



Volume 29 (1999)

Pennsylvania Bulletin
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January 30, 1999 (Pages 533-636)

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PENNSYLVANIA BULLETIN

Volume 29
Saturday, January 30, 1999 • Harrisburg, Pa.
Number 5
Pages 533—636

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The Governor
The General Assembly
The Courts
Department of Banking
Department of Community and Economic
Development
Department of Conservation and Natural
Resources
Department of Education
Department of Environmental Protection
Department of General Services
Department of Public Welfare
Department of Revenue
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Pennsylvania Public Utility Commission
Securities Commission
State Conservation Commission
State Real Estate Commission
Turnpike Commission

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

No. 290, January 1999

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 340
(800) 334-1429 ext. 340 (toll free, out-of-State)
(800) 524-3232 ext. 340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

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ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)		55 Pa. Code (Public Welfare)	
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THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation

January 15, 1999

*Declaration of Drought Emergency in the Commonwealth
and Implementing Measures*

Whereas, on December 16, 1998, I declared a state of drought and water shortage emergency in twelve counties of the Commonwealth due to a long and continuing period of unusually dry weather, abnormally low stream flows, and reduced groundwater levels and shortages of water supplies within those counties; and

Whereas, the above described drought and water shortage conditions continue to worsen throughout the designated drought emergency area and are expanding to other counties that are located near or adjacent to the designated drought emergency area; and

Whereas, additional resources of the Commonwealth may be needed to assist county and municipal efforts to mitigate and contend with the magnitude and severity of this drought emergency;

Therefore, I, Tom Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution, the Emergency Management Services Code, 35 Pa.C.S.A. § 7101, et seq., as amended, and other laws of the Commonwealth, do hereby amend my Proclamation of December 16, 1998, as follows:

1. Paragraph 1 of the Proclamation is amended to add the following two counties to the designated drought emergency area: Clinton and Erie.
2. All residents of the Commonwealth are urged to conserve water on a voluntary basis and to comply with water use restrictions requested or imposed by the public water supply agencies servicing their areas in order to prevent further water shortages.
3. This Proclamation Amendment shall take effect immediately.

GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, this fifteenth day of January, in the year of our Lord, one thousand nine hundred and ninety-nine, and of the Commonwealth, the two hundred and twenty-third.



Governor

[Pa.B. Doc. No. 99-148. Filed for public inspection January 29, 1999, 9:00 a.m.]

THE GENERAL ASSEMBLY

Committee Designation Under Regulatory Review Act—House of Representatives

Under the provisions of Act 181 of 1982, as amended, the Regulatory Review Act, the Speaker of the House is required to prescribe the jurisdiction of each standing committee of the House over the various State agencies for the purpose of reviewing proposed regulations.

I am, therefore, submitting a schedule containing the committee assignments for the 1999-2000 Legislative Sessions.

MATTHEW J. RYAN,
The Speaker
House of Representatives

*Any department, departmental administrative board or commission, independent board, commission, or authority not contained in this list is assigned to the same designated standing committee as is their parent agency.

COMMITTEE REFERRALS

Aging and Youth Committee

Department of Aging
Department of Public Welfare—(Only those regulations promulgated by the Office of Children, Youth and Families, and any other regulations issued by the Department of Public Welfare relating to child care.)

Agriculture and Rural Affairs Committee

Department of Agriculture
Milk Marketing Board
Bureau of Farm Show
Agriculture Land Preservation Board

Appropriations Committee

Budget
Auditor General
State Treasurer
Pennsylvania Infrastructure Investment Authority

Commerce and Economic Development Committee

Department of Community and Economic Development
Securities Commission
Pennsylvania Housing Financing Agency
Pennsylvania Minority Business Development Authority
Pennsylvania Industrial Development Authority
Department of Banking

Consumer Affairs Committee

Public Utility Commission
Pennsylvania Energy Development Authority

Education Committee

Department of Education
Public School Employees' Retirement System
Higher Education Facilities Authority
PHEAA
State Board of Education
State Board of Private Academic Schools
State Board of Private Licensed Schools
Professional Standards and Practices Commission
State Public School Building Authority
Board of Governors of State System of Higher Education

Environmental Resources and Energy Committee

Department of Environmental Protection
Department of Conservation and Natural Resources

Environmental Quality Board
Certification Board of Sewage Enforcement Officers
State Board for Certification of Sewage Treatment Plant and Waterworks Operators
Environmental Hearing Board

Finance Committee

Department of Revenue
Board of Claims
State Tax Equalization Board
Board of Finance and Revenue

Health and Human Services Committee

Department of Health
Health Care Cost Containment Council
Department of Public Welfare—(Except for regulations promulgated by the Office of Children, Youth and Families, and any other regulations issued by the Department relating to child care.)

Insurance Committee

Department of Insurance
State Workmen's Insurance Board
Medical Professional Liability Catastrophe Loss Fund

Judiciary Committee

State Police
Pennsylvania Commission on Crime and Delinquency
Department of Corrections
Attorney General
Board of Pardons
Board of Probation and Parole
State Ethics Commission
Pennsylvania Commission on Sentencing
Municipal Police Officers Education and Training Commission
Lobbyist Disclosure Act Regulations Committee

Labor Relations Committee

Civil Service Commission
Department of Labor and Industry
Unemployment Compensation Board of Review
Labor Relations Board
Workmen's Compensation Appeal Board
Office for the Deaf and Hearing Impaired
Industrial Board

Liquor Control Committee

Liquor Control Board

Local Government Committee

Pennsylvania Municipal Retirement System

Professional Licensure Committee

Navigation Commission for the Delaware River
Accountancy Board
Architect Licensure Board
Auctioneer Examiners Board
Barber Examiners Board
Certified Real Estate Appraisers Board
Cosmetology Board
Funeral Directors Board
Landscape Architects Board
Professional Engineers Board
Real Estate Commission
Vehicle Board
Chiropractic Examiners Board
Dentistry Board

Medicine Board
 Nursing Home Administrators Board
 Occupational Therapy Education and Licensure Board
 Optometrical Examiners Board
 Osteopathic Medicine Board
 Pharmacy Board
 Physical Therapy Board
 Podiatry Board
 Psychology Board
 State Board of Social Workers, Marriage and Family
 Therapists and Professional Counselors
 Speech-Language and Hearing Examiners Board
 Veterinary Medical Examiners Board
 Nurse Board

State Government Committee

Department of General Services
 Department of State
 Human Relations Commission
 PPTN
 State Employees' Retirement System
 Harness Racing Commission
 Horse Racing Commission
 Governor's Office
 Public Employee Retirement Commission
 State Athletic Commission
 Independent Regulatory Review Commission
 Joint Committee on Documents

Tourism and Recreational Development Committee

Historical and Museum Commission

Transportation Committee

Department of Transportation
 Turnpike Commission
 State Transportation Commission

Veterans Affairs and Emergency Preparedness Committee

Department of Military and Veterans Affairs
 State Armory Board
 Pennsylvania Emergency Management Agency

[Pa.B. Doc. No. 99-149. Filed for public inspection January 29, 1999, 9:00 a.m.]

**Committee Designation Under Regulatory Review
 Act—Senate of Pennsylvania**

Under the provisions of Act 181 of 1982, as amended and reenacted, known as the Regulatory Review Act, as President Pro Tempore of the Senate, I hereby designate the following standing committees for the purpose of regulatory review as authorized in the act.

The designated standing committee for any departmental board, commission, committee and other agency not listed herein shall be the standing committee listed for that department. The Committee on Rules and Executive Nominations shall be the designated standing committee for the purpose of regulatory review for any other agency not specifically listed.

ROBERT C. JUBELIRER,
*President Pro Tempore
 Senate*

<i>Agency</i>	<i>Committee</i>
Governor and Office of the Governor	State Government
Attorney General and Office of the Attorney General	Judiciary
Auditor General and Office of Auditor General	Finance
State Treasurer and Treasury Department	Finance
Adjutant General and Dept. of Military and Veterans' Affairs	Military and Veterans Affairs
Secretary and Department of Aging	Aging and Youth
Secretary and Department of Agriculture	Agriculture and Rural Affairs
Secretary and Department of Banking	Banking and Insurance
Secretary and Department of Community & Economic Development	Community and Economic Development
Secretary of the Commonwealth and Department of State	State Government
Secretary and Department of Conservation & Natural Resources	Environmental Resources & Energy
Secretary and Department of Corrections	Judiciary
Secretary and Department of Education	Education
Secretary and Department of Environmental Protection	Environmental Resources and Energy
Secretary and Department of General Services	State Government
Secretary and Department of Health	Public Health and Welfare
Commissioner and Department of Insurance	Banking and Insurance
Secretary and Department of Labor and Industry	Labor and Industry
Secretary and Department of Public Welfare	Public Health and Welfare
Secretary and Department of Revenue	Finance
Commissioner and PA State Police	Law and Justice
Secretary and Department of Transportation	Transportation
Secretary and Office of Administration	State Government
General Counsel and Office of General Counsel	Judiciary
Secretary and Office of Budget	Appropriations
Commissioner of Professional & Occupational Affairs	Consumer Protection and Professional Licensure
Executive Board	State Government
Armory Board	Military and Veterans Affairs

<i>Agency</i>	<i>Committee</i>	<i>Agency</i>	<i>Committee</i>
Ben Franklin/IRC Partnership Advisory Board	Community and Economic Development	PA Economic Development Financing Authority	Community and Economic Development
Board of Claims	Finance	PA Emergency Management Agency	State Government
Board of Finance and Revenue	Finance	PA Energy Development Authority	Environmental Resources and Energy
Board of Governors of State System of Higher Education	Education	PA Housing Finance Agency	Urban Affairs and Housing
Board of Pardons	Judiciary	PA Industrial Development Authority	Community and Economic Development
Board of Probation and Parole	Judiciary	PA Infrastructure Investment Authority	Environmental Resources and Energy
Civil Service Commission	State Government	PA Minority Business Development Authority	Community and Economic Development
Constable Education and Training Board	Judiciary	PA Public Television Network Commission	State Government
PA Commission on Sentencing	Judiciary	Public Employee Retirement Commission	Finance
Coroners' Education Board	Local Government	Public School Employees Retirement board	Finance
Council on the Arts	State Government	Professional Standards & Practices Commission	Education
Deputy Sheriffs' Education & Training Board	Local Government	Public Utility Commission	Consumer Protection and Professional Licensure
Environmental Hearing Board	Environmental Resources and Energy	Securities Commission	Banking and Insurance
Environmental Quality Board	Environmental Resources and Energy	State Athletic Commission	State Government
Harness Racing Commission	State Government	State Board of Education	Education
Health Care Cost Containment Council	Public Health & Welfare	State Employees Retirement Board	Finance
Higher Education Assistance Agency	Education	State Board for Certification of Sewage Enforcement Officers	Environmental Resources & Energy
Higher Education Facilities Authority	Education	State Board for Certification of Sewage Treatment Plant and Waterworks Operators	Environmental Resources & Energy
Historical and Museum Commission	State Government	State Board of Private Academic Schools	Education
Horse Racing Commission	State Government	State Board of Private Licensed Schools	Education
Human Relations Commission	Labor and Industry	State Ethics Commission	Rules and Executive Nominations
Independent Regulatory Review Commission	Rules and Executive Nominations	State Health Care Policy Board	Public Health and Welfare
Industrial Board	Labor and Industry	State Public School Building Authority	Education
Joint Committee on Documents	Rules and Executive Nominations	State Tax Equalization Board	Finance
Labor Relations Board	Labor and Industry	State Transportation Commission	Transportation
Liquor Control Board	Law and Justice	Turnpike Commission	Transportation
Lobbying Disclosure Act Regulation Promulgation Committee	Rules and Executive Nominations	Underground Storage Tank Indemnification Board	Environmental Resources and Energy
Medical Professional Liability Catastrophic Loss Fund	Banking and Insurance		
Milk Marketing Board	Agriculture and Rural Affairs		
Municipal Employees Retirement Board	Local Government		
Municipal Police Officers Education & Training Commission	Law and Justice		
PA Commission on Crime and Delinquency	Judiciary		

