnished during the conference will be verified in writing by the Office of General Counsel. Sealed proposals must be submitted to the Office of General Counsel attention: Howard Burde, Deputy General Counsel, at the address listed above. Proposals must be received at the above address no later than 3 p.m. on Thursday, February 17, 2000. Vendors mailing proposals should allow sufficient mail delivery time to insure timely receipt of their

proposals. Proposals sent by Fax will not be accepted. Late proposals will not be considered regardless of the circumstances.

JAMES SHEEHAN,  
*General Counsel*

[Pa.B. Doc. No. 00-45. Filed for public inspection December 30, 1999, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Investigation into the Year 2000 Compliance by Public Utilities; Doc. I-00980076; Default Orders Re: Complaints Filed by the Law Bureau Prosecutory Staff

On December 20, 1999, the Pennsylvania Public Utility Commission entered default orders at the following complaint dockets revoking the Certificates of Public Convenience for the named telecommunications service resellers listed:

<i>Company</i>	<i>A-Number</i>	<i>C-Number</i>
NSI Communications Services Inc.	207	310159
TeleConcepts Inc.	115	310131
Total National Telecom	126	310353
Long Distance Network Inc.	167	310420
Meridian Telecom Corp.	204	310502
MVX Communications, LLC	196	310647
Nationwide Long Distance	206	310290
Telegroup Inc.	202	310035
Total-Tel USA Communications	210	310169
US Mobile Services	77	310577

Each of the above-listed resellers must notify its customers of the revocation of its certificate of public convenience within 30 days of the date of publication of this notice and must cease providing telecommunication services to customers in this Commonwealth within 90 days of the date of publication of this notice.

Questions regarding this notice should be directed to Pennsylvania Public Utility Commission Assistant Counsel Patricia Krise Burket at (717) 787-3464.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-46. Filed for public inspection December 30, 1999, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protest to the applications published herein are due on or before January 24, 2000, as set forth in 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.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-00116440, Folder 2. Discount Movers, Inc.** (3258 Main Street, P. O. Box 789, Manchester, Carroll County, Maryland 21102), a corporation of the State of Maryland—household goods in use, between points in the counties of Adams and York, and from points in said counties, to points in Pennsylvania, and vice versa.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under each application.**

**A-00116130, F. 4. Pittsburgh Transportation Company, Inc.** (5931 Elsworth Avenue, Pittsburgh, Allegheny County, PA 15206), a corporation of the Commonwealth of Pennsylvania—Additional Right—as a common carrier, by motor vehicle (1) persons and their baggage, in limousine service, from points in the township of North Huntingdon, and the cities of Jeannette and Greensburg, and the boroughs of Irwin, Mt. Pleasant, Scottsdale, Latrobe, and Monessen, all in the county of Westmoreland, to the Greater Pittsburgh International Airport in the townships of Moon and Findlay, Allegheny County, and vice versa; limited to the transportation of persons having prior or subsequent movement by air; and provided that the service shall be rendered in vehicles having a seating capacity of not less than seven or more than 11 passengers, without the use of taximeters or domelights; (2) persons in airport transfer service, from the Greater Pittsburgh International Airport in the townships of Moon and Findlay, Allegheny County, to points in Washington County, and vice versa; limited to the transportation of persons having prior or subsequent movement by air; excluding service between intermediate points; and provided that no service will be rendered to points in the borough of Findleyville, Washington County, and within a radius of 5 miles of the limits thereof, and vice versa; (3) persons in airport transfer service, from the Greater Pittsburgh International Airport, to points in Westmoreland County, and vice versa; limited to the transportation of persons having prior or subsequent movement by air; (4) persons in airport transfer service, in limousines and luxury-type vehicles, from points in the counties of Armstrong, Beaver, Butler, Cambria, Greene, Indiana, Somerset and Westmoreland, to the Greater Pittsburgh International Airport in the township of Moon, Allegheny County; and the Allegheny County Airport in the borough of West Mifflin, Allegheny County; right 4 subject to the following conditions: That no right, power or privilege is granted to provide service from points in the townships of Adams, Connoquenessing, Cranberry, Forward, Jackson, Lancaster, Butler, Penn and Middlesex, and the boroughs of Seven Springs and Zelienople, Butler County; and that service from Westmoreland County is restricted to the transportation of four or more persons from one origin point for whom a reservation has been made by a single party or person, but who are charged individually; which is to be a transfer of the airport transfer rights of Airport Limousine Service, Inc., authorized under the certificate issued at A-00112577, F. 1 and F. 1, Am-A, subject to the same limitations and conditions. *Attorney:* Ray F. Middleman, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-00108973, F. 1, Am-A. Hanna Transfer Company-North** (P. O. Box 1148, Oil City, Venango County, PA 16301), a corporation of the Commonwealth of Pennsylvania—household goods in use, between points in the city of Oil City, Venango County, and within 25 miles by the usually traveled highways of the limits of said city and from points in the said city and territory to other points in Pennsylvania, and vice versa: *So as to permit* the transportation of household goods in use between points in the county of Warren, and from points in the said county, to points in Pennsylvania, and vice versa.

[Pa.B. Doc. No. 00-47. Filed for public inspection December 30, 1999, 9:00 a.m.]

## TURNPIKE COMMISSION

### Retention of a Management Consulting Firm

#### Reference No. 128-001

The Turnpike Commission (Commission) will retain a management consulting firm for the continued development of its enterprise-wide reengineering effort. The Commission desires a management consulting firm to become its partner to assist its reengineering teams in completing specific reengineering activities. The most responsive firm will demonstrate its flexibility by supporting and using the methodology adopted by the commission for its workflow process reengineering efforts.

The management consulting services required include;

- High quality facilitation and leadership skills in an intensive workshop environment.
- Excellent process workflow analysis and design skills and experience.
- Ability to create resulting process documentation as identified in the Turnpike Commission depository at [www.compaid.com/ptcprocess](http://www.compaid.com/ptcprocess).
- Data analysis and data base development skills
- High quality systems development personnel and experience in the Oracle 7.4.3, Windows NT 4.0, service Pack 5, Visual Basic 5.0, Enterprise Edition, Service Pack 3, Crystal Reports 6.0 technical environment.
- It is anticipated that these services will be requested over a 2 year period at a cost not to exceed \$1.5 million through an open-end contract with specific work orders being issued for each work activity.
- The majority of the work will be accomplished at or near the Turnpike Commission central administration building.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

- a. Specialized experience and technical competence of prime consultant and subconsultants. The consultant must clearly demonstrate an ability to analyze available data to make decisions, completing the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Direct inquiries to Samuel J. Boyer, at 939-9551, extension 5601; or by e-mail at sboyer@paturndpike.com.

The Commission is committed to the inclusion of disadvantaged, minority, and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in this contract will be 10%. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in this contract, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Pennsylvania Department of Transportation or Department of General Services at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Pennsylvania Turnpike Commission at the above address, or by calling (717) 939-9551 Ext. 4241.

#### **General Requirements and Information**

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified)

2. Maximum of three page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission. The following should accompany the organization chart:

- Resumes of key personnel expected to be involved in the project. (limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in the Commonwealth as provided by the Department of State for firms with out-of-state headquarters or corporations not incorporated in Pennsylvania.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Donald T. Gilligan, Director Planning and Programming, at the PA Turnpike Commission Administration Building located at 176 Kost Road, Carlisle, PA 17013-9779 (parcel delivery address) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 p.m. (noon), Friday, January 21, 2000. Any letters of interest received after this date and time will be time-stamped and returned.

The assignment of the above services will be made to one of the firms submitting an acceptable letter of interest. The Commission will be short listing this project at a public meeting after the evaluations of acceptable letters of interest. Technical proposals will then be requested from the short listed firms.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 00-48. Filed for public inspection December 30, 1999, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

Reader's Guide	REQUIRED DATA DESCRIPTIONS
<h3 style="text-align: center;">Legal Services &amp; Consultation—26</h3> <p style="text-align: center;">① Service Code Identification Number</p> <p style="text-align: center;">② Commodity/Supply or Contract Identification No.</p> <p><b>B-54137.</b> 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.</p> <p>Department: General Services                  Location: Harrisburg, Pa.                  Duration: 12/1/93-12/30/93                  Contact: Procurement Division                  787-0000</p> <p style="text-align: center;">③ Contract Information</p> <p style="text-align: center;">④ Department</p> <p style="text-align: center;">⑤ Location</p> <p style="text-align: center;">⑥ Duration</p> <p>⑦ (For Commodities: Contact:) Vendor Services Section                  717-787-2199 or 717-787-4705</p>	<p>① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.</p> <p>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.</p> <p>③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.</p> <p>④ Department: State Department or Agency initiating request for advertisement.</p> <p>⑤ Location: Area where contract performance will be executed.</p> <p>⑥ Duration: Time estimate for performance and/or execution of contract.</p> <p>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</p>

## 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

**1289119** Poplin. For a copy of the bid package Fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 1999-2000  
**Contact:** Vendor Services, (717) 787-2199

**1204219** 2000 model converted passenger type wheelchair/passenger van to accommodate 15 passengers. For a copy of the bid package Fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 1999-2000  
**Contact:** Vendor Services, (717) 787-2199

**1283139** Furnish various music instruments. For a copy of the bid package Fax request to (717) 787-0725.

**Department:** State System of Higher Education  
**Location:** Scotland, PA  
**Duration:** FY 1999-2000  
**Contact:** Vendor Services, (717) 787-2199

**8176270** 2000-2001 Transportation map. For a copy of the bid package Fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 1999-2000  
**Contact:** Vendor Services, (717) 787-2199

**1247159** Furnish an eye-tracking system to be used for research involving human performance and human computer interface design per bid specifications. For a copy of the bid package Fax request to (717) 787-0725.

**Department:** State System of Higher Education  
**Location:** University Park, PA  
**Duration:** FY 1999-2000  
**Contact:** Vendor Services, (717) 787-2199

**1305229** Latest model four wheel drive suburban. For a copy of the bid package Fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 1999-2000  
**Contact:** Vendor Services, (717) 787-2199

**8158400** Automotive lift-heavy duty, portable and support stands-mobile. For a copy of the bid package Fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Stroudsburg, PA  
**Duration:** FY 1999-2000  
**Contact:** Vendor Services, (717) 787-2199

**6220-99-01** Purchase of one Kawasaki Mule Utility Vehicle, Model 2510, 4 x 4 with diesel engine.

**Department:** Conservation and Natural Resources  
**Location:** Presque Isle State Park  
**Duration:** 45 days after receipt of Purchase Order  
**Contact:** Steven D. Bernoski, (814) 833-7424

## SERVICES

### Audio/Video—04

**LBP-2000-01** Vendor to service and repair all telephone equipment located at the Northeastern Veterans Center. System presently installed is Mitel SX2000 light. Voicemail, call accounting and elevator phones also included.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2000 through June 30, 2003 with renewal option  
**Contact:** Barbara Lance, (570) 961-4354

**9999-3500-000** Contractor shall supply all service and technical support for Fujitsu 9600VS PBX telephone system with battery back-up. Contract term (Approximate): April through May (12 Months).

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** 12 months—approximate (April—May)  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**Barber/Cosmetology—05**

**SP-134300003** Cosmetology services for residents of the Hollidaysburg Veterans Home—2 year contract—vendor will perform services under this agreement as an independent contractor. Projected 50 residents for each fiscal year (FY 1999-2000 and FY 2000-2001). Services to be provided at the Hollidaysburg Veterans Home—vendor will provide service during weekdays. Vendor will provide his/her own equipment and supplies and provide a schedule of services two weeks in advance. The Hollidaysburg Veterans Home will provide space, a chair and shampoo sink. To request a bid package or have any questions answered, please Fax to: Becky Clapper, Purchasing Agent at (814) 696-5395.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P.O. Box 319, Rt. 220 at Meadows Intersection, Hollidaysburg, PA 16648-0319  
**Duration:** July 1, 2000 through June 30, 2002 with an option to renew, for a 2-year period, by mutual consent between the two parties  
**Contact:** Becky Clapper, Purchasing Agent, (814) 696-5210

**Computer—08**

**1891810047** The Commonwealth of PA, Department of Revenue, Bureau of Imaging and Document Management desires to engage vendor services to provide data entry and key verification of PA Inheritance Tax records. Bid proposals to be submitted for transaction codes 411, 140, 130, 405, 408, 409, 425, 430 and 442, price per thousand records. Prices and daily production volumes must be stated in terms of 350 character records and firm for the period April 1, 2000 to March 31, 2001 during the initial contract period. Records are to be recorded on 9 track, 1600 B.P.I. magnetic tape (required), or on 3480 or 3490 Data Cartridge, and possibly will migrate to File Transfer Protocol (FTP) during the term of this contract. One contract will be awarded. The Department of Revenue at its option may negotiate to extend this contract for additional 1 year terms. Any such extension shall be based upon the terms and prices to be charged and agreed to between the Department and the contractor.

