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# PENNSYLVANIA BULLETIN

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Subject Index for  
January—December 1997

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Delaware River Port Authority  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 278, January 1998**

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**PENNSYLVANIA**



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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1998.

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# THE COURTS

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Rules of Court of Common Pleas; Rules Doc. No. 2 of 1997

#### Order of Court

*And Now*, this 23rd day of December, 1997, pursuant to action of the Board of Judges, the following local Rule 220.1 affecting the Civil Division of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

ROBERT E. DAUER,  
*President Judge*

#### 220.1. Voir Dire.

In all civil actions to be tried before a jury, the following questions (except those, which all parties shall agree in advance to strike, as inappropriate for the type of case involved) shall be propounded by an Assignment Room Clerk, in the presence of all counsel, to the members of the panel:

##### I. TO BE ADDRESSED TO THE GROUP:

1) The attorneys in this lawsuit and their law firms are

\_\_\_\_\_  
ATTORNEY FOR PLAINTIFF

\_\_\_\_\_  
LAW FIRM

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

\_\_\_\_\_  
LAW FIRM

\_\_\_\_\_  
ATTORNEY FOR

\_\_\_\_\_  
LAW FIRM

\_\_\_\_\_  
ATTORNEY FOR

\_\_\_\_\_  
LAW FIRM

Have you had any social, business or professional contact with any of these attorneys or their law firms?

2) The parties in this lawsuit are

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VS.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do any of you know or have you had any social, business, professional contact or employment with any of the parties, or are any of you stockholders in \_\_\_\_\_ (name of company(ies))?

3) This lawsuit concerns \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(description which clues the jury panel to the type of case—products, medical, fall down, construction, contract, etc. along with a time period or date and a place if applicable).

Does anyone know anything about this case?

4) Have you or any members of your family ever worked for, been served by, treated by, or had any professional or social association with the following:



(Name all party professionals and experts)

- a)
- b)
- c)
- d)
- e)
- f)
- g)
- h)
- i)
- j)
- k)
- l)
- m)

II. *TO BE ASKED INDIVIDUALLY*

We will begin interrogation, juror #1 will you please step forward.

- 5) Tell us your name and any other name by which you have been known and the area where you live.
- 6) What is the date and place of your birth?
- 7) What occupations have you had during your adult life and please name each of your employers? (If unemployed or retired—what was your previous occupation?)
- 8) What is the extent of your formal education? (If college—what was major)
- 9) Are you single, married, divorced, separated or widowed?
  - a) (If married) What is your spouse's name?
  - b) What occupations has your spouse had and name the different employers of your spouse?
- 10) Do you have children? If so,
  - a) How many and what are their ages?
  - b) (If any child over 18) What occupation(s) have your children had and name the employer(s) each of your children has had?
- 11) Does anyone else live with you at your home?
  - If so,
    - a) What are their names?
    - b) What occupation(s) has such person had and name the employer(s) of any other person who lives with you? (If any one of them is unemployed or retired, what was their prior occupation?)
- 12) Do you have brothers and sisters?
  - If so,
    - a) What occupations have they had and who were their employers?
- 13) Have you or any member of your family ever been involved as a party or a witness in a lawsuit or court action?
  - If so:
    - a) What was the lawsuit or proceeding about?
    - b) Were you or your family member the plaintiff or defendant?
    - c) What was the outcome?
- 14) Have you ever been a defendant or a witness in a criminal case?
  - a) How so?
  - b) What was the outcome of the case?
- 15) Do either you, any member of your immediate family or anyone with whom you reside have a business relationship, friendship or association with any person who is a law enforcement officer, a judge, a lawyer, or a person who works or is affiliated with the Court system.

- a) If so, please explain.
- b) Will that influence your judgment in this case so that you may not be able to be fair and impartial?
- 16) Have either you, your spouse or your parents, children, brothers or sisters ever worked in the insurance industry or have any of you owned stock in an insurance company?
- a) If so, please explain.
- b) Will that influence your judgment in this case so that you may not be able to be fair and impartial?
- 17) Are you a licensed driver of a motor vehicle?
- 18) Do you have any physical or mental condition that might affect your ability to serve as a juror?
- a) If so, please explain.
- 19) Have you heard or read information or advertising on television, radio, or in the newspapers that deals with the subject of lawsuits generally?
- a) As a result, do you have an opinion or belief about lawsuits in general?
- b) If so, what is that opinion or belief?
- c) Will that influence your judgment in this case so that you may not be able to be fair and impartial?
- 20) This case involves a claim for money damages and is the type commonly called a \_\_\_\_\_ (products liability; medical malpractice; auto accident; breach of contract, etc.) lawsuit.
- a) Do you have an opinion or a belief for or against this type of case or the people who file this type of case, or the persons who are sued in this type case?
- b) If so, what is that opinion or belief?
- c) Will that influence your judgment in this case so that you may not be able to be fair and impartial?
- 21) Is there any reason why you feel you cannot serve as a fair and impartial juror in this case.

[Pa.B. Doc. No. 98-49. Filed for public inspection January 9, 1998, 9:00 a.m.]

## ALLEGHENY COUNTY

### Rules of Court of Common Pleas; Rules Doc. No. 3 of 1997

#### Order of Court

*And Now*, this 23rd day of December, 1997, pursuant to action of the Board of Judges, the following amended local Rule 198.6(C) affecting the Civil and Family Divisions of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

ROBERT E. DAUER,  
*President Judge*

**Local Rule 198.6(C)** is amended to read as follows:

- (C) Other Filing Requirements.
- (1) Every document must be attached only at the top left corner of the pages with one staple or, if the document is too thick for a staple, then at the top of the pages with a metal fastener (not a binder clip).
- (2) Cloth tape is prohibited and shall not be used to cover the staple or metal fastener.
- (3) "Bluebacks" are prohibited and shall not be used.
- (4) The Prothonotary shall not accept for filing any pleading or other document which does not comply with the above requirements.

[Pa.B. Doc. No. 98-50. Filed for public inspection January 9, 1998, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### ERIE COUNTY

#### Custody Conciliation Fees; Misc. Doc. No. 90613-97

#### Administrative Order

*And Now*, to-wit, this 12th day of December, 1997, the Court of Common Pleas of the Sixth Judicial District promulgates and adopts the following fee policy with regard to Custody Conciliation:

1. Upon filing of a Petition for Modification of a custody order, the moving party shall pay a conciliation fee in the amount of \$50.00 per session. A session shall be not more than one and one-half (1-1/2) hours, and shall be either at the intake or conciliation stage of the process.

At the time the petition is filed with the Office of Custody Conciliation, the moving party shall estimate the number of sessions required to resolve the issues presented and the parties shall deposit a sum equal to that amount, which shall be non-refundable. The party may request and pay for additional conciliation sessions as may be required.

The conciliation fee shall be paid at the payment window of the Domestic Relations Section.

2. If a petition for modification only seeks the entry of an Order because the parties have reached a new agreement, then no fee will be assessed.

3. If a party files and/or presents a petition for special relief and the Court refers the matter to the Office of

Custody Conciliation or the parties request such action, then the custody conciliation fee referred to above shall be assessed in the manner prescribed.

4. If a custody matter is before the Court for an adversarial proceeding and the Court refers the case to the Office of Custody Conciliation, then the parties shall be assessed a conciliation fee in the manner prescribed above.

*By the Court*

JOHN A. BOZZA,  
*President Judge*

[Pa.B. Doc. No. 98-51. Filed for public inspection January 9, 1998, 9:00 a.m.]

\_\_\_\_\_

**WESTMORELAND COUNTY**

**Administrative Order: In Re Civil Rules; No. 3 of 1997**

**Order of Court**

*And Now*, to wit, this 17th day of December, 1997, it is *Ordered* that, effective March 1, 1998, section (e) of Westmoreland County Rule of Civil Procedure W1915.8 be rescinded, and that new section (e) of Westmoreland

County Rule of Civil Procedure W1915.8 is hereby adopted.

*By the Court*

BERNARD F. SCHERER,  
*President Judge*

**Rule W1915.8. Physical and Mental Examinations of Persons.**

(e) Costs of psychological evaluations of the parents, children, and any other person ordered by the court to be evaluated shall be assessed as follows:

<i>COMBINED PARENTAL INCOME (GROSS ANNUAL)</i>	<i>COST OF EVALUATION</i>
\$20,000 or less	\$ 700
\$20,001 to \$60,000	\$1,150
\$60,000 and over	\$1,700

The assessed cost set forth above shall apply except where good cause for a deviation is shown to the court. The court may increase the assessed cost based upon such factors as the number of people evaluated and the complexity of the case. The cost of evaluation includes the cost of conciliation and appearance at the judicial custody conference, and the evaluator's testimony at trial. The cost of evaluation shall be assessed between the parents in proportion to their incomes, unless otherwise agreed by the parties.

[Pa.B. Doc. No. 98-52. Filed for public inspection January 9, 1998, 9:00 a.m.]

\_\_\_\_\_

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
[25 PA. CODE CH. 93]

### Corrective Amendment to 25 Pa. Code § 93.9m

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9m (relating to Drainage List M) as deposited with the Legislative Reference Bureau and as published at 25 Pa.B. 3971 (September 23, 1995) and the official text as published in the *Pennsylvania Code Reporter*

(Master Transmittal Sheet No. 254), and as currently appearing in the *Pennsylvania Code*. The amendments made by the Department at 25 Pa.B. 3971, 3975 were codified incorrectly.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 93.9m. The corrective amendment to 25 Pa. Code § 93.9m is effective as of January 6, 1996, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9m appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE II. WATER RESOURCES

#### CHAPTER 93. DRAINAGE LIST M.

#### § 93.9m. Drainage List M.

	*	*	*	*	*	
2—Armstrong Creek	Basin, Source to Unnamed Tributary at RM 9.86			Dauphin	CWF	None
3—Unnamed Tributary to Armstrong Creek at RM 9.86	Basin, Source to SR 1003 Bridge			Dauphin	HW-CWF	None
3—Unnamed Tributary to Armstrong Creek at RM 9.86	Basin, SR 1003 Bridge to Mouth			Dauphin	CWF	None
2—Armstrong Creek	Basin, Unnamed Tributary at RM 9.86 to LR 22028 (SR 4001) Bridge			Dauphin	CWF	None
2—Armstrong Creek	Basin, LR 22028 Bridge to Mouth			Dauphin	TSF	None
2—Buffalo Creek	Basin			Perry	WWF	None
2—Powell Creek						
3—North Fork Powell Creek	Basin, Source to Confluence with South Fork			Dauphin	CWF	None
3—South Fork Powell Creek	Basin, Source to Confluence with North Fork			Dauphin	CWF	None
2—Powell Creek	Basin, Confluence of North and South Forks to Mouth			Dauphin	TSF	None

[Pa.B. Doc. No. 98-53. Filed for public inspection January 9, 1998, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

#### [55 PA. CODE CHS. 1101 AND 1187]

#### Medical Assistance Manual; General Provisions; Nursing Facility Services

##### *Introduction*

This statement of policy announces the guidelines the Department of Public Welfare (Department) intends to use to review requests of applicants or participating providers to increase the number of Medical Assistance (MA) certified nursing facility beds through the enrollment of new facilities or the expansion of existing certified facilities. Providers of intermediate services for the mentally retarded (ICF/MR), inpatient psychiatric services and inpatient rehabilitation services remain subject to §§ 1101.42b and 1101.77a (relating to Certificate of Need requirements for participation—statement of policy; and termination for convenience and best interests of the Department—statement of policy) as published on December 14, 1996 (26 Pa.B. 5996).

##### *Background*

The Department is the single State agency designated to administer the Commonwealth's Medicaid Program, which is known as the MA Program. The MA Program is a cooperative Federal-State program through which various health care services are provided to poor and needy individuals in this Commonwealth. As the single State agency, the Department is required by Federal law to adopt methods and standards that may be necessary to safeguard against the unnecessary utilization of services under the MA Program and to assure that MA payments are consistent with efficiency, economy and quality of services. See 42 U.S.C.A. § 1396a(a)(30)(A). Prior to December 18, 1996, the Department relied, in part, upon the Certificate of Need (CON) process to comply with these Federally prescribed standards.

The CON process was established under Chapter 7 of the Health Care Facilities Act (act) (35 P. S. §§ 448.701—448.712). The purpose of the CON process was to assure the quality of and access to health care services for Pennsylvanians while controlling health services costs by limiting the supply of certain clinically related health care services. Nursing facility services were included in the clinically related health care services subject to the CON process. Entities that desired to furnish these services were required to first obtain from the Department of Health (DOH) a determination of need for the proposed service in the region of this Commonwealth in which it would be offered. An entity could not obtain a license to operate in this Commonwealth as a nursing facility, nor could a licensed nursing facility expand its existing licensed capacity by more than 10 beds or 10%, whichever is less, over a 2-year period, without first having secured a CON or letter of nonreviewability.

The Department considered the CON requirement a mechanism to safeguard against unnecessary utilization of institutional services and to assure that the Department's payments for these services were consistent with efficiency, economy and quality of services. To participate as a nursing facility provider in the MA Program, an entity must be currently licensed by the DOH. See 55 Pa. Code § 1101.42(a) (relating to prerequisites for participa-

tion). Because possession of a CON was a necessary precondition to licensure, and licensure a necessary precondition to MA certification and enrollment, a prior determination of the need for the provider's services by the Commonwealth was a prerequisite to participation in the MA Program. Thus, the CON process had a substantial impact on the number and location of MA nursing facility providers in this Commonwealth.

On December 18, 1996, the provisions of the act relating to the CON process sunsetted. Nonetheless, the Department's obligation to guard against overutilization and misutilization of services and to avoid unnecessary costs to the MA Program remained. In order to continue to fulfill its Federal obligations, the Department, by statement of policy effective December 19, 1996, adopted an interim policy announcing that, as a general matter, it intended to exercise its discretion to terminate, or to refuse to enter into, a provider agreement with providers of intermediate services for the mentally retarded (ICF/MR), nursing facility services, inpatient psychiatric or inpatient rehabilitation services. See 26 Pa.B. 5996 (December 14, 1996). This interim policy was revised, effective August 11, 1997, to prohibit enrolled nursing facility providers from expanding their existing licensed bed capacity, under any circumstances, without first receiving an exception from the Department. See 27 Pa.B. 4005 (August 9, 1997). Under the initial interim policy, nursing facility providers were permitted to expand their existing licensed bed capacity by 10 beds or 10%, whichever was less, over a 2-year period.

Contemporaneous with the August 11, 1997 revision to the interim policy, the Department distributed copies of draft exception request guidelines to interested persons and made them available for public review and comment. On August 14, 1997, the draft guidelines were shared and discussed with the Pennsylvania Intra-Governmental Council for Long-Term Care. The Department also solicited public input at the September meetings of the Medical Assistance Advisory Committee (MAAC), as well as the Consumer, Fee-For-Service and Long-Term Care Subcommittees of MAAC. All comments were reviewed and considered when developing this final statement of policy.

##### *Discussion*

Currently, a large majority (81%) of licensed nursing facilities are enrolled MA providers. These facilities account for 93% of existing licensed nursing facility beds in this Commonwealth. When these MA certified beds are occupied, the Department records demonstrate that, more likely than not, they are occupied by MA recipients. In fact, the MA Program is the single largest purchaser of nursing facility services in this Commonwealth. During 1995, the MA Program paid for more than 66% of the days of service rendered to nursing home residents. In addition, recent data compiled by the Department reveals that day-one MA eligible recipients (individuals who are MA eligible on, or likely to become MA eligible within, 60 days of the date of their admission) account for a larger number of MA nursing facility paid days. In 1996, 78% of the MA recipients admitted to nursing facilities were day-one eligible. This figure represents a 20% increase in the number of MA day-one eligible admissions since 1994.

These data suggest that there is no systemic barrier that prevents MA recipients from receiving access to nursing facility services due to a lack of beds. Rather, the

Department has concluded that, as a general rule, the present complement of nursing facilities participating in the MA Program results in a more than adequate, if not an overabundant, supply of nursing facility beds for persons who qualify for MA nursing facility services. This conclusion is further buttressed by the most recent nursing home bed need projections of the DOH.

According to DOH, as of March 31, 1997, there were 94,531 nursing facility beds licensed to operate in this Commonwealth and an additional 4,673 beds approved for construction under CONs issued by the DOH prior to December 19, 1996. Based upon this existing complement of licensed/approved beds and the most recent census data available, and using the same need-based methodology contained in the State Health Services Plan, the DOH projects a surplus of 5,634 nursing facility beds Statewide through the year 2000.

In projecting the 5,634 bed surplus, DOH assumes that the existing approved and licensed beds in this Commonwealth are occupied at a rate of 95%. The Department noted, however, that the most recent information available to the Department indicates an overall occupancy rate of only 93%. While this discrepancy may not appear significant, it represents 1,891 beds. Thus, even if there was a need for, rather than a surplus of beds, 1,891 additional people needing nursing facility services could be served today, not by constructing new or expanded facilities, but simply by increasing the occupancy rates of existing facilities to 95%.

The Department also believes that there is an imbalance within the current publicly funded system of long-term care services. This imbalance is reflected in Pennsylvania's MA budget for fiscal year (FY) 1997-98. Under the current budget, the Department will spend more than \$2 billion, or 35% of its entire MA budget, to provide nursing facility services to 73,141 MA recipients who represent only 4.1% of the total MA population in this Commonwealth. In contrast to the more than \$2 billion budget for nursing facility services, the Commonwealth, through the Department and the Department of Aging, will spend only \$76.2 million (\$35 million of which are State lottery funds) on home and community-based services in lieu of nursing home services. If this imbalance is permitted to remain unchecked, it may contribute to an even greater increase in the existing surplus of nursing facility beds, and thereby limit the Commonwealth's choices by absorbing an even larger portion of the Commonwealth's scarce resources away from home and community-based services into more expensive institutional services.

Given the heavy dependence on public dollars to sustain the current institutional system of long-term care services, and the existing surplus of nursing home beds, the Department has determined that a policy, or the absence of a policy, that results in an unconstrained increase in the supply of nursing facility beds financed at taxpayer expense is unacceptable. Such an environment would serve only to promote inefficiencies in the system by further depressing occupancy rates of existing facilities, or enable costs to the Commonwealth to spiral by creating a demand for institutional services so that built beds can be filled beds. The Department believes that it is in the best interests of the residents of this Commonwealth with long-term services needs, as well as taxpayers of this Commonwealth, to develop a fuller array of long-term care supports and services. Such a belief is consistent with the recommendations submitted to the Governor by the Intra-Governmental Council on Long-Term Care. Since it is clear that the institutional compo-

ment of the array is generally sufficient, the Department considers it appropriate to encourage the development of other components of the array of long-term care services, for example, home and community-based services, when instituting policies to identify and meet the needs of its MA population.

#### *The Department's Policy Regarding Enrollment and Expansion of Nursing Facilities*

In light of the foregoing discussion, the Department adopts the following policy with respect to the enrollment of new nursing facility providers and the continued participation of current nursing facility providers:

- The Department will exercise its discretion under 55 Pa. Code § 1101.42(a) to reject an application of a currently unenrolled nursing facility to become an enrolled MA provider of nursing facility services.
- The Department will exercise its discretion under 55 Pa. Code § 1101.77(b)(1) to terminate the enrollment of a provider that undertakes to increase the number of beds at its nursing facility.
- The Department will grant exceptions to its general policy when the Department finds that it is in the best interests of the Commonwealth and the MA Program to permit the enrollment of a new nursing facility provider or the expansion of an existing nursing facility provider.

This policy applies to any applicant seeking to enroll as an MA nursing facility provider or to any provider proposing to expand its existing number of certified beds. The policy does not automatically grandfather projects with approved CONs or letters of nonreviewability, whether already constructed, under development, or simply still in the planning stage, but requires the projects to receive an exception to enroll or expand. The policy also does not permit any unilateral incremental expansions by enrolled nursing facility providers, but requires the providers to seek an exception to expand.