<i>Agency</i>	<i>Committee</i>	<i>Agency</i>	<i>Committee</i>
Unemployment Compensation Board of Review	Labor and Industry	State Board of Nursing	Consumer Protection and Professional Licensure
Veterans' Commission	Military and Veterans Affairs	State Board of Examiners of Nursing Home Administrators	Consumer Protection and Professional Licensure
Workmen's Compensation Appeals Board	Labor and Industry	Occupational Therapy Education and Licensure Board	Consumer Protection and Professional Licensure
State Workmen's Insurance Board	Labor and Industry	State Board of Optometry	Consumer Protection and Professional Licensure
State Board of Accountancy	Consumer Protection and Professional Licensure	State Board of Osteopathic Medical Examiners	Consumer Protection and Professional Licensure
Architects Licensure Board	Consumer Protection and Professional Licensure	State Board of Pharmacy	Consumer Protection and Professional Licensure
State Board of Auctioneer Examiners	Consumer Protection and Professional Licensure	State Board of Physical Therapy	Consumer Protection and Professional Licensure
Barber Examiners Board	Consumer Protection and Professional Licensure	State Board of Podiatry	Consumer Protection and Professional Licensure
State Board of Chiropractic	Consumer Protection and Professional Licensure	State Board of Psychology	Consumer Protection and Professional Licensure
State Board of Cosmetology	Consumer Protection and Professional Licensure	Registration Board for Professional Engineers	Consumer Protection and Professional Licensure
State Board of Dentistry	Consumer Protection and Professional Licensure	Real Estate Commission	Consumer Protection and Professional Licensure
Funeral Directors Board	Consumer Protection and Professional Licensure	State Board of Examiners in Speech-Language and Hearing	Consumer Protection and Professional Licensure
Landscape Architects Board	Consumer Protection and Professional Licensure	PA State Board of Veterinary Medicine	Consumer Protection and Professional Licensure
State Board of Medicine	Consumer Protection and Professional Licensure	State Board of Workers, Marriage and Family Therapists and Professional Counselors	Consumer Protection and Professional Licensure
State Board of Certified Real Estate Appraisers	Consumer Protection and Professional Licensure		
State Board of Motor Vehicle Manufacturers, Dealers and Salespersons	Consumer Protection and Professional Licensure		
Navigation Commission for the Delaware River and its Navigable Tributaries	Consumer Protection and Professional Licensure		

[Pa.B. Doc. No. 99-150. Filed for public inspection January 29, 1999, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CHS. 21 AND 35]

Amendment to Pa.R.A.P. 2111(a) and rescission of
Pa.R.A.P. 3518; No. 116 Appellate Court Rules
Doc. No. 1

Order

Per Curiam:

And Now, this 14th day of January, 1999, upon the recommendation of the Appellate Court Procedural Rules Committee, this Recommendation having been submitted without publication in the interest of justice pursuant to Pa.R.J.A. 103(a)(3);

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the proposed amendment to Pa.R.A.P. 2111(a) is adopted in the following form and Pa.R.A.P. 3518 is rescinded.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 14, 1999.

Annex A

TITLE 210. APPELLATE PROCEDURE PART I. RULES OF APPELLATE PROCEDURE ARTICLE II. APPELLATE PROCEDURE CHAPTER 21. BRIEFS AND REPRODUCED RECORD CONTENT OF BRIEFS

Rule 2111. Brief of [the] Appellant.

(a) *General Rule.* The brief of the appellant, except as otherwise prescribed by these rules, shall consist of the following matters, separately and distinctly entitled and in the following order:

(1) Statement of Jurisdiction.

(2) **Statement of both the scope of review and the standard of review.**

[(2)] (3) Order or other determination in question.

[(3)] (4) Statement of the questions involved.

[(4)] (5) Statement of the case.

[(5)] (6) Summary of argument.

[(6)] (7) Argument for appellant.

[(7)] (8) A short conclusion stating the precise relief sought.

[(8)] (9) The opinions and pleadings specified in Subdivisions (b) and (c) of this rule.

* * * * *

Official Note:

[Based on former Supreme Court Rules 47 and 61, former Superior Court Rules 39, 47 (notice), 51

and 52 and former Commonwealth Court Rules 81, 90, 110B and 111B. Paragraphs (a)(2), (a)(7) and (a)(8) are new and Paragraph (a)(5) is extended to the Commonwealth Court. The lower court opinion, if not otherwise available, is generated by the appellant's notice to the trial judge under Rule 906(2) (service of notice of appeal) and the judge's preparation of an opinion under Rule 1925(a) (opinion in support of order). Consequently there should always be an opinion attached to the brief of the appellant.]

The 1999 amendment requires a statement of the scope and standard of review. " 'Scope of review' refers to 'the confines within which an appellate court must conduct its examination.' (Citation omitted.) In other words, it refers to the matters (or 'what') the appellate court is permitted to examine. In contrast, 'standard of review' refers to the manner in which (or 'how') that examination is conducted." *Morrison v. Commonwealth, Dept. of Public Welfare*, 538 Pa. 122, 131, 646 A.2d 565, 570 (1994). This amendment incorporates the prior practice of the Superior Court pursuant to Pa.R.A.P. 3518 which required such statements. Accordingly, Rule 3518 has been rescinded as its requirement is now subsumed under paragraph (a)(2) of this Rule.

Explanatory Note—1979

The verbatim text of the order or other determination under review is added as a principal element of appellant's brief, to be included between the statement of jurisdiction and the statement of questions involved. As a result of new Rule 2115, existing Rules 2115, 2116, 2117 and 2118 are appropriately renumbered, and conforming amendments are made to Rules 2152(a) and 2175(b).

(Editor's Note: The Court is rescinding Rule 3518 relating to statement of the scope and standard of review. For the text of Rule 3518, see 210 Pa. Code pages 35-18 and 35-19 (serial pages (236427) and (236428).)

[Pa.B. Doc. No. 99-151. Filed for public inspection January 29, 1999, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Arbitration Appeal Program Case Management Order; Administrative Doc. 08 of 1998

Amended Order

And Now, this 31st day of December, 1998, it is hereby *Ordered* that effective January 4, 1999, a Case Management Order will be automatically applied to all cases in the Arbitration Appeal Program upon filing of the appeal from the Report and Award of the Arbitrators. The Prothonotary will be directed upon the filing of any appeal from the Report and Award of the Arbitrators to

issue a form Case Management Order which will be docketed and forwarded together with notice of the date of the status conference. The format of the Case Management Order appears as follows:

STANDING CASE MANAGEMENT ORDER

ARBITRATION APPEAL PROGRAM

Pursuant to Administrative Docket 08 of 1998, an appeal from the Report and Award of Arbitrators having been filed in the above-captioned matter and a status hearing having been scheduled, the following Case Management Order is entered.

1. *STATUS CONFERENCE*: ALL counsel and non-represented parties must appear at the status conference and shall be prepared to discuss settlement of the case with clients available by telephone to authorize settlement. All counsel are required to communicate with each other and all non-represented parties to advise them of the status by forwarding a notice of same via facsimile or U.S. Mail.

At the conference, a date for trial in the designated "Pool" month and a pretrial settlement conference date shall be assigned. Counsel will be attached for trial.

Also, at the status conference, a memorandum will be given to all parties with direction to complete and present the same at the time of the mandatory pretrial settlement conference. Failure to comply with the terms and conditions of said memorandum and/or failure to appear for either the pretrial settlement conference or trial will result in the imposition of appropriate sanctions.

2. *DISCOVERY DEADLINE*: All discovery shall be completed no later than 90 days prior to the first Monday of the designated "Pool" month.

3. *EXPERT DEADLINE*: Plaintiff's expert report (if applicable), including any supplemental report, is to be served on opposing counsel and/or opposing party on or before 90 days prior to trial. Defendant's expert report is to be served on opposing counsel and/or opposing party on or before 60 days prior to the first Monday of the designated "Pool" month.

4. *DISPOSITIVE MOTIONS*: All dispositive motions must be filed no later than 50 days prior to the first Monday of the designated "Pool" month. *However, in all Limited Tort cases*, motions for summary judgment must be filed no later than 80 days prior to the first Monday of the designated "Pool" month.

5. *EXTENSIONS*: Requests to extend any case management deadline must be submitted by filing a Petition for Extraordinary Relief and filed prior to the expiration of the deadline in question.

6. *CONTINUANCES*: All requests for continuances must be submitted in writing with a copy to opposing party and directed to the Honorable Joseph D. O'Keefe, Supervising Judge, Attention: Mary McGovern, via facsimile (215-563-1623) or U.S. Mail (12th Floor, Complex Litigation Center, Wanamaker Building, Philadelphia, Pa. 19107). However, said requests may be made only under exigent circumstances.

By the Court

JOHN W. HERRON,
Administrative Judge
Trial Division

This Administrative Docket is promulgated in accordance with the April 11, 1987 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. *51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

[Pa.B. Doc. No. 99-152. Filed for public inspection January 29, 1999, 9:00 a.m.]

PHILADELPHIA COUNTY

Philadelphia Family Court; Administrative Regulation 99-1

Effective March 1, 1999, a program will be instituted for the dismissal of all actions in divorce or annulment wherein no docket activity has occurred since January 1, 1996, and in which there was no prior entry of a final decree. The names of all cases falling within this definition shall hereafter be published in the *Legal Intelligencer*. Within 30 days following such publication, any affected party, acting through his/her attorney or pro se, may prevent dismissal of an action by filing a Certification in the office of the Clerk of the Family Court (Room B-16, 34 S. 11th Street, Philadelphia) that the case remains active. In the absence of the filing of such Certification, dismissal shall occur automatically without further notice to any party. All dismissals hereunder shall be without prejudice, and shall be subject to the right of any party to petition for reinstatement of an action for good cause shown.

This order is only applicable to cases wherein no decree has been entered, and shall not affect the rights of parties to seek enforcement of decrees previously entered, regardless of their date.

PAUL P. PANEPINTO,
Administrative Judge
Family Court Division

[Pa.B. Doc. No. 99-153. Filed for public inspection January 29, 1999, 9:00 a.m.]

COMMISSION ON SENTENCING

Meeting Dates for 1999

The Commission on Sentencing is giving notice that the following dates have been established for upcoming meetings in 1999:

February 23, 24 (Tuesday, Wednesday)

May 25, 26 (Tuesday, Wednesday)

August 17, 18 (Tuesday, Wednesday)

November 16, 17 (Tuesday, Wednesday)

Work sessions are scheduled to begin at 7:30 p.m. Tuesday; Commission Meetings are scheduled to begin at 9 a.m. Wednesday.

The February meeting will be held at the Westin William Penn Hotel located at 530 William Penn Place,

Pittsburgh, PA. The May, August and November meetings will be held at the Harrisburg Hilton and Towers in downtown Harrisburg. If there are any questions concerning upcoming meetings, please contact Mark Bergstrom, Executive Director at (814) 863-2797.

FRANK DERMODY,
Chair

[Pa.B. Doc. No. 99-154. Filed for public inspection January 29, 1999, 9:00 a.m.]

RULES AND REGULATIONS

Title 64—SECURITIES

PART I. SECURITIES COMMISSION

[64 PA. CODE CHS. 202, 206, 302,
606, 609 AND 610]

[Correction]

Registration of Securities; Registration of Broker-Dealers, Agents and Investment Advisers; Administration

An error occurred in the ordering language for the final rulemaking which appeared at 28 Pa. B. 202, 204 (January 9, 1999). The correct version of the order is as follows, with ellipses referring to the existing text:

Order:

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

(a) The regulations of the Commission, 64 Pa. Code Chapters 202, 206, 302, 606, 609 and 610, are amended by amending §§ 202.092, 206.020, 302.063, 606.041, 609.032, 609.033, 609.034, 609.036 and 610.010 to read as set forth at 28 Pa. B. 3950.

* * * * *

[Pa.B. Doc. No. 99-43. Filed for public inspection January 8, 1999, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 86]

Surface and Underground Coal Mining; Advance Notice of Final Rulemaking

The Department of Environmental Protection (Department) is soliciting comments on changes it recommends to be made to the proposed Surface and Underground Coal Mining regulations in 25 Pa. Code, Chapter 86, which were published as proposed rulemaking at 28 Pa. B. 941 (February 14, 1998). Numerous changes to the regulatory language in § 86.1 and §§ 86.101—86.130 are being proposed to provide clarity and to enhance the consistency with the language used in Federal regulations. Sections 86.102(9), 86.103(e) and 86.129 are being changed because they were found to be more stringent than Federal requirements.

In response to comments received during the official public comment period on the proposed rulemaking and following the Department's review of other related information, the Department has prepared a draft of final regulations for public comment. The draft final regulation contains significant changes in two major areas:

§ 86.101. Definitions. In the definition of "surface mining operations," the reference to activities related to underground coal mining that affect the land surface has been deleted to clarify that surface mining operations do not include any surface effects of underground mining resulting from activities that were conducted beneath the land surface. This change will make the definition consistent with the equivalent Federal legal interpretation and also consistent with the interpretation provided in the Federal proposed rulemaking on section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. § 1272(e)).

§ 86.126. Procedures: decision. Subsection (b) has been changed to delete the term "regulatory" and add paragraphs (1) and (2) to clarify Environmental Quality Board action on decisions.