**Department:** Revenue  
**Location:** 1854 Brookwood Street, Harrisburg, PA 17104  
**Duration:** April 1, 2000 to March 31, 2001  
**Contact:** William A. Lupp, (717) 705-6745

**Construction & Maintenance—09**

**FDC-213-649** E & S Measures; Temporary Field Office; Demolition; Maintenance & Protection of Traffic; Clearing and Grubbing; Excavation, Backfill and Compacting; Rock Lining; Subbase; Bituminous Paving; Inlets and Pipes; Guide Rail; Landscaping; Concrete; Prestressed Concrete Bridge Beams; and Architectural Surface Treatment. Rehabilitate Two Bridges at Raccoon Creek State Park. Bid Documents will be available on or after January 4, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Hanover Township  
**Duration:** Complete all work by June 30, 2000  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-124-701** All work necessary to replace the swimming pool filters and backwash tank at Sizerville State Park. Bid documents will be available on or after January 5, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Portage Township  
**Duration:** Complete all work by May 19, 2000  
**Contact:** Construction Management Section, (717) 787-5055

**FBP-003-0018** Maintenance and Protection of Traffic; Demolition; Clearing and Rough Grading; Excavating, Backfilling and Compacting; Rock Lining; Dewatering; E and S Measures; Selected Material Surfacing; Bituminous Paving; Traffic Signing; Guide Rail; Landscaping; Concrete Structures; Prestressed Concrete Beams; Architectural Surface Treatment. Bridge replacement in Forest District No. 3. Bid documents will be available on or after January 4, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Jackson Township  
**Duration:** Complete all work by October 31, 2000  
**Contact:** Construction Management Section, (717) 787-5055

**015DGS962-13** Project title: Dietary Floor Resurfacing. Brief description: Resurface the dietary area floors as described on drawings. Install new cove bases as required. Use a troweled polyurethane composite floor material. 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. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, January 19, 2000, at 11 a.m. A Prebid Conference has been scheduled for Monday, January 10, 2000, at 10 a.m. at Hollidaysburg Veterans Home, in the Dietary Building Break Room, Hollidaysburg, PA. Contact: George Knisely, (814) 696-5328. All Contractors who have secured Contract Documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Hollidaysburg Veterans Home, Hollidaysburg, Blair County, PA  
**Duration:** 180-calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**015DGS800-206** Project title: Electrical Distribution System. Brief description: Replace the existing campus electrical distribution system. Estimated range: \$2 million to \$5 million. General and Electrical Construction. Plans deposit: \$135 per set. Payable to: Benatec Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to: Benatec Associates, 200 Airport Road, Capital City Airport, New Cumberland, PA 17070, telephone (717) 901-7055. Bid Date: Wednesday, January 26, 1999 at 2 p.m. A prebid Conference has been scheduled for Tuesday, January 11, 2000, at 10 a.m. at Penn State University, Capital College in the Olmsted Building on 2nd Floor in Auditorium. Contact: Ed Dankanich, (717) 948-6235. All Contractors who have secured Contract Documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Penn State University, Capital College, Middletown, Dauphin County, PA  
**Duration:** 365-calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**UP-157** Slippery Rock University is accepting sealed bids for the construction of a Physical Therapy Classroom Building on campus. The project entails the construction of a three story, 45,000 square foot, precast concrete structural frame, brick veneer on steel studs, sheet membrane roofing, all required HVAC, Plumbing and Electrical Construction and all required site work including paving and landscaping. The bid package can be obtained by submitting a \$180 nonrefundable check to IKM Incorporated, One PPG Place, Pittsburgh, PA 15222, telephone (412) 281-1337. Plans will be available at the University for viewing by contacting Andy Wilson, Project Manager, Facilities and Planning, telephone (724) 738-2964. A prebid conference will be held at 10 a.m. on January 4, 2000, in Room 304, Old Main. The bid opening will be held on January 20, 2000. Please mark UP-157 on the outside of the envelope.

**Department:** State System of Higher Education  
**Location:** Slippery Rock University, Slippery Rock, PA 16057  
**Duration:** 13 Months  
**Contact:** J. F. Revesz, Director of Contracts, (724) 738-2255

**IN-796.1** Pedestrian bridge repair Eberly College of Business. Work included under this project consists of pedestrian bridge repair, Eberly College of Business consisting of removing existing portion of damaged precast resinous concrete panels, joint sealant, etc., to furnish and install new exterior finish system, weather resistive barrier, joint sealants, etc. telephone (724) 357-2289 Fax: (724) 357-6480 Internet: <http://www.iup.edu/engcons>. Notice to Contractors may be requested from IUP.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** 6 Months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (724) 357-4851

**Contracting for Demolition and/or Removal of Struc** Notice is hereby given by the Department of Transportation, that it is seeking bids for the Demolition and/or Removal of certain Residential and Commercial structures in conjunction with the construction of S. R. 222, Sections 001/002 in the County of Berks, Townships of Brecknock, Cumru, and Spring. There is asbestos in some of all of the structures.

**Department:** Transportation  
**Location:** S. R. 222  
**Duration:** Indeterminate 1999-2000  
**Contact:** William C. Skrapits, (610) 603-0201

### Court Reporting—10

#### Bid # 188 Cort Student Stacking Desks.

**Department:** General Services  
**Location:** Penn State University General Services, Leonard Building, University Park, PA  
**Duration:** Indeterminate 1999-2000  
**Contact:** Steve Blazer, (814) 865-5418

### Engineering Services—14

**08430AG2474** To provide preliminary engineering, environmental studies, final design, consultation during construction and viewer's plans for S. R. 0034, Section 014 (Shermansdale Road Bridge) in Perry County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 30 days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2470** To perform environmental services, preliminary engineering, final design and services during construction for S. R. 0095, Section AFC in Philadelphia County.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** 30 days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2471** Open-end contract for construction inspection and documentation services in Delaware County, Engineering District 6-0.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** 60 Months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2472** To provide preliminary engineering, environmental studies, final design, services during construction and viewer's plans for S. R. 1022, Section 001 (Swatara Creek Bridge) in Lebanon County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 30 days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2473** To provide preliminary engineering, environmental studies, final design, consultation during construction and viewer's plans for S. R. 2002, Section 004, S. R. 2002, Section 005 and S. R. 2003, Section 004 in Perry County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 30 days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2475** To provide preliminary engineering, environmental studies, final design, consultation during construction and viewer's plans for S. R. 4006, Section 003 (Raccoon Creek Bridge) in Perry County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 30 days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2476** To provide preliminary engineering, environmental studies, final design, services during construction and viewer's plans on S. R. 0234, Section 008 (King St. Bridge), S. R. 1009, Section 003 (Bermudian Creek Bridge), S. R. 2012, Section B04 (Alloway Creek Bridge) and S. R. 4008, Section 013 (Opossum Run Bridge) in Adams County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 30 days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2477** To provide preliminary engineering, environmental studies, final design, services during construction and viewer's plans for S. R. 2013, Section 003 (Bell Road Bridge) in Lancaster County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 30 days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2478** To provide preliminary engineering, environmental studies, final design, services during construction and viewer's plans for S. R. 2011, Section 005 (Williams Grove Road Bridge) and S. R. 4007, Section 008 (Mountain Road Bridge) in Cumberland County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 30 days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2479** To provide preliminary engineering, environmental studies, final design, services during construction and viewer's plans for S. R. 0097, Section 003 (Baltimore Pike Bridge) and S. R. 0116, Section 012 (Fairfield Road Bridge) in Adams County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 30 days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2480** To provide preliminary engineering, environmental studies, final design, services during construction and viewer's plans for S. R. 1014, Section 005 (Elizabeth Run Bridge) in Lebanon County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 30 days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

### Extermination Services—16

**BLR-021-0981-00-000011** Contractor is to provide pest control services on the grounds of the Youth Development Center twice monthly on a fee for service basis. Proposed contract is projected to begin on July 1, 2000. Call the YDC New Castle purchasing department for contract specifications, (724) 656-7310.

**Department:** Public Welfare  
**Location:** Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101  
**Duration:** Tentative start date July 1, 2000 to June 30, 2005 (60 months)  
**Contact:** T. E. Mateja, Purchasing Agent, (724) 656-7310

### Firefighting Services—18

**SP 1375997518** On call repairs to fire detection systems and annual inspections and tests as per scope of work.

**Department:** Military Affairs  
**Location:** PA Air National Guard, Willow Grove Air Reserve Station, Willow Grove, PA  
**Duration:** DOA through September 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518



## Food—19

**G-2000-11** SCI Greene will be issuing a bid for fountain services (bag in a box) carbonated beverages. The bid will be for a three year period beginning July 1, 2000 through June 30, 2003. Qualifying vendors will be expected to be able to supply at least 5 various flavors.

**Department:** Corrections  
**Location:** Department of Corrections, SCI Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370  
**Duration:** July 1, 2000 through June 30, 2003  
**Contact:** Pat Nichols, Purchasing Agent, (724) 852-5533

**LBP-2000-12** Poultry and poultry products. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** April 1, 2000 through December 31, 2000  
**Contact:** Barbara Lance, (570) 961-4354

**8970-1100-000** Poultry and poultry products: Chicken fryers, turkey roast, ground turkey, etc. For the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**8970-2700-000** Frozen eggs: For the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**LBP-2000-09** Frozen seafood. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** April 1, 2000 through December 31, 2000  
**Contact:** Barbara Lance, (570) 961-4354

**8920-1500-000** Prepared foods: Pastas including, but not limited to: rellendos de papas and alcapurrias. This would be on an infrequent basis as these items presently fall under state contract # 8920-06. For the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**LBP-2000-10** Miscellaneous frozen food items. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** April 1, 2000 through December 31, 2000  
**Contact:** Barbara Lance, (570) 961-4354

**8965-0200-00 and 8970-2600-000** Frozen items: Vegetables, bakery products, entrees, pizza, etc. For the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**LBP-2000-11** Meat and meat products. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** April 1, 2000 through December 31, 2000  
**Contact:** Barbara Lance, (570) 961-4354

**8970-1700-000** Ice cream: For the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**LBP-2000-13** Fresh fruits and vegetables. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** April 1, 2000 through December 31, 2000  
**Contact:** Barbara Lance, (570) 961-4354

**LBP-2000-14** Ice cream, sherbert, etc. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** April 1, 2000 through December 31, 2000  
**Contact:** Barbara Lance, (570) 961-4354

**LBP-2000-15** Bread and rolls. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** April 1, 2000 through December 31, 2000  
**Contact:** Barbara Lance, (570) 961-4354

**8970-1000-000** Vendor shall provide alternative sources of protein, i.e., grain burgers, bean burgers, vegetable burgers, tofu, yogurt, IQF burger crumbles for the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**8970-1800-000** Eggs: Shell, white, grade A, medium, naturals, Pa Spc 3-10, effective May 1, 1974, 30 dozen per case. Items will be bid above or below top wholesale price as published in the Tuesday edition of the USDA Poultry Market news Egg Report for the week prior to the week delivery is made.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**8970-1200-000** Fish and seafood: Haddock and cod, breaded and unbreaded, minced clams and other seafood as required by this institution. For the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**8915-1950-000** Beans, dry: PA Spec. B-72, effective March 1977, and Amen. # 1, effective June 1979, 100 lb. bags net wt. including, but not limited to, lima, type A, extra # 1, type C, choice handpicked, red kidney, type E, U. S. # 1. This would be on an infrequent basis as these items are presently under contract # 8920-06. For the period July 1, 2000 to June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**8920-1500-000** Noodles and pasta: This would be on an infrequent basis as these items presently fall under state contract # 8920-06. For the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**LBP-2000-08** Dairy products and drinks: Cheese, butter, margarine, cottage cheese, sour cream, etc. Specifications and delivery dates may be obtained from the Northeastern Veterans Center.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** April 1, 2000 through December 31, 2000  
**Contact:** Barbara Lance, (570) 961-4354

**8970-2300-000** Bread and roll bases: Including but not limited to, half-n-half rye bread maker and flour conditioner, Base: yeast, Bak-krisp instant bread 7 roll base; half-n-half wheat bread base; and dinner roll base, items to bid periodically. For the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**8970-0100-000** Canned vegetables: This would be on an infrequent basis as these are seasonally supplied by correctional industries. For the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**8920-1900-000** Produce: Fresh fruits and vegetables, ready-to-use vegetables. For the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**8970-0085-000** Vega-jel desserts: All vegetable products. This would be on an infrequent basis as these items presently fall under State contract # 8920-06. For the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

**8970-1000-000** Processed meats: Including, but not limited to, turkey ham, turkey bologna, turkey salad, beef, lebanon bologna, bacon, turkey franks, veal patties and pullman hams. For the period July 1, 2000—June 30, 2001.