#### *Policy Regarding Projects With a CON or Letter of Nonreviewability*

Although projects with CONs or letters of nonreviewability will not automatically be approved under this statement of policy, this statement of policy has been revised to provide special consideration to those applicants or providers that possess a CON or letter of nonreviewability. In evaluating these projects, the Department will, among other things, focus on whether: 1) the project is being implemented in accordance with the substantial implementation timetable (if the CON or letter of nonreviewability was issued within 24 months of the date of the exception request); 2) the project is substantially implemented as defined in 28 Pa. Code § 401.2 (if the CON or letter of nonreviewability was issued more than 24 months before the date of the exception request); 3) the applicant or provider presumed, as evidenced by the CON application, that it would participate in the MA Program and render services to MA recipients; 4) the applicant or provider is suitable, based on its licensure and Medicaid and Medicare Program participation record, for enrollment or expansion; 5) the applicant or provider will assure the Department that its project will achieve and maintain the estimated MA occupancy percentage set forth in its CON application; and 6) the applicant or provider will assure the Department that the new or additional beds will be economically and financially feasible without the receipt of MA capital component payments.

Projects that were not timely implemented in accordance with a CON or letter of nonreviewability may still be

approved if the applicant or provider can demonstrate that there was good cause for the delay. Good cause may be found, for example, if the applicant or provider halted or delayed its project in anticipation of the publication of this statement of policy.

*Status of "10/10 Rule"*

The Department chose not to incorporate the so-called "10/10 Rule" into this statement of policy. Under the CON process, a certain amount of incremental growth was permitted without a review of need. Specifically, an existing nursing facility could, on a biennial basis, increase the number of its beds by 10% or 10 beds, whichever was less, without obtaining CON from the DOH. As reflected by the revised interim policy eliminating the "10/10 Rule," the Department has determined that this incremental growth is no longer desirable or appropriate. In most areas, the quantity of beds available to MA residents exceeds the need. If the "10/10 Rule" were continued, and providers were permitted to add beds, that overall surplus would only be exacerbated. Furthermore, the "10/10 Rule" did not provide any assurance that the needs of the MA Program specifically, or the community generally, would be considered, let alone met, by these incremental expansions. To the contrary, since the demise of CON, the Department has noted that the large majority of "10/10" expansions have occurred not where there is indication of need, but in counties with existing bed surpluses. In addition, the Intra-Governmental Council on Long-Term Care recommended that the "10/10 Rule" be abandoned. For these reasons, the Department has decided to prohibit enrolled nursing facility providers from expanding under the "10/10 Rule" without first receiving an exception from the Department, and has declined to include a "10/10 Rule" in the following statement of policy. Consequently, if a provider currently enrolled in the MA Program increases the number of beds at its nursing facility without having been first granted an exception, the Department's policy will be to terminate that facility's provider agreement regardless of whether the increase meets or exceeds the former "10/10 Rule."

*The Department's Process for Reviewing Exception Requests*

The Department will not grant exceptions unilaterally, that is, in order for an applicant or provider to be granted an exception, it must affirmatively request one from the Department. Although persons filing exception requests may submit to the Department whatever information they deem relevant to the question of whether an exception should be granted in their particular circumstances, the Department strongly recommends that the applicant or provider include the information explicitly identified in the statement of policy as relevant to the exception request determination. Although the Department will consider all exception requests, the Department will not be able to grant an exception if it is not provided enough information to determine whether the proposed project is in the best interests of the Department. Submission of all information relating to provider suitability, as described in subsection (d)(6), is particularly important. The Department may in the future develop an application process for exception requests if it determines that such a process will make it easier for persons to organize and submit their requests, and for the Department to conduct its reviews.

The statement of policy provides that exception requests may be submitted at any time. Exception requests submitted by applicants or providers who seek to increase the number of MA-certified beds under a CON or letter of

nonreviewability will be processed and considered as received by the Department, provided that the requests are submitted by the provider or applicant by April 13, 1998.

For applicants or providers who are not seeking to expand the number of MA-certified beds under a CON or letter of nonreviewability, the Department will accept requests over 6-month periods (January through June; July through December) and collectively consider them on a biannual basis. Thus, for instance, if the Department receives multiple exception requests involving a single service area experiencing a shortage of enrolled beds, the Department will weigh the relative merits of the various requests. The Department will then endeavor to address all of the exception requests by the end of the then-current 6-month period (that is, the 6-month period following the period in which they were submitted). If necessary, the Department may expedite its review and act on an individual request before the target date.

The statement of policy also provides an opportunity for public input regarding the exception requests submitted by applicants or providers who are not seeking to expand the number of MA-certified beds under a CON or letter of nonreviewability. Following the close of each 6-month period, the Department will publish a notice in the *Pennsylvania Bulletin* listing the exception requests and will make copies of the exception requests available to the public during regular business hours. The public will then have 30 days in which to submit written comments regarding those requests. Comments relating to exception requests received from December 1996 through June 30, 1997, have already been received and reviewed by the Department.

Applicants and providers who submitted requests received by the Department from December 1996 through June 30, 1997 (Group One-1997), will be given until February 1, 1998, to submit additional information relating to the exception requests. The Department will use its best efforts to issue decisions on Group One-1997 by March 31, 1998.

*The Department's Guidelines for Reviewing Exception Requests*

The Department will grant an exception to its general policy to deny enrollment and to preclude expansion if it determines that, in light of the particular facts and circumstances presented, increasing the number of MA-certified nursing facility beds is in the best interests of the MA Program. The Department plans to grant exceptions on a case-by-case basis. In reviewing exception requests, the Department will use the guidelines set forth in this statement of policy. A discussion of the guidelines the Department will use to review exception requests submitted by applicants or providers who are not seeking to expand the number of MA-certified beds under a CON or letter of nonreviewability is set forth as follows.

The Department considers the MA Program's need for additional nursing facility services in the applicant's or provider's primary service area as the most important factor in determining whether to grant or deny an exception request. The focus of the Department's analysis of "MA Program need" will be different from the focus of DOH's former CON review process. The DOH focused upon whether the community needed additional institutional health services. The Department's focus, on the other hand, will be more narrow, and will primarily consider whether the MA Program needs additional services, and, if so, how those services can be most appropri-

ately supplied. The Department is not attempting through its review process to prevent the construction of new or larger nursing facilities that will not rely on MA funds. Rather, the Department is seeking to prevent overutilization and misutilization of services and the costs attendant thereto under the MA Program while at the same time assuring that MA recipients have access to an appropriate array of long-term care services. Therefore, the broader needs of the community are relevant to the Department's analysis only to the extent that they affect the availability of beds to the MA Program and the availability of nursing facility services to MA recipients in those beds.

In considering its MA Program needs, the Department will also examine whether those needs can be appropriately met through the provision of home and community-based services rather than additional nursing facility beds. The Department views home and community-based services to have several important benefits. Among other things, many older residents of this Commonwealth and residents with disabilities prefer home and community-based services over institutional services. Given a choice, the Department believes that many people would choose to remain in their own homes and communities rather than reside in a nursing facility. Moreover, in many, if not most, instances, the Department has found that home and community-based services are less expensive than institutional services.

In addition to evaluating the option of home and community-based services to meet its needs, the Department will examine other factors in reviewing exception requests. These include: a willingness to commit to serve day-one MA eligible recipients; a willingness to serve technology-dependant MA recipients; the applicant's or provider's licensure record and its Medicaid and Medicare Program participation history during the past 3 years (including the record of any person having a reportable ownership interest in the provider or applicant); the feasibility of the project without MA capital payments; and a willingness to employ welfare and MA recipients.

#### *Comments*

Although this statement of policy will become effective on January 12, 1998, the Department will consider comments. In order to be considered, comments must be received within 45 days of the date of publication.

Persons with a disability may use the AT&T Relay Service by calling (800)654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

#### *Contact Person*

Comments and questions regarding this statement of policy should be directed to Policy Section, P.O. Box 8025, Harrisburg, PA 17105, (717) 772-2570.

#### *Effective Date*

This statement of policy shall take effect on January 12, 1998.

FEATHER O. HOUSTON,  
*Secretary*

*(Editor's Note: The regulations of the Department, 55 Pa. Code Chapters 1101 and 1187, are amended by amending statements of policy in §§ 1101.42b and 1101.77a and by adding a statement of policy at 1187.21a and 1187 Appendix C to read as set forth in Annex A.)*

**Fiscal Note:** 14-NOT-161. No fiscal impact; (8) recommend adoption.

### **Annex A**

## **TITLE 55. PUBLIC WELFARE**

### **PART III. MEDICAL ASSISTANCE MANUAL**

#### **CHAPTER 1101. GENERAL PROVISIONS**

#### **PARTICIPATION**

#### **§ 1101.42b. Certificate of Need requirement for participation—statement of policy.**

(a) Effective December 19, 1996, the Department will not enter into a provider agreement with an ICF/MR, nursing facility, an inpatient psychiatric hospital or a rehabilitation hospital unless the Department of Health issued a Certificate of Need authorizing construction of the facility or hospital in accordance with 28 Pa. Code Chapter 401 (relating to Certificate of Need program) or a letter of nonreviewability indicating that the facility or hospital was not subject to review under 28 Pa. Code Chapter 401 dated on or before December 18, 1996.

(b) The Department will consider exceptions to subsection (a) on a case-by-case basis. Exceptions requested by nursing facilities will be reviewed under § 1187.21a (relating to nursing facility exception requests—statement of policy).

#### **FEES AND PAYMENTS**

#### **§ 1101.77a. Termination for convenience and best interests of the Department—statement of policy.**

(a) Effective December 19, 1996, under § 1101.77(b)(1) (relating to enforcement actions by the Department), the Department will terminate the enrollment and direct and indirect participation of, and suspend payments to, an ICF/MR, inpatient psychiatric hospital or rehabilitation hospital provider that expands its existing licensed bed capacity by more than ten beds or 10%, whichever is less, over a 2-year period, unless the provider obtained a Certificate of Need or letter of nonreviewability from the Department of Health dated on or prior to December 18, 1996, approving the expansion. Effective August 11, 1997, under § 1101.77(b), the Department will terminate the enrollment and direct and indirect participation of, and suspend payments to, a nursing facility provider that expands its existing licensed bed capacity. A nursing facility provider that, prior to August 11, 1997, relied on the interim policy effective December 19, 1996, and substantially implemented a project to expand its facility by ten beds or 10%, whichever is less, within a 2-year period, will not be terminated from enrollment under this policy.

(b) The Department will consider exceptions to subsection (a) on a case-by-case basis. Exceptions requested by nursing facilities will be reviewed under § 1187.21a (relating to nursing facility exception requests—statement of policy).

### **CHAPTER 1187. NURSING FACILITY SERVICES**

#### **Subchapter C. NURSING FACILITY PARTICIPATION**

#### **§ 1187.21a. Nursing facility exception requests—statement of policy.**

(a) *Scope.* This section applies to applicants and providers as defined in subsection (i).

(b) *Purpose.* The purpose of this section is to provide nursing facilities and other interested persons with notice of the guidelines that the Department intends to use in



exercising its discretion regarding enrollment and participation of nursing facilities as providers in the MA Program.

(c) *Policy regarding enrollment and expansion.*

(1) *General.*

(i) The Department, possessing the authority to regulate nursing facility participation in the MA Program, has discretion to refuse to enter into provider agreements with applicants and to terminate provider agreements with participating providers to protect and advance the best interests of the Department.

(ii) The Department has determined that, in most instances, the current complement of nursing facilities participating in the MA Program results in an adequate supply of nursing facility beds for persons who qualify for MA nursing facility services, and, therefore, in most instances, increasing the number of MA-certified nursing facility beds through the enrollment of new providers or the expansion of existing providers is not in the Department's best interests.

(iii) The Department has determined that, because in most instances an increase in the number of MA-certified beds is not in the Department's best interests, if an applicant or a provider desires to cause an increase, it is appropriate to require the applicant or provider to request the Department's prior approval and to bear the burden of demonstrating that, under the circumstances, an increase in the number of MA-certified beds is in the Department's best interests and that the applicant or provider should be allowed to provide those beds.

(2) *Policy regarding enrollment of applicants.*

(i) Except as noted in subparagraph (ii), when the Department receives an exception request from an applicant which, if granted by the Department, would cause a currently unenrolled nursing facility to become an enrolled MA provider of nursing facility services, the Department will, in the exercise of its discretion under § 1101.42(a) (relating to prerequisite for participation), deny that exception request.

(ii) The Department will make an exception to the policy in subparagraph (i) if, after considering the applicant's exception request in accordance with subsection (f) or (g), the Department determines that the applicant has demonstrated that its enrollment as an MA provider of nursing facility services is in the best interests of the Department.

(3) *Policy regarding expansion of providers.*

(i) Except as noted in subparagraph (ii), the Department will, in the exercise of its discretion under § 1101.77(b)(1) (relating to nursing facility exception requests—statement of policy), terminate the enrollment of a provider that undertakes to increase the number of licensed and MA-certified beds at its nursing facility and, further, will terminate the direct or indirect participation of that provider in the MA Program, and may suspend payments to that provider.

(ii) The Department will make an exception to the policy in subparagraph (i) if, after considering the provider's exception request in accordance with subsection (f) or (g), the Department determines that the provider has demonstrated that an increase in the number of the provider's licensed and MA-certified beds is in the Department's best interests.

(d) *Submission and content of exception requests.*

(1) An applicant or provider may make an exception request by submitting an original and two copies of its request to the Department at the following address:

Department of Public Welfare  
Bureau of Long Term Care Programs  
P. O. Box 2675  
Harrisburg, PA 17105-2675  
ATTN: MA/LTC Participation Review Unit

(2) Except as otherwise provided in subsection (f), an applicant or provider should submit its exception request to the Department prior to beginning construction of the new or additional nursing facility beds that will be the subject of its request.

(3) When an applicant submits an exception request to enroll as an MA provider, or a provider submits an exception request to expand the number of licensed and MA-certified beds at its nursing facility, the Department has no obligation to independently seek out any information on the question of whether the circumstances of that applicant or provider are such that an exception should be made. To the contrary, if an applicant or provider believes an exception should be made, the applicant or provider should submit to the Department information that the applicant or provider believes to be relevant to its request to enroll or expand.

(4) If an applicant or provider submits an exception request to the Department, the Department may base its decision solely upon the information supplied by the applicant or provider. The Department may request or consider additional information other than the information provided by the applicant or provider, including any public comments received on the exception request, and the information specified in subsections (f) and (g).

(5) To enable the Department to fully evaluate an exception request, the Department suggests that an exception request include the following information:

(i) An overview of the project which explains how it addresses the Department's goal to develop a fuller array of long-term care supports and services to meet the needs of its MA population and why it meets, or is needed to meet, the nursing facility service needs of the community.

(ii) A narrative and supporting documentation, if any, addressing each guideline in subsection (f) or (g) and indexed to identify which guideline is being addressed.

(iii) If the applicant or provider possesses a Certificate of Need (CON) and is seeking an exception under subsection (f), copies of the CON application.

(iv) Copies of any feasibility or market studies and financial projections prepared for the project, including any studies or projections identifying project costs, sources of project funds, projected revenue sources by payor type, including assumptions used and expected occupancy rates by payor type.

(v) A list of owners and related parties/entities involved in the project.

(vi) Independent audited financial statements, if any, of the applicant and provider, and owners or parent corporation, if any, of the applicant or provider for the most recent year prior to the fiscal year in which the exception request is filed.

(vii) Other information that the provider believes to be relevant.

(6) The Department requests that the applicant or provider specify in its narrative and supporting documentation relating to suitability under subsections (f)(10) and (g)(2), whether or not any of the following applies, and, if so, that the applicant or provider attach copies of all documents relating to the applicable action, including notices, orders, or sanction letters, received from the Health Care Financing Administration or any state Medicaid, survey or licensing agency:

(i) Whether the applicant, provider or any owner is currently precluded from participating in the Medicare Program or any state Medicaid Program.

(ii) Whether the applicant, provider or any owner owned, operated or managed a nursing facility that, at any time during the period specified in subsection (f)(10) or (g)(2) and one of the following applies:

(A) The applicant was precluded from participating in the Medicare Program or any state Medicaid Program.

(B) The applicant had its license to operate revoked or suspended.

(C) The applicant was subject to the imposition of sanctions or remedies for resident's rights violations.

(D) The applicant was subject to the imposition of remedies based on the failure to meet applicable Medicare and Medicaid Program participation requirements, and the facility's deficiencies immediately jeopardized the health and safety of the facility's residents; or the facility was designated a poor performing facility.

(e) *Consideration of exception requests.*

(1) Applicants or providers that possess a CON or letter of nonreviewability for their new or additional beds dated on or before December 18, 1996, may submit an exception request (if they have not already done so) under the guidelines in subsection (f), if the exception request is submitted by April 10, 1998. The Department will process and consider requests involving CONs or letters of nonreviewability as they are received. The Department will consider requests not submitted within this 90-day period under the guidelines in subsections (e)(2)—(5) and (g).

(2) The Department will consider all other exception requests under subsection (g) biannually in two groups as follows:

(i) Group One will consist of exception requests received January 1 through June 30. The Department will use its best efforts to issue decisions on Group One exception requests by the following December 31.

(ii) Group Two will consist of exception requests received from July 1 through December 31. The Department will use its best efforts to issue decisions on Group Two exception requests by the following June 30.

(3) Applicants or providers that submitted exception requests received by the Department between December 1996 through June 30, 1997 (Group One-1997) will be permitted until February 10, 1998, to submit additional information relating to their exception requests. The Department will use its best efforts to issue decisions on Group One-1997 by March 31, 1998.

(4) Following the close of each 6-month request period, the Department will publish a notice in the *Pennsylvania Bulletin* listing the exception requests included in the Group under consideration. For a 30-day period following publication of the notice in the *Pennsylvania Bulletin*, the Department will make copies of the requests in that Group available for review by the public during regular

business hours, and will accept written comments related to the requests in the Group.

(5) The Department may expedite its review and act on an individual request before the target date.

(f) *Consideration of exception requests made by applicants and providers possessing CON or letters of nonreviewability dated on or before December 18, 1996.* In considering whether an applicant or provider has demonstrated that an increase in the number of MA-certified beds is in the Department's best interests, the Department will use the following guidelines and will consider the following information in evaluating the request:

(1) Whether the applicant or provider possesses a CON or letter of nonreviewability dated on or before December 18, 1996, authorizing the construction of new or additional nursing facility beds.

(2) Whether the Department of Health has issued a license to the applicant or provider authorizing it to operate the new or additional beds.

(3) If the applicant's or provider's CON or letter of nonreviewability was issued within 24 months of the date of its written notice to the Department, whether the applicant or provider demonstrates to the satisfaction of the Department that it is implementing its approved project in accordance with the substantial implementation timetable included in its approved CON application or, if not, whether there is good cause for the delay.

(4) If the applicant's or provider's CON or letter of nonreviewability was issued more than 24 months before the date of its written notice to the Department, whether the applicant or provider demonstrates to the satisfaction of the Department that it has substantially implemented its project as defined in 28 Pa. Code § 401.2 (relating to definitions), as effective December 18, 1996, or, if not, whether there is good cause for the failure.

(5) Whether the applicant or provider demonstrates to the satisfaction of the Department that, in determining that its project was economically and financially feasible, it presumed that it would participate in the MA Program and render services to MA recipients.

(6) For an applicant that possesses a CON for the new beds, whether the applicant will agree to provide written assurances to the Department that it will serve at least that percentage of MA recipients specified in its CON application, and that it will admit day-one MA recipients on a first-come/first-served basis as necessary to achieve and maintain that MA percentage on an ongoing basis.

(7) For a provider that is seeking to expand its number of licensed and certified beds under a CON, whether the provider will agree to provide written assurances to the Department that it will serve at least that percentage of MA recipients specified in its CON application, and that it will admit day-one MA recipients on a first-come/first-served basis as necessary to achieve and maintain that MA occupancy percentage.

(8) For a provider that is seeking to expand its number of licensed and certified beds under a letter of nonreviewability, whether the provider will agree to provide written assurances to the Department that it will serve at least that percentage of MA recipients necessary to achieve an MA occupancy rate equal to its MA occupancy rate percentage in effect during the most recent 12-month fiscal period ending prior to its written request to the Department, and that it will admit day-one MA recipients on a first-come/first-served basis as necessary to achieve and maintain that MA occupancy percentage.

(9) Whether the applicant or provider will agree to provide written assurances to the Department that the construction of its new or additional beds will be economically and financially feasible without the receipt of MA capital component payments and that it is not entitled to MA capital component payments related to the new or additional beds.

(10) Whether the applicant or provider has demonstrated suitability for enrollment or expansion. In determining whether an applicant or provider is suitable, the Department will consider the record of licensure and Medicaid and Medicare Program participation of the applicant, provider and any owner of the applicant or provider subsequent to the issuance date of the CON or letter of nonreviewability.