While there is no legal requirement to provide an opportunity to comment upon the Department's recommendations for final rulemaking, the Department believes further discussion would serve the public interest in this instance.

A copy of the draft final regulations is available from the Bureau of Mining and Reclamation at (717) 787-4761. Written comments on the draft final regulations must be received by March 2, 1999. No telefax comments will be accepted. Comments or requests for copies should be addressed or delivered to David C. Hogeman, Bureau of Mining and Reclamation, Rachel Carson State Office Building, 400 Market Street, 5th Floor, Harrisburg, PA 17101-2301. The draft final regulations are also available electronically through the DEP Web site (<http://www.dep.state.pa.us>). Comments may be transmitted electronically to Hogeman.David@a1.dep.state.pa.us, and must also be received by March 2, 1999. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowl-

edgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-155. Filed for public inspection January 29, 1999, 9:00 a.m.]

LOBBYING DISCLOSURE COMMITTEE

[51 PA. CODE CHS. 31, 33, 35, 37, 39, 41, 43 AND 45]

Lobbying Disclosure

The Lobbying Disclosure Committee (Committee) statutorily created to promulgate regulations necessary to carry out 65 Pa.C.S. Chapter 13 (act) (relating to Lobbying Disclosure Act), comprised of the Secretary of the Senate, the Chief Clerk of the House of Representatives, the Chairperson of the State Ethics Commission, the Attorney General, the Secretary of the Commonwealth, the Auditor General and the General Counsel, or their designees, adds Chapters 31—45 under the authority of 65 Pa.C.S. §§ 1305(b)(3)(iii) and 1310(c) (relating to reporting; and filing fees; fund established; regulations).

Purpose

The proposed regulations implement the act and also impact upon the Public Official and Employee Ethics Act (Ethics Act), 65 Pa.C.S. § 1105(b)(6) and (7) (relating to statement of financial interests).

The proposed regulations are generally procedural in nature and implement the requirements of the act concerning: definitions; registration and reporting by principals and lobbyists; the maintenance of records of lobbying activity; the issuance of opinions and advices of counsel; compliance audits; investigations and hearings; referrals; the imposition of civil penalties; and the imposition of prohibitions against lobbying as a sanction.

In several sections, the proposed regulations establish that if a comparable process relating to advices, opinions, investigations or other procedure is involved, the Ethics Act regulations in Part I (relating to State Ethics Commission) will be followed to the extent that they are applicable. The proposed regulations note that to the extent sections of 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) are superseded by Part II, they are likewise superseded by the proposed regulations.

The proposed regulations have been drafted to be thorough and comprehensive, and to be easily understood by the regulated community and the general public.

Fiscal Impact and Paperwork Requirements

Since the regulations are proposed under a new act, the fiscal impact cannot be discerned. Paperwork will be as dictated by the act.

Effective Date

The proposed regulations will take effect upon final publication in the *Pennsylvania Bulletin* or August 1, 1999, whichever is later.

Sunset Date

The effectiveness of these proposed regulations will be reviewed by the Committee periodically. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 20, 1999, the Committee submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Judiciary Committee and Senate Committee on Rules and Executive Nominations. In addition to submitting the proposed regulations, the Committee has provided IRRC and the Committees with a copy of a detailed regulatory analysis form. A copy of this material is available to the public upon request.

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

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to John J. Contino, Executive Director, or Vincent J. Dopko, Chief Counsel, State Ethics Commission, P. O. Box 11470, Room 309, Finance Building, Harrisburg, PA 17108-1470 (717) 783-1610 within 30 days following publication in the *Pennsylvania Bulletin*.

AUSTIN M. LEE,
Chair

Fiscal Note: 63-6. (1) General Fund; (2) Implementing Year 1998-99 is \$165,000; (3) 1st Succeeding Year 1999-00 is \$225,000; 2nd Succeeding Year 2000-01 is \$231,750; 3rd Succeeding Year 2001-02 is \$238,750; 4th Succeeding Year 2002-03 is \$245,863; 5th Succeeding Year 2003-04 is \$253,393; (4) 1997-98 \$82.533 Million New Program Not Applicable; 1996-97 \$58.785 Million New Program Not Applicable; 1995-96 \$50.059 Million New Program Not Applicable; (7) State Ethics Commission; (8) recommends adoption. Fees and revenues deposited in the Lobbying Disclosure Fund should offset to some extent the cost of running this program.

Annex A

TITLE 51. PUBLIC OFFICERS

PART II. LOBBYING DISCLOSURE COMMITTEE

CHAPTER 31. GENERAL PROVISIONS

Sec.	
31.1.	Definitions.
31.2.	Ethics Act regulations in Part I.
31.3.	Filing deadlines to fall on Commonwealth working days.
31.4.	Registration periods and reporting periods.
31.5.	Delinquency.
31.6.	Deficiency.
31.7.	Biennial review of exemption threshold and reporting threshold.
31.8.	Forms, records and Commission publications.
31.9.	Amended filings.
31.10.	Filings to be originals signed under oath or affirmation.
31.11.	Electronic filing.
31.12.	Faxed filings.
31.13.	Enforcement of Commission orders.
31.14.	Severability clause.

§ 31.1. Definitions.

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

Act—The Lobbying Disclosure Act, 65 Pa.C.S. Chapter 13.

Administrative action—The term includes one or more of the following:

(i) An agency's proposal, consideration, promulgation or rescission of a regulation; development or modification of a guideline or a statement of policy; or approval or rejection of a regulation.

(ii) The review, revision, approval or disapproval of a regulation under the Regulatory Review Act.

(iii) The Governor's approval or veto of legislation.

(iv) The nomination or appointment of an individual as an officer or employe of the Commonwealth.

(v) The proposal, consideration, promulgation or rescission of an executive order.

Affiliated political action committee—A "political action committee" as defined in section 1621(l) of the Election Code (25 P.S. § 3241), which has a chairperson, a treasurer or another officer who is a principal, an employe of a principal, a lobbyist or an employe of a lobbyist. If an employe of a registrant serves as the officer of a political action committee in what is clearly a personal capacity, and the goals and mission of that political action committee clearly have no relationship to the goals and mission of the registrant, the political action committee will not be considered an affiliated political action committee.

Agency—A State agency, board, commission, authority or department.

Anything of value—

(i) The term includes, by necessity, the terms "thing of value" and "things of value." For the limited purpose of reporting gifts, transportation, lodging or hospitality under section 1304 or 1305 of the act (relating to registration; and reporting), or under section 1105(b)(6) or (7) of the Ethics Act (relating to statement of financial interests), these terms mean anything of any nature whatsoever which is not or would not ordinarily be obtainable in the marketplace without consideration, including, but not limited to:

(A) A pecuniary or negotiable item such as money; a bank bill or note; a stock, bond, note or other investment interest in an entity; a promissory note, bill of exchange, order, draft, warrant, check or bond given for the payment of money.

(B) A discount or rebate not extended to the public generally.

(C) A conveyance, or a contract, agreement, promise, or other obligation for a conveyance.

(D) A deposit, distribution, payment, pledge, or transfer of money, or a contract, agreement, promise or other obligation for these.

(E) An advance or loan, or a contract, agreement, promise, or other obligation for an advance or loan.

(F) A forgiveness of indebtedness, or a contract, agreement, promise or other obligation for a forgiveness of indebtedness.

(G) Personalty or an interest in personalty, such as works of art, antiques or collectibles.

(H) Real property or an interest in real property.

(I) A service not extended free of charge to the general public.

(J) The use of real property, personal property or services belonging to other persons or entities.

(K) Entertainment not extended free of charge to the general public, or the payment of fees or charges incident thereto.

(M) A complimentary ticket/pass, or the purchase of a ticket/pass, to an event such as a reception, rally, fundraiser, sporting event, theater, opera, concert, exhibition, or the like.

(N) Food, beverage or lodging.

(O) Rewards or prizes from any contest, event or drawing not open to the general public.

(P) An automobile or other means of transportation not extended free of charge to the general public.

(ii) For the purpose of reporting the amount of gifts, transportation, lodging and hospitality, see § 35.1(k) (relating to quarterly expense reports).

Association—An “association” as defined in the Associations Code in 15 Pa.C.S. § 102 (relating to definitions). The term includes a corporation, a partnership, a limited liability company, a business trust or two or more persons associated in a common enterprise or undertaking. The term does not include a testamentary trust or an inter vivos trust as defined in 20 Pa.C.S. § 711(3) (relating to mandatory exercise of jurisdiction through orphans’ court division in general).

Audit—A review of registration statements or disclosure reports, or both, and related information to determine compliance with the act and to review methods of recordkeeping, reporting, training and other areas relating to lobbying activities.

Candidate’s political committee—A “candidate’s political committee” as defined in the Election Code. The words “candidate’s political committee” mean any political committee formed on behalf of a specified candidate and authorized by the candidate.

Child—The term includes adopted and biological children.

Commission—The State Ethics Commission of the Commonwealth.

Compensation—Anything of value, including benefits, received or to be received from a principal by one acting as a lobbyist.

Complaint—A complaint on a form promulgated by the Commission, or the equivalent of the form, which is signed and sworn under penalty of perjury and which otherwise meets, to the extent applicable, the criteria for complaints under Part I (relating to State Ethics Commission).

Day or date—In the absence of qualifying language such as “business” or “Commonwealth working,” the term “day” or “date” shall mean a calendar day.

Docket (noun)—The official listing of entries to the record of a matter before the Commission.

Docket (verb)—The initial, official assignment of a file number to a matter before the Commission; or the entry of an item on the docket of a matter before the Commission.

Direct communication—An effort, whether written, oral or by another medium, made by a lobbyist or principal, directed to a State official or employe, the purpose or foreseeable effect of which is to influence legislative action or administrative action.

Economic consideration—Anything of value offered or received.

Effort to influence legislative action or administrative action—An effort to initiate, support, promote, modify, oppose, delay or advance a legislative action or administrative action. The term as used in the act does not apply to the provision of purely technical data to a State official or employe or to a legislative or administrative body, at his, her or its request.

Election Code—25 P. S. §§ 2600—4051.

Employe—

(i) For the limited purpose of determining exemption under section 1306(6) of the act, the term means an individual who is in the service of another individual or entity, when the individual or entity for whom services are performed has the following:

(A) The right to control or direct the individual who performs the services.

(B) The right to discharge the individual providing services.

(ii) Other factors characteristic of an employer-employee relationship, but not necessary in every case, are:

(A) The controlling of the hours of employment.

(B) The furnishing of equipment and a place to work to the individual who performs the services.

(C) The furnishing of benefits to the individual who performs the services, which benefits are provided to others considered to be employes of the individual or entity for which the services are provided.

(D) The withholding of taxes from compensation paid to the individual who performs the services.

(iii) In determining exemption under section 1306(6) of the act, the term “employe” does not include independent contractors.

Engaging a lobbyist—Engaging means making an arrangement, and “engagement” means an arrangement, whereby a lobbyist is employed or otherwise hired or retained to lobby on behalf of a principal for economic consideration.

Engaging in lobbying—Performing an act which constitutes lobbying as defined by the act and this part.

Ethics Act—The Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1101—1113.

Fax—Facsimile Transmission.

Filed—Registration statements, reports, and other official statements or papers are filed on the date they are physically received at the Commission office whether filed electronically or delivered by United States mail, express carrier, hand delivery or by fax. See § 31.12 (relating to faxed filings) for additional requirements when filing by fax.

Fund—The Lobbying Disclosure Fund established in section 1310(b) of the act (relating to filing fees; fund established; regulations).

Gift—Anything which is received without consideration of equal or greater value.

(i) The term does not include a political contribution which is otherwise reported as required by law or a commercially reasonable loan made in the ordinary course of business.

(ii) For the purpose of categorizing a reportable item under section 1304 or 1305 of the act, or under section 1105(b)(6) or (7) of the Ethics Act, the term does not include "transportation and lodging or hospitality received in connection with public office or employment" as defined in this section, which is otherwise reported as required by law.

Immediate family—An individual's spouse, child, parent, brother, sister, mother-in-law, father-in-law, brother-in-law or sister-in-law.

Indirect communication—An effort, whether written, oral or by another medium, to encourage others, including the general public, to take action, the purpose or foreseeable effect of which is to directly influence legislative action or administrative action. The term includes, but is not limited to, letter-writing campaigns, mailings, telephone banks, print and electronic media advertising, billboards, publications and educational campaigns on public issues. The term does not include regularly published periodic newsletters primarily designed for and distributed to members of a bona fide association or charitable or fraternal nonprofit corporation.

Investigative Division—The Investigative Division of the Commission.