**Department:** Corrections  
**Location:** SCI-Houtzdale  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Diane K. Davis, PA III, (814) 378-1000

## Fuel Related Services—20

**FM-0041** Install a new aboveground storage tank. To obtain a copy of this bid package please Fax the following information to Vikki Mahoney at (717) 783-7971: Contract # FM-0041, Company name, company contact person address, telephone number, and Fax number. Please reference FM-0041 on your Fax.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, Bennett Avenue off T. R. 6, Milford, Pike County, PA  
**Duration:** 60-calendar days  
**Contact:** Vikki Mahoney, (717) 787-7001

## HVAC—22

**1193500019** Vendor to supply all labor and equipment required to install 39 sink/toilet combinations, install button type control valves for hot, cold and flush in floor and install flushometers in crawl spaces located on K Block at the State Correctional Institution Graterford. All materials will be supplied by the Institution.

**Department:** Corrections  
**Location:** State Correctional Institution Graterford, Box 246, Off Rt. 29, Graterford, PA 19426  
**Duration:** 6 months  
**Contact:** Kelly Richardson, (610) 489-4151

## Janitorial Services—23

**025005** This contract will provide cleaning for offices, restrooms, and lunch room. These areas are located in District 2-5 Maintenance Building.

**Department:** Transportation  
**Location:** Cylone, PA  
**Duration:** 1 year with four renewals  
**Contact:** Warren Buchanan, (814) 465-7754

**Bid # 8022** Furnish all materials, equipment and labor to perform janitorial services two visits per week at the PA State Police, Troop H Headquarters, 8000 Bretz Drive, West Hanover Twp., Harrisburg, PA 17112. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Troop H Headquarters, 8000 Bretz Drive, West Hanover Twp., Harrisburg, PA 17112  
**Duration:** February 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**DES019** The Department of Transportation is soliciting bids for semi-annual cleaning services for a 50,000 (approximate) square foot warehouse. The warehouse contains a racking system up to 24' in height. Service will consist of a semi-annual cleaning of the floors and workbench surfaces and annual cleaning of the rack system. All requests for bid packages can be obtained by faxing request for bid packages to: Susan Sobotor at fax (717) 783-7971 or calling (717) 783-3931. To arrange for a prebid walk through prior to submitting a bid contact Yvette Leaman at (717) 985-3250.

**Department:** Transportation  
**Location:** Department of Transportation, 1530 Bobali Drive, Harrisburg, PA  
**Duration:** 3 years with renewal options  
**Contact:** Susan Sobotor, (717) 783-3931

## Laboratory Services—24

**LBP-2000-04** Vendor to provide complete laboratory services including but not limited to pick up and delivery service, all supplies, phlebotomist to the Northeastern Veterans Center on an as needed basis 5 days per week and in the event of emergency as needed.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1212  
**Duration:** July 1, 2000 through June 30, 2003 with renewal option  
**Contact:** Barbara Lance, (570) 961-4354

**LBP-2000-03** Vendor to provide alternate physician services to the Northeastern Veterans Center in the absence of the staff physician due to sickness, vacation, educational leave or any other unforeseen circumstances.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2000 through June 30, 2003 with renewal option  
**Contact:** Barbara Lance, (570) 961-4354

## Medical Services—29

**00873019** Contractor to provide special radiologic studies, interpretations and furnish typed, signed reports to Harrisburg State Hospital Contract Administrator 36 hours after date of test. Emergency studies will have the report called or faxed to the hospital within 2 hours of test completion. All radiologic studies will be administered by qualified technicians and interpreted by a Board Certified Radiologist.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** The estimated period of this contract is from July 1, 2000 through June 30, 2003, a period of 3 years  
**Contact:** Jack W. Heinze, PA III, (717) 772-7435

**BLR-021-0981-00-000010** Contractor is to provide optical services (exams and eye-glasses) on the grounds of the Youth Development Center at New Castle. Optical service will be scheduled for student residents by the YDC medical department, as needed, and will be on a fee for service basis. Please telephone the YDC New Castle purchasing department for contract specifications, (724) 656-7310.

**Department:** Public Welfare  
**Location:** Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101  
**Duration:** Tentative start date July 1, 2000—June 30, 2005 (60 months)  
**Contact:** T. E. Mateja, Purchasing Agent, (724) 656-7310

**LBP-2000-07** Vendor to provide preventative maintenance inspection and repair to nine Arjo-Century Whirlpool bathtubs located at the Northeastern Veterans Center.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2000—June 30, 2003  
**Contact:** Barbara Lance, (570) 961-4354

**00873014** To perform oral surgery to patients of the Harrisburg State Hospital on an as needed basis. Contractor is to provide direct treatment to the patients who need the following treatments: Surgical extractions of impacted teeth. Alveolar bone ridge augmentation for the denture construction, TMJ and facial pain treatment, facial injury and jaw surgery.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** The approximate contract period is from July 1, 2000—June 30, 2003, a period of 3 years  
**Contact:** Jack W. Heinze, PA III, (717) 772-7435

**LBP-2000-002** Vendor to supply physicians services on a daily part-time basis to include 24-hour 7-day-a-week on call service. Vendor may be a group of physicians (maximum of 3 persons). Residence and private practice must be located within a 25 mile radius of the Northeastern Veterans Center.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2000 through June 30, 2003 with renewal option  
**Contact:** Barbara Lance, (570) 961-4354

**LBP-2000-05** Vendor to provide epidemiology services to the Northeastern Veterans Center. Vendor must be located within a 25 mile radius of the facility.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2000 through June 30, 2003 with renewal option  
**Contact:** Barbara Lance, (570) 961-4354

**BLR-021-0981-00-000007** Contractor is to provide ambulance services, as needed, for the Youth Development Center at New Castle on a fee for service basis. Proposed contract is projected to begin on July 1, 2000. Call the YDC New Castle purchasing department for contract specifications, (724) 656-7310.

**Department:** Public Welfare  
**Location:** Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101  
**Duration:** Tentative start date July 1, 2000 to June 30, 2005 (60 months)  
**Contact:** T. E. Mateja, Purchasing Agent, (724) 656-7310

### Property Maintenance—33

**SP 3864009016** Services to re-roof the Park Manager's residence at White Clay Creek Preserve, Landenberg, PA.

**Department:** Conservation and Natural Resources  
**Location:** White Clay Creek Preserve, P. O. Box 172, Goodhope and Flint Hill Roads, Landenberg, PA 19350-0172  
**Duration:** To be completed by June 30, 2000  
**Contact:** Regional Park Office # 4, (215) 453-5016

**386427901** Furnish all labor and materials to restore and repair roof beams, rafters, lathing and wood shingles on 1800's stone barn damaged by fire located in Ridley Creek State Park, Media, Delaware County, PA.

**Department:** Conservation and Natural Resources  
**Location:** Ridley Creek State Park, Sycamore Mills Road, Media, PA 19063  
**Duration:** Must be completed by June 30, 2000  
**Contact:** Chris Sciochetti, (610) 892-3900

**Bid # 8021** Furnish all labor, materials and equipment to remove snow, salting and cindering from the sidewalks, driveways and parking areas at Troop H Headquarters facility. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Troop H Headquarters, 8000 Bretz Drive, West Hanover Twp., Harrisburg, PA 17112  
**Duration:** February 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

### Real Estate—35

**373883** Lease office space to the Commonwealth of Pennsylvania. Proposers are invited to provide the Office of Attorney General with 26,361 useable square feet of new or existing office space in Pittsburgh, Allegheny County, PA, with minimum parking for eight vehicles, within the following boundaries: Third Avenue to Wood Street to Fifth Avenue to Liberty Avenue to Grant Street to Sixth Avenue to Centre Avenue to Washington Place which becomes Chatham Place to Forbes Avenue to Ross Street to Third Avenue. The Office of Attorney General, Western Regional Office will occupy the space. Proposals due: January 31, 2000. Solicitation No.: 92940.

**Department:** Attorney General  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** N/A  
**Contact:** Cynthia T. Lentz, (717) 787-0952

### Sanitation—36

**Bid # 8023** Trash and rubbish removal services for the PA State Police, Troop H Headquarters, for the period February 1, 2000 to June 30, 2003. Service to be rendered once a week at Troop H Headquarters. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Troop H Headquarters, 8000 Bretz Drive, West Hanover Twp., Harrisburg, PA 17112  
**Duration:** February 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8044** Trash and rubbish removal services for the PA State Police, Schuylkill Haven Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered once a week at the Schuylkill Haven Station. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Schuylkill Haven, Station 23, Meadowbrook Drive, Schuylkill Haven, PA 17972  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8043** Trash and rubbish removal services for the PA State Police, Hamburg Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered once a week at the Hamburg Station. Recycling, if applicable. A detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Hamburg, Station 90, Industrial Drive, Harrisburg, PA 19526  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8042** Trash and rubbish removal services for the PA State Police, Jonestown Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered twice a week at the Jonestown Station. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Jonestown Station, R. D. 2, Box 4070, Jonestown, PA 17038-9574  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8047** Trash and rubbish removal services for the PA State Police, Swiftwater Station, for the period July 1, 2000 to June 30, 2003. Service to be rendered twice a week at the Swiftwater Station. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Swiftwater Station, P. O. Box 949, Swiftwater, PA 18370  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8048** Trash and rubbish removal services for the PA State Police, Lancaster Headquarters, for the period July 1, 2000 to June 30, 2003. Service to be rendered once a week. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA 17602-3384  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8049** Trash, rubbish and recycling services from July 1, 2000 to June 30, 2003, inclusive. Service to be rendered once a week at the PA State Police, Dublin Station. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Dublin Station, 3218 Rickert Road, Perkasie, PA 18944  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8050** Trash and rubbish removal services for the PA State Police, Trevoise Station, for the period July 1, 2000 to June 30, 2003. Service to be rendered once a week. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Trevoise Station, 3970 New Street, Bensalem, PA 19020  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8046** Trash and rubbish removal services for the PA State Police, Bloomsburg Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered once a week at the Bloomsburg Station. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Bloomsburg Station, 6850 Hilday Church Road, Bloomsburg, PA 17815  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8045** Trash/rubbish removal and recycling services (if applicable), for the PA State Police, Belfast Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered every other week at the Belfast Station. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Belfast Station, 622 Bangor Road, Easton, PA 18040  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8041** Trash, rubbish and recycling services at the Harrisburg Aviation Patrol Unit III, Capital City Airport, New Cumberland, from July 1, 2000 to June 30, 2002, inclusive. Services to be performed once a week and recycling every other week. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Harrisburg Aviation Patrol Unit III, Capital City Airport, 575 Airport Drive, New Cumberland, PA 17070  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8040** Trash, rubbish and recycling services from July 1, 2000 to June 30, 2002, inclusive. Service to be rendered twice a week.

**Department:** State Police  
**Location:** Bureau of Emergency and Special Operations, P. O. Box 444, 171 East Hershey Park Drive, Hershey, PA 17033  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8039** Trash and rubbish removal services for the PA State Police, Punxsutawney Liquor Control Enforcement facility, for the period July 1, 2000 to June 30, 2002. Service to be rendered once a week at the Liquor Control Enforcement facility.

**Department:** State Police  
**Location:** Punxsutawney Liquor Control Enforcement, 305 Sutton Street, Punxsutawney, PA 15767-0497  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8038** Trash and rubbish removal services for the PA State Police, Laporte Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered twice a week at the Laporte Station. Recycling, if applicable.

**Department:** State Police  
**Location:** Laporte Station, P. O. Box 70, Laporte, PA 18626  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8037** Trash and rubbish removal services for the PA State Police, Fern Ridge Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered once a week at the Fern Ridge Station. Recycling, if applicable.

**Department:** State Police  
**Location:** Fern Ridge Station HC # 1, Box 1327, Blakeslee, PA 18610  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

## Vehicle, Heavy Equipment—38

**038** Two York model HT 10' wide stone rakes each with 2 foot extension and extra set of rake teeth.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, One Nessmuk Lane, Wellsboro, PA 16901  
**Duration:** Indeterminate 1999-2000  
**Contact:** Edward A. Wertz, (570) 724-2868

## Miscellaneous—39

**735-99-117** Heels, Men's Nylax. Various sizes. To be bid approximately quarterly as needed.

**Department:** Corrections  
**Location:** Correctional Industries State Correctional Inst., Graterford, PA 19426  
**Duration:** FY 1999-2000  
**Contact:** Joseph P. Kanjorski, (570) 773-2158, Ext. 560

**Bid # 8020** Services are required to remove/destroy poker machines that were held as evidence. Will require 30 yard disposal bins.