(g) *Guidelines for evaluation of all other exception requests.* Except for those exception requests reviewed under subsection (f), the Department will use the following guidelines and will consider the following information in evaluating an exception request:

(1) *MA Program's need for additional nursing facility beds.* The Department will determine whether the MA Program needs additional nursing facility beds in the applicant's or provider's primary service area and, if so, whether the applicant or provider has demonstrated to the Department's satisfaction that it will meet that MA Program need. The Department will consider information as may be provided by the applicant or provider to show that a need for additional MA-certified nursing facility beds exists in the applicant's or provider's primary service area. The Department regards the following information as relevant to the determination of MA Program need:

(i) The extent to which MA recipients have access to nursing facility services in the applicant's or provider's primary service area.

(ii) The extent to which day-one MA recipients and technology-dependent MA recipients have access to nursing facility beds in the applicant's or provider's primary service area.

(iii) Whether, and to what extent (expressed as a percentage of MA occupancy), the applicant or provider is willing and able to admit and serve day-one eligible MA recipients.

(iv) Whether the applicant or provider is willing and able to admit and serve technology-dependent MA recipients.

(v) Whether there are any alternatives to an increase in the number of MA-certified nursing facility beds, such as an increase in home and community-based services, that would be less costly, more efficient or more appropriate in meeting any MA Program.

(vi) Except for those exception requests involving nursing facility beds licensed prior to March 31, 1997, whether there is a need for additional nursing facility beds in the applicant's or provider's primary service area. In determining whether such a bed need exists, the Department will consider whether, and to what extent, the applicant's or provider's primary service area involves a county with bed shortages or surpluses, as set forth in Appendix C. Occupancy rates in the applicant's and provider's primary service area are also relevant to this determination.

(2) *Suitability.* The Department will determine whether the applicant or provider has demonstrated suitability for enrollment or expansion. In determining whether an applicant or provider is suitable, the Department will

consider the record of licensure and Medicaid and Medicare Program participation of the applicant, provider and any owner of the applicant or provider beginning 3 years prior to the date of the exception request.

(3) *Economic and financial feasibility without MA capital component payments.* If an applicant's new beds or the provider's additional beds will be ineligible for capital cost reimbursement under § 1187.113(a) (relating to capital component payment limitation), the Department will consider whether the applicant or provider will agree to provide written assurances to the Department that the construction of its new or additional beds will be economically and financially feasible without the receipt of MA capital component payments and that it is not entitled to MA capital component payments related to the new or additional beds.

(4) *Employment of welfare and Medical Assistance recipients.* The Department will consider whether an applicant or provider will commit to employ welfare or medical assistance recipients in its new or expanded facility.

(h) *Time lines for completion of approved projects.* Applicants or providers who are granted exceptions shall provide written assurances to the Department that the construction of the new or additional beds will be completed in sufficient time so that the beds may be licensed, certified and available for occupancy within 3 years from the date the Department approves the applicant's or provider's enrollment or expansion, or another date as may be specified by the applicant or provider and agreed to by the Department.

(i) *Definitions.* For purposes of this section, the following words and terms, have the following meanings, unless the context clearly indicates otherwise:

*Applicant*—A person who submits a request to the Department which, if granted, would cause a nursing facility not presently enrolled in the MA Program to become a participating provider of nursing facility services to MA Program recipients.

*Day-one MA eligible*—An individual who is eligible for nursing facility services under the MA Program of the Commonwealth, or becomes eligible for nursing facility services under the Commonwealth's MA Program within 60 days of the date of the individual's admission to a nursing facility.

*Exception request*—A request by an applicant to enroll in the MA Program as a nursing facility provider or, in the case of an MA nursing facility provider, to expand its licensed and MA-certified bed capacity.

*Owner*—A person having an ownership interest, as defined in section 1124(a) of the Social Security Act (42 U.S.C.A. § 1320a-3(a)), in an applicant or provider.

*Person*—A natural person, corporation (including associations, joint stock companies and insurance companies), partnership, trust, estate, association, the Commonwealth, and any local governmental unit, authority and agency thereof.

*Primary service area*—The county in which the facility is or will be physically located. If the applicant or enrolled provider can demonstrate to the Department's satisfaction that at least 75% of its residents will originate from another geographic area, the Department will consider that geographic area to be the applicant's or provider's primary service area.

*Provider*—A person that is a participating provider of nursing facility services enrolled in the MA Program. If a person owns or operates more than one nursing facility,

the term refers only to the enrolled nursing facility which seeks an exception to expand the number of licensed and certified beds at its facility.

*Technology-dependent*—In need of a respirator for survival.

## APPENDIX C

<i>Nursing Home Bed Need Projection Through Year 2000</i>				
<i>HPA/County</i>	<i>Projected Nursing Home Bed Need</i>	<i>INH Beds Licensed/ Approved 03/31/97</i>	<i>HB/SNF Beds Licensed/ Approved 03/31/97</i>	<i>(Shortage)/Surplus</i>
Bucks	3,209	3,840	81	712
Chester	2,306	2,517	63	274
Delaware	4,188	5,184	119	1,115
Montgomery	5,526	6,825	126	1,425
Philadelphia	11,839	9,783	424	(1,632)
<b>HPA I Total</b>	<b>27,068</b>	<b>28,149</b>	<b>813</b>	<b>1,894</b>
Berks	2,806	2,887	93	174
Carbon	526	441	0	(85)
Lehigh	2,309	2,915	92	698
Monroe	825	481	23	(321)
Northampton	1,882	2,006	0	124
<b>HPA II Total</b>	<b>8,348</b>	<b>8,730</b>	<b>208</b>	<b>590</b>
Lackawanna	2,007	2,271	52	316
Luzerne	3,074	3,170	31	127
Pike	349	200	0	(149)
Schuylkill	1,428	1,678	0	250
Wayne	437	431	0	(6)
Wyoming	214	214	0	0
<b>HPA III Total</b>	<b>7,509</b>	<b>7,964</b>	<b>83</b>	<b>538</b>
Adams	629	933	0	304
Cumberland	1,449	2,204	0	755
Dauphin	1,841	2,136	18	313
Franklin	945	1,029	18	102
Lancaster	3,163	4,327	66	1,230
Lebanon	898	1,348	19	469
Perry	267	304	0	37
York	2,492	2,421	0	(71)
<b>HPA IV Total</b>	<b>11,684</b>	<b>14,702</b>	<b>121</b>	<b>3,139</b>
Centre	622	673	35	86
Clearfield	720	711	29	20
Clinton	317	329	0	12
Columbia	493	574	0	81
Jefferson	446	484	14	52
Juniata	186	230	0	44
Lycoming	928	1,162	0	234
Mifflin	414	415	0	1

## STATEMENTS OF POLICY

<i>Nursing Home Bed Need Projection Through Year 2000</i>				
<i>HPA/County</i>	<i>Projected Nursing Home Bed Need</i>	<i>INH Beds Licensed/ Approved 03/31/97</i>	<i>HB/SNF Beds Licensed/ Approved 03/31/97</i>	<i>(Shortage)/Surplus</i>
Montour	182	338	30	186
Northumberland	867	1,088	15	236
Snyder	263	241	0	(22)
Tioga	348	268	0	(80)
Union	286	410	28	152
<b>HPA V Total</b>	<b>6,072</b>	<b>6,923</b>	<b>151</b>	<b>1,002</b>
Allegheny	11,010	8,897	610	(1,503)
Armstrong	712	424	25	(263)
Beaver	1,487	1,309	50	(128)
Butler	1,192	1,645	19	472
Fayette	1,258	694	59	(505)
Greene	370	242	20	(108)
Indiana	609	594	18	3
Lawrence	849	914	92	157
Washington	1,743	1,380	60	(303)
Westmoreland	3,062	2,520	125	(417)
<b>HPA VI Total</b>	<b>22,292</b>	<b>18,619</b>	<b>1,078</b>	<b>(2,595)</b>
Cameron	53	40	0	(13)
Clarion	333	365	10	42
Crawford	685	875	32	222
Elk	297	258	0	(39)
Erie	1,896	2,148	49	301
Forest	48	100	0	52
McKean	416	598	0	182
Mercer	1,028	1,122	98	192
Potter	156	176	0	20
Venango	431	584	16	169
Warren	349	467	16	134
<b>HPA VII Total</b>	<b>5,692</b>	<b>6,733</b>	<b>221</b>	<b>1,262</b>
Bradford	511	465	0	(46)
Sullivan	72	190	0	118
Susquehanna	359	261	0	(98)
<b>HPA VIII Total</b>	<b>942</b>	<b>916</b>	<b>0</b>	<b>(26)</b>
Bedford	406	205	0	(201)
Blair	1,106	1,187	17	98
Cambria	1,376	1,258	39	(79)
Fulton	101	57	0	(44)
Huntingdon	333	302	0	(31)
Somerset	640	709	18	87

<i>Nursing Home Bed Need Projection Through Year 2000</i>				
<i>HPA/County</i>	<i>Projected Nursing Home Bed Need</i>	<i>INH Beds Licensed/ Approved 03/31/97</i>	<i>HB/SNF Beds Licensed/ Approved 03/31/97</i>	<i>(Shortage)/Surplus</i>
<b>HPA IX Total</b>	<b>3,962</b>	<b>3,718</b>	<b>74</b>	<b>(170)</b>
<b>State Total</b>	<b>93,569</b>	<b>96,454</b>	<b>2,749</b>	<b>5,634</b>

[Pa.B. Doc. No. 98-54. Filed for public inspection January 9, 1998, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER PORT AUTHORITY

### Request for Qualifications; General Civil and Structural Engineering Services

The Delaware River Port Authority (Authority) hereby invites professional consulting engineering firms to submit a Statement of Qualifications for General Civil and Structural Engineering Services in support of the Authority's Engineering Division. Firms wishing to submit a Statement of Qualifications must demonstrate broad civil and structural engineering capabilities, including the services of individuals knowledgeable in all areas of civil and structural engineering as they relate to the Authority's activities and operations.

The scope of services the Authority requires includes, but is not limited to: highway design, site development, parking facilities, track design, structural rehabilitation and rehabilitation of bridges and buildings, structural inspection and evaluation, underwater inspection and evaluation, marine construction, steel paint systems, foundations and computer modeling. Firms must also demonstrate broad capabilities in surveying, permitting, traffic control, geotechnical and construction inspection as required to support these civil and structural services.

Six copies of the written Statements of Qualifications (three pages maximum) and U.S. Government Forms 254 and 255 must be received by the Authority no later than 4 p.m. on Friday, January 23, 1998. The Statements of Qualifications should be addressed to Robert A. Box, Director of Engineering/Chief Engineer, Delaware River Port Authority, One Port Center, 2 Riverside Drive., P. O. Box 1949, Camden, NJ 08101. The Statement shall describe the firm's qualifications in the areas of civil and structural engineering and shall briefly describe similar type projects successfully completed by the firm. The mailing envelope containing the Statement of Qualifications shall be labeled "General Civil and Structural Engineering Services." The Statement of Qualifications will be used by the Authority to establish a short list of consultants to receive a Request for Proposal.

The Authority is firmly committed to providing equal employment and business opportunities for all persons without regard to race, color, religion, sex, age, national origin or non-job related disability. In that regard, the Authority will affirmatively assure that, in regard to any Authority purchase agreement issued, contract or subcontract entered into under this project, qualified and certified minority business enterprises (MBEs) and women business enterprises (WBEs) will be afforded full opportunity to submit proposals and will not be discriminated against on grounds of race, color, religion, sex, national origin, age or non-job related disability in consideration for an award. Prospective proposers should understand that the participation of qualified and certified MBEs and WBEs is a matter of great interest in the evaluation of all proposals. The Authority has established MBE and WBE target participation levels for this project.

This public advertisement constitutes the Authority's formal solicitation to determine the interest of qualified professional consulting firms in the aforesaid project.

PAUL DRAYTON,  
*Chief Executive Officer*

[Pa.B. Doc. No. 98-55. Filed for public inspection January 9, 1998, 9:00 a.m.]

### Request for Qualifications; General Electrical and Mechanical Systems Engineering Services

The Delaware River Port Authority (Authority) hereby invites professional consulting engineering firms to submit a Statement of Qualifications for General Electrical and Mechanical Systems Engineering Services to support of the Authority's Engineering Division. Firms wishing to submit a Statement of Qualifications must demonstrate broad electrical and mechanical engineering capabilities, including the services of individuals knowledgeable in all areas of electrical and mechanical engineering as they relate to the Authority's activities and operations.

The scope of services the Authority requires includes, but is not limited to: electrical power and distribution, lighting, cathodic protection, traction power and circuits, electronics, traffic controls and signals, CCTV, railroad signals, HVAC, pumping and piping systems, fire protection, building controls, rolling stock, security systems and computer modeling. Firms must also demonstrate broad capabilities in Life and Safety Building Code compliance, architectural design, permitting, maintenance and protection of traffic, surveying, construction management and construction inspection.

Six copies of the written Statements of Qualifications (three pages maximum) and U. S. Government Forms 254 and 255 must be received by the Authority no later than 4 p.m. on Friday, January 23, 1998. The Statements of Qualifications should be addressed to Robert A. Box, Director of Engineering/Chief Engineer, Delaware River Port Authority, One Port Center, 2 Riverside Dr., P. O. Box 1949, Camden, NJ 08101. The Statement shall describe the firm's qualifications in the areas of electrical and mechanical engineering and shall briefly describe similar type projects successfully completed by the firm. The mailing envelope containing the Statement of Qualifications shall be labeled "General Electrical and Mechanical Systems Engineering Services." The Statement of Qualifications will be used by the Authority to establish a short list of consultants to receive a Request for Proposal.

The Authority is firmly committed to providing equal employment and business opportunities for all persons without regard to race, color, religion, sex, age, national origin or nonjob related disability. In that regard, the Authority will affirmatively assure that, in regard to any Authority purchase agreement issued, contract or subcontract entered into under this project, qualified and certified minority business enterprises (MBEs) and women business enterprises (WBEs) will be afforded full opportunity to submit proposals and will not be discriminated against on grounds of race, color, religion, sex, national origin, age or nonjob related disability in consideration for an award. Prospective proposers should understand that the participation of qualified and certified MBEs and

WBEs is a matter of great interest in the evaluation of all proposals. The Authority has established MBE and WBE target participation levels for this project.

This public advertisement constitutes the Authority's formal solicitation to determine the interest of qualified professional consulting firms in the aforesated project.

PAUL DRAYTON,  
*Chief Executive Officer*

[Pa.B. Doc. No. 98-56. Filed for public inspection January 9, 1998, 9:00 a.m.]

participation of qualified and certified MBEs and WBEs is a matter of great interest in the evaluation of all proposals. The Authority has established MBE and WBE target participation levels for this project.

This public advertisement constitutes the Authority's formal solicitation to determine the interest of qualified professional consulting firms in the aforesated project.

PAUL DRAYTON,  
*Chief Executive Officer*

[Pa.B. Doc. No. 98-57. Filed for public inspection January 9, 1998, 9:00 a.m.]

### **Request for Qualifications; General Environmental and Geotechnical Engineering Services**

The Delaware River Port Authority (Authority) hereby invites professional consulting firms to submit a Statement of Qualifications for General Environmental and Geotechnical Engineering Services in support of the Authority's Office of General Counsel, Engineering and Economic Development Divisions. Firms wishing to submit a Statement of Qualifications must demonstrate broad environmental and engineering capabilities, including the services of individuals knowledgeable in all areas of Environment and Geotechnical Engineering as they relate to the Authority's activities and operations.

The scope of services the Authority requires includes, but is not limited to: asbestos abatement, underground and aboveground storage tank management, hazardous and solid waste material management and disposal, site assessment and remediation, environmental permitting and all aspects of geotechnical services. Firms must also demonstrate broad capabilities in surveying and civil and structural engineering tasks required in support of these environmental and geotechnical services.

Six copies of the written Statements of Qualifications (three pages maximum) and U. S. Government Forms 254 and 255 must be received by the Authority no later than 4 p.m. on Friday, January 23, 1998. The Statements of Qualifications should be addressed to Robert A. Box, Delaware River Port Authority, One Port Center, 2 Riverside Dr., P. O. Box 1949, Camden, NJ, 08101. The Statement shall discuss the firm's qualification in the areas of environmental and geotechnical engineering and shall briefly describe similar type projects successfully completed by the firm. The submitted outside envelope containing the Statement of Qualification shall clearly state "General Environmental and Geotechnical Engineering Services." The Statement of Qualification will be used by the Authority to establish a short list of consultants to receive a Request for Proposal.

The Authority is firmly committed to providing equal employment and business opportunities for all persons without regard to race, color, religion, sex, national origin, age or non-job related disability. In that regard, the Authority will affirmatively assure that, in regard to any Authority agreement issued, contract or subcontract entered into under this project, qualified and certified minority business enterprises (MBEs) and women business enterprises (WBEs) will be afforded full opportunity to submit proposals and will not be discriminated against on grounds of race, color, religion, sex, national origin, age or non-job related disability in consideration for an award. Prospective proposers should understand that the

### **Request for Qualifications; General Transportation and Traffic Engineering Services**

The Delaware River Port Authority (Authority) hereby invites professional consulting engineering firms to submit a Statement of Qualifications for General Transportation and Traffic Engineering Services in support of the Authority's Engineering Division. Firms wishing to submit a Statement of Qualifications must demonstrate broad transportation and traffic engineering capabilities, including the services of individuals knowledgeable in all areas of transportation and traffic engineering as they relate to the Authority's activities and operations.

The scope of services the Authority requires includes, but is not limited to: track, traction power, electrical distribution systems, signal and lighting systems, CCTV, fiber optics, headway analysis, rolling stock, maintenance and protection of traffic, signing, traffic control systems, incident management, electronic toll traffic monitoring. Firms must also demonstrate broad capabilities in site work and grading, drainage, structural design, surveying, cost and schedule estimating, permitting, maintenance and protection of traffic, construction management and construction inspection.

Six copies of the written Statements of Qualifications (three pages maximum) and U.S. Government Forms 254 and 255 must be received by the Authority no later than 4 p.m. on Friday, January 23, 1998. The Statements of Qualifications should be addressed to Robert A. Box, Director of Engineering/Chief Engineer, Delaware River Port Authority, One Port Center, 2 Riverside Drive, P. O. Box 1949 Camden, NJ 08101. The Statement shall describe the firm's qualifications in the areas of transportation and traffic engineering and shall briefly describe similar type projects successfully completed by the firm. The mailing envelope containing the Statement of Qualifications shall be labeled "General Transportation and Traffic Engineering Services." The Statement of Qualifications will be used by the Authority to establish a short list of consultants to receive a Request for Proposal.

The Authority is firmly committed to providing equal employment and business opportunities for all persons without regard to race, color, religion, sex, age, national origin or non-job related disability. In that regard, the Authority will affirmatively assure that, in regard to any Authority purchase agreement issued, contract or subcontract entered into under this project, qualified and certified minority business enterprises (MBEs) and women business enterprises (WBEs) will be afforded full opportunity to submit proposals and will not be discriminated



against on grounds of race, color, religion, sex, national origin, age or non-job related disability in consideration for an award. Prospective proposers should understand that the participation of qualified and certified MBEs and WBEs is a matter of great interest in the evaluation of all proposals. The Authority has established MBE and WBE target participation levels for this project.

This public advertisement constitutes the Authority's formal solicitation to determine the interest of qualified professional consulting firms in the aforesated project.

PAUL DRAYTON,  
*Chief Executive Officer*

[Pa.B. Doc. No. 98-58. Filed for public inspection January 9, 1998, 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 30, 1997.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-30-97	Penn Security Bank and Trust Company, Scranton, and Penn Security Interim Bank and Trust Company, Scranton Surviving Institution—Penn Security Bank and Trust Company, Scranton	Scranton	Approved

Subject merger is being effected to facilitate the acquisition of Penn Security Bank and Trust Company, Scranton, by Penseco Financial Services Corporation, Scranton, a bank holding company in organization.