Legislation—Bills, resolutions, amendments and nominations pending or proposed in either the Senate or the House of Representatives. The term includes any other matter which may become the subject of action by either chamber of the General Assembly.

Legislative action—An action taken by a State official or employe involving the preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat or rejection of legislation; legislative motions; overriding or sustaining a veto by the Governor; or confirmation of appointments by the Governor or of appointments to public boards or commissions by a member of the General Assembly.

Lobbying—An effort to influence legislative action or administrative action. The term includes the following:

(i) Providing any gift, entertainment, meal, transportation or lodging to a State official or employe for the purpose of advancing the interest of the lobbyist or principal.

(ii) Direct or indirect communication.

Lobbyist—An individual, firm, association, corporation, partnership, business trust or business entity that engages in lobbying on behalf of a principal for economic consideration. The term includes an attorney who engages in lobbying. The term does not include an individual who receives economic consideration which is de minimis. Membership in an association does not in and of itself operate to make an association member a lobbyist.

Negligent conduct—Conduct, whether of action or omission, which violates or fails to comply with the act, and which is occasioned by a failure to exercise such care as a reasonably prudent and careful principal or lobbyist would exercise in satisfying the requirements of section 1304, 1305 or 1307 of the act (relating to prohibited activities), and is characterized by inadvertence, thoughtlessness, inattention, or the like. Negligent conduct is to

be distinguished from willful, wanton or reckless conduct, which would fall within the ambit of intentional conduct.

Negligent failure to register or report—A negligent failure to register or report as required by the act is occasioned by a failure to exercise care such as a reasonably prudent and careful principal or lobbyist would exercise in satisfying the requirements of section 1304 or 1305 of the act, and is characterized by inadvertence, thoughtlessness, inattention, or the like. A negligent failure to register or report is to be distinguished from a willful, wanton or reckless failure, which would fall within the ambit of intent. See, §§ 31.5 and 31.6 (relating to delinquency; and deficiency).

Negligent violation—A negligent violation of the act is one occasioned by or accompanied with negligent conduct.

Principal—

(i) An individual, firm, association, corporation, partnership, business trust or business entity on whose behalf a lobbyist influences or attempts to influence an administrative action or a legislative action; or that engages in lobbying on the principal's own behalf.

(ii) Membership in an association does not in and of itself operate to make an association member a principal.

Registrant—A registered lobbyist or a registered principal.

Regulatory Review Act—71 P. S. §§ 745.1—745.14.

Regulation—Any rule, regulation or order in the nature of a rule or regulation, including formal and informal opinions of the Attorney General, of general application and future effect, promulgated by an agency under statutory authority in the administration of a statute administered by or relating to the agency, or prescribing the practice or procedure before the agency.

Respondent—The subject of an audit, complaint, notice of noncompliance, investigation or formal proceeding before the Commission.

Service (of official papers)—Official papers are deemed served by the Commission, or by a Division thereof, on the date of mailing if delivered by United States mail; the pickup date if delivered by express carrier; or the date received from the Commission if hand delivered or transmitted by fax.

Staff—The Executive Director, the Chief Counsel, investigators and other personnel as may be employed by or assigned to assist the Commission.

State official or employe—An individual elected or appointed to a position in State Government or employed by State Government, whether compensated or uncompensated, who is involved in legislative action or administrative action.

Transportation and lodging or hospitality received in connection with public office or employment—Transportation, lodging or hospitality received in the course of, or incident to, the performance of official duties or responsibilities, or received on the basis of the status of the recipient as a public official or employe or State official or employe as those terms are defined under the Ethics Act or the act, respectively. Hospitality includes:

(i) Meals.

(ii) Beverages.

(iii) Recreation and entertainment.

(iv) Hospitality composed of promotional items, certificates, mementos or tokens, which are of a de minimis

economic value. For purposes of reporting under section 1305 of the act, promotional items, certificates, mementos or tokens, which are of a de minimis economic value need not be reported under section 1305(b)(3) of the act, but shall be included in the appropriate totals reported under section 1305(b)(2) of the act.

Travel expenses—For the limited purpose of determining exemption under section 1306(3)(i) of the act (relating to exemption from registration and reporting), travel expenses are defined as reasonable expenses for transportation, meals, beverages and lodging.

§ 31.2. Ethics Act regulations in Part I.

(a) When a comparable process relating to advices, opinions, investigations or other procedure is involved, Part I (relating to State Ethics Commission) will be followed to the extent it is applicable.

(b) To the extent sections of 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) are superseded by Part I, they are likewise superseded by this part.

(c) The definitions of “gift” and “transportation and lodging or hospitality received in connection with public office or employment” in § 31.1 (relating to definitions) apply to administration of the act and section 1105(b)(6) and (7) of the Ethics Act (relating to statement of financial interests).

(d) Section 35.1(k) (relating to quarterly expense reports) applies to reporting the amount of gifts or transportation, lodging or hospitality to be disclosed under section 1304 or 1305 of the act (relating to registration; and reporting) or under section 1105(b)(6) or (7) of the Ethics Act.

§ 31.3. Filing deadlines to fall on Commonwealth working days.

When the deadline for filing a registration statement, report, answer, brief or other official paper with the Commission falls on a weekend or holiday, or on another day that Commission offices are closed or close early, the deadline for the filing shall be extended to the following Commonwealth working day.

§ 31.4. Registration periods and reporting periods.

(a) Registration under section 1304 of the act (relating to registration) shall be within biennial registration periods that coincide with the terms of the members of the House of Representatives (December 1 of each even-numbered year to November 30 of the following even-numbered year), except that the first registration period shall commence August 1, 1999, and continue through November 30, 2000.

(b) Reporting under section 1305 of the act (relating to reporting) shall be quarterly within each year of the biennial registration period, specifically, for December through February; March through May; June through August; and September through November, except that the first quarterly reporting period shall commence August 1, 1999, and shall continue through November 30, 1999.

§ 31.5. Delinquency.

(a) A registration statement or report required to be filed under section 1304 or 1305 of the act (relating to registration; and reporting) is delinquent if not received by the Commission by 5 p.m. on the date due.

(b) A failure to timely file a registration statement constitutes a failure to register as required by the act.

(c) A failure to timely file a report constitutes a failure to report as required by the act.

(d) A delinquent registration statement or report continues to be delinquent until received in proper form as required by the act and this part.

§ 31.6. Deficiency.

(a) A registration statement, report or notice of termination required to be filed under section 1304 or 1305 of the act (relating to registration; and reporting) is deficient if one or more of the following exist:

(1) It does not fully and accurately include and disclose all that is required by the act and this part.

(2) It includes a false statement.

(3) It is illegible.

(4) The filer fails to use the appropriate form prescribed by the Commission.

(5) The filer fails to date the registration statement, report or notice of termination.

(6) The filer fails to sign the registration statement, report or notice of termination under oath or affirmation as set forth in § 31.10 (relating to filings to be originals signed under oath or affirmation).

(b) The filing of a deficient registration statement constitutes a failure to register as required by the act.

(c) The filing of a deficient report constitutes a failure to report as required by the act.

(d) The filing of a deficient notice of termination shall be ineffective.

(e) A deficient registration statement, report or notice of termination continues to be deficient until it is amended to fully and accurately disclose all of the information that is required to be disclosed by the act and this part.

§ 31.7. Biennial review of exemption threshold and reporting threshold.

(a) On a biennial basis commencing in January 2002, the Commission will review the threshold for reporting under section 1305(d) of the act (relating to reporting) and the threshold for exemption under section 1306(3)(ii)—(iv) of the act (relating to exemption from registration and reporting), using, to the extent applicable, the procedures within Part I (relating to State Ethics Commission) for reviewing the threshold dollar amounts in section 1105(b) of the Ethics Act (relating to statement of financial interests).

(b) The Commission may increase the exemption threshold and reporting threshold amounts to rates deemed reasonable for assuring appropriate disclosure. Changes to the thresholds made under this section will become effective as determined by the Commission.

(c) The Commission will publish adjusted threshold amounts in the *Pennsylvania Bulletin* by June 1, 2002, and every 2 years thereafter, as necessary.

§ 31.8. Forms, records and Commission publications.

(a) Blank forms for filing or amending registration statements, quarterly expense reports, separate quarterly expense reports, lobbyists' statements of limitations of knowledge, notices of termination, termination reports or separate termination reports under the act may be obtained by contacting the Commission at: State Ethics Commission, Post Office Box 11470, Harrisburg, Pennsylvania 17108-1470, (717) 783-1610 or (800) 932-0936, or by

visiting any Commission office during business hours on Commonwealth working days. Forms are also available at the Commission's web address: <http://www.ethics.state.pa.us>

(b) Additional sheets of equal size may be attached to any hard copy form filed under the act, if more space is required.

(c) Completed registration statements, quarterly expense reports, separate quarterly expense reports, lobbyists' statements of limitations of knowledge, notices of termination, termination reports and separate termination reports filed with the Commission shall remain on file for 4 years and shall be available for public inspection at the office of the Commission in Harrisburg, Pennsylvania during business hours on Commonwealth working days. The Commission will provide copies of these documents for the cost of the copying. Documents that are maintained and reproducible in an electronic format are available in that format upon request, at cost.

(d) Payments to the Commission for charges under subsection (c) shall be deposited into the Fund established by section 1310(b) of the act (relating to filing fees; fund established; regulations).

(e) Under section 1308 of the act (relating to administration and enforcement), the Commission will prepare and publish the following:

(1) An annual report of lobbying activities in this Commonwealth.

(2) An annual listing of principals, which shall identify affiliated political action committees and lobbyists.

(3) An annual listing of lobbyists, which shall identify affiliated political action committees and principals.

(4) A biennial directory of all registered lobbyists, which shall include photographs.

(i) The directory will be produced and distributed on or before May 1 of each odd-numbered year.

(ii) Copies of the directory will be made available to the public at a price not to exceed the actual cost of production.

(iii) Revenue received by the Commission from sales of this directory will be deposited into the Fund established by section 1310(b) of the act.

(5) One or all of the items in paragraphs (1)—(3) may, at the discretion of the Commission, be supplemented or be combined in a single publication or combined with the annual report prepared and published by the Commission under the Ethics Act.

§ 31.9. Amended filings.

(a) Filings under the act may be amended.

(b) The filer of an amended form shall check the appropriate block on the form to indicate that it is an amended form.

(c) Amended filings will not affect the Commission's authority to conduct investigations, hearings or other proceedings under the act.

(d) Registration statements may be amended and shall conform to the additional requirements detailed in § 33.4 (relating to amended registration statements).

§ 31.10. Filings to be originals signed under oath or affirmation.

(a) Registration statements, quarterly expense reports, separate quarterly expense reports, lobbyists' statements

of limitations of knowledge, notices of termination, termination reports, separate termination reports and amendments to these filed with the Commission shall be signed originals bearing the signature of the filer. See, §§ 31.11 and 31.12 (relating to electronic filing; and faxed filings) for requirements when filing electronically or by fax.

(1) A document shall be deemed to be a signed original if it is filed electronically under § 31.11 or if it bears an original manual signature in ink.

(2) A principal who is an individual shall sign his own filings.

(3) Filings by a principal that is a firm, association, corporation, partnership, business trust or business entity shall be signed by a named officer or other individual who has the authority to sign documents on its behalf.

(4) A lobbyist who is an individual shall sign his own filings.

(5) Filings by a lobbyist that is a firm, association, corporation, partnership, business trust or business entity shall be signed by a named officer or other individual who has the authority to sign documents on its behalf.

(6) The signature shall appear on the line indicated on the form as promulgated by the Commission.

(b) Registration statements, notices of termination and amendments to these filed under the act shall include an affirmation subject to penalty under 18 Pa.C.S. § 4904 (relating to unsworn falsifications to authorities) that the information provided therein is true and correct to the best of the filer's knowledge, information and belief.

(c) Quarterly expense reports, separate quarterly expense reports, termination reports, separate termination reports and amendments to these, filed under the act, shall be filed under oath or affirmation.

(d) A lobbyist who signs a principal's quarterly expense report, termination report or amendment to these, shall do so under an affirmation subject to penalty under 18 Pa.C.S. § 4904 that the information provided therein is true and correct to the best of the lobbyist's knowledge, information and belief.

(e) A lobbyist attaching a statement to a principal's quarterly expense report, termination report or amendment to these, describing the limits of the lobbyist's knowledge concerning the expenditures contained therein, shall do so under an affirmation subject to penalty under 18 Pa.C.S. § 4904 that the information provided in the Statement is true and correct to the best of the lobbyist's knowledge, information and belief.

§ 31.11. Electronic filing.

(a) Electronic filing shall be available when notice of its availability is announced in the *Pennsylvania Bulletin* by the Commission.