**Department:** State Police  
**Location:** Bureau of Criminal Investigation—Organized Crime Unit-West, 1134 Freeport Road, Springdale, PA 15144  
**Duration:** January 1, 2000 to December 31, 2001  
**Contact:** Donna Enders, (717) 783-5484

**RFP 990701** Pickup, consolidate, label (as required) and transport PLCB Merchandise from various locations in California to PLCB Distribution Centers located in Blawnox, Taylor and Philadelphia, PA.

**Department:** Liquor Control Board  
**Location:** Various California locations to Blawnox, Taylor, and Philadelphia, PA  
**Duration:** 1 year with four 1 year options  
**Contact:** Nelson McCormick, (717) 787-9851

**RFP 990702** Pickup, consolidate, label (as required) and transport PLCB Merchandise from various locations in New York and New Jersey to PLCB Distribution Centers located in Blawnox, Taylor and Philadelphia, PA.

**Department:** Liquor Control Board  
**Location:** Various New York and New Jersey locations to Blawnox, Taylor and Philadelphia, PA  
**Duration:** 1 year with four 1 year options  
**Contact:** Nelson McCormick, (717) 787-9851

**RFP # PBPP-99-25-01** The PA Board of Probation and Parole is soliciting proposals to provide in-service firearms training, both classroom and range training, to approximately 600 County Probation and Parole Officers at various regional locations throughout the Commonwealth. The proposals will be considered by the County Probation and Parole Officers' Firearm Education and Training Commission (CPPOFETC).

**Department:** Probation and Parole Board  
**Location:** Statewide  
**Duration:** Estimated time period March 1, 2000 through December 31, 2001, with two, two year contract renewal options  
**Contact:** Michelle Flynn, (717) 787-8879

**081-99-7000-48** A single training delivery contractor in each of six geographic regions of the State to provide for all facilities, administration and instruction for the training of constables. Contractors will be responsible for providing: an 80-hours basic training; an annual maximum of 40 hours of continuing education; and firearms training and qualification. The initial 2-year contract may be renewed for two, 2-year periods. The Pennsylvania Commission on Crime and Delinquency is an equal opportunity employer.

**Department:** Commission on Crime and Delinquency  
**Location:** At sites provided by contractor  
**Duration:** Multi-year contract: 2 years/renewable, 2 years/renewable 2 years  
**Contact:** John Pfau, (717) 705-3693, Ext. 3083

**ADV # 62** Indiana University of Pennsylvania (IUP), Indiana, PA 15705 is seeking for 200 new Residence Hall refrigerators. Acceptable Manufacturer/Model—Whirlpool Model Number EL02CCXHW, or approved equal. Requests for a bid package should be made in writing, referencing Advertisement Number 62 and directed to Patty Bash, Purchasing Agent, IUP, 650 S. 13th Street, Indiana, PA 15705; Fax # (724) 357-2670; Phone (724) 357-3077; or e-mail: PABash@grove.ioup.edu. Requests for a bid package will be accepted until January 21, 2000. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Duration:** Indeterminate 1999-2000  
**Contact:** Patty Bash, (724) 357-3077

**00972009** To provide a fully comprehensive maintenance contract which includes all parts and service necessary to maintain power files. If available, all replacement parts and components furnished by contractor must be manufacturer's genuine replacement parts. Service to be performed during regular working hours. Equipment to be serviced and additional information may be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017  
**Duration:** July 1, 2000 through June 30, 2005  
**Contact:** F. Molisee, Purchasing Agent 2, (412) 257-6215

**73100-99-115** Staphchek XL Material: Fawn, 54" wide, 10.5 oz./sq./yd. Flame retardant, antibacterial, fluidproof and antistatic. To be bid approximately quarterly as needed.

**Department:** Corrections  
**Location:** Correctional Industries State Correctional Inst., Dallas, PA 18612  
**Duration:** FY 1999-2000  
**Contact:** Joseph P. Kanjorski, (570) 773-2158, Ext. 560

**469007** Purchase battle-dress, uniform-style shirts for PennDOT Motor Carrier Division enforcement officers. Shirts must be charcoal gray, machine washable, long sleeves, 100% cotton ripstop, and have two large chest pockets with hidden buttons. (Reference Camo Distributors Tactical Shirt). Vendor who is awarded contract must sew 3 patches on each shirt at no additional cost to the department. Patches will be supplied to the vendor and the exact placement will be worked out with the vendor. Vendor must also supply a preproduction sample prior to bid opening. Need approximately 400 shirts in various sizes and quantities (medium-XXXLarge). Requests for bid packets can be Faxed to Shannon M. Opperman at (717) 705-5523.

**Department:** Transportation  
**Location:** Motor Carrier Division, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900  
**Duration:** Indeterminate 1999-2000  
**Contact:** Shannon M. Opperman, (717) 772-0881

**SS-001** To provide subscriptions, professional journals, and magazine service to the Hiram G. Andrews Center. Submit written request for bid documents to the address indicated or Fax your request to the attention of R. D. Robinson at (814) 255-8370.

**Department:** Labor and Industry  
**Location:** Office of Vocational Rehabilitation, Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905  
**Duration:** For the 3 year period of July 1, 2000 through June 30, 2003  
**Contact:** Robert D. Robinson, Purchasing Agent II, (814) 255-8210

**4800-01188** Uniform and cap insignias for the State Correctional Institution at Mahanoy. Bid will include large and small PA crest collars in silver and gold and PA crest cap badges in silver and gold. Interested bidders should contact the Purchasing Department, in writing, to request a bid package or by Fax, (570) 621-3096.

**Department:** Corrections  
**Location:** State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932  
**Duration:** Delivery would be required by March 1, 2000  
**Contact:** Ann M. Cavala, Purchasing Agent, (570) 773-2158

**BLR-021-0981-00-000008** Contractor is to provide repair service, as needed, for FM radio equipment owned by the Youth Development Center at New Castle. This repair service will be on a fee for service basis. Please telephone the YDC New Castle purchasing department for contract specifications, (724) 656-7310.

**Department:** Public Welfare  
**Location:** Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101  
**Duration:** Tentative start date July 1, 2000 to June 30, 2005 (60 months)  
**Contact:** T. E. Mateja, Purchasing Agent, (724) 656-7310

[Pa.B. Doc. No. 00-49. Filed for public inspection December 30, 1999, 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 #</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
4110-01	1/3/00	W. W. Grainger, Inc.	26,268.40
4110-01	1/3/00	Weinstein Supply Div./ The Hajoca Corp.	63,777.23
8135-02	1/3/00	Frank W. Winnie & Sons, Inc.	56,420.00
1205119-01	12/21/99	Ryerson Tull, Inc.	9,875.00
1205119-02	12/21/99	Houston Products	20,000.00

<b>Requisition or Contract #</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
1223209-01	12/21/99	H & H Tack Shop, Inc.	21,900.00
1244359-02	12/21/99	Direct Access International, Inc.	414,000.00
7314320-01	12/21/99	XPEDX Digital Imaging	67,405.59
8250520-01	12/21/99	Shaul Equipment and Supply Co.	57,370.00
8250590-01	12/21/99	Pioneer Consolidated Corp.	1,712.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 00-50. Filed for public inspection December 30, 1999, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

#### [25 PA. CODE CH. 102]

#### Erosion and Sediment Control

The Environmental Quality Board (Board) by this order amends Chapter 102 (relating to erosion and sediment control). The amendments are the result of a comprehensive regulatory review required under Governor Ridge's Executive Order 1996-1 and the Department of Environmental Protection's (Department) Regulatory Basics Initiative (RBI). The amendments eliminate obsolete terms, simplify technical requirements for best management practices (BMP), update and clarify permit requirements, and integrate these regulations with current Federal National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Stormwater Discharges associated with construction activities.

This proposal was adopted by the Board at its meeting of September 21, 1999.

#### A. *Effective Date*

These amendments shall become effective upon publication in the *Pennsylvania Bulletin* as final-form rule-making.

#### B. *Contact Persons*

For further information contact Kenneth F. Murin, Chief, Technical Services Section, Division of Watersheds, Wetlands and Erosion Control, P. O. Box 8775, Rachel Carson State Office Building, Harrisburg, PA 17105-8775, (717) 787-6827, or William J. Gerlach, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). These amendments are also available electronically through the Department's Web site (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

The amendments are adopted under the authority of sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402); section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); and section 11 of the Conservation District Law (3 P. S. § 859(2)), which provide the Board the authority to promulgate regulations, and the authority for the Department and delegated entities to regulate accelerated erosion and sediment from earth disturbance activities to waters of this Commonwealth.

#### D. *Background and Purpose*

The purpose of this final-form rulemaking is to amend regulations found in Chapter 102 as part of the RBI and Executive Order 1996-1 (Regulatory Review and Promulgation). These initiatives are multistep processes to evaluate regulations considering several factors including whether requirements: are more stringent than Federal regulations unless justified by a compelling Commonwealth interest or required by State law; impose economic costs disproportionate to the environmental benefit; are prescriptive rather than performance-based; inhibit green

technology and pollution prevention strategies; are obsolete or redundant; lack clarity; or are written in a way that causes significant noncompliance.

Under the amendments, persons proposing or conducting earth disturbance activities are required to develop, implement and maintain erosion and sediment control BMPs. BMPs are utilized to provide a measurable performance-based requirement for earth disturbance activities to minimize accelerated erosion and the potential of sediment pollution. The final-form regulations have been written to provide performance-based objectives rather than mandate specific practices for all activities. Flexibility in meeting the performance requirements is provided by allowing the use of a variety of BMPs provided in the Department's *Erosion and Sediment Pollution Control Program Manual* (Manual). The final-form regulations also allow for the consideration of alternative BMPs not listed in the Manual which provide the same level or improved protection of water quality and existing and designated uses.

Earth disturbance activities are regulated under Chapter 102. The amended revisions require the development of a written Erosion and Sediment Control Plan for all earth disturbances of 5,000 square feet or greater, earth disturbances in High Quality or Exceptional Value watersheds or when required by another Department regulation. Permit requirements have been amended to more clearly integrate the existing NPDES Stormwater Permit Requirements for Stormwater Discharges associated with construction activities. Construction activities having earth disturbances of 5 or more acres of land require an NPDES Permit for Stormwater Discharges Associated with Construction Activities. Earth disturbance activities associated with agricultural plowing or tilling, timber harvesting and road maintenance do not require coverage under the NPDES Permit for Stormwater Discharges Associated with Construction Activities. Persons conducting timber harvesting or road maintenance activities which involve 25 acres or more of earth disturbance must apply for and obtain coverage for an Erosion and Sediment Control Permit required under this chapter. Persons conducting agricultural plowing or tilling activities are required to develop plans and implement agricultural BMPs, but continue to be exempt from the permitting requirements in this chapter. Earth disturbance activities conducted under other Department permits issued under regulations which require compliance with Chapter 92 (relating to National Pollutant Discharge Elimination System) and Chapter 102, will not require a separate authorization under an Erosion and Sediment Control Permit, or an NPDES Permit for Stormwater Discharges Associated with Construction Activities.

The amendments have been developed with valuable input from the general public, Federal, county, municipal, industry, environmental and consulting representatives, and from the Department's internal review of its regulations.

The proposed rulemaking was published at 28 Pa.B. 769 (February 7, 1998). A 60-day public comment period on the proposal expired on April 8, 1998. Three public hearings were held by the Board: March 9, 1998, Leesport; March 11, 1998, Slippery Rock; and March 18, 1998, State College. Approximately 300 comments were received from 36 commentators through public hearings and written comments. A summary of the comments and responses are provided in Section F of this Preamble.



Initial drafts of the proposed revisions have been placed on the Department's Web site and presented to and discussed with the Agricultural Advisory Board (AAB), the Water Subcommittee of the Air and Water Quality Technical Advisory Committee (AWQTAC) and other representative groups. Additional comments have been provided by county conservation districts, State and Federal agencies and the regulated community, as part of the RBI public input process. Draft versions of the proposed amendments were presented to the AAB on December 18, 1996, February 26, 1997, April 23, 1997, and June 25, 1997, and to AWQTAC on December 10, 1996, February 20, 1997, and April 17, 1997. Both Committees raised comments and questions on a number of issues.

In addition, the Department has been working with several groups of stakeholders in addressing the use of BMPs for timber harvesting and road maintenance activities. The Department supports the nonregulatory approach of the Sustainable Forestry Initiative (SFI), and the Dirt and Gravel Road Task Force (DGRTF), in promoting, educating and training persons conducting these activities to use BMP techniques and standards to minimize accelerated erosion and thereby enhance the quality of this Commonwealth's waters. After considering the AWQTAC's comments, and the nonregulatory approaches of the SFI and DGRTF, the Department is proposing to continue the current regulatory framework that requires persons proposing or conducting timber harvesting and road maintenance activities to complete an Erosion and Sediment Control Plan, and implement BMPs, but does not require them to obtain a permit under Chapter 102 if the activities disturb less than 25 acres. An Erosion and Sediment Control Permit continues to be required for timber harvesting and road maintenance activities that disturb 25 acres or more.