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-10-97	Keystone Savings Bank Bethlehem Northampton County	5700 Hamilton Blvd. Wescosville Lower Macungie Twp. Lehigh County	Opened
12-22-97	Mercer County State Bank Sandy Lake Mercer County	Route 62 Jackson Township Mercer County	Opened
12-22-97	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Morrell Plaza Shopping Center 9910 Frankford Avenue Philadelphia Philadelphia County	Opened
12-22-97	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Larchmont Commons Shopping Center 3113 Route 38 Mount Laurel Burlington Co., NJ	Opened
12-29-97	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	One Tower Bridge One Front St., Ste. 101 West Conshohocken Montgomery County	Approved
12-29-97	Ambassador Bank of the Commonwealth Allentown Lehigh County	Saucon Valley Square Wyandotte Street Lower Saucon Township Northampton County	Approved

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-26-97	Parkvale Savings Bank Monroeville Allegheny County	To: 4885 McKnight Road Storeroom #1A Pittsburgh Ross Twp. Allegheny County	Authorization Rescinded

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>From:</i> 4885 McKnight Road Storeroom #18 Pittsburgh Ross Twp. Allegheny County	

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-30-97	Lee Hospital Credit Union Johnstown Cambria County	223 Industrial Park Road Johnstown Cambria County	Approved

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-59. Filed for public inspection January 9, 1998, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 1997**

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of December, 1997, is 8 3/4%.

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

vidual occupies or has occupied as the principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 6.37 to which was added 2.50 percentage points for a total of 8.87% that by law is rounded off to the nearest quarter at 8 3/4%.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-60. Filed for public inspection January 9, 1998, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Applications, Actions and Special Notices**

**APPLICATIONS**

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

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

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

**(Part I Permits)**

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the 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 this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the 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. 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 Field Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the 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 1 (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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*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PA 0217760.** Sewage, **RoxCOAL, Inc.**, 2851 Stoystown Road, Friedens, PA 15541.

This application is for issuance of an NPDES permit to discharge treated sewage from the Barbara No. 2 Small Flow Sewage Treatment Facility in Stonycreek Township, **Somerset County**.

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

Outfall 001: new discharge, design flow of 0.00182 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions:*

The EPA waiver is in effect.

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

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

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

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

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

*Southcentral Regional Office: Water Management Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0083151	Penn Manor School Dist. Marticville Middle Sch. PO Box 1001 Millersville, PA 17751	Lancaster Co. Martic Twp.	Pequea Creek	TRC
PA0055352	Woodland MHP Berks Properties Inc. 2620 Egypt Road Norristown, PA 19403	Berks Co. Hereford Twp.	W. Branch Perkiomen Creek	TRC
PA0085804	Bedford County Air Industrial Park PO Box 155 Bedford, PA 15522	Bedford Co. Bedford Twp.	Brush Run	TRC

### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### Applications under the Pennsylvania Clean Streams Law

##### (Part II Permits)

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the 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 1 (800) 654-5984.

#### Applications received for industrial waste and sewage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

*Southcentral Regional Office: Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.*

**A. 3697409.** Sewage, submitted by **West Manheim Township**, 31 Fairview Drive, Hanover, PA 17331 in

West Manheim Township, **York County** to construct the DGM Pumping Station and Sewer Extension was received on December 10, 1997.

**A. 3697410.** Sewage, submitted by **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603 in Manor Township, **Lancaster County** to construct sewers to serve Washington Borough was received in the Southcentral Region on December 15, 1997.

**A. 3697411.** Sewage, submitted by **Suburban Lancaster Sewer Authority**, 504 Edgemont Drive, Willow Street, PA 17584 in West Lampeter Township, **Lancaster County** to upgrade the Mill Creek Sewage Pumping Station was received in the Southcentral Region on December 15, 1997.

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

**A. 6396403, Amendment No. 2.** Sewerage, **South Strabane Township Sanitary Authority**, 550 Washington Road, Washington, PA 15301. Application for the construction of approximately 10,000 l. f. of 12, 15 and 18 inch diameter interceptor relief sewer to be approximately parallel with the existing interceptor located in the Township of South Strabane, **Washington County**.

**A. 6397407.** Sewerage, **East Bethlehem Township Municipal Authority**, P. O. Box 136, 687 Water St., Fredericktown, PA 15333. Application for the construction and operation of sewers and appurtenances, pump stations, outfall and headwall and stream crossing to serve the Fredericktown Sewage Treatment Plant located in the Township of East Bethlehem, **Washington County**.

**A. 6597412.** Sewerage, **Louis DeMary**, R. R. 2, Box 45K, Latrobe, PA 15650. Application for the construction and operation of sewers and appurtenances, pump stations and sewage treatment plant located in the Township of Derry, **Westmoreland County** to serve the DeMary Small Flow Sewage Treatment Facility.

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

**WQM Permit No. 4397415.** Sewage, **Judy Ammer, SRSTP**, 143 Schaffer Rd., Mercer, PA 16137. This project is for the construction of a single residence sewage treatment plant in Findley Township, **Mercer County**.

**INDIVIDUAL PERMITS  
(PAS)**

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 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, 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 1 (800) 654-5984.

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

**NPDES Permit No. PAS10-PAS10-G297.** Stormwater. **Freese Tract**, 203 Hilltop Road, Oxford, PA 19317, has applied to discharge stormwater from a construction activity located in East Nottingham Township, **Chester County**, to Big Elk.

**SAFE DRINKING WATER**

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

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

**A. 4697515.** Public water supply. **Pottstown Borough Authority**, Douglas Yeager, 241 King Street, Pottstown, PA 19464. This proposal involves the replacement of

Pottstown Borough Authority's Water Booster Pumping Station at its Willow Street facility in Upper Pottsgrove Township, **Montgomery County**.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**Under Act 2, 1995**

**Preamble 1**

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

Sections 302 and 303 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 identifies 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 or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known 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 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 and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Strunk Farm Property (Former)**, East Fallowfield Township, **Chester County**. Janet S. Kole, Esq., 900 Haddon Ave., Suite 412, Collingswood, NJ 08108, has submitted a Notice of Intent to Remediate site soil contaminated with heavy metals, solvents and polycyclic aromatic hydrocarbons; and groundwater contaminated with heavy metals. The applicant proposes to remediate the site to meet the Statewide health standard and background standard.

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

**Graphic Controls Corporation (Pittsburgh facility)**, Wilmerding Borough, **Allegheny County**. Graphic Controls Corporation, 189 Van Rensselaer Street, P. O. Box 1271, Buffalo, NY 14240 and Harry Klodowski, Suite

3321, Grant Building, 330 Grant Street, Pittsburgh, PA 15219 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

### 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 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 a site-specific standard or who intend to remediate a site in 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 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 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 and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified, a municipality 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, a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

*Southeast Regional Office, Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Transit America, Inc.**, City of Philadelphia, **Philadelphia County**. Robert S. Hyams, Manager, Environmental Resources, One Red Lion Road, Philadelphia, PA 19115, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet the Statewide health standard and site specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* and *Times Herald* on December 4, 1997.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

The Bureau of Deep Mine Safety has received a request for variance from **Helvetia Coal Company**. The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Matthew A. Bertovich by calling (412) 439-7469.

The Department of Environmental Protection is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (act) (52 P. S. §§ 701—702) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 221(d) requires that in case of accident to a ventilating fan or its machinery, or if the fan stoppage is a planned interruption whereby the ventilation of the mine is interrupted, the mine foreman shall order the power to be disconnected from the affected portions and withdraw the men immediately from the face areas. In mines employing the use of multiple fans equipped with self-closing doors which operate automatically when the fan is stopped, the action need not be taken provided the minimum requirements are met by other fans of the system. If the fan has been stopped for a period of time in excess of 15 minutes in a gassy mine, and 30 minutes in a non-gassy mine, the mine foreman shall order the men withdrawn from the mine. If the mine foreman shall deem it necessary, he may withdraw the men from a gassy mine in less than the said 15 minutes and from a non-gassy mine in less than the said 30 minutes. He shall not allow the men to return to their work until ventilation has been restored and the mine has been thoroughly examined by certified personnel and reported safe. A record shall be made of said examination.

*Summary of the request:* Helvetia Coal Company requests a waiver of section 221(d) of the Bituminous Coal Mine Act. This waiver will provide accommodations for the evacuation of men from the *Marshall Run Mine* by way of battery-powered personnel carriers and/or mantrips.

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35

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

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

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

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

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

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

#### *Coal Applications Received*

**61970102. Rusnak Coal Company** (Box 44, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip and auger mine operation in Irwin Township, **Venango County** affecting

54.5 acres. Receiving streams: An unnamed tributary to Scrubgrass Creek and Wolf Creek. Application to include a postmining landuse change from forestland to pastureland or land occasionally cut for hay on the lands of Fred M. and Virgil L. Hoffman. Application received December 4, 1997.

**16960106. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Revision to an existing bituminous surface strip and auger operation in Redbank Township, **Clarion County** affecting 29.6 acres. Receiving streams: Two unnamed tributaries to Pine Creek. Revision to include an additional 9.0 acres of area to the previously approved permit area. Application received December 15, 1997.

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

#### *Noncoal Applications Received*

**38A76SM8. New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664). Transfer of an existing sand and gravel operation in Snyder Township, **Jefferson County** affecting 55.0 acres. Receiving streams: Little Toby Creek. Transfer from Keystone Sand and Gravel Company. Application received December 15, 1997.

**4876SM6. Wroblewski Sand & Gravel Inc.** (12907 Half Moon Road, Wattsburg, PA 16442). Transfer of an existing sand and gravel operation in Venango Township, **Erie County** affecting 30.0 acres. Receiving streams: An unnamed tributary to West Branch French Creek. Transfer from Maybro Asphalt Company. Application received December 15, 1997.

**16970307. Milestone Crushed, Inc.** (521 South Street, Clarion, PA 16232). Commencement, operation and restoration of a limestone operation in Beaver, Licking and Richland Townships, **Clarion County** affecting 111.3 acres. Receiving streams: Turkey Run and Unnamed Tributaries to Turkey Run to Turkey Run to Clarion River. Application received December 16, 1997.

**20970304. MAC SON Corp.** (1100 Rt. 51 South, Large, PA 15025). Commencement, operation and restoration of a soil material operation in Greenwood Township, **Crawford County** affecting 10.0 acres. Receiving streams: Unnamed tributary to Conneaut Marsh. Application received December 16, 1997.

**302920-20970304-E-1. MAC SON Corp.** (1100 Rt. 51 South, Large, PA 15025). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary to Conneaut Marsh in Greenwood Township, **Crawford County**. Receiving streams: Unnamed tributary to Conneaut Marsh. Application received December 16, 1997.

## **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).

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution

Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 Certification will be published concurrently with the BDWW 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 Bureau or Field Office indicated as the responsible office.

**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 requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Southcentral Regional Office, Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.*

**E05-256.** Encroachment. **Bedford County Development Association**, Betty Slayton, 203 S. Juliana Street, Bedford, PA 15522. To fill in 0.16 acre of wetland and to construct and maintain a 15.83 feet by 9.83 feet corrugated steel arch pipe with a length of 189 feet in the channel of Brush Run for the construction of a proposed roadway of the Bedford County Business Park located about 200 feet downstream of the Old US 220 (Bedford, PA Quadrangle N: 14.88 inches; W: 2.95 inches) in Bedford Township, **Bedford County**.

**E07-286.** Encroachment. **George Henry**, 910 Lilly Avenue, Hollidaysburg, PA 16648. To authorize the placement of previously placed fill in 0.04 acre of wetlands associated with a 140 long corrugated plastic pipe drainage way enclosure located at the Frankstown Road exit of SR 0220/I-99 across from Lakemont Park (Hollidaysburg, PA Quadrangle N: 18.5 inches; W: 2.5 inches) in Logan Township, **Blair County**.

**E28-248.** Encroachment. **Antrim Township**, Ben Thomas, P. O. Box 130, Greencastle, PA 17225. To remove the existing structure and to construct and maintain a 12-foot × 4-foot concrete box culvert in the channel of an unnamed tributary to Muddy Run on Antrim Church Road (T-438) in order to improve the traffic safety located about 2.2 miles northeast of Greencastle Boro (Greencastle, PA Quadrangle N: 10.8 inches; 9.8 inches) in Antrim Township, **Franklin County**.

**E44-091.** Encroachment. **PA Department of Transportation, Engineering District 2-0**, Kim Bartoo, 1924-30 Daisy Street, P. O. Box 242, Clearfield, PA 16803. To remove an existing bridge and to construct and maintain a single span prestressed concrete box beam bridge having a span of 44.0 feet and a minimum underclearance of 8.83 feet over Strodes Run for the purpose of highway maintenance located on SR 0022, Section C04, Segment 0380, Offset 0023 at Strodes Mills (Bernville, PA Quadrangle N: 9.2 inches; W: 6.9 inches) in Oliver and Granville Townships, **Mifflin County**.

**E67-614.** Encroachment. **Ashley Spangler Hardware Store**, Ashley Spangler, 3500 Willow Road, Dover, PA 17315. To relocate about 100 feet of a tributary to Beaver

Creek, within a riprap lined trapezoidal channel, for development of a proposed retail store with adjacent parking lot located at the northeast corner of Old York Road (SR 4026) and Rosstown Road (SR 177) (Wellsville, PA Quadrangle N: 11.5 inches; W: 6 inches) in Warrington Township, **York County**.

*Southwest Regional Office, Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E32-389.** Encroachment. **Boyd & Shriver, Inc.**, Rend Building, Suites 4-6-8, South 7th Street, Indiana, PA 15701. To remove the existing structure and to construct and maintain two 30-foot long 36-inch diameter C. M. pipe culvert in Crooked Run (HQ-CWF) for the purpose of gaining access to gas well (Rochester Mills Quadrangle N: 8.4 inches; W: 16.4 inches) in Grant Township, **Indiana County**.

**E65-681.** Encroachment. **Equitable Resources Exploration**, Cloverleaf Square Building G, Big Stone Gap, VA 24219. To construct and maintain a 30-foot long, 72 inch diameter pipe culvert in an unnamed tributary to Jacobs Creek (WWF) for the purpose of gaining access to a natural gas well (Mt. Pleasant, PA Quadrangle N: 4.5 inches; W: 8.8 inches) in East Huntingdon Township, **Westmoreland County**.

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

#### (Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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 1 (800) 654-5984.



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

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

**Permit No. 4945, Amendment No. 1.** Sewerage, **Rochester Area Joint Sewer Authority**, 300 West Park Street, Rochester, PA 15074. Rehabilitation of sewer line located in the Borough of Rochester, **Beaver County** to serve the Lacock Run Interceptor between existing manholes no. 6 and no. 9.

**Permit No. 0296405, Amendment No. 2.** Sewerage, **Franklin Park Borough**, 2428 Rochester Road, Sewickley, PA 15143-8606. Realignment of proposed sani-

tary sewer line located in the Borough of Franklin Park, **Allegheny County** to serve the Fish Run Sanitary Sewer Project.

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

**WQM Permit No. 2597417.** Sewerage, **Robert E. Farrell, SRSTP**, 6008 Longwood Dr., Erie, PA 16505. Construction of Robert E. Farrell SRSTP located in Harborcreek Township, **Erie County**.

**NPDES Permit No. PA0222411.** Sewage, **Robert E. Farrell**, 6008 Longwood Dr., Erie, PA 16505 is authorized to discharge from a facility located in Harborcreek Township, **Erie County** to Lake Erie.

**INDIVIDUAL PERMITS  
(PAS)**

**The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.**

*Southeast Regional Office, Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G278	General Real Estate Development Corporation 921 Briarwood Circle West Chester, PA 19380	West Goshen Twp. Chester Co.	Broad Run
PAS10-T091	Oxford Land Development, Ltd. 521 Stump Rd. P. O. Box 841 Montgomeryville, PA 18936	Horsham Twp. Montgomery Co.	Park Creek

**INDIVIDUAL PERMITS  
(PAR)**

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

*List of NPDES and/or other General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems

*List of NPDES and/or other  
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 Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—4 PAG 2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Oxford Township Adams County	PAR-10-0020-R	Dan Moul 80 Hampshire Drive New Oxford, PA 17350	S. Branch Conewago Creek	Adams County CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Biglerville Borough Adams County	PAR-10-0021-R	Triple H Development 915 Barts Church Road Hanover, PA 17331	Conewago Creek	Adams Co. CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Straban Township Adams County	PAR-10-0022-R	Pike Management 20 Erford Road, Suite 215 Lemoyne, PA 17043	Rock Creek	Adams County CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
East Berlin Borough Adams County	PAR-10-0023-R	Beaver Colony Joint Venture 300 Frederick Street Hanover, PA 17331	Beaver Creek	Adams County CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Cumberland Township Adams County	PAR-10-0025-R	David L. and Ellen R. Sites 1270 Fairfield Road Gettysburg, PA 17325	Marsh Creek	Adams County CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Berwick Township Adams County	PAR-10-0027-R	William C. Eliue 449 Carlisle Street Rear Hanover, PA 17331	Beaver Creek	Adams County CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Germany Township Adams County	PAR-10-0028-R	William J. Stevens 130 Lion Archer Drive Littlestown, PA 17340	Alloway Creek	Adams County CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Straban Township Adams County	PAR-10-0029-R	Gettysburg Shopping Center Asso. 3150 North Republic Blvd. No. 6 Toledo, OH 43615	Rock Creek	Adams County CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Conewago Township Adams County	PAR-10-0031-R	Philip C. Schuchart 900 Elm Avenue Hanover, PA 17331	Conewago Creek	Adams County CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Mt. Joy Township Adams County	PAR-10-0034-R	Yingling Auction Service Inc. 287 Cold Spring Road Gettysburg, PA 17325	White Run	Adams County CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Bedford Township Bedford County	PAR-10-00430	Bedford County Development Co. 203 South Juliana Street Bedford, PA 15522	Brush and Dunning Creek	Bedford CCD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Colebrookdale Township Berks County	PAR-10-C134-R	Colebrookdale Village Shopping Center Donald Specht Boyertown Ind. Park Partnership c/o Specht Realty Inc. 649 North Lewis Road Royersford, PA 19568	UNT Swamp Creek	Berks CCD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Hampden Township Cumberland County	PAR-10-H139	Carlisle Carrier Corporation 6380 Brackbill Blvd. Mechanicsburg, PA 17055	Trindle Spring Run	Cumberland CCD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Springettsbury Township York County	PAR-10-Y001-R	Crown Pointe Capitol View Associates P. O. Box 622 Lemoyne, PA 17043	Mill Creek	York CCD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Dover Township York County	PAR-10-Y051-R	Barwood, Gary L. Sweitzer Ent. Inc. 1969 York Haven Road Etters, PA 17319	UNT to Little Conewago Creek	York CCD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Fairview Township York County	PAR-10-Y065-R	Colonial Woods Shearer Land Dev. 9221 Cypresswood Circle Tampa, FL 33647	UNT to Fishing Creek	York CCD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
West Manchester Township York County	PAR-10-Y082-R	Ben Stambaugh II Colonial Building Corp. 175 North Hills Road York, PA 17402	UNT to Little Conewago Creek	York CCD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Monaghan Township York County	PAR-10-Y247-R	Dennis Burd 51 Old Gettysburg Pike Mechanicsburg, PA 17055	Fishers Run	York CCD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

*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 or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Luzerne County Wright Township	PAR122202	Stokely Van Camp World Wide Gatorade Subsidiary of The Quaker Oats Co. 750 Oak Hill Road Mountaintop, PA 18707	Big Wapwallopin Crk.	Northeast Regional Office Water Management 2 Public Square Wilkes-Barre, PA 18711 (717) 826-2554
Luzerne County W. Hazleton Twp.	PAR142202	Bemis Co., Inc. 20 Jaycee Drive Valmont Industrial Park W. Hazleton, PA 18201	Black Creek	Northeast Regional Office Water Management 2 Public Square Wilkes-Barre, PA 18711 (717) 826-2554

**SEWAGE FACILITIES ACT****PLAN APPROVAL****Plan approval granted under the Pennsylvania  
Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Regional Office, Water Management Program Manager,  
Southcentral Region, One Ararat Boulevard, Harrisburg,  
PA 17110.*

*Location: Mount Pleasant Township, Adams  
County, 1016 Beck Rd., Gettysburg, PA 17325. The  
approved plan provided for establishing a future public  
sewer service area immediately outside Bonneauville Bor-  
ough. Treatment capacity will be provided by the Borough  
and any sewer line construction will be at developer  
expense. The Department's review of the sewage facilities  
update revision has not identified any significant environ-  
mental impacts resulting from this proposal. Any required  
WQM Permits must be obtained in the name of the*

municipality or authority as appropriate.