(b) Upon the availability of electronic filing, forms that are required to be filed under the act may be filed electronically. The use of a digital signature assigned by the Commission shall have the same force and effect as a manual signature upon acceptance by the filer. The digital signature assigned shall be: unique to the person to whom it is assigned; capable of verification; under the sole control and authority of the person to whom it is assigned; and linked to the data in a manner so that if the data are changed, the digital signature is invalidated.

(1) A digital signature shall be assigned to a lobbyist or principal that submits to the Commission, in proper form as required by this section, an application to file electronically.

(2) The application to file electronically shall be on a form prescribed by the Commission.

(3) In submitting an application to file electronically, the applicant shall agree to all of the following:

(i) For any registration statement, notice of termination or amendment to these that the applicant files with the Commission electronically, the digital signature assigned to the applicant shall constitute the applicant's signature under affirmation as set forth in § 31.10(b) (relating to filings to be originals signed under oath or affirmation).

(ii) For any quarterly expense report, separate quarterly expense report, termination report, separate termination report or amendment to these that the applicant files with the Commission electronically, the digital signature assigned to the applicant shall constitute the applicant's signature under oath or affirmation as set forth in § 31.10(c).

(iii) The use of the digital signature assigned to the applicant to "sign" a quarterly expense report, termination report or amendment to these filed by another shall constitute the applicant's affirmation as set forth in § 31.10(d).

(iv) The use of the digital signature assigned to the applicant to attach a statement to a quarterly expense report, termination report or amendment to these filed by another shall constitute the applicant's affirmation as set forth in § 31.10(e).

(4) An application to file electronically may be rejected if the application is illegible, incomplete or unsigned.

(c) A registration statement or amendment that is submitted to the Commission electronically is filed on the date the Commission receives the document electronically if the Commission receives the required photograph (in the case of a lobbyist's registration statement) and the biennial filing fee, if due, within 5 business days thereafter.

(1) If the Commission does not receive the required photograph (in the case of a lobbyist's registration statement) and the biennial filing fee, if due, within 5 business days from the date of receiving the document electronically, the registration statement or amendment is filed on the date the Commission receives all the required items.

(2) The failure to submit a photograph or to pay a biennial filing fee as required by the act and this part constitutes a failure to register as required by the act.

§ 31.12. Faxed filings.

(a) A registration statement or amendment sent by fax is filed on the date the Commission receives the faxed copy if the Commission receives the signed original, together with the required photograph (in the case of a lobbyist's registration statement) and the biennial filing fee, if due, within 5 business days thereafter. A registration statement or amendment shall be deemed to be a signed original if it is filed electronically under § 31.11 (relating to electronic filing) or if it bears an original manual signature in ink.

(1) If the Commission does not receive the signed original, together with the required photograph (in the case of a lobbyist's registration statement) and the biennial filing fee, if due, within 5 business days from the date of receiving the faxed copy, the registration statement or amendment is filed on the date the Commission receives all the required items.

(2) The failure to submit a photograph or to pay a biennial filing fee as required by the act and this part constitutes a failure to register as required by the act.

(b) A quarterly expense report, separate quarterly expense report, lobbyist's statement of limitations of knowledge, notice of termination, termination report, separate termination report or amendment to these sent by fax transmission is filed on the date the Commission receives the faxed copy if the Commission receives the signed original within 5 business days thereafter. The document shall be deemed to be a signed original if it is filed electronically under § 31.11 or if it bears an original manual signature in ink. If the Commission does not receive the signed original within 5 business days from the date of receiving the faxed copy, the document is filed on the date the Commission receives the signed original.

§ 31.13. Enforcement of Commission orders.

The Commission through its staff may take appropriate action to enforce its orders.

§ 31.14. Severability clause.

(a) *General rule.* Generally, the provisions of this part are severable. Subject to the exception in subsection (b), if any provision of this part is held invalid, or if the application of a provision of this part to a person or circumstance is held invalid, the invalidity will not affect other provisions or applications of this part which can be given effect without the invalid provision or application.

(b) *Exception.* If the act becomes void as a whole, this part shall be void as a whole.

CHAPTER 33. REGISTRATION AND TERMINATION

Sec.	
33.1.	Biennial filing fee.
33.2.	Principal registration.
33.3.	Lobbyist registration.
33.4.	Amended registration statements.
33.5.	Termination.

§ 33.1. Biennial filing fee.

(a) Under section 1310(a) of the act (relating to filing fees; fund established; regulations), a principal or lobbyist required to be registered under the act shall pay a biennial filing fee of \$100 to the Commission.

(1) The biennial filing fee shall be tendered to the Commission with the filing of the principal's or lobbyist's first registration statement in each registration period.

(2) The biennial filing fee shall be a flat fee for the registration period in which paid.

(3) A separate biennial filing fee shall be paid for each principal or lobbyist required to be registered, even if employed by a firm, association, corporation, partnership, business trust or business entity that is also required to register and that has paid or will pay the fee. A principal also acting as a lobbyist shall pay no more than one fee in a registration period.

(4) The biennial filing fee is nonrefundable and nontransferrable.

(5) Filing fees shall expire at the end of each registration period, regardless of when paid.

(b) The failure to pay a biennial filing fee as required by the act and this section shall constitute a failure to register as required by the act.

(c) Money received from biennial filing fees shall be deposited in the Fund established by section 1310(b) of the act.

§ 33.2. Principal registration.

(a) Unless exempt under section 1306 of the act (relating to exemption from registration and reporting), a principal shall register with the Commission within 10 days of acting in any capacity as a principal.

(1) Engaging a lobbyist for lobbying purposes constitutes acting in the capacity of a principal.

(2) Lobbying by a principal on the principal's own behalf constitutes acting both in the capacity of a principal and in the capacity of a lobbyist.

(i) Unless exempt under section 1306 of the act, a principal that so engages in lobbying on its own behalf shall register with the Commission both as a principal and as a lobbyist.

(ii) Unless exempt under section 1306 of the act, members or employees of a principal who engage in lobbying on behalf of the principal shall register as lobbyists with the Commission under § 33.3 (relating to lobbyist registration).

(b) A principal shall register by filing a registration statement with the Commission, on a form promulgated by the Commission, which shall disclose the following information:

(1) The name, permanent address, daytime telephone number, and name and nature of business of the principal.

(2) The name, registration number and acronyms of "affiliated political action committees" as defined in section 1303 of the act (relating to definitions), as to the principal or the principal's employees, or both.

(3) The name and permanent business address of each individual, registered or unregistered, who will for economic consideration engage in lobbying on the principal's behalf, whether as an individual or as a member, employee, or agent of a firm, association, corporation, partnership, business trust or business entity.

(4) If the principal is an organization or association, the number of its dues-paying members in the past calendar year.

(c) For each address that is to be disclosed on a registration statement, the filer shall include the street address and, if different, the mailing address. The filer may, at the filer's option, also include a fax number or electronic mail address.

(d) The registration statement shall include the principal's consent to receive service of notices, other official mailings or process at addresses listed in the registration statement on file with the Commission.

(e) The registration statement shall include a statement that the principal has received, read and understands the requirements and prohibitions of sections 1304, 1305 and 1307 of the act (relating to registration; reporting; and prohibited activities) and sections 1105(b)(6) and (7) of the Ethics Act (relating to statement of financial interests).

(f) A principal will not be considered registered until the completed registration statement, in proper form as required by the act and this section, is received by the Commission.

(g) Each registration statement filed under the act shall be effective from the date of filing through the final day of the registration period then in effect. The principal

shall file new registration statements after that date, to the extent the principal is required to be registered under the act and this section.

§ 33.3. Lobbyist registration.

(a) Unless exempt under section 1306 of the act (relating to exemption from registration and reporting), a lobbyist shall register with the Commission within 10 days of acting in any capacity as a lobbyist.

(1) Accepting an engagement to lobby constitutes acting in the capacity of a lobbyist.

(2) Engaging in lobbying constitutes acting in the capacity of a lobbyist.

(3) When a firm, association, corporation, partnership, business trust or business entity is engaged as a lobbyist, it and each of its members or employees that engage in lobbying on behalf of the principal shall register with the Commission, unless exempt under section 1306 of the act.

(b) A lobbyist shall register by filing a "registration statement" with the Commission on a form promulgated by the Commission which shall include and disclose the following information:

(1) The name, permanent business address and daytime telephone number of the lobbyist.

(2) A passport-sized (approximately 2 inches x 2 inches) photograph of the lobbyist which photograph shall be of reasonable clarity and shall have been taken within 2 years of the date of registration, except that if the lobbyist is not an individual, a photograph is not required.

(3) The name, permanent business address and daytime telephone number of the principal the lobbyist represents.

(4) The name, registration number and acronyms of "affiliated political action committees," as defined in section 1303 of the act (relating to definitions) as to the lobbyist or the lobbyist's employees, or both.

(c) For each address that is to be disclosed on a registration statement, the filer shall include the street address and, if different, the mailing address. The filer may, at the filer's option, also include a fax number or electronic mail address.

(d) The registration statement shall include the lobbyist's consent to receive service of notices, other official mailings or process at addresses listed in the registration statement on file with the Commission.

(e) The registration statement shall include a statement that the lobbyist has received, read and understands the requirements and prohibitions of sections 1304, 1305 and 1307 of the act (relating to registration; reporting; and prohibited activities) and section 1105(b)(6) and (7) of the Ethics Act (relating to statement of financial interests).

(f) Lobbyists required to be registered under the act shall file a separate registration statement for each principal represented.

(g) A lobbyist will not be considered registered until the completed registration statement, in proper form as required by the act and this section, is received by the Commission.

(h) Each registration statement filed under the act shall be effective from the date of filing through the final day of the registration period then in effect. The lobbyist

shall file new registration statements after that date, to the extent the lobbyist is required to be registered under the act and this section.

§ 33.4. Amended registration statements.

(a) A principal required to be registered under the act shall file an amended registration statement whenever there is a change of or in the information required to be disclosed on the principal's registration statement. The amended registration statement shall be filed with the Commission within 14 days after the change occurs, except that if the change is solely as to the number of dues-paying members in the past calendar year, the amended registration statement shall be filed with the Commission within 14 days of the end of the year in which the change occurs.

(b) A lobbyist required to be registered under the act shall file an amended registration statement whenever there is a change of or in the information required to be disclosed on the lobbyist's registration statement.

(1) The amended registration statement shall be filed with the Commission within 14 days after the change occurs.

(2) A change to the identity or name of the principal represented shall require a new registration statement.

(c) The filing of amended registration statements shall be subject to the additional requirements detailed in § 31.9 (relating to amended filings).

§ 33.5. Termination.

(a) A lobbyist or a principal may terminate registration by filing a completed notice of termination with the Commission.

(1) The notice of termination shall be on a form prescribed by the Commission.

(2) A lobbyist may file notices of termination solely as to registration statements which the lobbyist has filed.

(3) A principal may file notices of termination solely as to registration statements which the principal has filed.

(b) A separate notice of termination shall be required for each registration statement.

(c) A notice of termination shall identify the applicable registration statement by the date filed, the name and address of the principal, and the names and addresses of the lobbyists.

(d) A notice of termination may be amended, but cannot be withdrawn.

(e) A registration statement cannot be revived or otherwise made effective after a notice of termination as to the registration statement has been filed.

(f) No lobbying may occur after the filing of a notice of termination unless the lobbying is under a separate registration statement which has already been filed with the Commission and which, at the time of the lobbying, has not been terminated.

(g) A lobbyist or principal filing a notice of termination shall, within 30 days thereafter, file a termination report with the Commission.

(1) Termination reports shall be filed on the quarterly expense report form promulgated by the Commission. The filer shall check the appropriate block on the form to indicate that it is a termination report.

(2) A termination report shall identify the applicable notice of termination by the date filed, the name and address of the principal, and the names and addresses of the lobbyists.

(3) For purposes of determining whether the reporting threshold has been met, expenses shall be accounted for in the period in which incurred, regardless of when paid.

(4) If the total lobbying expenses of the registered principal or registered lobbyist, lobbying on the principal's behalf, or both, from the end of the previous quarterly reporting period through the final day of lobbying are \$500 or less, the termination report may substantively be limited to a statement to that effect, by checking the appropriate block on the form.

(5) If the total lobbying expenses of the registered principal or registered lobbyist, lobbying on the principal's behalf, or both, from the end of the previous quarterly reporting period through the final day of lobbying are in excess of \$500, a termination report by the principal shall include all information required by section 1305(b)(1)—(3), (5) and (7) of the act (relating to reporting), and a termination report by a lobbyist shall include all information required by section 1305(b)(2) and (3) of the act, through the final day of lobbying activity.