The final-form regulations were presented to the Water Resources Advisory Committee (WRAC) at the May 12, 1999, meeting and the AAB at the June 16, 1999, meeting for discussion. The WRAC approved the amended final regulations on May 12, 1999, and the AAB approved the final regulations on June 16, 1999.

At the WRAC meeting, the Department was asked to clarify that road maintenance activities apply to existing paved and unpaved roads. The Department explained that road maintenance typically includes shoulder cutting, road grading, ditch cleaning and similar activities. Road construction and roadway reconstruction is not considered road maintenance.

The WRAC suggested that the purpose of the regulations should be to prevent pollution from sediment. The Department stated that the regulations do prevent pollution by requiring the installation and use of BMPs to protect existing and designated uses of waters of this Commonwealth.

Questions were raised about the inclusion of BMPs for High Quality and Exceptional Value Waters in the regulations while other BMPs are listed in the Manual. The Department included special protection BMPs in the regulations at the suggestion of commentators and to emphasize special protection for these resources. To meet its RBI commitment, the regulations provide for a performance based standard which allows for alternate BMPs in special protection waters when the BMPs will maintain and protect existing water quality and existing and designated water uses.

In nonspecial protection waters, the Department's Manual lists a wide range of BMPs available to meet the

regulatory standard of minimizing the potential for accelerated erosion and sedimentation to protect, maintain, reclaim and restore water quality and existing and designated uses, without being prescriptive. Alternate BMPs may be utilized where they meet the regulatory standard.

At the AAB meeting, the AAB recommended that the Department include a definition for "conservation plan," include enforcement provisions applying to agricultural practices consistent with The Clean Streams Law, and clarify who was qualified to develop an Erosion and Sediment Control Plan. The AAB approved the amendments with the understanding that their recommendations would be included in the final rulemaking. The regulations have been revised as recommended by the AAB.

#### *E. Summary of Regulatory Revisions in the Final Rulemaking*

##### *Section 102.1. Definitions.*

Definitions in this chapter include revisions, additions and deletions, in response to comments received on the proposed rulemaking package.

The definition of "agricultural plowing or tilling activity" is clarified to specifically refer to the preparation and maintenance of soil for the production of agricultural crops.

The term "BMPs—best management practices" is revised in response to comments relating to the use of the terms "improve" and "aquatic environment." "Improve" is replaced with the term "reclaim and restore" to more closely track The Clean Streams Law. "Aquatic environment" is replaced with "existing and designated uses" to be consistent with the water quality standards program.

A definition for "channel" has been added at the suggestion of a commentator.

The term "collector" is amended to require that collected water be conveyed to facilities for sediment retention or removal.

The term "conservation plan," which was proposed for deletion, is included in the final rulemaking at the request of the AAB to be consistent with The Clean Streams Law and to clarify erosion and sediment control requirements for agricultural plowing or tilling.

A definition for "county conservation district" is added. The term is defined as "county conservation districts" which have the authority under a delegation agreement with the Department to administer and enforce the erosion and sediment control program. With this term added, the term "designee" is no longer required and is deleted.

The term "dewatering zone" is added to identify that portion of a sediment basin where stormwater runoff is held and released in a controlled manner.

The term "disturbed area" is revised to identify those land areas not stabilized where an earth disturbance activity is occurring or has occurred.

The term "earth disturbance" is clarified to ensure that clearing activities in and of themselves are not considered earth disturbance activities, whereas "clearing and grubbing" activities are considered earth disturbances.

"Erosion and Sediment Control Permit" is clarified to eliminate confusion with NPDES permits. Timber harvesting activities or road maintenance activities which

involve 25 acres or more of earth disturbance are required to secure an Erosion and Sediment Control Permit.

The term "Erosion and Sediment Control Plan" is modified to require BMPs to be identified on the plan. Also, language is added which provides that, for agricultural plowing or tilling activities, the Erosion and Sediment Control Plan is that portion of a conservation plan identifying BMPs to minimize accelerated erosion and sedimentation.

The proposed terms "minimum sediment storage elevation" and "minimum storage elevation" are no longer used in the body of the regulations and are deleted.

The term "NPDES Permit for Stormwater Discharges Associated with Construction Activities" is amended to clarify that this permit is required for potential discharges into waters of this Commonwealth over the life of the project, and to specify that clearing alone does not require an NPDES permit.

A minor revision is made to the definition of the term "NOI—Notice of Intent" to incorporate the reference to county conservation districts.

The term "operator" is added to be consistent with the Federal NPDES program and to clarify who is responsible for securing NPDES stormwater permits associated with construction activities. The term includes persons who have oversight responsibility of earth disturbance activity on a project site with the authority to modify site plans and persons who have day to day control over the earth disturbance activity on a project site or portion thereof.

The proposed term "outlet structure" is no longer used in the regulations and is deleted.

The term "perimeter BMPs" is added to describe the specific types of BMPs developed and implemented on project perimeters to divert water around the project site or to capture water for treatment.

The term "person" is modified to include operators.

The term "permanent stabilization" has been added and is defined as long-term protection of soil and water resources from accelerated erosion.

The term "permanent pool" has been added and is defined as an area within a basin that is designed to be permanently inundated with water.

A definition for "principal spillway" is added to clarify that the function of the structure is to regulate the discharge of water from a basin.

The term "project site" is amended to be consistent with Federal requirements and includes the entire project area disturbed or planned to be disturbed.

The term "road maintenance activities" is clarified to apply to maintenance activities on existing unpaved roads and other similar activities within the existing road cross section.

The term "skim" is added to describe the removal of the upper most portion of water within a sediment basis.

*Section 102.2. Scope and Purpose.*

Sections 102.2 and 102.3 are merged into § 102.2 in response to comments received during the proposed rule-making process. Commentators stated that these sections were redundant and could be clarified by combining the requirements into one section. The revisions maintain the emphasis and focus on protecting, maintaining, reclaim-

ing and restoring water quality through the implementation of BMPs that minimize accelerated erosion from earth disturbance activities.

*Section 102.3. Reserved.*

This section, formerly titled "Purpose," is deleted in its entirety as a result of combining §§ 102.2 and 102.3.

*Section 102.4. Erosion and Sediment Control Planning Requirements.*

Section 102.4 consolidates the proposed § 102.4 "General" and § 102.5 "Erosion and Sediment Control Plan" requirements into one comprehensive section. The Department has reformatted the regulations to distinguish erosion and sediment control requirements for agricultural plowing or tilling activities from other earth disturbance activities. The regulations specify the circumstances where written erosion and sediment control plans are required as those earth disturbance activities which:

- (1) Involve 5,000 square feet (464 square meters) or more of earth disturbance;
- (2) Are located in special protection waters; or
- (3) Require a plan under another Department regulation.

This section is also amended to include specific BMPs for maintaining and protecting water quality in High Quality and Exceptional Value Waters.

*Section 102.5. Permit Requirements.*

Permit requirements are moved from § 102.31 "Permit requirements" to § 102.5. Minor revisions to the final form of the regulations are provided for clarity and readability.

*Section 102.6. Permit Applications and Fees.*

This section consolidates language from § 102.31 "Permit requirements" and § 102.32, "Permit application and fees" to clarify permit application and fee requirements for erosion and sediment control permits and NPDES permits for stormwater discharges associated with construction activities.

*Section 102.7. Permit Termination.*

This section is added to the regulations to clarify the procedures for terminating coverage under either an erosion and sediment control permit or an NPDES permit for stormwater discharges associated with construction activities. Both permits can be terminated by the permittee or copermitttee prior to the expiration date of the permit provided permanent stabilization is achieved.

*Section 102.11. General Requirements.*

This section establishes the general regulatory standard that persons conducting or proposing to conduct an earth disturbance activity shall design, implement and maintain BMPs to minimize the potential for accelerated erosion and sedimentation to protect, maintain, reclaim and restore water quality and existing and designated uses. In response to the recommendation of commentators, BMPs to achieve the regulatory standard are listed in the Department's Manual. This provides the regulated community with a broad range of widely accepted and published performance-based BMPs to meet the substantive requirements of these regulations. The regulations also provide for the consideration of alternative BMPs, not currently in the Manual, provided the alternative BMPs meet the performance criteria of the regulations to maintain, protect, reclaim and restore water quality and existing and designated uses.

*Sections 102.12 and 102.13. Reserved.*

Section 102.12 "Control measures" and § 102.13 "Control facilities" are deleted in their entirety. BMPs are listed in the Department's Manual.

*Section 102.21. Reserved.*

As a result of the reorganization and clarification of this chapter, § 102.21 "Applicability" is no longer required and is deleted.

*Section 102.22. Permanent Stabilization.*

The regulation is revised to specify the criteria for implementing and maintaining BMPs to achieve permanent stabilization.

*Section 102.23. Reserved.*

Section 102.23 "Interim control measures" is merged into § 102.22 "Permanent stabilization."

*Section 102.24. Reserved.*

Section 102.24 "Final measures" is deleted.

*Section 102.31 and 102.32. Compliance and Enforcement.*

Section 102.31 "Permit requirements" and § 102.32 "Application for permit" are revised in the final rulemaking. Permit requirements and application fees are now provided in §§ 102.5 and 102.6. Sections 102.31 and 102.32 now provide the compliance and enforcement provisions of this chapter. Section 102.32(b) has been added to ensure conformity with section 316 of The Clean Streams Law (35 P. S. § 691.316).

*Section 102.41. Administration by County Conservation Districts.*

The regulation is clarified by specifically referring to county conservation districts instead of "local governing bodies."

*Section 102.42. Notification of Application for Permits.*

The regulation is clarified by referring to county conservation districts instead of designee.

*Section 102.43. Withholding Permits.*

For clarification, the Department uses the term "municipality or county" instead of "local governing body." The Department has also clarified that this section only applies to final municipal approvals.

*Section 102.51. Implementation.*

This section, written in 1972 when this regulation was originally implemented, is no longer necessary and is deleted.

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

The proposed rulemaking was published at 28 Pa.B. 769. A 60-day public comment period on the proposal expired on April 8, 1998. Three public hearings were held by the Board. Approximately 300 comments were received from 36 commentators through public hearings and written comments. A summary of the comments and responses follows:

*Temporary and permanent BMPs*—The Board received several comments that indicated that commentators were confused about temporary and permanent erosion and sediment control BMPs. To eliminate confusion, the Board has eliminated references to temporary and permanent BMPs. Erosion and sediment control BMPs include both temporary structural and temporary and permanent stabilization practices.

Structural practices, such as silt fence, ditches and sediment basins collect, divert, store and treat stormwater runoff to protect against accelerated erosion and the discharge of sediment from disturbed areas, during and immediately after the earth disturbance activity. These temporary BMPs are designed and implemented during the earth disturbance activity, and until vegetation or other permanent cover is established. Permanent structural BMPs required for postconstruction stormwater management are developed and implemented under municipal planning requirements. The Department encourages plan developers to design compatible practices for both construction and postconstruction characteristics.

Stabilization is the covering of disturbed areas with vegetative (grass, trees, shrubs, sod, and the like) and nonvegetative (pavement, rock mulch, geotextiles, and the like) practices. Establishing either temporary or permanent stabilization can be the single most important BMP in reducing accelerated erosion and sedimentation. Temporary stabilization provides interim control of earth disturbance activities that have temporarily ceased and will resume at a later date, or is used until a permanent cover can be established. Permanent stabilization is achieved when perennial vegetation of uniform coverage and density is established, or by covering the disturbed area with permanent nonvegetative cover.

*County conservation districts should replace designee*—A commentator stated that the reference to "other local governing body" is ambiguous and could conceivably lead to personal, political and territorial conflicts and that designee should be restricted to the county conservation district (district). The references to designee are deleted and references to county conservation districts have been added.

*Minimize versus prevent*—The Board received comments in support of, and opposed to, the requirement to "minimize" rather than "prevent" accelerated erosion and sedimentation.

The Board believes that the use of the term "minimize" is more appropriate than "prevent." Erosion and sedimentation is a natural process that occurs even in the absence of human activity. The objective of this regulation is to minimize the accelerated erosion process from earth disturbance activities. Accelerated erosion, if unchecked, may adversely impact our waterways because of the increased sediment load beyond natural background levels. BMPs are effective, practical and environmentally sound practices that minimize the threat of pollution, and protect and maintain water quality and existing and designated uses. BMPs are designed to address site conditions such as slope, soil conditions, risk of erosion and other factors, to operate effectively during reasonably expected storm and rainfall events of normal duration and intensity. BMPs prevent sediment pollution during these storm events. The reference to the protection and maintenance of water quality and existing and designated uses assures protection of receiving waters.

*Water quality standards*—The Board received comments suggesting that the Department adopt numeric water quality standards for sediment.