*Northeast Regional Office, Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.*

#### **Borough of Orwigsburg, Schuylkill County**

The Department has completed its review of the Borough of Orwigsburg's Act 537 Special Study, dated October 1997 and revised on November 17, 1997. The Department has found that the Final Special Study is now acceptable and hereby grants planning approval. The Planning Area included under the Special Study is the entire Borough of Orwigsburg.

#### **Planning Issues**

The Special Study was written to address the planning issues associated with the installation of new trunk line sewers and collector sewers to relieve hydraulically overloaded sanitary sewers in the Borough. Specifically, the Study recommends:

- The construction of a new 12 inch and 18 inch trunk line to carry most of the flow from the Long Avenue area to the existing 12 inch trunk line at Ridge Road. The new trunk line will act as a relief line, for the existing sanitary sewers which will remain in service; and
- The construction of an extension of the 8 inch sanitary sewer along South Liberty Street from Manhole 260 at the Ridgeview Development to Manhole 100, located at Ridge Road/South Wayne Street.

#### **I/I Report and Trunk Line Study**

Included as part of the Special Study are two additional reports:

- The first report was titled: "The 1995—1996 Infiltration/Inflow (I/I) Elimination Program Final Report (Final Report). Table I of the Final Report lists:

- (1) The defects;
- (2) Their locations;
- (3) The estimated quantity of I/I that has been eliminated/will be eliminated from entering the sewerage conveyance system from each defect; and
- (4) The recommendations on what needs to be done.

- The second report was titled: "The Trunk Line Study, dated December 1996." From a conceptual standpoint, the Department concurs with the report's recommended alternative, known as Alternative B. The alternative's scope addresses the installation of new trunk line sewers and collector sewers to relieve hydraulically overloaded sanitary sewers in the Borough.

The Department's review of the Update has not identified any significant environmental impacts resulting from the proposals.

In accordance with the provisions of the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.2(a)) and Chapter 71 of the Department's regulations, 25 Pa. Code Chapter 71, the Department will hold the Borough responsible for the complete and timely implementation of the chosen alternative, as stated in the Executive Summary (Page ES-2 of the Special Study).

### **SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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

**Permit No. 0297502.** Public water supply. **Springdale Borough**, 325 School Street, Springdale, PA 15144.

*Type of Facility:* 1.5 mg prestressed concrete water storage tank.

*Permit to Operate Issued:* December 23, 1997.

## **HAZARDOUS SITES CLEANUP**

**Under the Act of October 18, 1988**

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### **Interim Response**

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#### **Fayette Equipment Site**

#### **South Union Township**

#### **Fayette County**

The Department of Environmental Protection (Department) under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1304), has proposed an interim response at the Fayette Equipment site, off of Jamison Lane, South Union Township, Fayette County.

The site consists of 3 acres, including the former location of a scrap metal junkyard that operated on 1 acre. Junkyard operations included recycling of lead cores from automobile batteries. During its time of operation, thousands of car batteries were manually cracked open on the ground and the lead cores were reclaimed. This practice resulted in crushed battery casings scattered throughout the site and a large amount of crushed and broken battery casings piled in the southwest end of the junkyard area. Contamination from the battery casings has migrated into a nearby wetland and the shallow groundwater zone beneath the site.

The Department conducted an investigation and determined the site related contaminant, lead, is leaching from the battery casings. This ongoing release of a hazardous substance poses a direct threat to individuals coming into contact with the waste, contaminated soil and contaminated sediments.

The objective of the interim response is to protect public health, safety and the environment by excavation, offsite treatment and disposal of the wastes and contaminated soils. These materials will be sent to a treatment facility to render them nonhazardous and then to a permitted landfill for proper disposal. After excavation activities are complete, the site will be revegetated and any damage done to the onsite wetlands will be corrected.

The Department considered the following alternatives for remediation of this site: 1) No Action, 2) Complete Excavation/Offsite Treatment and Disposal, 3) Institutional Controls—Capping with Deed Notices—Long-Term Monitoring, 4) Institutional Controls—Fencing with Deed Notices.

Alternative 2 is proposed because it is feasible and protects human health and the environment to the extent possible. This alternative will address the contaminated wastes, soils and sediments and remove the threats to the public and the environment.

This notice is being provided under section 506(b) of the HSCA (35 P. S. § 6020.506(b)). The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The Administrative

Record is located at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. The Administrative Record is also located at the Department's Uniontown Health Center, 100 New Salem Road, Uniontown, PA 15401. The Administrative Record is available for review at both these locations from 8 a.m. to 4 p.m., Monday through Friday.

The Administrative Record will be open for comment from January 10, 1998 to April 10, 1998. Persons may submit written comments into the record during this time only, by sending them to Terry Goodwald at 400 Waterfront Drive, Pittsburgh, PA 15222-4745 or by delivering them to either Department Office mentioned above.

In addition, persons may present oral comments, for inclusion in the record, at a public hearing. The Department has scheduled the hearing on Thursday, February 5 at the Department's Uniontown Office, 100 New Salem Road, Uniontown, PA 15401. Persons wishing to present comments must register with Rita Zettelmayer before February 3, 1998 at (412) 442-4000 or in writing to Terry Goodwald, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Persons with a disability who wish to attend the meeting and/or comment, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Caitlyn Murphy directly at (412) 442-4000 or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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#### **Prompt Interim Response**

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##### **Suchko Fire Site**

##### **Forward Township, Allegheny County**

The Department of Environmental Protection (Department) under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1304), has initiated a prompt interim response at the Suchko Fire Site, Forward Township, Allegheny County. This response has been taken under section 505(b) of the HSCA (35 P.S. § 6020.505(b)).

The Suchko Fire Site is located in southern Allegheny County along Route 51, south of Route 136 and north of Rostraver. The site is approximately 33 acres in size situated in a mixed rural/commercial area within several hundred feet of homes, businesses and the Rostraver Airport. The site includes a deep ravine of approximately 4 acres where waste tires were disposed over an older fly ash dumpsite.

A fire started on October 17, 1997 consuming 1/3 of the approximately 300,000 tires on the site. Hazardous substances were released into the environment, impacting air quality, soils and water quality onsite and offsite. Becket's Run, one of its tributaries and the Monongahela River were impacted.

The release of hazardous materials posed a health threat to individuals exposed to the smoke plume and those in contact with contaminated soils and water. The release also threatened drinking water supplies and posed a threat to persons using surface waters for recreational and agricultural purposes.

The Department began its response on October 17, 1997, to protect human health and the environment. Heavy equipment was used to excavate burning tires and install fire breaks. Containment ponds, silt fences, straw bales and booms were installed to control surface water and sediment runoff. Sediments at the confluence of

Becket's Run and the Monongahela River were removed and disposed of. Sediments collected in the containment pond were covered with site soils.

The Department in consultation with other emergency management leaders considered the following alternatives during the response: 1) No Department action; 2) Assist fire fighters with the excavation of burning materials, the installation of fire breaks, the control of water and sediment run-off, the disposal of offsite contaminated sediments and the closure of onsite sediments in containment ponds; 3) The Departmental excavation of burning materials and tire removal, water and sediment run-off control, surface water collection and treatment, onsite and offsite contaminated sediment removal and disposal.

Alternative 2 was chosen because it protected public health and the environment to the extent possible, and eliminated more costly alternatives that added no increase in protection to the public health and the environment.

This notice is being provided under sections 505(b) and 506(b) of the HSCA. The Administrative Record containing the information which forms the basis and documents the selection of this response action is available for public review and comment. The Administrative Record is located at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The Administrative Record will be open for comment from January 10, 1998 to April 10, 1998. Persons may submit written comments into the record during this time only, by sending them to Terry Goodwald at 400 Waterfront Drive, Pittsburgh, PA 15222-4745 or by delivering them to this office in person.

In addition, persons may present oral comments, for inclusion in the Administrative Record, at a public hearing. The Department has scheduled this hearing on Tuesday, February 3, 1998 at the Forward Township Fire Hall. Persons wishing to present comments must register with Rita Zettelmayer before January 30, 1998 at (412) 442-4183 or in writing to the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Persons with a disability who wish to comment and require auxiliary aid, service or other accommodations to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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#### **Proposed Interim Response**

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##### **William Taylor Estate Site**

##### **Wheatland Borough, Mercer County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1304), is proposing to implement an interim response at the William Taylor Estate Site. The William Taylor Estate Site is an inactive, unpermitted municipal and industrial waste disposal site located in the Borough of Wheatland, 0.5 mile south of the city of Sharon, PA. The site can be divided into two halves. The northern half contains a large, 31-foot high mound of waste (northern waste pile) approximately 2 acres in area. Waste is exposed in several erosion gullies near the top of the mound. The southern half of the site (southern disposal area), where

the majority of the disposal activities occurred, contains approximately 10 acres of industrial and municipal wastes, and includes areas that are devoid of vegetation.

The site was owned and operated as a landfill by William Taylor from 1958 until his death in 1969. The site was then acquired from his estate, approximately 1 to 2 years after his death, by his son, Alvin Taylor. Alvin Taylor continued to operate the facility until at least the early 1970s. Municipal waste and wastes containing hazardous substances were disposed at the site. Those wastes include liquid, paint, oil (with PCBs) and volatile wastes. Actual waste management practices at the site during the time of its operation are not well documented. However, remnants of a slag processing structure located on the northern half of the site lend credence to reports that the site was also used to process and derive metals from waste slag, perhaps originating from nearby steel companies. The waste pile on the northern half of the site may consist largely of wastes from the slag processing efforts. Written correspondence and photographs of site operations in Department files indicate that at least some wastes were burned at the site. The site is currently inactive.

The William Taylor Estate Site lies within the 100-year flood plain of the Shenango River and is prone to frequent flooding. The river flows in a southerly direction along the northern section on the western side of the site, then turns east and flows along the southern end of the property. There are several tributaries to the Shenango River that flow across sections of the site before discharging to the river. Groundwater at the site occurs under water table conditions in the silt and sand, and gravel units. This shallow groundwater zone is underlain by a green-gray clay layer that was encountered throughout the site. This clay layer appears to be present beneath the entire site and most likely represents a confining layer that isolates deeper aquifers from the water table aquifer. This clay layer was found to be at least 20 feet thick. The direction of groundwater flow in the water table aquifer is generally toward the Shenango River. Localized mounding of the groundwater in the northern disposal area is expected to influence the flow to a radial pattern in the immediate vicinity of the mound, mimicking the surface topography.

In 1990, the Federal Agency for Toxic Substance and Disease Registry (ATSDR) reviewed available site information and recommended, among other things, that access to the landfill area be restricted to prevent the public from being exposed to hazardous substances at the site. Based largely upon that recommendation, between April 29 and May 17, 1991, the Department erected a chain-link fence, with gates, between the portion of the site where wastes were visible and the baseball fields. The fence was connected to an existing fence on an adjacent property to the site's north, and ran south to the Shenango River.

Because of the past waste disposal practices at the site, soils, wastes, surface water, sediments and groundwater at the site have become contaminated with various hazardous substances, including, but not limited to, dichloroethane, dichloroethene, trichloroethene, dichloroethene, trichlorobenzene, polychlorinated biphenyls (PCBs), lead, toluene, ethylbenzene, xylenes and trichlorobenzene. The extent of site-related contamination was documented by the Department during a 1997 site study.

The Department has developed the following response action objectives for the cleanup of the site:

- Reduce direct contact risks to unauthorized site trespassers and to authorized site visitors (that is, utility line inspectors and workers).
- Mitigate migration via the surface water (that is, erosion) and air pathways of hazardous substances to offsite human receptors in nearby businesses and in the adjacent ballfields.
- Reduce the risk of waste and hazardous substance migration into the Shenango River in the event of a river flood event.
- Mitigate the migration from the site of hazardous substances into the groundwater and surface water (specifically the Shenango River and wetlands nearby the site).
- Minimize adverse impacts to onsite environmental receptors, with particular emphasis on wetland biota.

The Department has considered four alternatives for the cleanup to meet the response action objectives at the site:

*Alternative 1*—Alternative 1 would consist of adding to the existing site fencing; establishing deed restrictions to prevent intrusive activities at the site; and performing monitoring and periodic site reviews.

*Alternative 2—Soil Cover*—Alternative 2 would consist of the components of Alternative 1; consolidation of contaminated materials from nondisposal areas into disposal areas; consolidation and regrading of disposal areas to protect against flood erosion; and capping of consolidation disposal areas with 2 feet of soil and revegetation. Alternative 2 has been further subdivided into Alternatives 2A—Soil Cover and 2B—Soil Cover with Contingent Groundwater Treatment.

*Alternative 3—Encapsulation*—Alternative 3 would consist of the components of Alternative 1; consolidation of contaminated materials from nondisposal areas into disposal areas; consolidation and regrading of disposal areas to protect against flood erosion; installation of a vertical barrier around entire disposal area; installation of an impermeable cap over the disposal area; and revegetation.

*Alternative 4—Soil Cover, Vertical Barriers, Groundwater Treatment*—Alternative 4 would consist of the components of Alternative 1; consolidation of contaminated materials from nondisposal areas into disposal areas; consolidation and regrading of disposal areas to protect against flood erosion; installation of a downgradient vertical barrier; capping of disposal areas with 2 feet of soil; revegetation; and extraction of groundwater behind the vertical barrier, treatment by precipitation/filtration and UV oxidation and discharge to the Shenango River.

Under section 505 of the HSCA (35 P. S. § 6020.505) the Department proposes to implement Alternative 2B as an interim response at the William Taylor Estate site. Alternative 2B is proposed because it would protect, in the most cost-effective manner, the public and environmental receptors from risks associated with site-related hazardous substances.

Alternative 2B would consist of excavation of contaminated materials from hot spots throughout the site; consolidation of the hot spot materials in the two onsite disposal areas; consolidation and regrading of the northern waste pile and southern disposal area to protect against flood erosion; installation of a surface water management system to direct and control run-on and run-off, reduce water infiltration and deter cover erosion; capping of the consolidated disposal areas (the northern

waste pile and southern disposal area) with common fill followed by topsoil and vegetation to prevent direct contact with contaminated materials, control erosion and eliminate fugitive dust; and contingency groundwater treatment (to be implemented in the event that post-closure monitoring or modeling demonstrates that site groundwater discharges are leading to an exceedance of the Pennsylvania Water Quality Standards in the Shenango River). The capital cost for Alternative 2B is estimated to be \$1,605,336, unless the contingency groundwater treatment is implemented. In that case the capital cost would increase by an estimated \$66,414 to approximately \$1,671,750.

This notice is being provided under section 506(b) of the HSCA. The administrative record, which contains the information that forms the basis for, and documents the selection of this response action, is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, and is available for review by previous appointment Monday through Friday from 8 a.m. until 4 p.m. Please call (814) 332-6340 to schedule a date and time to review the administrative record.

The administrative record will be open for review and comment until April 10, 1998 (90 days from the January 10, 1998, date of the publication of this Notice in the *Pennsylvania Bulletin*). Persons may submit written comments into the record during this time only, by sending them to the site Project Manager, Mark Gorman, at the Department's Northwest Regional Office, or by delivering them to that office in person.

In addition, persons may submit oral comments, for inclusion in the administrative record, at a public hearing. The Department will schedule a hearing, between the dates of February 9 and March 11, 1998, if requested by one or more members of the public. Persons wishing to present comments at a hearing must register with the Department's Community Relations Coordinator, Steve Curcio on or before February 27, 1998, by telephone at (814) 332-6945 or in writing at the Northwest Regional Office. If no person requests to present oral comments, by the date specified above, a hearing will not be held. Persons interested in finding out if anyone has registered, and if a hearing will be held, should contact Steve Curcio at the telephone number noted above.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings, should call Steve Curcio at the telephone number noted above or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submit-

ted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final reports:

*Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**(Former) Canada Dry Facility**, City of Philadelphia, **Philadelphia County**. Dennis P. Shelly, P. E., Alden Environmental Management, Inc., 151 S. Warner Rd., Suite 318, Wayne, PA 19087, has submitted a Final Report concerning remediation of site soil contaminated with BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

*Southcentral Regional Office, Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.*

**Distribution Pole 484S36519**, Sinking Spring Borough, **Berks County. Pennsylvania Power and Light, Inc.**, Two North Ninth Street, Allentown, PA 18101-1179 has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide health standard.

**The Lumber Yard**, Lemoyne Borough, **Cumberland County**. Tethys Consultants, Inc., 2933 North Front Street, Harrisburg, PA 17110 has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the background standard.

**Former Hamburg Coal Gas Plant Site**, Hamburg Borough, **Berks County. GPU Energy**, P. O. Box 16001, Reading, PA 19640-0001 has submitted a Final Report concerning remediation of site groundwater contaminated with PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

## SOLID AND HAZARDOUS WASTE

### RESIDUAL WASTE PROCESSING FACILITIES

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Southcentral Regional Office, Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.*

**Permit No. 101655. Concord Recycling, York Waste Disposal, Inc.** (P. O. Box 1401, York, PA 17405). Application for operation of a municipal waste processing facility in Springettsbury Township, **York County**. Permit issued in the Regional Office December 24, 1997.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Permits revoked under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Regional Office, Regional Solid Waste Manager, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428.*

**Permit No. 400328. Abington Memorial Hospital,** 1200 York Road, Abington, PA 19001. This permit has been revoked because the facility is no longer using their infectious waste incinerator and it has been dismantled. Facility is located in Abington Township, **Montgomery County**. Permit was revoked in the Southeast Regional Office on December 18, 1997.

**MINING**

**APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES**

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

*Knox District Office, P. O. Box 669, Knox, PA 16232.*  
*Coal Permits Issued*

**10870106. Quality Aggregates, Inc.** (P. O. Box 9347, Neville Island, PA 15225). Renewal of an existing bituminous strip and limestone removal operation in Marion Township, **Butler County** affecting 107.5 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed Tributaries to Blacks Creek and Slippery Rock Creek. Application received October 21, 1997. Permit Issued December 10, 1997.

**33970106. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319). Commencement, operation and restoration of a bituminous strip and auger operation in Henderson and Bell Townships, **Jefferson and Clearfield Counties** affecting 300.0 acres. Receiving streams: Unnamed tributaries of Laurel Run and Laurel Run; and unnamed tributaries of East Branch Mahoning Creek and East Branch Mahoning Creek. Application received July 10, 1997. Permit Issued December 10, 1997.

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

**35970201. APHC II, Inc.** (700 Lackawanna Avenue, Suite 203, Scranton, PA 18503), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in the City of Scranton, **Lackawanna County** affecting 26.8 acres, receiving stream none. Permit issued December 17, 1997.

**54970204. Jeddo-Higland Coal Company** (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Frailey and Reilly Townships, **Schuylkill County** affecting 265.0 acres, receiving stream none. Permit issued December 17, 1997.

**54860108R2. Reading Anthracite Company** (200 Mahantongo Street, Pottsville, PA 17901), renewal of an anthracite surface mine operation in New Castle and Norwegian Townships and St. Clair Borough, **Schuylkill County** affecting 1,469.0 acres, East Branch of Norwegian Creek. Renewal issued December 17, 1997.

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

*Noncoal Permits Issued*

**7475SM3A1C2. Keystone Cement Company** (P. O. Box A, Route 329, Bath, PA 18014-0058), renewal of NPDES Permit No. PA0612308 in East Allen Township, **Northampton County**, receiving stream Monocacy Creek. Renewal issued December 16, 1997.

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

*General Small Noncoal Authorizations Granted*

**58970845. William Wood** (R. R. 1, Box 84, Brackney, PA 18812-9719), commencement, operation and restoration of a small bluestone quarry operation in Silver Lake Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted December 16, 1997.