(i) Compensation, costs and expenses shall be accounted for in the period in which earned or incurred, regardless of when paid.

(ii) An item previously reported as earned or incurred need not be reported again when actual payments are made.

(6) The filer of the termination report shall give written notice to each public official or employe of the public official's or employe's inclusion in the termination report within 7 days of the submission of the termination report to the Commission. The notice shall include the information which will enable the public official or employe to comply with section 1105(b)(6) and (7) of the Ethics Act (relating to statement of financial interests).

(h) A lobbyist required to be registered under the act shall sign the termination reports and amended termination reports submitted by the principal represented to attest to the validity and accuracy of the reports to the best of the lobbyist's knowledge.

(1) A lobbyist may attach a statement to the report of any principal, describing the limits of the lobbyist's knowledge concerning the expenditures contained in the report.

(2) Lobbyists' statements as to limitations of knowledge shall describe the limitations and the reasons for the limitations with specificity.

(i) A lobbyist required to be registered under the act shall file a separate termination report or a separate amended termination report if, during the period covered by the principal's termination report or amended termination report, the lobbyist engaged in lobbying on behalf of the principal which was not contained in the report.

(1) When more than one lobbyist would be required to file a separate report, they shall have the option of filing the reports jointly.

(i) The joint filing of a separate report does not excuse the various lobbyists involved from the duty to fully comply with the act and this section as to the separate reports.

(ii) The lobbyists joining in a joint report shall sign the report as provided in § 31.10 (relating to filings to be originals signed under oath or affirmation).

(2) The deadline for filing a separate report shall be the 30th day after the date the principal's related report was filed.

(3) Separate reports shall be filed on a form promulgated by the Commission.

(4) A separate termination report or separate amended termination report shall contain the identity of the principal for whom the lobbying was performed.

(5) A separate termination report or separate amended termination report shall include all information required by section 1305(b)(2), (3) and (7) of the act.

(6) A separate termination report or separate amended termination report may include a statement which sets forth, with specificity, the limitations of the lobbyist's knowledge and the reasons for the limitations.

(7) A lobbyist filing a separate termination report or separate amended termination report shall promptly serve it upon the principal.

(8) A lobbyist filing a separate termination report or separate amended termination report shall give written notice to each public official or employe of the public official's or employe's inclusion in the report within 7 days of the submission of the report to the Commission. The notice shall include the information which will enable the public official or employe to comply with section 1105(b)(6) and (7) of the Ethics Act.

(j) After a reasonable review of the termination report, the Commission will issue to the lobbyist or principal who filed the notice of termination a letter stating that the registrant has terminated registration. The letter shall be issued within 90 days after the Commission's receipt of the notice of termination except that the filing of a defective or delinquent termination report shall automatically and correspondingly extend the Commission's deadline for issuing the letter.

(k) The filing of a notice of termination or a termination report, or the issuance of a Commission letter stating that the registrant has terminated registration, does not affect the Commission's authority to conduct audits, investigations, hearings or other proceedings under the act and this part.

CHAPTER 35. REPORTING

- Sec. 35.1. Quarterly expense reports.
- 35.2. Records maintenance, retention and availability.

§ 35.1. Quarterly expense reports.

(a) A quarterly expense report is required to be filed as set forth in this section when the total lobbying expenses of a registered principal or registered lobbyist lobbying on the principal's behalf, or both, exceed \$500 in a quarterly reporting period.

(b) For a quarterly reporting period in which the total lobbying expenses of a registered principal or registered lobbyist lobbying on the principal's behalf, or both, are \$500 or less, a statement to that effect shall be filed with the Commission by checking the appropriate block on the quarterly expense report form.

(c) For purposes of determining whether the reporting threshold has been met, and for filing reports required under sections 1304 and 1305 of the act (relating to registration; and reporting), compensation, costs and ex-

penses shall be accounted for in the period in which earned or incurred, regardless of when paid. An item previously reported as earned or incurred need not be reported again when actual payments are made.

(d) The duty to file a quarterly expense report or statement of failure to meet the reporting threshold is preliminarily placed upon the registered principal. The deadline for a principal to file a quarterly expense report or statement of failure to meet the reporting threshold shall be the 30th day after the quarterly reporting period ends.

(e) A lobbyist required to be registered under the act shall file a separate quarterly expense report or a separate amended quarterly expense report if, during the reporting period, the lobbyist engaged in lobbying which was not contained in the report filed by the principal represented by the lobbyist. The deadline for filing a separate report shall be the 30th day after the date the principal's related report was filed.

(f) Quarterly expense reports, statements of failure to meet the reporting threshold, separate quarterly expense reports by lobbyists and amendments to these shall be filed on forms promulgated by the Commission. Those required to report shall make a good faith effort to include each reportable item in the appropriate category.

(g) A quarterly expense report of a principal required to be registered under the act shall include the following information:

(1) The name, permanent business address and daytime telephone number of any individual, firm, association, corporation, partnership, business trust or business entity which contributed more than 10% of the total resources received by the principal during the reporting period.

(2) The names of all lobbyists, registered or unregistered, by whom the lobbying is conducted, so that if a lobbyist is a firm, association, corporation, partnership, business trust or business entity, its name and the names of the individuals who lobby on behalf of the principal shall be included.

(3) The general subject matter or issue being lobbied, which shall be indicated by checking the appropriate block on the form or completing the category designated "other."

(i) A correlation as to which lobbyists are lobbying on which matters or issues is not required.

(ii) With regard to legislative action, specific bill numbers are not required to be included.

(iii) Except as provided by the act or this part, the specific contents of a particular communication, or the identity of those with whom the communications take place, need not be reported.

(4) A single aggregate good faith estimate of the total amount spent for personnel and office expenses related to lobbying, to be calculated as prescribed by subsection (i).

(5) A single aggregate good faith estimate of the total amount spent for direct communication.

(6) The total costs for gifts, entertainment, meals, transportation, lodging and receptions, given to or provided to State officials or employes or their immediate families.

(7) A single aggregate good faith estimate of the total amount spent for indirect communication.

(8) The information required to be disclosed by section 1305(b)(3) of the act, as detailed by subsections (j) and (k).

(h) A registered principal or registered lobbyist that attempts to influence an agency's preparing, bidding, entering into or approving a contract shall ensure that the related expenses are included in calculating the totals referenced by subsection (g)(4)—(7).

(i) The single aggregate good faith estimate of the total amount spent for personnel and office expenses related to lobbying shall include salaries and other forms of compensation, benefits, vehicle allowances, bonuses and reimbursable expenses for those involved in lobbying, and costs for offices, equipment and supplies utilized for lobbying.

(1) In calculating the single aggregate good faith estimate of the total amount spent for personnel and office expenses related to lobbying, any reasonable accounting method may be used.

(2) Reportable personnel costs include costs for lobbying staff, research and monitoring staff, consultants, lawyers, lobbyists, publications and public relations staff, and technical staff, as well as clerical and administrative support staff who engage in lobbying but who are exempt from reporting under section 1306(6) of the act (relating to exemption from registration and reporting).

(3) Compensation, benefits and expenses of any nature shall be included if paid in furtherance of lobbying.

(4) If compensation is to be reported by or for an individual or entity whose lobbying is incidental to regular employment, it shall be sufficient to report a good faith prorated estimate based on the value of the time devoted to lobbying. The time devoted to lobbying shall include:

- (i) Research time spent in preparation for lobbying.
- (ii) Time spent in direct communication or indirect communication as defined by the act.
- (iii) Other time consumed in furtherance of lobbying for which the individual or entity is compensated or reimbursed.

(5) Reportable costs for offices, equipment and supplies shall include, but not be limited to: the rental value of the physical facilities of an office during the period of time used for lobbying, together with additional charges for utilities, telephone usage, fax, insurance, services, furnishings, computers, printers, systems, copiers, fax machines, office supplies, postage and other costs related to the physical facilities and operation of an office during the period of time used for lobbying.

(j) A quarterly expense report shall also identify, by name, position and each occurrence, the State officials or employees, or both, who received from a principal or lobbyist anything of value which must be included in the statement of financial interests under section 1105(b)(6) or (7) of the Ethics Act (relating to statement of financial interests) as implemented by section 1105(d) of the Ethics Act.

(1) For purposes of the act, the amount referred to in section 1105(b)(7) of the Ethics Act shall be considered an aggregate amount per year.

(2) The reporting of the provision of a gift to a State official or employe shall identify:

(i) The name and position of the State official or employe.

(ii) The name and address of the source of the gift.

(iii) The amount of the gift.

(iv) The circumstances of the gift, including the nature of the gift.

(3) The reporting of the provision of transportation/lodging/hospitality to a State official or employe in connection with public office or employment shall identify the following:

(i) The name and position of the State official or employe.

(ii) The name and address of the source of the payment.

(iii) The amount of the payment.

(k) For purposes of reporting the value of gifts or transportation, lodging or hospitality to be disclosed under section 1304 or 1305 of the act, or under section 1105(b)(6) or (7) of the Ethics Act:

(1) Gifts and hospitality items that are returned unused to the donor within 30 days of the date of receipt need not be reported.

(2) The valuation of a complimentary ticket to a fundraiser shall be based upon the reasonable amount of the goods or services received by the donee.

(3) The value of gifts, transportation, lodging or hospitality shall equal the costs to the registrant if the items or services to be valued were in fact obtained by the registrant in marketplace transactions.

(4) When paragraph (3) is not applicable, the value of the gifts, transportation, lodging or hospitality shall equal the fair market values as determined by the replacement costs, that is, the costs of purchasing the same or similar items or services in marketplace transactions.

(5) When paragraphs (3) and (4) are not applicable, the registrant may use any reasonable method to determine the value of gifts, transportation, lodging or hospitality, but shall include a detailed explanation of the specific method used.

(6) When more than one individual is benefited incident to an occasion or transaction, the registrant may calculate the value of the gifts, transportation, lodging or hospitality provided to a particular individual by one of the following:

(i) Calculating the actual benefit provided to that individual.

(ii) Dividing the totals of expenditures common to more than one beneficiary including that individual by the number of recipients, and adding the resulting figures (quotients) together with the value of all other gifts, transportation, lodging or hospitality provided to that particular individual.

(l) The filer of the quarterly expense report or amended quarterly expense report shall give written notice to each public official or employe of the public official's or employe's inclusion in the report within 7 days of the submission of the report to the Commission. The notice shall include the information which will enable the public official or employe to comply with section 1105(b)(6) and (7) of the Ethics Act.

(m) A lobbyist required to be registered under the act shall sign the quarterly expense reports or amended quarterly expense reports submitted by the principals represented to attest to the validity and accuracy of the reports to the best of the lobbyist's knowledge.

(1) A lobbyist may attach a statement to the quarterly expense report or amended quarterly expense report of any principal, describing the limits of the lobbyist's knowledge concerning the expenditures contained in the report.

(2) Lobbyists' statements as to limitations of knowledge shall be on a form prescribed by the Commission and shall describe the limitations and the reasons for the limitations with specificity.

(n) A lobbyist required to be registered under the act shall file a separate quarterly expense report or a separate amended quarterly expense report if, during the period covered by the principal's quarterly expense report or amended quarterly expense report, the lobbyist engaged in lobbying which was not contained in the report.

(1) When more than one lobbyist would be required to file a separate report, they shall have the option of filing the reports jointly.

(i) The joint filing of a separate report does not excuse the various lobbyists involved from the duty to fully comply with the act and this section as to the separate reports.

(ii) All lobbyists joining in a joint report shall sign the report as provided in § 31.10 (relating to filings to be under oath or affirmation).

(2) The deadline for filing any separate quarterly expense report or separate amended quarterly expense report shall be the 30th day after the date the principal's related report was filed.

(3) Separate quarterly expense reports and separate amended quarterly expense reports shall be filed on a form promulgated by the Commission.

(4) A separate quarterly expense report or separate amended quarterly expense report shall contain the identity of the principal for whom the lobbying was performed.

(5) A separate quarterly expense report or separate amended quarterly expense report shall include all information required by section 1305(b)(2), (3) and (7) of the act.

(6) A separate quarterly expense report or separate amended quarterly expense report may include a statement which sets forth, with specificity, the limitations of the lobbyist's knowledge and the reasons for the limitations.

(7) A lobbyist filing a separate quarterly expense report or separate amended quarterly expense report shall promptly serve it upon the principal.

(8) A lobbyist filing a separate quarterly expense report or separate amended quarterly expense report shall give written notice to each public official or employe of the public official's or employe's inclusion in the report within 7 days of the submission of the report to the Commission. The notice shall include the information which will enable the public official or employe to comply with section 1105(b)(6) and (7) of the Ethics Act.

§ 35.2. Records maintenance, retention and availability.