Before numeric water quality criteria can be established for sediment, gaps in existing knowledge and research need to be addressed including: the establishment of a meaningful standard which accounts for natural background variability; the establishment of standard storm event intervals and the production of sediment above the natural background; the ability to identify and

address cumulative effects within a watershed; and the establishment of an acceptable risk through models which are precise and accurate. Because of these gaps, at this time the Board does not believe that numeric sediment water quality standards can be incorporated into the regulations.

*5,000 square foot threshold*—The Board received several comments on the establishment of a 5,000 square foot threshold for erosion and sediment control plan development. The commentators provided varied recommendations, mostly in support of establishing the 5,000 square foot requirement. Several commentators recommended increasing the requirement to a larger area (ranging from 10,000 square feet to one acre) or including exceptions for activities such as earth disturbances for single family lot development. One commentator recommended eliminating the threshold entirely and requiring written plans for all earth disturbance activities, regardless of the size of disturbance.

The 5,000 square foot threshold provides a reasonable risk based planning measure for minor earth disturbance activities which do not present a significant threat when typical BMPs are utilized. Earth disturbance activities less than 5,000 square feet are generally minor in scope and duration and do not generally constitute a substantial risk to water quality. To assure water quality protection, the regulations specify several instances where erosion and sediment control plans are required for activities which disturb less than 5,000 square feet, such as an earth disturbance activity in special protection waters. This threshold for planning activities is also consistent with existing municipal requirements and established standards in the neighboring states of Delaware, Maryland and New Jersey.

The Board agrees with the commentators that larger land disturbances of 5,000 square feet or greater can be conducted without significantly increasing the threat for accelerated erosion and sediment pollution provided BMPs are effectively designed, implemented and maintained. BMPs for projects greater than 5,000 square feet must be carefully selected and designed. A written plan is the most effective way to ensure that BMPs are effectively incorporated in an earth disturbance activity. The Board has clarified the final regulations by identifying specific planning criteria and elements to be included in an erosion and sediment control plan.

*Time frames for the review of erosion and sediment control plans/permits*—The Board received comments which suggested that specific time frames consistent with the Money-Back Guarantee Program be included in the final-form regulations. The Board disagrees that the time frame established under the Money-Back Guarantee Program must be specified in the regulations. The Department's regional offices and county conservation districts endeavor to complete the review of all NOIs and applications for individual NPDES permit for stormwater discharges associated with construction activities within the time specified under the Money-Back Guarantee Program (150 days for Individual Permits and 100 days for NOIs). Also, under the Department's delegation agreements with districts, districts must "... Receive, review and process all NOIs for coverage under the Commonwealth's general permit for discharges of stormwater from construction activities and all individual permit applications for discharge of stormwater from construction activities within 30 days of receipt."

*Registration of all plans greater than 5,000 square feet*—The Board received comments recommending that

all erosion and sediment control plans should be registered with the Department or the district. The Board does not believe that this additional administrative process will provide any additional water quality protection. The Department or delegated district has the authority to request erosion and sediment control plans to be submitted for any project to ensure the plan is adequate and provides effective protection for soil and water resources. This allows the Department and districts to exercise best professional judgment, and utilize considerations such as landscape position, proximity to watercourses, site conditions and potential for water quality impairment, in prioritizing staff resources and efforts.

*Professional engineer certification for erosion and sediment control plans*—Several commentators suggested that the Board require that all erosion and sediment control plans be certified by a professional engineer. The regulations do not reserve the authority to develop erosion and sediment control plans to any specific profession, industry or individual since there are many differing and varied contexts in which earth disturbance activities are conducted such as agriculture, timber harvesting, road maintenance and residential and commercial construction.

*Qualifications required for districts*—The Board received several comments regarding the qualifications of district staff who review erosion and sediment control plans. District staff in districts delegated the Chapter 102 and the NPDES stormwater construction programs are trained by the Department to ensure that they are qualified to review erosion and sediment control plans, and perform other functions required under the delegation agreements. District staff conducts reviews under the guidance, direction and assistance provided by the Department.

*Pennsylvania Soil and Water Technical Guide for Agriculture*—The Board received several comments recommending that the technical design criteria for agricultural plowing or tilling activities be consistent with the USDA-Natural Resource Conservation Service (NRCS) Pennsylvania Technical Guide. The Board agrees with the commentators that the Pennsylvania Technical Guide provides effective and acceptable BMPs for agricultural plowing or tilling activities. The definition of "conservation plan" was added at the request of the AAB and specifically references the Technical Guide.

*BMP Manual*—The Board received several comments recommending that the technical design criteria for BMPs in the final regulations should reference the Department's Manual. In response, the regulations have been amended to refer to the Manual as suggested. The Manual provides a broad range of performance based practices to meet the regulatory standard of minimizing accelerated erosion to protect, maintain, reclaim and restore water quality and existing and designated uses. In addition, the regulations allow for alternate BMPs to be used when they are as effective as the BMPs listed in the Manual.

As a parallel effort to the regulatory revisions, the Department has created an ad hoc working group of six conservation districts from around the State (Armstrong, Berks, Centre, Columbia, Indiana and Monroe) to review and discuss revisions to the Manual to ensure that the latest BMP technology for erosion and sediment control is listed. When the recommendations from these six conservation districts are incorporated, the Department will make the draft revisions to the Manual available to conservation districts and advisory committees for review

and comment, and establish a public comment period for the general public to review and comment on the proposed revisions.

*Larger plan of common development or sale/operator*—Several commentators recommended that the Board provide a clarification of what it considers “a larger common plan of development or sale that involves 5 acres or more of earth disturbance.” The commentators recommend that the regulations include the criteria that will be used to reasonably determine if a project or activity will fall under a common plan of development and to include a definition of an “operator.”

The final Chapter 102 regulations are written to be consistent with Environmental Protection Agency (EPA) construction stormwater program requirements. When EPA reissued its NPDES General Permits for Stormwater Discharges from Construction Activities (63 F.R. 7859-7860) (February 17, 1998), it provided answers to general questions on the construction stormwater permitting program. The EPA stated that: “The ‘plan’ in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice, or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. You must still meet the definition of operator in order to be required to get permit coverage, regardless of the acreage you personally disturb. As a subcontractor, it is unlikely you would need a permit.” The Board believes that Chapter 102 conveys the same intent.

The Board has clarified the final regulations by defining the term “operator” to be consistent with the EPA’s description of the term at 63 F.R. 7859 (February 17, 1998). The Board defines “operator” consistent with the Federal description of the term as: The person with (1) oversight responsibility of earth disturbance activity on a project site or a portion thereof who has the ability to make modifications to the Erosion and Sediment Control Plan or site specifications; or (2) day-to-day operational control over earth disturbance activity on a project site or a portion thereof to ensure compliance with the Erosion and Sediment Control Plan.

*NPDES permits for construction activities and utilities*—Several commentators recommended that the Board clarify the requirements for earth disturbances associated with utility line installation and associated requirements for an NPDES Permit for Stormwater Discharges Associated with Construction Activities.

In new subdivisions or developments, utility line installations would normally be conducted under the authority of the NPDES permit secured by the developer or general contractor, or both. Where utility companies are extending lines or services, or conducting other earth disturbance activities outside the confines of a new development or subdivision, the utility company would be the project operator in control of the project and the utility company would be required to secure the NPDES permit.

*NPDES permit for stormwater discharges associated with construction activities requirements for oil and gas activities*—The Board received several comments that averred that the proposed amendments were more stringent than Federal regulation for earth disturbance associated with oil and gas exploration and production activities. The provisions in the amended Chapter 102 regulations are no more stringent than Federal require-

ments. The Board has determined that discharges of stormwater from construction activities associated with oil and gas exploration and production activities are regulated under the Federal NPDES stormwater program and therefore cannot be exempt from State NPDES stormwater permit requirements. Since October 1992, the Department and county conservation districts have authorized discharges from construction activities in this Commonwealth under Federal NPDES requirements, including those construction activities associated with oil and gas development and associated activities.

Under the Federal program, oil and gas operations are addressed under the construction category and the mineral industry category. Under the construction category, the EPA has established that erosion, sediment and pollution control should be addressed in all pollution prevention plans for the oil and gas exploration and production activities, particularly where the industrial activity has the potential to disturb vegetation or natural runoff patterns and exacerbate erosion. Where the construction of the drilling site or any construction of facilities for the oil and gas exploration and production would disturb or is part of a plan to develop which would disturb 5 acres or more, that construction activity is defined as having a stormwater discharge associated with industrial activity which requires separate permitting. In this case, the EPA requires an NPDES permit for the stormwater discharge from the construction activity (60 F.R. 51166). This is also explained as collocated industrial activities.

Section 402(l)(2) of the Clean Water Act (33 U.S.C.A. § 1342(l)(2)), places a limitation on permit requirements from stormwater runoff from oil and gas operations. Under this section, the EPA cannot require an NPDES permit or require a state to require an NPDES permit for discharges of stormwater runoff from oil and gas exploration, production, processing or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances used for collecting and conveying precipitation runoff and which are not contaminated by contact with, or do not come into contact with, any overburden, raw material, intermediate product, finished product, byproduct or waste products located on the site of the operation. As part of the mineral industry category, the EPA includes this limitation in 40 CFR 122.26(c)(1)(iii) and only requires the operation to submit an application for a discharge of stormwater when the facility has been a discharger of stormwater resulting in the discharge of a reportable quantity under 40 CFR 117.21, 40 CFR 110.6 or contributes to a violation of a water quality standard.

*Permit requirements for earth disturbances of 5 acres or more*—Several commentators believe that a permit requirement for 5 acres or more of earth disturbance activities will add paperwork, create significantly more applications and create a bottleneck in the approval process.

The 5 acre permitting requirement is a Federal requirement which has been in place since October 1992. The Board’s amendments to Chapter 102 are intended to integrate the Federal requirements into Chapter 102. Since the Department has implemented the Federal NPDES permit for stormwater discharges associated with construction activities requirement since October 1992, the Board does not expect that applications or paperwork will be increased or that the approval process will become burdensome under Chapter 102.

*Permit requirements for timber harvesting and road maintenance activities*—Several commentators recommended that the Board reduce the area of disturbance requirement for permitting of timber harvesting and road maintenance activities requiring erosion and sediment control permits. The Board has not proposed changes for these activities. The final-form regulations require that persons proposing or conducting earth disturbance activities associated with timber harvesting and road maintenance activities that involve 25 acres or more of earth disturbance obtain erosion and sediment control permits.

The Department has been working with several groups of stakeholders in addressing the use of BMPs for timber harvesting and road maintenance activities. The Department supports the nonregulatory approaches of the SFI and DGRFT in promoting, educating and training persons conducting these activities to use BMP techniques and standards to minimize accelerated erosion and thereby enhance the quality of this Commonwealth's waters.

*Reduction of acreage requirements*—One commentator recommended that the Board delete the provision allowing the Department to reduce permit acreage requirements by notice. The Board has deleted this procedure from the final-form regulations in response to the comment.

*Permit fee increase for Erosion and Sediment Control Permits*—Several commentators requested that the Board clarify, evaluate and provide a justification for the proposed increase in permit fees. The proposed fee increase for erosion and sediment control permits from \$200—\$500 only applies to earth disturbances of 25 acres or more associated with timber harvesting and road maintenance activities. The fee for NPDES permits, including NPDES permit for stormwater discharges associated with construction activities is established under § 92.22 (relating to application fees). The fee for erosion and sediment control permits is intended to cover the administrative costs of the Department and districts processing the permit applications, including administrative completeness review, data management, coordination and other related activities. The fee of \$500 was calculated using an average time of 25 hours of effort per permit review at a rate of \$20 per hour.

*Pennsylvania Natural Diversity Inventory (PNDI) provisions*—Several commentators recommended that the Board clarify and explain why PNDI provisions were added and what criteria the Department and Districts will use in making PNDI determinations.

The Department cooperates with several natural resource agencies including the Department of Conservation and Natural Resources; the Fish and Boat Commission; the Game Commission; and the United States Fish and Wildlife Service, in determining impacts to threatened and endangered species. These resource agencies consider if a proposed activity adversely impacts known or documented occurrences of a Pennsylvania or Federal threatened or endangered species, and consult with the applicant and the Department to recommend preventive measures that can be taken.

Projects which require permits, that is, projects of 5 or more acres requiring an NPDES permit for stormwater discharges associated with construction activities, or 25 or more acres for an erosion and sediment control permit, require PNDI coordination. This requirement is consistent with the Department policy to consult the PNDI prior to issuing permits and with the EPA requirements for NPDES permits to protect listed species and critical habitat under the Federal Endangered Species Act.

*County conservation district plan review fees*—Several commentators questioned why an applicant must pay the permit application fee, along with an additional fee charged by districts.