**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 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, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of 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, (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.)**

*Southcentral Regional Office, Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.*

**E06-481.** Encroachment. **Henry Inc.**, Robert Sharman, 1 Aspen Avenue, Sinking Spring, PA 19608. To construct and maintain a twin 8 feet span by 4 feet high concrete box culvert in a portion of a relocated channel of an unnamed tributary to Willow Creek for the purpose of relocating about 1,000 feet of channel to develop a property for residential housing known as Blandon Meadows V located on the north side of Park Road (SR 1010) about 1,000 feet east of its intersection with SR 0073 (Temple, PA Quadrangle N: 12.4 inches; W: 1.2 inches) in Maiden Creek Township, **Berks County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E06-501.** Encroachment. **Albert Eckart**, 724 Browns Lane, Croydon, PA 19021. To place precast concrete slabs on the surface of an existing bridge across the channel of Pine Creek at a point approximately 2,000 feet upstream of the District Township-Pike Township boundary line (Manatowny, PA Quadrangle N: 10.75 inches; W: 9.5 inches) in District Township, **Berks County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E21-271.** Encroachment. **Carlisle Suburban Authority**, 240 Clearwater Drive, Carlisle, PA 17013. To construct and maintain a concrete enclosed 12-inch diameter ductile water main across the bed of Conodoguinet Creek located about 770 feet downstream of PA 34 Bridge (Carlisle, PA Quadrangle N: 20.7 inches; W: 7.2 inches) in North Middleton Township, **Cumberland County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E22-350.** Encroachment. **Jackson Township**, 450 Bastian Road, Halifax, PA 17032. To maintain a twin 84-inch culvert in the channel of a tributary to Armstrong Creek at a point at Creek Drive (T-577) (Elizabethville, PA Quadrangle N: 0.6 inch; W: 15.6 inches) in Jackson Township, **Dauphin County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E36-640.** Encroachment. **Philip Garland**, Crosswinds Association Derel Co. Inc., 336 W. King Street, Lancaster, PA 17603. To remove sediment deposits from approximately 170 feet of a tributary to the Little Conestoga Creek, beginning at the outlet of the pipe culvert under Tupelo Street in the Crosswinds development located west of SR 501 (Lititz, PA Quadrangle N: 2.5 inches; W: 8.25 inches) in Warwick Township, **Lancaster County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E67-607.** Encroachment. **York County Board of Commissioners**, Charles Noll, One West Marketway, 4th

Fl., York, PA 17401. To perform repairs and maintenance on County Bridge No. 95 having a clear span of 28.5 feet with an average underclearance of 7.8 feet across the East Branch Codorus Creek on Log Road (T-693) (York, PA Quadrangle N: 0.1 inch; W: 8.3 inches) in York and Springfield Townships, **York County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

*Southwest Regional Office, Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1201.** Encroachment. **Moon Transportation Authority**, 1000 Beaver Grade Road, Moon Township, PA 15108-2983. To place and maintain fill in 0.25 acre of wetland (PEM) for the purpose of relocating Cliff Mine Road to reduce traffic congestion. The project is located along Cliff Mine Road between its intersection with Thorn Run Road extension and Coraopolis Carnot Road/Beaver Grade Road (Ambridge, PA Quadrangle N: 0.3 inch; W: 11.1 inches) in Moon Township, **Allegheny County**. Permittee has fulfilled wetland replacement requirements by contribution to the Wetland Replacement Project.

[Pa.B. Doc. No. 98-61. Filed for public inspection January 9, 1998, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "June 1997 Inventory" heading is the Governor's List of Nonregulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will be adding its revised documents to the Web throughout 1998.

#### *Ordering Paper Copies of DEP Technical Guidance*

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

#### *Final Technical Guidance—Minor Revision*

DEP ID: 362-0300-001 Title: Domestic Wastewater Facilities Manual Description: This document provides guidance to permittees and consulting engineers for the design of domestic wastewater treatment facilities. Effective Date: October 1, 1997 Page Length: 117 pages Location: Vol 33, Tab 01 Contact: Milt Lauch at (717) 787-8184

DEP ID: 362-2000-001 Title: Permitting Policy and Procedure Manual Description: This manual describes the Department policies and procedures for applying for NPDES (Part I) and WQM (Part II) permits for discharging wastewaters into the waters of this Commonwealth; and reviewing and processing the permit applications by the Department. Effective Date: October 1, 1997 Page Length: 135 pages Location: Vol 33, Tab 05 Contact: Milt Lauch at (717) 787- 8184

DEP ID: 362-2207-004 Title: DISCUSSION PAPER: Impact of the Use of Subsurface Disposal Systems on Ground Water Nitrate Nitrogen Levels Description: This guidance applies to consideration of on-lot wastewater disposal systems and consideration of the use of denitrifying technologies, as and where they apply. Effective Date: December 29, 1997 Page Length: 17 pages Location: Vol 33, Tab 26 Contact: Milt Lauch at (717) 787-8184

DEP ID: 362-2208-002 Title: Municipal Guidance-Reconstructive Planning Description: Requires that each municipality shall submit, from time to time, revisions to their officially adopted plan for sewage services to the Department, within such reasonable period as the Department may prescribe. Effective Date: December 30, 1997 Page Length: 10 pages Location: Vol 33, Tab 28 Contact: Milt Lauch at (717) 787-8184

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-62. Filed for public inspection January 9, 1998, 9:00 a.m.]

**Radiation Protection Advisory Committee Meeting**

The next meeting of the Department of Environmental Protection's Radiation Protection Advisory Committee (RPAC) scheduled for February 19, 1998 (and snow date February 26, 1998), is canceled.

Questions concerning cancellation of this meeting should be addressed to Stuart Levin at (717) 787-3720 or e-mail at levin.stuart@al.dep.state.pa.us.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-63. Filed for public inspection January 9, 1998, 9:00 a.m.]

**DEPARTMENT OF REVENUE**

**Realty Transfer Tax; Revised 1996 Common Level Ratio; Real Estate Valuation Factors**

[Correction]

An error occurred in the notice of the Department of Revenue regarding the revised 1996 Common Level Ratio for Realty Transfer Tax which was published at 27 Pa.B. 6526 (December 13, 1997).

The adjusted common level ratio factor for Chester County should have read:

<i>County</i>	<i>Adjusted Common Level Ratio Factor</i>
Chester	1.00**
	* * * * *

\*\*Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 1998.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 97-1995. Filed for public inspection December 12, 1997, 9:00 a.m.]

**DEPARTMENT OF TRANSPORTATION**

**Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations**

The Department of Transportation, Bureau of Motor Vehicles, under the authority of Section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar):

- (1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.
- (2) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas
- (3) H.A.W.K. Traffic Safety Radar System (identified on the radar housing as H.A.W.K.). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.
- (4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.
- (5) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.
- (6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66214.
- (7) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.
- (8) Model 100, Decatur RA-GUN (identified on the radar housing as RA-GUN). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.
- (9) Genesis-I. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(10) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(11) TS-3. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(12) Vindicator, (VH-1), (Identified on the radar housing as Vindicator). Manufactured by MPH Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(13) MPH Model K-15. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, Pennsylvania 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Pennsylvania 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Pennsylvania 17701.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, Pa. 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, Minnesota 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Pennsylvania 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Pennsylvania 17701.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, Pennsylvania 17404.

Under 75 Pa.C.S. § 3368(c)(1) and § 3368(c)(3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code, Chapter 105, Mechanical, Electrical and Electronic Speed-Timing Devices. The Department issues an approved speed-timing device certificate for the device, as required by Section 105.72. The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy which was issued within sixty (60) days of the citation and an approved speed-timing device certificate issued by the Department of Transportation, Bureau of Motor Vehicles.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(3) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

The Department of Transportation, under 75 Pa.C.S. § 3368(d), has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for radar devices which may only be used by members of the State Police:

Transcat/EIL, 701 Rodi Road, Suite 35, Pittsburgh, Allegheny County, Pa. 15235 (Appointed: 05/20/97, Station R5).

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, Pa. 17111-4511 (Appointed: 01/27/97, Station R2).

Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, Pa. 18103 (Appointed: 09/19/96, Station R9).

Thomas Associates R. & E., Incorporated, 65 South Mountain Boulevard, Mountain Top, Luzerne County, Pa. 18707 (Appointed: 08/08/86, Station R7).

Westinghouse Power Generation, 1002 McKee Road, Oakdale, Allegheny County, Pa. 15071 (Appointed: 09/12/85, Station R8).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404 (Appointed: 01/14/75, Station R3).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, Pa. 19057 (Appointed: 03/14/74, Station S54).

Auto Technology-Vocational Technical School Laboratory, 540 North Harrison Road, Pleasant Gap, Centre County, Pa. 16823 (Appointed: 02/10/69, Station S22).

Billy, The Speedometer Man, 4800 North Marvine Street, Philadelphia, Philadelphia County, Pa. 19141 (Appointed: 06/20/73, Station S52).

Bob's Speedometer Service, Incorporated, 1920 West Marshall Street, Norristown, Montgomery County, Pa. 19403 (Appointed: 11/15/77, Station S79).

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, Pa. 16501 (Appointed: 03/25/93, Station S39).

Ciulli Motors, Incorporated, 520 Clairton Boulevard, Pittsburgh, Allegheny County, Pa. 15236 (Appointed: 09/13/78, Station S13).

James M. Coulston, Incorporated, 2915 Swede Road, Norristown, Montgomery County, Pa. 19401 (Appointed: 02/11/75, Station S49).

Dave's Service Center, 3617 Nicholas Street, Easton, Northampton County, Pa. 18045 (Appointed: 10/29/76, Station S33).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969 — Also authorized to use mobile units (Appointed: 11/25/63, Station S19).

Gabe's Speedometer Service, 2635 West Passyunk Avenue, Philadelphia, Philadelphia County, Pa. 19145 (Appointed: 06/03/97, Station S85).

Hertz Penske Truck Leasing, Incorporated, 255 Penske Plaza, Reading, Berks County, Pa. 19603 (Appointed: 07/03/74, Station S76).

Hoffman Ford Sales, Incorporated, 5200 Jonestown Road, Harrisburg, Dauphin County, Pa. 17112 (Appointed: 06/23/81, Station S5).

Humenicks Auto Electric, 646 East Diamond Avenue, Hazleton, Luzerne County, Pa. 18201 (Appointed: 11/13/67, Station S74).

Izer Garage, 4616 Buchanan Trail East, Zullinger, Franklin County, Pa. 17272 (Appointed: 02/23/53, Station S106).

Joe's Carburetor & Ignition Service, 868 Providence Road, Scranton, Lackawanna County, Pa. 18508 (Appointed: 08/16/57, Station S89).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, Pa. 15010 (Appointed: 11/13/67, Station S23).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, Pa. 15317 (Appointed: 01/03/84, Station S7).

Melody Lakes Tire & Auto Care, Incorporated, 1113 North West End Boulevard, Quakertown, Bucks County, Pa. 18951 (Appointed: 09/15/71, Station S38).

North Boro Speedometer Service, 547 California Avenue, Pittsburgh, Allegheny County, Pa. 15202 (Appointed: 11/02/78, Station S69).

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, Pa. 17601 (Appointed: 06/09/97, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 06/29/62, Station S67).

Reading Mack Distributors, Incorporated, 4226 Pottsville Pike, Reading, Berks County, Pa. 19605 (Appointed: 05/15/79, Station S48).

Reading Speedometer Service Company, 200-210 Warren Street, Reading, Berks County, Pa. 19601 (Appointed: 09/22/78, Station S47).

S & D Calibration Services, 134 Camp Lane, McMurray, Washington County, Pa. 15317—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Stewart's Speedometer & Auto Parts, 112 South Third Street, Youngwood, Westmoreland County, Pa. 15601 (Appointed: 03/20/80, Station S58).

Thoman Auto Electric, Incorporated, 227 Valley Street, Lewistown, Mifflin County, Pa. 17044 (Appointed: 10/03/78, Station S104).

Thomas Auto Electric, 109 North 9th Street, Stroudsburg, Monroe County, Pa. 18360 (Appointed: 07/24/89, Station S105).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing

Stations for nonradar devices which measure elapsed time between measured road surface points by using two sensors:

Cowden Enterprises, 733 Diamond Street, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 04/04/96, Station EL20).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units (Appointed: 04/07/93, Station EL3).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, Pa. 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station EL12).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 132 Fawn Valley Drive, McMurray, Washington County, Pa. 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EL11).

Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, Pa. 18821—Also authorized to use mobile units (Appointed: 03/26/85, Station EL14).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, Pa. 18822 — Also authorized to use mobile units (Appointed: 12/01/78, Station EL2).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Thomas Associates R. & E. Incorporated, 65 South Mountain Boulevard, Mountain Top, Luzerne County, Pa. 18707 (Appointed: 11/27/79, Station EL6).

Transcat/EIL, 701 Rodi Road, Suite 35, Pittsburgh, Allegheny County, Pa. 15235 (Appointed: 05/20/97, Station EL17).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404—Also authorized to use mobile units (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Beerbower Incorporated, 1546 East Pleasant Valley Boulevard, Altoona, Blair County, Pa. 16602 (Appointed: 09/02/77, Station W14).

George L. Cogley, 1222 Liberty Avenue, Natrona Heights, Allegheny County, Pa. 15065 (Appointed: 09/27/77, Station W9).

Cowden Enterprises, 733 Diamond Street, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 04/04/96, Station W2).

Department of General Services Metrology, Room B-124, Transportation and Safety Building, Harrisburg, Dauphin County, Pa. 17120 (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units (Appointed: 10/28/77, Station W29).

Greene Jewelers, Route 819, Armbrust, Westmoreland County, Pa. 15616 (Appointed: 06/23/78, Station W41).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, Pa. 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station W3).

Hostetter's Jewelers, 2 Hill Street, Shrewsbury, York County, Pa. 17361 (Appointed: 11/18/77, Station W30).

Leitzel's Jewelry, 422 East, Myerstown, Lebanon County, Pa. 17067 (Appointed: 09/01/87, Station W58).

Leitzel's Jewelry Store, 296 Center Street, Millersburg, Dauphin County, Pa. 19061 (Appointed: 07/28/77, Station W7).

Marella's Jewelry, 416 North Springfield Road, Clifton Heights, Delaware County, Pa. 19018 (Appointed: 08/10/79, Station W42).

Mountz Jewelers, 153 North Hanover Street, Carlisle, Cumberland County, Pa. 17013 (Appointed: 09/21/87, Station W59).

William H. Nagle, Incorporated, 617 Penn Avenue, West Reading, Berks County, Pa. 19611 (Appointed: 11/02/77, Station W25).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, Pa. 19107 (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 09/15/86, Station W56).

Oscar Roth Jewelers, 659 Memorial Highway, Dallas, Luzerne County, Pa. 18612 (Appointed: 09/22/78, Station W47).

S & D Calibration, 132 Fawn Valley Drive, McMurray, Washington County, Pa. 15317—Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, Pa. 16630 (Appointed: 05/18/78, Station W40).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, Pa. 18822—Also authorized to use mobile units (Appointed: 04/22/91, Station W63).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station W64).

Wolf's Jewelry, 314 Market Street, Lewisburg, Union County, Pa. 17837 (Appointed: 10/06/77, Station W22).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404—Also authorized to use mobile units (Appointed: 08/30/89, Station W60).

Zimmel Jewelers, 1521 Bethlehem Pike, Flourtown, Montgomery County, Pa. 19031 (Appointed: 04/17/80, Station W35).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which calculate average speed between any two points:

Cowden Enterprises, 733 Diamond Street, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 04/04/96, Station EM20).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units (Appointed: 02/11/93, Station EM23).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, Pa. 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station EM10).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EM22).

S & D Calibration, 132 Fawn Valley Drive, McMurray, Washington County, Pa. 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EM6).

Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, Pa. 18821—Also authorized to use mobile units (Appointed: 02/27/85, Station EM13).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, Pa. 18822—Also authorized to use mobile units (Appointed: 10/02/80, Station EM2).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station EM21).

Thomas Associates R. & E. Incorporated, 65 South Mountain Boulevard, Mountaintop, Luzerne County, Pa. 18707 (Appointed: 10/06/80, Station EM3).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404—Also authorized to use mobile units (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Barb Tomassini, Manager, Inspection Station Processing, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

BRADLEY L. MALLORY  
*Secretary*

[Pa.B. Doc. No. 98-64. Filed for public inspection January 9, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of The Insurance Company Law of 1921 (40 P. S. § 991.1605(b)) the Insurance Department hereby publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of July 1, 1997 published at 27 Pa.B. 3352 (July 5, 1997).

Persons who have questions concerning this notice, should contact Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

**Insurance Department  
Eligible Surplus Lines Insurer List**

As Of: January 1, 1998

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4000	AXA Reinsurance UK plc	London Underwriting Centre 3 Minster Court, Mincing Lane London EC3R 7DD
4001	Acceptance Insurance Company	222 South 15th Street Suite 600 North Omaha NE 68102
4002	Admiral Insurance Company	1209 Orange Street Wilmington DE 19801
4005	Adriatic Insurance Company	314 East Thayer Avenue Bismarck ND 58501
4010	Agricultural Excess and Surplus Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington DE 19801
4014	Alliance General Insurance Company	6 West Hubbard Chicago IL 60610
4017	Allianz Underwriters Insurance Company	3400 Riverside Drive Suite 300 Burbank CA 91505-4669
4025	Alpine Insurance Company	311 South Wacker Drive Suite 500 Chicago IL 60606
4047	American Dynasty Surplus Lines Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington DE 19801
4050	American Empire Surplus Lines Insurance Company	1209 Orange Street Wilmington DE 19801
4052	American Equity Insurance Company	8370 East Via De Ventura Building K Scottsdale AZ 85258
4055	American International Specialty Lines Insurance Company	550 West 7th Street Anchorage AK 99501
4062	American Western Home Insurance Company	600 Fidelity Plaza Oklahoma City OK 73102
4070	Americas Insurance Company	400 Poydras Street Suite 2200 New Orleans LA 70130
4081	Appalachian Insurance Company	Allendale Park P.O. Box 7500 Johnston RI 02919-0500
4085	Assicurazioni Generali Di Trieste	Piazza Duca Degli Abruzzi, 2 34132 Trieste Italy
4090	Associated Electric & Gas Insurance Services Limited	Argus Insurance Building P.O. Box HM1064 Hamilton Bermuda HMEX
4095	Associated International Insurance Company	21820 Burbank Boulevard, #330 Woodland Hills CA 91367-6493
4100	Audubon Indemnity Company	2829 Lakeland Drive Suite 1400 Jackson MS 39208
4135	British Aviation Insurance Company Limited	Fitzwilliam House 10 St. Mary's Axe London EC3A 8EQ England
4140	CNA Reinsurance Company Limited	Fountain House 125-135 Fenchurch Street London EC3M 5DJ England

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4145	Caliber One Indemnity Company	1209 Orange Street Wilmington DE 19801
4150	Canal Indemnity Company	400 East Stone Avenue Greenville SC 29601
4158	Centennial Casualty Company	2200 Woodcrest Place Suite 200 Birmingham AL 35209
4159	Century American Insurance Company	3401 West End Avenue Suite 600 Nashville TN 37209
4160	Century Surety Company	2400 Corporate Exchange Drive Columbus OH 43231
4170	Chubb Custom Insurance Company	32 Loockeman Square Dover DE 19901
4180	Colony Insurance Company	9201 Forest Hill Avenue Suite 200 Richmond VA 23235-6865
4193	Columbia Casualty Company	CNA Plaza Chicago IL 60685
4196	Commercial Underwriters Insurance Company	200 Corporate Pointe Suite 300 Culver City CA 90230
4200	Commercial Union Assurance Company plc	St. Helen's 1 Undershaft London EC3P 3DQ England
4210	Commonwealth Insurance Company	Suite 1500 595 Burrard Street—Bentall Cent Vancouver, B.C. Canada V7X 1G4
4213	Connecticut Specialty Insurance Company	9 Farm Springs Drive Farmington CT 06032
4216	Copenhagen Reinsurance Company (UK) Limited	25/26 Lime Street London EC3M 7HR England
4220	Coregis Indemnity Company	181 West Madison Avenue Suite 2600 Chicago IL 60602
4225	Crusader Insurance Company	23251 Mulholland Drive Woodland Hills CA 91364
4232	Diamond State Insurance Company	1600 Capital Ctr. S. 201 N. Illinois Street Indianapolis IN 46204
4245	Eden Park Insurance Company	One Indiana Square Suite 1800 Indianapolis IN 46204
4255	Empire Indemnity Insurance Company	809 Northwest 36th Street Oklahoma City OK 73118
4268	Essex Insurance Company	1209 Orange Street Wilmington DE 19801
4270	Evanston Insurance Company	Shand Morahan Plaza Evanston IL 60201
4280	Executive Risk Specialty Insurance Company	82 Hopmeadow Street Simsbury CT 06070-7683
4315	Fidelity Excess and Surplus Insurance Company	515 Main Street Cincinnati OH 45202
4317	Fireman's Fund Insurance Company of Ohio	312 Walnut Street Suite 1100 Cincinnati OH 45202