(a) A registrant shall maintain records of all lobbying activity.

(1) The Commission may promulgate standardized forms for the records, in which case the forms promulgated by the Commission may be used by all principals and lobbyists required to be registered under the act.

(2) Records of lobbying activity shall be maintained in sufficient detail to enable the registrant to fully comply with the act and this part.

(3) The records shall identify the general subject matter or issue being lobbied. Except as provided by the act or this part, the specific contents of a particular communication, or the identity of those with whom the communications take place, need not be recorded.

(b) A registrant may keep records of all lobbying activity separate from records of the registrant's non-lobbying activity.

(1) Records which integrate both lobbying and non-lobbying activities shall be retained and made available for inspection or audit under this section and Chapter 41 (relating to compliance audits).

(2) An expenditure incurred partially in connection with lobbying may be prorated by any reasonable accounting method, but the method used shall be described in detail in the records maintained as to the expenditure.

(c) A registrant shall retain all documents reasonably necessary to substantiate the reports to be made under section 1304 or 1305 of the act (relating to registration; and reporting) for 4 years from the date of filing of the subject report.

(1) The documents shall include, but not be limited to: books, journals, ledgers, accounts, statements, invoices, bills, vouchers, receipts, charge slips, cancelled checks, payroll check stubs, time sheets, tax returns and related forms, contracts, subcontracts, business diaries and calendars, and other related written or computerized records.

(2) Original source records received by the registrant shall be retained in their original form.

(3) Records prepared by the registrant under this section may be in written or computerized/electronic formats.

(4) Computerized/electronic records shall be maintained to enable the Commission or the Office of Attorney General to access all of the recorded information. Passwords or other privacy/security measures shall be memorialized and maintained to enable the Commission or the Office of Attorney General to fully access, identify and use them.

(5) Affidavits may be used if actual records are lost, stolen or destroyed through no fault of the registrant, or are otherwise unavailable, and cannot be recreated from other sources. An affidavit shall be as complete and detailed as is reasonably possible, and shall include the specific reasons for the unavailability of the actual records.

(d) Reportable expenditures shall be supported by original source documents to the extent they are available. If an original source document is not available to support a reportable expenditure, the registrant shall upon payment of the expenditure promptly prepare a written voucher, journal entry, or other written or electronic form of record to document the expenditure, which record shall include a notation of the reason an original source document was not available.

(e) The documents and records maintained and retained to substantiate expenditures shall reflect for each reportable item, the following information:

(1) The full names of the payor and payee.

- (2) The date of the transaction.
- (3) The dates and forms of payments.
- (4) The full name and official position of each State official or employe who was a beneficiary, and the amount of the expenditure reasonably attributable to each of them.
- (5) The number of immediate family members of a State official or employe, who were beneficiaries, and the amount of the expenditures reasonably attributable to them.

(6) A description of the goods or services or other consideration for which the expenditure was made or incurred.

(f) Contributions of resources which are reportable under section 1305(b)(5) of the act shall upon receipt be promptly documented by the registered principal through the preparation of a written receipt, an entry in a journal maintained by the principal, or other written or electronic form of record.

(g) Documents and records maintained and retained to substantiate contributions of resources reportable under section 1305(b)(5) of the act shall reflect for each reportable item, the following information:

- (1) The full names of the donor and donee.
- (2) The amount or value and date of the contribution.
- (3) In the case of a nonmonetary contribution, a description of the goods, services or other forms of resources provided.
- (4) Instructions, directions, conditions, restrictions, limitations or controls provided or imposed by the donor as to the use or disposition of the contribution.

(h) Upon written request by the Office of Attorney General or the Commission, all documents reasonably necessary to substantiate reports made under section 1305 of the act shall be made available for inspection and copying within 30 days.

(1) Either the Office of Attorney General or the Commission may extend this 30-day deadline in connection with its own requests, when circumstances compelling an extended deadline are established.

(2) For computerized/electronic records, the information required to access the recorded information, such as any passwords or other privacy/security measures, shall be provided together with the records.

CHAPTER 37. EXEMPTION FROM REGISTRATION AND REPORTING

Sec.	
37.1.	Qualifications for exemption.
37.2.	Exempt status.

§ 37.1. Qualifications for exemption.

The following individuals and activities shall be exempt from registration under section 1304 of the act (relating to registration) and reporting under section 1305 of the act (relating to reporting):

(1) An individual whose lobbying activities are limited to preparing testimony and testifying before a committee of the General Assembly or participating in an agency administrative proceeding.

(2) An individual who is an employe of an entity engaged in the business of publishing, broadcasting or televising while engaged in the gathering and dissemination of news and comment thereon to the general public in the ordinary course of business.

(3) An individual who does not receive any compensation for lobbying, other than travel expenses.

(4) An individual whose compensation for lobbying, from all principals represented, does not exceed \$2,500 in the aggregate during any reporting period.

(5) An individual who engages in lobbying on behalf of the individual's employer when the lobbying activity represents less than the equivalent of \$2,500 of the employe's time during any reporting period, based on an hourly proration of the employe's compensation.

(6) A principal whose total expenses for lobbying purposes do not exceed \$2,500 during any reporting period.

(7) An elected State officer acting in an official capacity.

(8) A State executive officer appointed by the Governor acting in an official capacity.

(9) An elected or appointed official or employe of a political subdivision acting in an official capacity.

(10) An employe of the Commonwealth or an employe or official of an independent agency of the Commonwealth acting in an official capacity.

(11) An individual representing a bona fide church of which the individual is a member which the lobbying is solely for the purpose of protecting the constitutional right to the free exercise of religion.

(12) An employe, who is not a registered lobbyist, of a corporation which is registered as a principal under section 1304 of the act; has one or more registered lobbyists; and includes in its reports under section 1305 of the act all of the employe's expenses related to lobbying. The failure of the registered principal to include the employe's lobbying-related expenses in its reports under section 1305 of the act will cause the employe to lose the employe's exempt status unless the employe is otherwise exempt under this section.

§ 37.2. Exempt status.

(a) As long as a principal qualifies for exemption under section 1306 of the act (relating to exemption from registration and reporting), the principal is not required to register or report under the act, even if total lobbying expenses for a quarterly reporting period exceed \$500.

(1) Upon losing exempt status, a principal is immediately subject to the registration and reporting requirements of the act.

(2) A principal is not required to retroactively file reports for quarterly reporting periods prior to the loss of exempt status.

(b) As long as a lobbyist qualifies for exemption under section 1306 of the act, the lobbyist is not required to register or report under the act.

(1) The exemption from reporting includes exemption from filing separate quarterly expense reports or separate termination reports.

(2) The exemption from reporting includes exemption from signing reports filed by principals.

(3) Upon losing exempt status, a lobbyist is immediately subject to the registration and reporting requirements of the act.

(4) A lobbyist is not required to retroactively sign or file reports for quarterly reporting periods prior to the loss of exempt status.

CHAPTER 39. OPINIONS AND ADVICES OF COUNSEL

- Sec.
- 39.1. Ethics Act regulations in Part I as to opinions and advices of counsel.
- 39.2. Standing requirements.
- 39.3. Prospective conduct to be reviewed.

§ 39.1. Ethics Act regulations in Part I as to opinions and advices of counsel.

Part I (relating to State Ethics Commission) provisions relating to opinions and advices of counsel will govern to the extent applicable.

§ 39.2. Standing requirements.

(a) An advice or opinion may be requested by a lobbyist, principal, State official or employe, or by his authorized representative, as to his own conduct.

(b) An unauthorized request for an advice or opinion as to the conduct of another shall be considered a "third-party request" and may not be entertained.

§ 39.3. Prospective conduct to be reviewed.

An advice or opinion may only be issued as to prospective—future—conduct.

CHAPTER 41. COMPLIANCE AUDITS

- Sec.
- 41.1. Lotteries.
- 41.2. Number and scope of compliance audits.
- 41.3. Audit procedures.
- 41.4. Audit report.
- 41.5. Confidentiality.

§ 41.1. Lotteries.

(a) Each year, the Commission will initiate, by lottery, random audits of registration statements and disclosure reports required to be filed under the act.

(b) The Commission may hold up to four lotteries per year. The number of lotteries held in a given year will be a matter within the Commission's discretion.

(c) Unless for cause, no lobbyist or principal will be subject to an audit more than once in any biennial registration period.

§ 41.2. Number and scope of compliance audits.

(a) The purpose of conducting the audits shall be to ensure compliance with the act and to review methods of recordkeeping, reporting, training and other areas relating to lobbying activities.

(b) Each year, the number of audits to be conducted will be determined by the Commission through resolutions adopted at public meetings. The number of audits conducted in a given year will depend upon various factors, including the complexity, results and time required to complete the audits.

(c) An audit shall include registration statements and disclosure reports, as well as other relevant information to verify, explain, clarify, support or contravene the registration statements and disclosure reports.

(d) When the records of a principal are audited, the relevant records of any other registrant may also be examined as part of that audit.

(e) When the records of a lobbyist are audited, the relevant records of any other registrant may also be examined as part of that audit.

(f) An audit shall be limited in time to the previous 4 calendar years, except that lobbying activities performed prior to August 1, 1999, will not be audited under the act.

§ 41.3. Audit procedures.

The following general procedures will be employed by the Commission for audits conducted under section 1308(g) of the act (relating to administration and enforcement):

(1) At least 30 days prior to the initiation of the audit, each audit subject will be advised by letter that it was randomly selected for audit and further advised of the time, date, place and general scope as well as a tentative time frame for completion of the audit. The letter will contain a request for documents deemed necessary for conduct of the audit.

(2) Prior to the initiation of the audit, a review of the subject's reports on file with the Commission for a period not to exceed 4 years will be conducted.

(3) The audit will be initiated by way of conference with the audit subject or in the case of a firm, the designated representative thereof.

(i) The audit will include a detailed field examination of the financial records of the audit subject relating to lobbying activities.

(ii) The audit may include independent verification of some or all of the information reported.

(A) The audit may include related records from other sources, in which case the subject of the audit shall cooperate fully and shall execute all waivers, releases or authorizations to allow the Commission to obtain the records.

(B) Registrants shall have an affirmative duty to cooperate fully in any audit of themselves or another registrant.

(iii) The audit may include interviews of lobbyists, principals, representatives and employes thereof and other individuals necessary to the completion of the audit.

(4) A post audit conference will be conducted with the subject of the audit, or in the case of an entity, with the designated representative thereof.

(5) Post audit preparation of a report describes the result of the audit.

§ 41.4. Audit report.

(a) The Division of the Commission that is responsible for performing compliance audits will, at the conclusion of each audit, prepare an audit report which will include findings.

(b) An audit report may include recommendations as to recordkeeping, reporting and other practices arising from the audit.

(c) Upon completion, an audit report will be served upon the principal or lobbyist that is the subject of the audit.

(1) Service of the audit report shall be complete upon mailing.

(2) Within 30 days of service of the audit report, the subject of the audit may file with the Commission a statement setting forth the subject's position as to the audit report.

(d) Audit reports shall be submitted to the Executive Director of the Commission for review, and may form the basis for further proceedings under the act or the Ethics Act.

§ 41.5. Confidentiality.

An audit report and findings will be confidential, except that the Commission will include the relevant portion of an audit as part of its findings of fact in a Commission order which results from an investigation arising out of an audit.

CHAPTER 43. INVESTIGATIONS, HEARINGS AND REFERRALS

Sec.	
43.1.	Intentional violations.
43.2.	Commission proceedings under section 1307 of the act.
43.3.	Commission proceedings under section 1304 or 1305 of the act.

§ 43.1. Intentional violations.

(a) If the Commission after investigation believes an intentional violation of the act has been committed, it will refer all relevant documents and other information to the Office of Attorney General.

(b) Under section 1309(b) of the act (relating to penalties) and § 43.3(c)(16) (relating to Commission proceedings under section 1304 or 1305 of the act), if the Commission finds that a failure to register or report was intentional, it will refer the matter to the Attorney General for investigation and prosecution.

§ 43.2. Commission proceedings under section 1307 of the act.

(a) Upon receipt of a complaint, the Commission, through its Executive Director, will conduct a preliminary inquiry into an alleged negligent violation of section 1307 of the act (relating to prohibited activities).

(b) Upon the own motion of the Executive Director of the Commission, the Commission, through its Executive Director, may conduct a preliminary inquiry into an alleged negligent violation of section 1307 of the act.

(c) Preliminary inquiries will be conducted under the procedures for preliminary inquiries set forth within Part I (relating to State Ethics Commission), to the extent applicable.

(d) The Commission, through its Executive Director, may initiate an investigation and hold a hearing concerning alleged negligent violations of section 1307 of the act by a lobbyist or principal, in accordance with sections 1107 and 1108 of the Ethics Act and, to the extent applicable, the related provisions in Part I.