The permit application fee is intended to cover the administrative costs of the Department's and district's processing of NPDES permit applications. The Board, through Chapter 102 or other regulations, does not establish plan review fees for districts. The State Conservation Commission authorizes districts, under the authority of the Conservation District Law, to charge fees for the review of erosion and sediment control plans and other services.

*Local permit coordination*—Commentators requested clarification on municipal notification requirements and the potential burden it places on both municipalities and NPDES permitting authorities. The Board has revised the final-form regulations to require notifications for projects needing a Department permit under Chapter 102. The Department and districts have an ongoing outreach program designed to educate and update municipal officials on a regular basis. The Department has also developed guidance on implementation of model ordinances and Memorandums of Understanding (MOU) with municipalities to assist in this requirement. It is anticipated that many municipalities will be covered under EPA's proposed Phase II NPDES stormwater permit program when those regulations are finalized. The Board anticipates that continuing this coordination process will help satisfy municipal obligations for erosion and sediment control ordinances under this EPA proposal.

*Enforcement provisions*—A commentator recommended that the final-form regulations should indicate the penalties or enforcement provisions that may be used to enforce Chapter 102, or include a statutory citation to the potential penalties or actions.

The Clean Streams Law sets forth a variety of enforcement mechanisms that may be used to enforce failures to develop, implement or maintain an erosion and sediment control plan, or to obtain an NPDES or erosion and sediment control permit. The Board has revised the final regulations to include enforcement provisions in §§ 102.31 and 102.32. These sections identify the statutory citation of The Clean Streams Law, and some of the compliance and enforcement mechanisms available to the Department or districts. In addition, the language in section 316 of The Clean Streams Law which applies to agricultural operations that fully implement and maintain a complete conservation plan developed by a Conservation District and the USDA, Natural Resource Conservation Service (NRCS) has been added in § 102.32(b).

#### G. Benefits, Costs and Compliance

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

#### *Benefits*

The citizens of this Commonwealth will benefit from these amendments. This Commonwealth's waters will be protected from the effects of accelerated erosion and the potential of sediment pollution. Special provisions provide enhanced protection for waters classified as High Quality and Exceptional Value under Chapter 93. The regulated community is expected to benefit from these regulatory revisions through the streamlining and clarification of permit requirements, plan preparation requirements and more flexible performance based BMPs. A cost savings to the regulated community of approximately \$150,000 is expected as a result of the elimination of the require-

ments for erosion and sediment control plans for earth disturbance activities less than 5,000 square feet. The regulations continue to support the delegation of the erosion and sediment control program to local conservation districts, where the majority of the program is implemented, which facilitates effective and timely authorizations to proceed with projects.

#### *Compliance Costs*

These final-form regulations are not expected to result in significant changes in compliance costs for those persons proposing or conducting earth disturbance activities. Compliance costs will be less for many projects less than 5,000 square feet, which are exempted from planning requirements. Costs to the regulated community may be incurred in the form of: permit application fees; the consideration and prevention of endangered and threatened species impacts; and the consideration of special measures to address earth disturbance activities in High Quality and Exceptional Value Waters.

#### *Compliance Assistance Plan*

The Department assists the regulated community in complying with these regulations through technical and educational assistance, and through partnership with county conservation districts. These efforts have resulted in local community based initiatives which stimulate awareness and achieve regulatory compliance. Department staff have worked extensively with conservation districts to develop and enhance their professional abilities and technical capabilities. District staff provide an efficient and effective local source of assistance as well as an efficient mechanism for the protection of valuable resources. Evaluations of conservation district performance have shown that district staff can provide a quick response to process, review, and acknowledge permit applications, and readily assist in obtaining performance-based compliance.

The Department's outreach efforts have allowed stakeholders to work together with regulators to achieve the goal of protecting water quality and the aquatic environment through erosion and sediment control efforts. Erosion and sediment control is a central theme in the SFI and the Dirt and Gravel Road Program. Involvement of the public and the regulated community in the development of these cooperative erosion and control protection efforts fosters subsequent compliance with regulatory standards and practices and is an important form of compliance assistance.

The Department will continue to assist the regulated community with compliance through the development of checklists, worksheets and permit review letters to aid in developing sound pollution prevention plans. Compliance can also be enhanced by assuring that Department and conservation district reviews are timely, effective and consistent. The regulations incorporate a performance-based approach which allows persons conducting earth disturbances broad latitude and flexibility in designing BMPs to achieve compliance.

#### *Paperwork Requirements*

No additional paperwork is anticipated to comply with the final requirements. A net reduction in paperwork is anticipated through the regulatory exemption of plan development for projects under 5,000 square feet.

#### *H. Pollution Prevention*

Pollution prevention approaches to environmental management often provide environmentally sound and longer-term solutions to environmental protection because pollu-

tion is prevented at the source. Pollution prevention is defined by the EPA as measures taken to avoid or reduce generation of all types of pollution—solid/hazardous waste, wastewater discharges and air emissions—at their points of origin. It does not include activities undertaken to treat, control or dispose of pollution once it is created. The Federal Pollution Prevention Act of 1990 established a National policy and an environmental management hierarchy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The hierarchy is as follows:

a. Pollution should be prevented or reduced at the source.

b. Pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible.

c. Pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible to render it less hazardous, toxic or harmful to the environment.

d. Disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

The short and long-term health of this Commonwealth's economy depends on clean air, pure water and the preservation of the natural, scenic, historic and aesthetic values of the environment. To meet this Commonwealth's economic development and environmental protection goals successfully, the Commonwealth needs to adopt programs like pollution prevention that not only protect the environment but also significantly reduce costs and increase the competitiveness of the regulated community. When pollution is prevented up front, it can reduce a company's bottom-line costs and overall environmental liabilities often by getting the company out of the regulatory loop. It also can get the Department out of the business of regulating pollution that may not need to be generated in the first place.

In keeping with Governor Ridge's interest in encouraging pollution prevention solutions to environmental problems, these final-form regulations have incorporated several provisions to meet that goal.

First, § 102.2 provides a pollution prevention approach by requiring that BMPs for earth disturbance activities minimize accelerated erosion and sedimentation to protect, maintain, restore and reclaim water quality, and existing and designated uses of waters of this Commonwealth, thereby preventing pollution.

Second, § 102.4 requires that persons proposing an earth disturbance activity in a High Quality or Exceptional Value watershed must include special BMPs such as special sediment basin requirements, nonerosive channel linings, increased conveyance capacities, accelerated stabilization schedules, or other approved alternative BMPs which protect High Quality and Exceptional Value water from degradation. These measures work in conjunction with the Department's antidegradation program to ensure not only the prevention of pollution, but also the maintenance and protection of the existing quality of High Quality and Exceptional Value designated and existing uses.

Third, § 102.4 requires that Erosion and Sediment Control Plans shall contain requirements for the recycling or disposal of materials from the project site.

Fourth, § 102.11 provides that BMPs for earth disturbance activities must protect designated and existing uses classified under Chapter 93.

I. *Sunset Review*

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

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 20, 1998, the Department submitted a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC), and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments, as well as other documentation.

In preparing these final-form regulations, the Department has considered the comments received from IRRC, the Committees and the public. These comments are addressed in the Comment and Response Document and summarized in Section F of this Preamble. The Senate and House Environmental Resource Energy Committees did not provide comments on the proposed rulemaking.

These final-form regulations were deemed approved by the House and Senate Environmental Resources and Energy Committees on October 25, 1999. IRRC met on November 4, 1999, and approved the regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

K. *Findings*

The Board finds that:

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

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

(3) These regulations do not enlarge the purpose of the proposal published at 28 Pa.B. 769.

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

L. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 102, are amended by amending §§ 102.1, 102.2, 102.4, 102.5, 102.11, 102.22, 102.31, 102.32 and 102.41—102.43; by deleting §§ 102.3, 102.12, 102.13, 102.21, 102.23, 102.24 and 102.51 and by adding §§ 102.6 and 102.7 to read as set forth in Annex A.

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

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

(e) This order shall take effect immediately upon publication.

JAMES M. SEIF,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 5963 (November 20, 1999).)*

**Annex A**

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

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 102. EROSION AND SEDIMENT CONTROL**

**GENERAL PROVISIONS**

**§ 102.1. Definitions.**

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

*Accelerated erosion*—The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

*Agricultural plowing or tilling activity*—Earth disturbance activity involving the preparation and maintenance of soil for the production of agricultural crops.

*BMPs—Best management practices*—Activities, facilities, measures, or procedures used to minimize accelerated erosion and sedimentation to protect, maintain, reclaim and restore the quality of waters and the existing and designated uses of waters within this Commonwealth.

*Channel*—A natural or manmade water conveyance.

*Collector*—A channel, dike or other conveyance, constructed downslope of an earth disturbance activity for the purpose of collecting runoff from an existing or proposed disturbed area and conveying it to facilities for sediment retention or removal.

*Conservation Plan*—A plan that identifies conservation practices and includes site specific BMPs which minimize the potential for accelerated erosion and sediment from agricultural plowing or tilling activities.

(i) BMPs for agricultural plowing or tilling activities, including soil loss tolerance values (t), are identified in the *Pennsylvania Soil and Water Conservation Technical Guide*, United States Department of Agriculture, Natural Resources Conservation Service, 1991.

(ii) The Conservation Plan shall include a schedule for the implementation of the BMPs.

*County conservation district*—A conservation district, as defined in section 3(c) of the Conservation District Law (3 P. S. § 851(c)), which has the authority under a delegation agreement executed with the Department to administer and enforce all or a portion of the erosion and sediment control program in this Commonwealth.

*Dewatering zone*—The zone within a sediment basin where stormwater runoff is held and released in a controlled manner.



*Disturbed area*—Unstabilized land area where an earth disturbance activity is occurring or has occurred.

*Diversion*—A facility, including a channel, terrace or dike constructed up-slope of an earth disturbance activity for the purpose of diverting runoff away from an existing or proposed disturbed area.

*Earth disturbance activity*—A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

*Erosion*—The natural process by which the surface of the land is worn away by water, wind or chemical action.

*Erosion and sediment control permit*—A permit required for earth disturbance activities of 25 acres (10 hectares) or more where the earth disturbance is associated with timber harvesting or road maintenance activities.

*Erosion and Sediment Control Plan*—A site-specific plan identifying BMPs to minimize accelerated erosion and sedimentation. For agricultural plowing or tilling activities, the Erosion and Sediment Control Plan is that portion of a conservation plan identifying BMPs to minimize accelerated erosion and sedimentation.

*Municipality*—

(i) A county, city, borough, town, township, school district, institution or authority created by any one or more of the foregoing.

(ii) For purposes of this definition, town includes an incorporated town.

*NOI—Notice of Intent*—A request, on a form provided by the Department or county conservation district, for coverage under a General NPDES permit for stormwater discharges associated with construction activities.

*NPDES—National Pollutant Discharge Elimination System*—The National system for the issuance of permits under section 402 of the Federal Clean Water Act (33 U.S.C.A. § 1342) including a state or interstate program which has been approved in whole or in part by the EPA.

*NPDES permit for stormwater discharges associated with construction activities*—A permit required for the discharge or potential discharge of stormwater into waters of this Commonwealth from construction activities, including clearing and grubbing, grading and excavation activities involving 5 acres (2 hectares) or more of earth disturbance, or an earth disturbance on any portion, part or during any stage of, a larger common plan of development or sale that involves 5 acres (2 hectares) or more of earth disturbance over the life of the project.

*Operator*—A person who has one or more of the following:

(i) Oversight responsibility of earth disturbance activity on a project site or a portion thereof and has the ability to make modifications to the Erosion and Sediment Control Plan or site specifications.

(ii) Day-to-day operational control over earth disturbance activity on a project site or a portion thereof to ensure compliance with the Erosion and Sediment Control Plan.

*Perimeter BMPs*—BMPs placed or constructed along the perimeter of an earth disturbance area to prevent runoff

from entering the disturbed area, or to capture and treat sediment runoff prior to leaving a disturbed area.

*Person*—An operator, natural person, partnership, association or corporation or an agency, instrumentality or entity of Federal or State government, including a municipality.

*Permanent stabilization*—Long-term protection of soil and water resources from accelerated erosion.

*Permanent pool*—The area within a sediment basin which is designed to be inundated with water at all times.

*Principal spillway*—The structure within a sediment basin which controls the discharge of water from the facility.

*Project site*—The entire area of activity, development or sale including:

(i) The area of an earth disturbance activity.

(ii) The area planned for an earth disturbance activity.

(iii) Other areas which are not subject to an earth disturbance activity.

*Road maintenance activities*—Earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

*Sediment*—Soils or other materials transported by surface water as a product of erosion.

*Sedimentation*—The action or process of forming or depositing sediment in waters of this Commonwealth.

*Skim*—To remove the uppermost portion of water within a sediment basin.

*Stabilization*—The proper placing, grading, constructing, reinforcing, lining, and covering of soil, rock or earth to insure their resistance to erosion, sliding or other movement.