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4319	First Financial Insurance Company	528 South Fifth Street Suite 210 Springfield IL 62701-1822
4320	First Mercury Insurance Company	525 West Monroe Street Suite 1600 Chicago IL 60661
4321	First Specialty Insurance Corporation	237 East High Street Jefferson City MO 65102
4329	Frontier Pacific Insurance Company	4250 Executive Square Suite 200 La Jolla CA 92037
4331	Fulcrum Insurance Company	199 Water Street New York NY 10038-3526
4332	Gan Insurance Company Limited	Gan House 12 Arthur Street London EC4R 9BJ England
4335	General Agents Insurance Company of America, Inc.	4308 North Classen Boulevard Oklahoma City OK 73118
4338	General Star Indemnity Company	695 East Main Street P.O. Box 10354 Stamford CT 06904-2354
4345	Generali-France Assurances	5, rue de Londres 75009 Paris France
4350	Genesis Indemnity Insurance Company	316 North Fifth Street Bismarck ND 58501
4360	Gotham Insurance Company	330 Madison Avenue New York NY 10017
4370	Great Lakes Reinsurance (UK) PLC	Upper Ground Floor, 1 Minster Mincing Lane London EC3R 7AA England
4390	Gulf Underwriters Insurance Company	9200 Watson Road St. Louis MO 63101
4395	Hallmark Insurance Company, Inc.	Three Bala Plaza, East Suite 300 Bala Cynwyd PA 19004
4420	Houston Casualty Company	13403 Northwest Freeway Houston TX 77040-6094
4425	ITT Pacific Insurance Company, Limited	Hartford Plaza Hartford CT 06115
4427	Illinois Emcasco Insurance Company	815 Commerce Drive Oak Brook IL 60521-1978
4430	Illinois Insurance Exchange	311 South Wacker Drive Suite 400 Chicago IL 60606
4432	Illinois Union Insurance Company	8755 West Higgins Road Chicago IL 60631
4438	Indemnity Marine Assurance Company Limited	St. Helen's 1 Undershaft London EC3P 3DQ England
4441	Indian Harbor Insurance Company	One Greenwich Plaza P.O. Box 2568 Greenwich CT 06836-2568
4444	Insurance Company of North America (UK) Limited	Cigna House 8 Lime Street London EC3M 7NA England
4451	Interstate Fire & Casualty Company	55 East Monroe Street Chicago IL 60603



<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4453	Investors Insurance Company of America	200 Schulz Drive Red Bank NJ 07701-6741
4471	Landmark American Insurance Company	9800 South Meridian Boulevard Englewood CO 80112
4472	Landmark Insurance Company	777 South Figueroa Street Los Angeles CA 90017
4475	Legion Indemnity Company	190 S. LaSalle Street Chicago IL 60603
4478	Lexington Insurance Company	1209 Orange Street Wilmington DE 19801
4482	Liberty Mutual Insurance Company (UK) Limited	4th Floor, One Minster Court Mincing Lane London EC3R 7AA England
4492	Lloyd's (Underwriters at)	One Lime Street London EC3M 7HA England
4510	London and Edinburgh Insurance Company Limited	Excess House 13 Fenchurch Avenue London EC3M 5BT England
4530	Marine Insurance Company Limited	34/36 Lime Street London EC3M 7JE England
4540	Maritime Insurance Company Limited	P.O. Box 6 Surrey Street Norfolk NR1 3NS England
4565	Monticello Insurance Company	1209 Orange Street Wilmington DE 19801
4575	Mt. Hawley Insurance Company	7400 College Boulevard Suite 330 Overland Park KS 66210
4590	NAMIC Insurance Company, Inc.	3601 Vincennes Road Indianapolis IN 46268
4598	National Fire & Marine Insurance Company	3024 Harney Street Omaha NE 68131-3580
4605	Nautilus Insurance Company	7273 East Butherus Drive Scottsdale AZ 85260
4637	North American Capacity Insurance Company	650 Elm Street Manchester NH 03101-2524
4645	Northern Assurance Company Limited	St. Helen's 1 Undershaft London EC3P 3DQ England
4652	Northfield Insurance Company	12935 North Forty Drive St. Louis MO 63141
4665	Nutmeg Insurance Company	Hartford Plaza Hartford CT 06115
4667	Ocean Marine Insurance Company Limited	St. Helen's 1 Undershaft London EC3P 3DQ England
4668	Old Republic Union Insurance Company	307 North Michigan Avenue Chicago IL 60601
4700	Pacific Insurance Company	4201 Wilshire Boulevard Los Angeles CA 90010
4710	Paradigm Insurance Company	2450 One Indiana Square Indianapolis IN 46204
4720	Phoenix Assurance plc	1 Bartholomew Lane London EC2N 2AB England
4730	Preferred National Insurance Company	210 University Drive Suite 900 Coral Springs FL 33071

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4740	Professional Underwriters Liability Insurance Company	50 West Broadway Salt Lake City UT 84101
4755	QBE International Insurance Limited	14 Fenchurch Avenue London EC3M 5BS England
4756	Queensway International Indemnity Company	27 East Robinson Street Orlando FL 32801
4757	Realm National Insurance Company	125 Maiden Lane New York NY 10038
4760	Reliance Insurance Company of Illinois	233 South Wacker Drive Suite 9220 Chicago IL 60606
4787	Rock River Insurance Company	3400 80th Street Moline IL 61265
4793	Royal Surplus Lines Insurance Company	500 Winding Brook Drive Glastonbury CT 06033
4802	SAFECO Surplus Lines Insurance Company	SAFECO Plaza Seattle WA 98185
4804	SR International Business Insurance Company Limited	71-77 Leadenhall Street London EC3A 2PQ England
4806	St. Paul Reinsurance Company Limited	52 Lime Street London EC3M 7BS England
4807	St. Paul Surplus Lines Insurance Company	32 Loockerman Square Dover DE 19901
4810	Savers Property & Casualty Insurance Company	700 West 47th Street Kansas City MO 64112-1802
4816	Scottsdale Insurance Company	One Nationwide Plaza Columbus OH 43215
4819	Sheffield Insurance Corporation	3760 River Run Drive Birmingham AL 35243
4823	Skandia International Insurance Corporation	S-103 50 Stockholm Sweden
4840	Sphere Drake Insurance plc	52-54 Leadenhall Street London EC3A 2BJ England
4845	Steadfast Insurance Company	Suite 202 32 Loockerman Square Dover DE 19901
4849	Stonewall Insurance Company	31 Inverness Center Parkway Suite 200 Birmingham AL 35242
4860	Storebrand Skadeforsikring AS	P.O. Box 1380 Vika 0114 Oslo Norway
4870	TIG Specialty Insurance Company	444 Market Street San Francisco CA 94111
4875	Terra Nova Insurance Company Limited	41/43 Mincing Lane London EC3R 7SP England
4880	Through Transport Mutual Insurance Association Limited	Windsor Place, Queen Street P.O. Box HM655 Hamilton HMCX Bermuda
4882	Travelers Excess and Surplus Lines Company	One Tower Square Hartford CT 06183
4884	Tudor Insurance Company	91 Court Street Keene NH 03431
4887	ULICO Indemnity Company	320 West Capital Street Suite 1000 Little Rock AR 72201-3525

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4889	Underwriters Indemnity Company	8 Greenway Plaza Suite 400 Houston TX 77046
4890	Unionamerica Insurance Company Limited	The London Underwriting Centre 3 Minster Court, Mincing Lane London EC3R 7DD England
4893	U.S. Underwriters Insurance Company	316 North Fifth Street Sixth Floor Bismarck ND 58501
4897	United Capitol Insurance Company	400 Perimeter Center Terrace Atlanta GA 30346
4900	United Coastal Insurance Company	40 North Central Avenue Phoenix AZ 85004
4925	Vanguard Underwriters Insurance Company	5810 East Skelly Drive Suite 700 Tulsa OK 74135
4930	Vesta Insurance Company Limited	Folke Bernadottes vei 50 5020 Bergen Norway
4935	Voyager Indemnity Insurance Company	5950 Live Oak Parkway Suite 300 Norcross GA 30093
4950	WASA International (UK) Insurance Company Limited	WASA House 26/27 Regency Square Brighton, East BN1 2FX England
4955	Wausau General Insurance Company	901 Warrenville Road Suite 500 Lisle IL 60532-4344
4957	Westchester Surplus Lines Insurance Company	Six Concourse Parkway Suite 2500 Atlanta GA 30328-5346
4962	Western Heritage Insurance Company	6263 N. Scottsdale Road Suite 240 Scottsdale AZ 85250
4963	Western Indemnity Insurance Company	820 Gessner Suite 1000 Houston TX 77024
4966	Western World Insurance Company	91 Court Street Keene NH 03431
4980	Yorkshire Insurance Company Limited	Pitheavlis Perth PH2 0NH Scotland
4985	ZC Specialty Insurance Company	400 West 15th Street Suite 7 Austin TX 78701
4990	Zurich International (Bermuda) Ltd.	Crawford House 50 Cedar Avenue Hamilton HM 11 Bermuda
4995	Zurich Reinsurance (London) Limited	The Zurich Building 90 Fenchurch Street London EC3M 4JX England

Since publication of the July 1, 1997 eligible surplus lines insurer list, the following significant changes have occurred:

	<i>(Key Number)</i>	<i>(Company Name)</i>	<i>(Date)</i>
<i>Additions:</i>	4000	AXA Reinsurance UK plc	12/15/97
	4225	Crusader Insurance Company	09/10/97
	4320	First Mercury Insurance Company	12/03/97
	4740	Professional Underwriters Liability Insurance Company	09/10/97
	4882	Travelers Excess and Surplus Lines Company	07/16/97
	4930	Vesta Insurance Company Limited	07/16/97
<i>Deletions:</i>	4044	American Country Insurance Company	12/11/97

	<i>(Key Number)</i>	<i>(Company Name)</i>	<i>(Date)</i>
	4410	The Home Insurance Company of Illinois (N.H.)	08/25/97
	4626	Neumann Insurance Company	12/15/97
<i>Name Changes:</i>			
<i>From:</i>	4326	Florida International Indemnity Company	
<i>To:</i>	4756	Queensway International Indemnity Company	
<i>From:</i>	4140	CNA International Reinsurance Company Limited	
<i>To:</i>	4140	CNA Reinsurance Company Limited	
<i>From:</i>	4995	Zurich Re (UK) Limited	
<i>To:</i>	4995	Zurich Reinsurance (London) Limited	
<i>From:</i>	4469	La Concorde Compagnie D'Assurances	
<i>To:</i>	4345	Generali-France Assurances	
<i>From:</i>	4489	Lincoln Insurance Company	
<i>To:</i>	4145	Caliber One Indemnity Company	

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-65. Filed for public inspection January 9, 1998, 9:00 a.m.]

### Rate Filing; Nationwide Mutual Fire Insurance Company; Homeowners Insurance

On December 22, 1997, the Insurance Department received from Nationwide Mutual Fire Insurance Company a filing for a rate level and rules change for homeowners insurance.

The company requests an overall 5.0% increase amounting to \$7,062,000 annually, to be effective May 30, 1998.

Unless formal administrative action is taken prior to February 21, 1998, 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 Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-66. Filed for public inspection January 9, 1998, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of George Mason; file no. 97-121-07048; Donegal Mutual Insurance Co.; doc. no. P97-12-027; January 22, 1998, at 10 a.m.;

Appeal of Robert F. Beck; file no. 97-267-36593; Premier Auto Insurance Co.; doc. no. PH97-12-025; January 27, 1998, at 11 a.m.;

Appeal of Aaron P. and Marsha L. Ellis; file no. 97-267-36701; TICO Insurance; doc. no. PH97-12-024; January 28, 1998, at 11 a.m.;

Appeal of David Green; file no. 97-198-07120; Fidelity & Guaranty Ins. Underwriters; doc. no. P97-12-026; January 29, 1998, at 9 a.m.;

Appeal of Vincent and Anna M. Delduca; file no. 997-308-72704; Fidelity & Guaranty Ins. Underwriters; doc. no. PI97-12-023; January 29, 1998, at 1 p.m.;

Appeal of Carl Magno; file no. 97-198-06843; Progressive Assurance Co.; doc. no. P97-12-028; February 3, 1998, at 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-67. Filed for public inspection January 9, 1998, 9:00 a.m.]

### Review Procedure Hearings under The Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with his company's termination of the insured's policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Helmut Buppelmann; file no. 97-121-07688; General Accident Insurance Co.; doc. no. P97-12-029; February 5, 1998, 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-68. Filed for public inspection January 9, 1998, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new sites:  
Butler County, Wine & Spirits Shoppe #1009, Buffalo Township.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,600 net useable square feet of new or existing retail commercial space within 1 mile of the Route 28 and Route 356 intersection in Buffalo Township. The location should have off-street parking and good loading facilities.

*Proposals due:* February 6, 1998 at 12 Noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

Centre County, Wine & Spirits Shoppe #1406, State College.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in College Township between Struble Road and the Gerald Street intersection. The location should have off-street parking and good loading facilities.

*Proposals due:* February 6, 1998 at 12 Noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 98-69. Filed for public inspection January 9, 1998, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before February 2, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

#### Motor Carrier Applications— Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265 on or before January 26, 1997.

- A-00114538 "To your door" Delivery Services, Inc.  
127 West, 8TH Street, Pittsburgh, PA  
15215
- A-00114539 Benjamin R. Davis  
P O Box 479, Ebensburg, PA 15931:  
Lawrence L. Davis, 103 South Center  
Street, Ebensburg, PA 15931- 0064
- A-00114541 Lynford R. Weaver  
48 Groffdale Church Road, Leola, PA  
17540
- A-00114540 Tellsar, Inc., t/a A-1 Auto Service  
11 Race Street, Brookville, PA 15825:  
Dwight L. Koerber, Jr., Kriner, Koerber, &  
Kirk, P.C., 110 North Second St., P O Box  
1320, Clearfield, PA 16830

JAMES J. MCNULTY  
*Secretary*

**S-00970655. Securities Certificate of Frank Martz Coach Company (Martz)** for registration of Martz with respect to a proposed Revolving Credit Loan Agreement in the amount not to exceed \$15,000,000 to be entered in December, 1997, with First Union National Bank for the purposes of purchasing \$9,000,000 in new coaches, \$3,000,000 for purchasing and refurbishing coaches and working capital of National Coach Works, Inc. and \$3,000,000 for Standby Letters of Credit. *Applicant's Attorney:* Scott A. Gould; McNees, Wallace & Nurick, 100 Pine Street, P. O. Box 1166 Harrisburg, PA 17108-1166.

[Pa.B. Doc. No. 98-70. Filed for public inspection January 9, 1998, 9:00 a.m.]

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### Sewer Service Without Hearing

**Doc. Nos.: A-230072 F0003 and A-230072 F0004. Allied Utility Services, Inc.** Application of Allied Utility Services, Inc., for Approval of the 1) transfer by sale of the facilities and assets of Chesterdale Waste Treatment Company, Inc., used in provision of public sewer services and the acquisition thereof by Allied, and 2) the right of Allied to offer, render, furnish or supply public sewer services in portions of Willistown Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the Applicant on or before January 26, 1998, under 52 Pa. Code (relating to public utilities).

*Applicant:* Allied Utility Services, Inc.

*Through and By Counsel:* D. Mark Thomas, Esquire, John A. Alzamora, Esquire, Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JAMES J. MCNULTY  
*Secretary*

[Pa.B. Doc. No. 98-71. Filed for public inspection January 9, 1998, 9:00 a.m.]

### Water Service Without Hearing

**Doc. Nos.: A-212285 F0046; A-212285 F0047 and A-210870 F2001. Pennsylvania-American Water Company and Evansburg Water Company.** Joint Application of Pennsylvania-American Water Company and Evansburg Water Company for approval of 1) the transfer, by sale, of the water works property and rights of Evansburg Water Company to Pennsylvania-American Water Company; 2) the commencement by Pennsylvania-American Water Company of water service in the certificated territory of Evansburg Water Company; and 3) the abandonment by Evansburg Water Company of all water service to the public.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the Applicant on or before January 26, 1998, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Corporate Counsel, 800 West Hersheypark Drive, Hershey, PA 17033;

and

*Applicant:* Evansburg Water Company

*Through and By Counsel:* Wayne M. Pecht, Esquire, Keefer, Wood, Allen and Rahal, 415 Fallowfield Road, Suite 102, Camp Hill, PA 17011-4906.

JAMES J. MCNULTY  
*Secretary*

[Pa.B. Doc. No. 98-72. Filed for public inspection January 9, 1998, 9:00 a.m.]

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## TURNPIKE COMMISSION

### Request for Bids

The Turnpike Commission is requesting sealed bids for Annual Contract for Automotive and Equipment Filters.

*Open Date:* January 22, 1998 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Department, (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-73. Filed for public inspection January 9, 1998, 9:00 a.m.]

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### Request for Information; Fiber Optic Resource Sharing Project

**Dauphin County  
Reference No. 98-034**

The Turnpike Commission (Commission) is developing the requirements for a Shared Resources project. In the envisioned project, the Commission will offer access to the

Turnpike Right-Of-Way (ROW) for the installation of fiber optic telecommunications infrastructure; as compensation, the Commission is primarily interested in receiving telecommunications capacity (bandwidth and/or dedicated fiber) along all segments of ROW to support the Commission's telecommunications requirements, including deployment of Advanced Traveler Information Systems (ATIS).

#### **General Requirements and Information**

Firms interested in providing the requested information for the above resource sharing project are invited to register by telephone with Robert L. Brown, DED of Information Technology at the Pennsylvania Turnpike Commission, Administration Building, located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676). Registration and questions regarding this project or advertisement should be directed to Robert Brown at (717) 986-9722. Once the firm registers, the guidelines for the submittal for the RFI will be mailed to the firm. Firms must be registered to receive updates to questions and be eligible to submit a response to the RFI.

Firms with out-of-State headquarters or corporations not incorporated in this Commonwealth must include with their response a copy of their registration to do business in this Commonwealth as provided by the Department Of State.

Registration must be received by 4 p.m., January 14, 1998.

The assignment of the above project will be made to one of the firms responding to this notice, but the Commission reserves the right to reject all submitted responses, to cancel the project under this notice and/or to re-advertise the project.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-74. Filed for public inspection January 9, 1998, 9:00 a.m.]

### **Request for Proposal**

#### **Retention of Management Firm to Administer Leasing of Communications Towers on Turnpike Commission Property**

##### **Reference No. 130-010**

The Turnpike Commission (Commission) will retain a Management Firm to administer Communication Tower Leasing activities for the Commission.

The services will encompass a wide range of activities related to the leasing of Commission property to outside companies for the purpose of erecting communications towers and/or utilizing towers already in place on Turnpike property. Compensation will be on a commission basis on a term of 2 years with the option to renew on an annual basis if both parties agree.

The firm will be required to: interact with potential lessees so that Commission personnel are not impacted in all of the following activities: 1) administration of all queries related to the use of tower space on Turnpike

property; 2) conduct all site visits while in the process of administering all queries; 3) insure conformance with all Commission standards, procedures and policies as they relate to the lease agreement; 4) to represent the Commission in obtaining all necessary agreements from local municipalities; 5) provide accurate and complete information (according to prescribed formats) as requested by the Commission; 6) perform other related duties as assigned or needed in order to finalize lease contracts. The selected firm will be required to work under the direction of a selected Commission employe in the performance of their day-to-day activities. We will also require a monthly status report which will be submitted and approved by the designated Commission employe.

#### **General Requirements and Information**

Firms interested in performing the above services are invited to register by phone with Robert L. Brown, Deputy Executive Director of Information Technology at (717) 986-9722. When the firm registers, the guidelines for submittal of the RFP will be mailed to the firm. A mandatory preproposal meeting to be conducted at 10 a.m. on January 21, 1998 at the Pennsylvania Turnpike Administration Building, located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA. Interested firms must attend this meeting in order to be qualified to submit a proposal. The schedule for submission of the proposal will be provided at this meeting.

The Proposal must include in the heading the project reference number indicated in the advertisement. If the firm has multiple offices, the location of the office performing the work must be identified.

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each Letter of Interest a copy of their registration to do business in this Commonwealth as provided by the Department of State.

The following factors will be considered by the committee during their evaluation of the firms submitting Proposals:

1. Management and Administration of Communications Tower Leases.
2. Over-site of Tower Construction on Leased property.
3. Marketing Plan for leasing Tower Spaces and related property.
4. Management Personnel Credentials.
5. Proposed Commission Compensation Structure.