*Timber harvesting activities*—Earth disturbance activities including the construction of skid trails, logging roads, landing areas and other similar logging or silvicultural practices.

*Waters of this Commonwealth*—Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

### § 102.2. Scope and purpose.

(a) This chapter requires persons proposing or conducting earth disturbance activities to develop, implement and maintain BMPs to minimize the potential for accelerated erosion and sedimentation.

(b) The BMPs shall be undertaken to protect, maintain, reclaim and restore water quality and the existing and designated uses of waters of this Commonwealth.

### § 102.3. (Reserved).

### § 102.4. Erosion and sediment control requirements.

(a) For agricultural plowing or tilling activities, the following erosion and sediment control requirements apply:

(1) The implementation and maintenance of erosion and sediment control BMPs are required to minimize the potential for accelerated erosion and sedimentation, including for those activities which disturb less than 5,000 square feet (464.5 square meters).

(2) Written Erosion and Sediment Control Plans are required for agricultural plowing or tilling activities that disturb 5,000 square feet (464.5 square meters) or more of land.

(3) The landowner, and any lessee, renter, tenant or other land occupier, conducting or planning to conduct agricultural plowing or tilling activities are jointly and individually responsible for developing a written Erosion and Sediment Control Plan and implementing and maintaining BMPs, including those identified in the Erosion and Sediment Control Plan.

(4) The Erosion and Sediment Control Plan shall be designed to minimize the potential for accelerated erosion and sedimentation from agricultural plowing or tilling activities.

(5) The Erosion and Sediment Control Plan shall contain plan maps, soils maps, the location of waters of this Commonwealth, drainage patterns and a description of BMPs including tillage systems, schedules, and cost effective and technically practical conservation measures.

(6) The Erosion and Sediment Control Plan shall be available for review and inspection at the project site during each stage of the agricultural plowing or tilling activity.

(b) For earth disturbance activities other than agricultural plowing or tilling, the following erosion and sediment control requirements apply:

(1) The implementation and maintenance of erosion and sediment control BMPs are required to minimize the potential for accelerated erosion and sedimentation, including for those activities which disturb less than 5,000 square feet (464.5 square meters).

(2) A person proposing earth disturbance activities shall develop a written Erosion and Sediment Control Plan under this chapter if one or more of the following criteria apply:

(i) The earth disturbance activity will result in a total earth disturbance of 5,000 square feet (464.5 square meters) or more.

(ii) The person proposing the earth disturbance activities is required to develop an Erosion and Sediment Control Plan pursuant to this chapter under Department regulations other than those contained in this chapter.

(iii) The earth disturbance activity, because of its proximity to existing drainage features or patterns, has the potential to discharge to a water classified as a High Quality or Exceptional Value water pursuant to Chapter 93 (relating to water quality standards).

(3) The Erosion and Sediment Control Plan shall be prepared by a person trained and experienced in erosion and sediment control methods and techniques, and shall be designed to minimize the potential for accelerated erosion and sedimentation.

(4) Earth disturbance activities shall be planned and conducted to minimize the extent and duration of the disturbance.

(5) The Erosion and Sediment Control Plan shall contain the following:

(i) The existing topographic features of the project site and the immediate surrounding area.

(ii) The types, depth, slope, locations and limitations of the soils.

(iii) The characteristics of the earth disturbance activity, including the past, present and proposed land uses and the proposed alteration to the project site.

(iv) The amount of runoff from the project area and its upstream watershed area.

(v) The location of waters of this Commonwealth which may receive runoff within or from the project site and their classification pursuant to Chapter 93.

(vi) A written depiction of the location and type of perimeter and onsite BMPs used before, during and after the earth disturbance activity.

(vii) A sequence of BMP installation and removal in relation to the scheduling of earth disturbance activities, prior to, during and after earth disturbance activities.

(viii) Supporting calculations.

(ix) Plan drawings.

(x) A maintenance program which provides for inspection of BMPs on a weekly basis and after each measurable rainfall event, including the repair of the BMPs to ensure effective and efficient operation.

(xi) Procedures which ensure that the proper measures for the recycling or disposal of materials associated with or from the project site will be undertaken in accordance with this title.

(6) Where an earth disturbance activity may result in a discharge to a water of this Commonwealth classified as High Quality or Exceptional Value pursuant to Chapter 93, the person proposing the activity shall, as applicable, use the following Special Protection BMPs to maintain and protect the water from degradation:

(i) Special sediment basin requirements.

(A) Principal spillways shall be designed to skim water from the top 6 inches (15 centimeters) of the dewatering zone, or shall have permanent pools greater than or equal to 18 inches (46 centimeters) deep.

(B) The basin shall be designed with a flow length to basin width ratio of 4:1 or greater.

(C) The basin shall be designed so that it dewateres in at least 4 days and no more than 7 days when at full capacity.

(ii) Channels, collectors and diversions shall be lined with permanent vegetation, rock, geotextile or other nonerosive materials.

(iii) BMPs that divert or carry surface water shall be designed to have a minimum capacity to convey the peak discharge from a 5-year frequency storm.

(iv) Upon completion or temporary cessation of the earth disturbance activity, or any stage thereof, the project site shall be immediately stabilized.

(v) The Department or county conservation district may approve alternative BMPs which will maintain and protect existing water quality and existing and designated uses.

(7) The Erosion and Sediment Control Plan shall be available for review and inspection by the Department or the county conservation district at the project site during all stages of the earth disturbance activity.

(8) Upon complaint or site inspection, the Department or county conservation district may require that the Plan be submitted for review and approval to ensure compliance with this chapter.

(c) The Department or county conservation district may require other information necessary to adequately review a plan, or may require additional BMPs, on a case-by-case basis, when necessary to ensure the maintenance and protection of water quality and existing and designated uses.

#### § 102.5. Permit requirements.

(a) Other than agricultural plowing or tilling, timber harvesting activities or road maintenance activities, a person proposing an earth disturbance activity that involves 5 acres (2 hectares) or more of earth disturbance, or an earth disturbance on any portion, part, or during any stage of, a larger common plan of development or sale that involves 5 acres (2 hectares) or more of earth disturbance over the life of the project, shall obtain a general or individual NPDES permit for stormwater discharges associated with construction activities prior to commencing the earth disturbance activity.

(b) A person proposing a timber harvesting or road maintenance activity involving 25 acres (10 hectares) or more of earth disturbance shall obtain an Erosion and Sediment Control Permit under this chapter prior to commencing the earth disturbance activity.

(c) A person proposing or conducting an earth disturbance activity approved under a Department permit issued under a chapter other than Chapter 92 (relating to National Pollutant Discharge Elimination System) or this chapter, which includes requirements to comply with Chapter 92 and this chapter, need not obtain an additional erosion and sediment control permit or NPDES permit for stormwater discharges associated with a construction activity.

(d) A person proposing or conducting agricultural plowing or tilling activities is not required to obtain an erosion and sediment control permit, or an NPDES permit for stormwater discharges associated with a construction activity, for these activities under this chapter.

(e) A person proposing or conducting an earth disturbance activity who is not required to obtain a Permit under this chapter shall comply with the other provisions of this chapter.

#### § 102.6. Permit applications and fees.

(a) *Permit requirements.* A person proposing or conducting an earth disturbance activity which requires an Erosion and Sediment Control Permit or an NPDES permit for stormwater discharges associated with construction activities under § 102.5 (relating to permit requirements), shall:

(1) Submit to the Department or a county conservation district a complete application or notice of intent, an Erosion and Sediment Control Plan meeting the requirements of § 102.4 (relating to erosion and sediment control requirements), and other information the Department may require.

(2) Provide proof of consultation with the Pennsylvania Natural Diversity Inventory (PNDI) regarding the presence of a State or Federal threatened or endangered species on the project site. If the Department or county conservation district determines, based upon PNDI data or other sources, that the proposed earth disturbance activity may adversely impact the species or critical

habitat, the person proposing the earth disturbance activity shall consult with the Department or county conservation district to avoid or prevent the impact. If the impact cannot be avoided or prevented, the person proposing the activity shall demonstrate how the impacts will be minimized in accordance with State and Federal laws pertaining to the protection of threatened or endangered flora and fauna and its habitat.

(b) *Permit fees.*

(1) Erosion and Sediment Control Permit applications for timber harvesting and road maintenance activities shall be accompanied by an application fee of \$500.

(2) Applications and Notices of Intent for an NPDES Permit for Stormwater Discharges Associated with Construction Activities shall be submitted and accompanied by the fee established pursuant to Chapter 92 (relating to National Pollutant Discharge Elimination System).

#### § 102.7. Permit termination.

(a) Upon permanent stabilization of the earth disturbance activity under § 102.22(c) (relating to permanent stabilization), the person who obtains permit coverage under this chapter shall submit a notice of termination to the Department or county conservation district.

(b) The notice of termination shall include:

- (1) The facility name, address and location.
- (2) The operator name and address.
- (3) The permit number.
- (4) The reason for permit termination.

### EROSION AND SEDIMENT CONTROL

#### BMPs

#### § 102.11. General requirements.

(a) A person conducting or proposing to conduct an earth disturbance activity shall design, implement and maintain BMPs to minimize the potential for accelerated erosion and sedimentation to protect, maintain, reclaim and restore water quality and existing and designated uses. Various BMPs and their design standards are listed in the *Erosion and Sediment Pollution Control Program Manual* (Manual), Commonwealth of Pennsylvania, Department of Environmental Protection, No. 363-2134-008 (January 1996), as amended and updated.

(b) BMPs and design standards other than those listed in the Manual may be used when a person conducting or proposing to conduct an earth disturbance activity demonstrates to the Department or a county conservation district that the alternate BMP or design standard minimizes accelerated erosion and sedimentation to achieve the regulatory standards in subsection (a).

#### RESTORATION

#### § 102.21. (Reserved).

#### § 102.22. Permanent stabilization.

(a) Upon completion of an earth disturbance activity or any stage or phase of an activity, the site shall be immediately seeded, mulched or otherwise protected from accelerated erosion and sedimentation.

(b) Erosion and sediment control BMPs shall be implemented and maintained until the permanent stabilization is completed.

(c) For an earth disturbance activity or any stage or phase of an activity to be considered permanently stabilized, the disturbed areas shall be covered with one of the following:

(1) A minimum uniform 70% perennial vegetative cover, with a density capable of resisting accelerated erosion and sedimentation.

(2) An acceptable BMP which permanently minimizes accelerated erosion and sedimentation.

§ 102.23. (Reserved).

§ 102.24. (Reserved).

**ENFORCEMENT**

§ 102.31. **Applicability.**

The Department or a county conservation district may enforce this chapter under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

§ 102.32. **Compliance and enforcement provisions.**

(a) Compliance and enforcement actions under this chapter which may be pursued include the following. The actions listed are cumulative and the exercise of one action does not preclude the exercise of another. The failure to exercise an action will not be deemed to be a waiver of that action:

- (1) Investigations and inspections.
- (2) Response to complaints.
- (3) Orders (including orders to remediate or restore).
- (4) Civil penalty proceedings, except as provided in subsection (b).
- (5) Summary proceedings.
- (6) The suspension, revocation, withholding or denial of permits or approvals.
- (7) Notices of violation.
- (8) Actions in a court of competent jurisdiction, including requests for injunctive relief.
- (9) Other administrative, civil, criminal or equitable action authorized by law.

(b) If the Department finds that pollution or a danger of pollution results from an act of God in the form of sediment from land for which a complete Conservation Plan has been developed by the county conservation district and the Natural Resource Conservation Service,

and the plan has been fully implemented and maintained, the landowner shall be excluded from the penalties of the act.

**RESPONSIBILITIES OF LOCAL GOVERNING BODIES**

§ 102.41. **Administration by county conservation districts.**

(a) The Department may delegate by written agreement the administration and enforcement of this chapter to county conservation districts if they have adequate and qualified staff, and are or will be implementing the program identified in the delegation agreement.

(b) An acceptable program shall have the concurrence and approval of the governing body of the county in which the county conservation district operates.

(c) The Department will retain program administration and enforcement over projects which cross the political boundaries of county conservation districts unless otherwise authorized by the Department.

§ 102.42. **Notification of application for permits.**

A municipality or county which issues building or other permits shall notify the Department or county conservation district within 5 days of receipt of an application for a permit involving an earth disturbance activity consisting of 5 acres (2 hectares) or more.

§ 102.43. **Withholding permits.**

A municipality or county may not issue a building or other permit or final approval to those proposing or conducting earth disturbance activities requiring a Department permit until the Department or a county conservation district has issued the Erosion and Sediment Control or individual NPDES Permit, or approved coverage under the general NPDES Permit for stormwater discharges associated with construction activities under § 102.5 (relating to permit requirements).

**IMPLEMENTATION**

§ 102.51. (Reserved).

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