Each firm shall demonstrate in their proposal their ability to perform the specific requirements.

Based on an evaluation of acceptable proposals received in response to this solicitation, the order of selection will be established for the purpose of entering into an Agreement with the highest ranked firm.

The assignment of the above services will be made to one of the firms responding to this notice, but the Commission reserves the right to reject all proposals submitted, to cancel the solicitation requested under this notice and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-75. Filed for public inspection January 9, 1998, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705



## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**1627117** Building Construction Materials—furnish and install polytex vinyl 3,500 no substitute, must match existing windows, double hung replacement windows; 1 lot.

**Department:** Corrections  
**Location:** Cresson, Cambria County, PA 16630  
**Duration:** FY 1997-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1592117** Clothing and Individual Equipment—jersey knit material; to be domestic 50/50 poly/cotton blend; medium weight; minimum weight of 8.2 oz./sq. yd. (weight measured tubular); bleached white tubular; finish, shrink cured; shrinkage not to exceed 7% in length or width; 8,000 lb.

**Department:** Corrections  
**Location:** Dallas, Luzerne County, PA 18812  
**Duration:** FY 1997-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1514117** Household/Commercial Furnishings and Appliances—Automatic Flight type Dishwasher/Hobart model FT800; 1 each.

**Department:** Corrections  
**Location:** Somerset, Somerset County, PA 15330  
**Duration:** FY 1997-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1623077** Household/Commercial Furnishings/Appliances—magnetic picture frame, approximate size: 3 3/4" x 3", frame white with lettering in pantone 260 and black; 34,600 each.

**Department:** Health  
**Location:** Harrisburg, Dauphin County, PA 17108-0090  
**Duration:** FY 1997-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1490227** Motor Vehicles—1998 compact four door sedan, Class I, Type 2; 1 each.

**Department:** Transportation  
**Location:** Bureau of Vehicle Management, Harrisburg, Dauphin County, PA 17105  
**Duration:** FY 1997-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8234560** Motor Vehicles—1998 Utility 4 x 4 w/appropriate accessories; 3 each—option, same as No. 1; 5 each.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** FY 1997-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1588707** Paper and Printing—Statements for distribution to SERS members; 113,000 sheets.

**Department:** SERS  
**Location:** Harrisburg, Dauphin County, PA 17108-1147  
**Duration:** FY 1997-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1440207** Vehicular Equipment/Components/Automotive Supplies—Scanner, Bar Code for use as a VIN verification system; 13 each.

**Department:** PA State Police  
**Location:** Harrisburg, Dauphin County, PA 17110  
**Duration:** FY 1997-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8504170** Vehicular Equipment/Components/Automotive Supplies—Dryer, air brake, reference bendix No. 107794 cartridge; 250 each.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** FY 1997-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

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# SERVICES

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## Audio/Video—04

**98-15-2580-13** This request for response 98-15-2580-13 rescinds RFP 1997-TC-5. The Department of General Services is seeking responses from vendors to provide PC/Terminals and peripheral equipment maintenance for all 67 counties within the Commonwealth of Pennsylvania. To obtain a copy of the Request for Response (RFR), submit in writing, on company letter head with a point of contact to John F. Booker, (717) 787-9790 or fax to (717) 705-0165. Responses will be sent out in January 1998.

**Department:** General Services  
**Location:** Bureau of Purchases/Telecommunications Div., 2221 Forster Street, G-13, Harrisburg, PA 17103  
**Duration:** 2 years with three 1-year option  
**Contact:** John F. Booker, (717) 787-9790

**25-1472947** Clarion University of Pennsylvania, a member of the State System of Higher Education will be soliciting proposals for the installation and management of a telecommunications system comprised of: local and long distance telephone service and data access for the on-campus student population; expansion of the telephone services to the entire university within a year; Internet access for the university faculty, staff and students from off-campus locations; and the wiring of the residence halls. The university is seeking a partnering agreement with one or more providers through a single long term (5—10 year) revenue contract. The revenue from this contract will partially or totally offset the cost of wiring the residence halls. RFPs will be issued late February to early March with the first phase of implementation to be completed no later than July 1998.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, PA  
**Duration:** 5—10 years  
**Contact:** Karen Dupree, Director of Purchasing, (814) 226-2365

## Computer Related Services—8

**4300-001** The Department of Transportation, Bureau of Design, is in need of the following software: 1—Net Dynamics v3.11 Studio Developers License, 1—Net Dynamics v3.11 Global 100 Server, 1—Web Assist Support Program which includes 60 incidents support, software upgrades and updates and technical support library access.

**Department:** Transportation  
**Location:** Bureau of Design, 555 Walnut St., 7th Floor Forum Place, Harrisburg, PA 17101-1900  
**Duration:** Indeterminate 1997-98  
**Contact:** Partha Bose or Steve Grimme, (717) 787-6433 or 783-0342

## Construction—9

**08430AG2149** To provide construction inspection services on S. R. 0005-210, West 12th Street; S. R. 0005-10M Stream Bed Paving; S. R. 0019-209, Peach Street; S. R. 0019-AO3, Peach Street; S. R. 4017-212, Pittsburgh Avenue; S. R. 4034-A50, Erie East Side Access; and Bush Industry Road, all in Erie County.

**Department:** Transportation  
**Location:** Engineering District 1-0  
**Duration:** Twenty-two (22) calendar months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**UP-148** Steam Line Replacement: Slippery Rock University is accepting sealed bids for the replacement of approximately 1,500 feet of underground steam line including precast concrete trenches and concrete manholes. The bid package can be obtained by submitting an \$80 nonrefundable check to HKG Hundley, Kling, Gmitter, One Gateway Center, 17th Floor, Pittsburgh, PA 15219, (412) 391-4850. Plans will be made available at the University for viewing by contacting Tod Horner, Project Manager (412) 738-2534. Bids will be due in the Business Services Office by 2 p.m. on Monday, February 2, 1998. A prebid conference will be held at 2 p.m. on Wednesday, January 21, 1998, in the Maintenance Center Conference Room. Late bids will not be accepted and will be returned unopened.

**Department:** State System of Higher Education  
**Location:** Slippery Rock University of PA, Slippery Rock, Butler County, PA 16057  
**Duration:** 150 days  
**Contact:** J. F. Revesz, Contracts Manager, (412) 738-2255

## Engineering Services—14

**08430AG2148** To provide preliminary engineering and environmental studies for the West 38th Street Realignment/Relocation project in Erie County.

**Department:** Transportation  
**Location:** Engineering District 1-0  
**Duration:** Twelve (12) calendar months  
**Contact:** Consultant Agreement Division, (717) 783-9309

## Environmental Maintenance Services—15

**BF404-101.1** Abandoned Mine Reclamation, R&K Coal Company involves an estimated 301,000 c.y. of grading, 1,530 s.y. of rock lining w/filter material and 40 acres of seeding. Eighty Percent (80%) of this project is financed by the Federal Government. Federal Funds available for this program total \$20 million for Pennsylvania's 1997 AML Grant.

**Department:** Environmental Protection  
**Location:** Derry Township, Westmoreland County  
**Duration:** 260 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**OSM32(4806)101.1** Abandoned Mine Reclamation, Canoe Ridge involves approximately 220,500 c.y. of grading, 372 s.y. spillway with flexible concrete revetment and geotextile, 600 l.f. channel with low flow channel, 1/2 acre sediment basin, 1,050 l.f. of filter fabric fence and 21 acres of seeding. One Hundred Percent (100%) of this project is financed by the Federal Government. Federal Funds available for this program total \$29.9 million for Pennsylvania's 1996 AML Grant.

**Department:** Environmental Protection  
**Location:** Canoe Township, Indiana County  
**Duration:** 150 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

## Food—19

**FS 1998** Vendor to provide complete meal services for training functions at the Pennsylvania Game Commission Training School located at 2001 Elmerton Avenue, Harrisburg, PA. Services include providing cafeteria style meals for breakfasts, lunches, dinners and catered luncheons. Vendor will also be responsible for total cleanup of the dining and food service facility.

**Department:** Pennsylvania Game Commission  
**Location:** Training School, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** April 1, 1998—March 31, 1999  
**Contact:** William L. Hutson, (717) 787-3168

## Fuel Related Services—20

**DGS A999-107 (Rebid)** Project Title: Furnace Replacement in Mansion. Brief Description: Replace air handling unit and electric heating coil with an oil fired furnace. Replace electric heating units on the third floor. Renovate existing chimney for use with new furnace. Mechanical and Electrical Construction. Plans Deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Sts., Harrisburg, PA 17125. Bid Date: Wednesday, January 28, 1998 at 2 p.m., (717) 787-3923.

**Department:** General Services  
**Location:** Curtin Village, Centre, Centre County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

## HVAC—22

**SP-580** The purpose of this contract is to procure the services for automatic temperature control; maintain, adjust, calibrate, repair and/or replace components of automatic temperature control.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Rte. 220 at Meadows Inter., P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** July 1, 1998 through June 30, 2001  
**Contact:** Becky Clapper, Purchasing Agent, (814) 696-5210

## Janitorial Services—23

**SP366592** Provide janitorial services for four Philadelphia County Assistance Office District Offices. Contractor must provide a minimum of three persons per building, each evening, to assure services are completed as required per specifications. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 1400 Spring Garden Street, Room 701-97-25, Philadelphia, PA 19130  
**Duration:** April 1, 1998—December 31, 1999 with three additional 1-year renewals  
**Contact:** Lori Vessella, (717) 783-9281

## Lodging/Meeting—27

**BOOT-97-069** To provide meeting rooms, food service and lodging for up to 105 people on the days of May 29 and 30, 1998. The facility must be within 30 miles of the Fort Indiantown Gap, Annville, PA. Facility must have a full service restaurant and fire alert system.

**Department:** PA Emergency Management Agency  
**Location:** Annville, PA area  
**Duration:** May 29 and 30, 1998  
**Contact:** Christopher Nolan, (717) 651-2191

**BOOT-97-072** Provide lodging, meeting rooms, food services for the Pennsylvania Emergency Management Agency's chemistry of hazardous materials course in the Lewistown, PA area. Facility needed will be up to 30 single lodging rooms, breakfast and dinner meals for up to 30 persons, an evening meeting room for up to 30 students. Facility must be located in the Lewistown area.

**Department:** PA Emergency Management Agency (PEMA)  
**Location:** Lewistown, PA area  
**Duration:** March 1—5 and March 8—13, 1998  
**Contact:** Christopher Nolan, (717) 651-2191

## Medical Services—29

**SP-581** Chest X-rays for residents of the Hollidaysburg Veterans Home. Vendor will provide chest X-rays (on site) and written reports of findings.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Rte. 220 at Meadows Inter., P. O. Box 319, Hollidaysburg, PA 16648-0319  
**Duration:** July 1, 1998 through June 30, 1999  
**Contact:** Becky Clapper, Purchasing Agent, (814) 696-5210

**260228** Radiologist services—Board certified radiologist licensed to practice medicine in the Commonwealth for patients at Mayview State Hospital. Call Purchasing (412) 257-6215 to request bid specifications.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** July 1, 1998—June 30, 2003  
**Contact:** F. Molisee, P.A. (412) 257-6215

**Inquiry No. 64** To provide for the services of a psychiatric consultant to do consultations, evaluations and recommendations to clarify diagnosis. Copies of bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July 1, 1998 to June 30, 2002  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3428

**Inquiry No. 65** To provide services to our neurology clinic twice a month. To also perform neurological consultations, follow-ups, lumbar punctures as needed, interpretations of EEGs and EMNGs performed at local hospitals. Copies of bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July 1, 1998 to June 30, 2002  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3428

**Inquiry No. 66** To provide for the services of a visiting professor lecture series provides Category 1 continued medical education credits for the professional staff at the Allentown State Hospital and keep staff up-to-date with advanced treatment and research. Copies of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital. Fax (610) 740-3429.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July 1, 1998 to June 30, 2002  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3428

### Property Maintenance—33

**120R-011** Tree trimming and removal along various routes in Washington County. Contract will be bid on a per mile basis, payment will be made lump sum per line item. Department of Agriculture business license number for pesticide application is required at the time of the bid.

**Department:** Transportation  
**Location:** Washington County various State Routes as identified in Bid Package  
**Duration:** Variable  
**Contact:** Michael D. Maurer, (412) 439-7374

**120R-12** Contractor to furnish all labor, equipment, insurance and traffic protection to apply pesticide throughout Washington and Westmoreland Counties according to contract specifications. Bidders must have valid business license number and applicators license in the required categories in accordance with all laws and the contract bid specifications.

**Department:** Transportation  
**Location:** Washington/Westmoreland Counties, all State Routes as programmed  
**Duration:** 1 year with two 2-year renewals  
**Contact:** Michael D. Maurer, (412) 439-7374

**MI-692.1, MI-692.2, MI-692.3, MI-692.4** Project Title: Lyle Hall kitchen and dining room renovation. Scope of Work: Project consists of demolition and renovation of Lyle Hall kitchen and dining room area which includes general construction, supply and install new HVAC, and upgrade the electrical and plumbing systems. Plans cost: \$100.

**Department:** State System of Higher Education  
**Location:** Millersville University, Lyle Hall, Millersville, Lancaster County, PA 17551-0302  
**Duration:** April 20, 1998—August 18, 1998  
**Contact:** Bernadette J. Wendler, Dilworth Building, (717) 872-3829

**DGS A173-2ADA** Project Title: Park Office accessibility alterations. Brief Description: Provide an accessible entrance, reception area and restroom facilities at the park office. General Construction. Plans Deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Sts., Harrisburg, PA 17125. Bid Date: Wednesday, January 28, 1998 at 1 p.m., (717) 787-3923.

**Department:** General Services  
**Location:** Lackawanna State Park, North Abington Township, Lackawanna County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**MI-627.1 and MI-627.3** Project Title: Pucillo Gymnasium—Repair of pool and showers. Scope of Work: Remove and replace showers, waterproof locker room floors, repair pool and wrestling room ceiling. Plans cost: \$50.

**Department:** State System of Higher Education  
**Location:** Millersville University, Pucillo Gymnasium, Millersville, Lancaster County, PA 17551-0302  
**Duration:** August 2, 1998—October 9, 1998  
**Contact:** Bernadette J. Wendler, Dilworth Building, (717) 872-3829

**030-0295** This contract will include all personnel, equipment and materials for the preparation, planting and maintenance of wildflowers throughout District 3-0 according to bid specifications. Job will be bid by county. All requests for bid packages must be received via fax at (717) 368-4343 (Attention: Lyndon Mink).

**Department:** Transportation  
**Location:** Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga, Union and Bradford Counties  
**Duration:** 1 year  
**Contact:** Lyndon B. Mink, (717) 368-4224

**Key 699** Furnish and install windows and doors at park residence.

**Department:** Conservation and Natural Resources  
**Location:** State Parks Region 3, R. R. 2, Box 142D, Schellsburg, PA 15559  
**Duration:** June 30, 1998  
**Contact:** Ralph E. Barkac, (814) 733-2202

**4700-01** Preventive maintenance service shall be provided on 12 electric operated and two hand operated overhead doors and related hardware. Preventive maintenance service shall include inspecting (noting any items requiring replacement), lubricating and adjusting all operating hardware. Estimated hours for replacing defective parts is 140 hours. Estimated cost of replacement parts is \$2,000.

**Department:** Transportation  
**Location:** Bureau of Hwy. Safety and Traffic Engineering, PA DOT Sign Distribution Center, 21st & Herr Streets, Harrisburg, PA 17110  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** David H. Stewart, Manager, (717) 787-6105

### Real Estate Services—35

**38A** State owned property for sale, Commonwealth of Pennsylvania—Solicitation No: 38. The Department of General Services will accept sealed bids from interested parties for the purchase of four parcels of land totaling approximately 1/2 acre of land located in Subdivision "K" of Fallowfield Township, Washington County, PA. Interested parties wishing to receive a copy of the bid documents should contact General Services prior to 3 p.m., January 31, 1998.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Bldg., Harrisburg, PA 17105  
**Duration:** Indeterminate 1997-98  
**Contact:** Bradley J. Swartz, (717) 783-0225

**40A** Lease office space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 9,538 useable square feet of new or existing office space in Bedford, Bedford County, PA, with minimum parking for 20 vehicles, within a 1 mile radius of the public square of Bedford. In areas where street or public parking is not available, an additional 20 parking spaces are required. Proposals due: March 23, 1998. Solicitation No.: 92613.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Bldg., Harrisburg, PA 17105  
**Duration:** Indeterminate 1997-98  
**Contact:** Cynthia T. Lentz, (717) 787-4394

**41A** Lease office space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 10,134 useable square feet of new or existing office space in Waynesburg, Greene County, PA, with minimum parking for 21 vehicles, within the city limits of Waynesburg with preference given to the downtown business area and/or as follows: North: New Rte. 21; South: Old Rte. 21 or Rolling Meadows Rd., East: Interstate 79; West: Eastern City limits of Waynesburg to include an area 1/2 mile North and 1/2 mile South of the road which connects the City limits and Eastern area starting where the New and Old Rte. 21 split. Proposals due: February 23, 1998. Solicitation No.: 92612.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Bldg., Harrisburg, PA 17105  
**Duration:** Indeterminate 1997-98  
**Contact:** Cynthia T. Lentz, (717) 787-4394

**42A** Lease office space to the Commonwealth of Pennsylvania. Proposals are invited to provide the PA State Police with 4,526 useable square feet of new or existing office space, with parking for 20 vehicles in Altoona, Blair County, within a 2 1/2 mile radius of the Intersection of 6th Ave. and Carson Valley Rd. Proposals due: March 23, 1998. Solicitation No.: 92615.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Bldg., Harrisburg, PA 17105  
**Duration:** Indeterminate 1997-98  
**Contact:** John A. Hocker, (717) 787-4394

**Sanitation—36**

**090-000223** This work to consist of collection of refuse and trash at the Hollidaysburg Transportation staging site in Hollidaysburg, PA. It will consist of supplying three 3 cubic yard dumpsters and empty every day, 5 days a week. (Monday through Friday.) This will be a 3 year contract.

**Department:** Transportation  
**Location:** District 9-2, 1598 N. Juniata Street, Hollidaysburg, Blair County, PA 16648  
**Duration:** 3 years  
**Contact:** Clarence G. Graham (RPC), (814) 696-7278

**HUN315** The contractor shall provide for the removal and recycling of kitchen waste including liquids for the State Correctional Institution at Huntingdon. Contractor will provide two 25 cu. yard containers to be removed at least twice weekly, sludge containers with lids and will maintain sanitary conditions.

**Department:** Corrections  
**Location:** State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654  
**Duration:** April 1, 1998 to June 30, 2000  
**Contact:** Robert Jessell, Purchasing Agent, (814) 643-2400

**Security Services—37**

**352508** Proposed contractor shall provide unarmed Security Guard Services at the Eastern State School and Hospital, 3740 Old Lincoln Highway, Trevoise, PA 19053.

**Department:** Public Welfare  
**Location:** Eastern State School and Hospital, 3740 Old Lincoln Hwy., Trevoise, PA 19053  
**Duration:** February 1, 1998 through June 30, 1999  
**Contact:** Warren J. Dolan, Purchasing Agent, (610) 313-1025

**Vehicle Heavy Equipment—38**

**030296** Roadway line striping machine repair/rebuild parts including: paint guns and rebuild parts, paint pumps and rebuild parts, laser line striping system.

**Department:** Transportation  
**Location:** 716 Jordan Avenue, Montoursville, PA 17754  
**Duration:** February 1, 1998 to March 30, 1998  
**Contact:** Chris Hohman, (717) 368-4392

[Pa.B. Doc. No. 98-76. Filed for public inspection January 9, 1998, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

STATE CONTRACTS INFORMATION

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1210117-01	12/23/97	Wynn Environmental Sales Co.	44,075.00
1333157-01	12/23/97	Medi-Man Rehab Prod Inc.	30,021.80
1372117-01	12/23/97	M. Glosser & Son	17,100.00
1442117-01	12/23/97	Heritage Building Systems Inc.	14,887.00

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1467077-01	12/23/97	Azar Decorating Company	24,085.00
8234550-01	12/23/97	Midland Machinery Co. Inc.	149,986.00
8970720-01	12/23/97	Stewart-Amos Equipment Co.	234,000.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 98-77. Filed for public inspection January 9, 1998, 9:00 a.m.]