(1) If the respondent does not submit a timely request for a hearing, the Investigative Division shall have an additional 7 days beyond the respondent's deadline in which to submit a written request for a hearing.

(2) The Commission may sua sponte schedule a hearing if it is determined that a hearing is needed to resolve any contested facts to make a final determination.

(e) The Commission will decide cases, issue orders and rule upon requests for reconsideration concerning alleged negligent violations of section 1307 of the act, in accordance with sections 1107 and 1108 of the Ethics Act (relating to powers and duties of Commission; and investigations by Commission) and, to the extent applicable, the related provisions in Part I.

§ 43.3. Commission proceedings under section 1304 or 1305 of the act.

(a) Commission proceedings under section 1304 or 1305 of the act (relating to registration; and reporting) may be initiated based upon one or more of the following:

(1) Receipt of a complaint.

(2) An audit or related audit conducted by the Commission under Chapter 41 (relating to compliance audits).

(3) Reviews of filings conducted by Commission staff.

(4) Information received that does not satisfy the criteria for a formal complaint.

(5) The own motion of the Executive Director of the Commission, which may be based upon information received, including but not limited to, audits or related audits conducted under Chapter 41.

(b) The Commission, through its Executive Director, will initiate proceedings involving section 1304 or 1305 of the act under either the noninvestigative procedures set forth in subsection (c) or under the investigative procedures in subsection (d).

(1) In each case, the Executive Director of the Commission will elect which process will be followed, which election may be based upon factors, including but not limited to, the following:

(i) The complexity of the matter.

(ii) Whether an investigation is needed to fully review the matter.

(iii) Whether the filer has had prior notice of the requirements of the act.

(iv) Whether the filer has in the past complied with the act.

(2) The election of the process to be followed will not be controlled by the manner in which the alleged negligent violation or noncompliance comes to the attention of the Commission.

(3) If a formal complaint is received alleging a failure to register or report as required by the act, or the filing of a report containing a false statement, the Commission through its Executive Director may elect to proceed in the matter under the noninvestigative procedures of subsection (c) rather than through the investigative procedures of subsection (d).

(i) A complainant will be notified of the Executive Director's election of the process to be followed.

(ii) A complainant will also be notified of the final resolution of the matter.

(4) Information received informally or from an audit or related audit conducted under Chapter 41 may form the basis for proceedings under either the noninvestigative procedures of subsection (c), or, upon the own motion of the Executive Director, the investigative procedures of subsection (d).

(c) The noninvestigative process for matters under section 1304 or 1305 of the act will include the following procedures:

(1) The Executive Director of the Commission will issue a notice of noncompliance to the lobbyist, principal or individual that has failed to register or report as required by the act. A notice of noncompliance may encompass multiple failures to comply with the act.

(2) The notice of noncompliance will state the nature of the alleged noncompliance and the civil and criminal penalties for failing to register, failing to file a report or filing a report containing a false statement. A notice of noncompliance will also advise of the right to a hearing before the Commission and the time and manner in which to request a hearing.

(3) The notice recipient shall have 20 days from the mailing date of the notice of noncompliance in which to cure the noncompliance. If the noncompliance is not cured within that time, the Investigative Division may file with the Commission a petition for civil penalties, which petition shall be served upon the respondent by the Investigative Division.

(4) The petition for civil penalties shall set forth the pertinent factual averments in numbered paragraph form, and shall notify the respondent of the opportunity to file a written answer and to request a hearing in the matter.

(5) An answer to the petition for civil penalties shall be filed (received at the Commission) within 30 days of service of the petition upon the respondent.

(6) An answer to the petition for civil penalties shall specifically admit or deny each of the allegations made in the petition, and shall set forth the facts and state concisely the matters of law upon which the respondent relies. Matters not specifically denied shall be deemed admitted.

(7) Failure to file an answer within the 30-day period or the filing of general denials will be deemed an admission of the averments of the petition for civil penalties.

(8) A request by the respondent for a hearing shall be in writing and be received at the Commission within 30 days of service of the petition for civil penalties upon the respondent.

(i) A request for a hearing may be set forth within an answer to the petition or it may be submitted separately.

(ii) Failure to submit a timely request for a hearing shall be deemed a waiver of a hearing, so that a final order may be entered against the respondent without a hearing.

(9) If the respondent does not submit a timely request for a hearing, the Investigative Division will have an additional 7 days beyond the respondent's deadline in which to submit a written request for a hearing.

(10) The Commission may sua sponte schedule a hearing if it is determined that a hearing is needed to resolve contested facts to make a final determination.

(11) The respondent will be given access to evidence intended to be used by the Investigative Division at the hearing, as well as exculpatory evidence obtained by the Investigative Division.

(12) Access to evidence does not include an original complaint or the name of a complainant, information which is otherwise privileged, or information not within paragraph (11).

(13) A hearing under section 1309 of the act (relating to penalties) will be public and will be conducted by the Commission in accordance with sections 1107(14) and 1108(e) of the Ethics Act (relating to powers and duties of Commission; and investigations by Commission), and to the extent applicable, the related provisions of Part I (relating to State Ethic Commission). The Investigative Division bears the burden of proof.

(14) The hearing officer or the parties may request that briefs be presented. The filing of briefs shall be in accordance with the procedures for filing briefs under Part I to the extent applicable.

(15) After the opportunity for a hearing has been provided, and following the submission of any briefs, the Commission will determine, based upon the record before

it, whether the respondent was required to register or report under the act; whether the failure to register or report was negligent; and if the failure was negligent, the amount of the civil penalty to be imposed.

(16) If the Commission finds that the failure to register or report was intentional, it will refer the matter to the Attorney General for investigation and prosecution.

(17) The determination of the Commission will be in the form of a final order with findings and reasons for the adjudication.

(18) Requests for reconsideration may be submitted to the Commission. The Commission will consider and rule upon requests for reconsideration under Part I to the extent applicable.

(19) The official record of the case before the Commission will be publicly available.

(20) The files of the Investigative Division will not be publicly available.

(d) The investigative process for matters under section 1304 or 1305 of the act (relating to registration; and reporting) shall include the following procedures.

(1) The Commission, through its Executive Director, may conduct a preliminary inquiry into any alleged negligent violation of section 1304 or 1305 of the act. Preliminary inquiries will be conducted under the procedures for preliminary in Part I, to the extent applicable.

(2) The Commission, through its Executive Director, may initiate an investigation and hold a hearing concerning alleged negligent violations of section 1304 or 1305 of the act, in accordance with sections 1107 and 1108 of the Ethics Act (relating to powers and duties of Commission; and investigations by Commission) and, to the extent applicable, the related provisions of Part I.

(i) If the respondent does not submit a timely request for a hearing, the Investigative Division will have an additional 7 days beyond the respondent's deadline in which to submit a written request for a hearing.

(ii) The Commission may sua sponte schedule a hearing if it is determined that a hearing is needed to resolve any contested facts to make a final determination.

(3) The Commission will decide cases, issue orders and rule upon requests for reconsideration concerning alleged negligent violations of section 1304 or 1305 of the act, in accordance with sections 1107 and 1108 of the Ethics Act and, to the extent applicable, the related provisions of Part I.

(e) Following a noninvestigative process under subsection (c), or an investigative process under subsection (d), if the Commission finds negligent failures to register or report as required by the act, the Commission may, upon the majority vote of its members present, levy one or more civil penalties as provided for in this subsection.

(1) Each negligent failure to register or report as required by the act is punishable by a civil penalty of up to \$50 per day for each day the registration statement or report is delinquent or deficient.

(2) A civil penalty shall be calculated from the first day the registration statement or report is delinquent or deficient, through the date a complete and accurate registration statement or report is filed or the Commission decides the matter, whichever first occurs.

(3) In determining whether to impose a civil penalty that is less than \$50-per-day, the Commission may consider factors including the following:

(i) Whether the respondent contacted the Commission or took any meaningful measures to attempt to remedy the delinquency, deficiency or falsehood.

(ii) Whether the respondent has raised any justifiable excuse such as, for example, the following:

(A) The unavailability of records due to loss, theft or destruction through no fault of the respondent.

(B) Incapacitating physical or mental illness, hospitalization, accident involvement, or death of a person required to register or report, a person whose participation is essential to the filing, or a member of the immediate family of the persons.

(iii) Whether the record establishes that the matter involved the first instance that the respondent was subject to the registration/reporting requirements of the act.

(iv) Whether Commission records indicate that the Commission has previously notified the respondent, in writing, of other delinquent, deficient, or false registration statements or reports.

(v) Whether proceedings have previously been initiated against the respondent under the act, either by the Commission or by the Attorney General.

(vi) Whether there are any other factors which should be considered as aggravating or mitigating factors in the case.

(f) The determination of the Commission will be in the form of a final order with findings and reasons for the adjudication.

CHAPTER 45. PROHIBITION AGAINST LOBBYING AS A SANCTION

Sec.

45.1. Basis for prohibition against lobbying.

45.2. Procedures for imposing prohibition against lobbying.

§ 45.1. Basis for prohibition against lobbying.

(a) Under section 1309 of the act (relating to penalties), the Commission may prohibit a lobbyist or principal from lobbying for up to 5 years when the lobbyist or principal has done one or more of the following:

(1) Intentionally failed to register or report as required by the act.

(2) Filed a report under the act with knowledge that the report contained a false statement.

(3) Otherwise intentionally violated the act.

(4) Failed to comply with section 1304, 1305 or 1307 of the act (relating to registration; reporting; and prohibited activities) after notice of noncompliance and after a hearing, if requested.

(b) For the limited purpose of the imposition of a prohibition against lobbying, the respondent shall be deemed to have been notified of noncompliance when served with the following:

(1) A findings report, notice of noncompliance or other form of process which meets the requirements of section 1309(a) of the act.

(2) A Commission order or court order finding the respondent in noncompliance with, or in violation of, the act.

(c) For the limited purpose of the imposition of a prohibition against lobbying, the respondent shall be deemed to have failed to comply after notice of noncompliance if the respondent has not satisfied the requirements

of the act within 30 days of the issuance of a Commission order or court order finding the respondent in noncompliance/violation, or within another time for compliance as specified by the order.

(d) The prohibition against lobbying will not be imposed unless the defendant/respondent has been afforded the opportunity for a hearing as to whether the prohibition should be imposed.

(1) A hearing, if requested, will be conducted by the Commission in accordance with sections 1107(14) and 1108(e) of the Ethics Act (relating to powers and duties of Commission; and investigations by Commission).

(2) The record of the underlying proceeding on violation/noncompliance, as well as relevant evidence of mitigating or aggravating factors, shall be admissible.

§ 45.2. Procedures for imposing prohibition against lobbying.

(a) Giving consideration to the factors set forth in subsection (b)(14), the Commission, through its Executive Director, may institute proceedings to seek the imposition of a prohibition against lobbying.

(b) The procedures for the imposition of a prohibition against lobbying shall be as follows:

(1) The proceedings shall be initiated with the Commission through the filing of a petition by the Investigative Division, which petition shall be served upon the respondent by the Investigative Division.

(2) The petition shall set forth the pertinent factual averments in numbered paragraph form, and shall notify the respondent of the opportunity to file a written answer and to request a hearing in the matter. If the basis for the petition is the failure to comply with a Commission order, the petition shall be docketed to the same number as the base case before the Commission. If the basis for the petition is the failure to comply with a court order, the petition shall be docketed to the same number as the base case before the Commission if there was one, and if not, to a new number.

(3) An answer to the petition shall be filed (received at the Commission) within 30 days of service of the petition upon the respondent.

(4) An answer to the Investigative Division's petition shall specifically admit or deny each of the allegations made in the petition, and shall set forth the facts and state concisely the matters of law upon which the respondent relies. Matters not specifically denied shall be deemed admitted.

(5) Failure to file an answer within the 30-day period or the filing of general denials will be deemed an admission of the averments of the petition seeking the prohibition.

(6) A request by the respondent for a hearing shall be in writing and be received at the Commission within 30 days of service of the petition upon the respondent.

(i) A request for a hearing may be set forth within an answer to the petition or it may be submitted separately.

(ii) Failure to submit a timely request for a hearing will be deemed a waiver of a hearing, so that a final order may be entered against the respondent without a hearing.

(7) If the respondent does not submit a timely request for a hearing, the Investigative Division will have an additional 7 days beyond the respondent's deadline in which to submit a written request for a hearing.

(8) The Commission may sua sponte schedule a hearing if it is determined that a hearing is needed to resolve contested facts to make a final determination.

(9) The respondent will be given access to evidence intended to be used by the Investigative Division at the hearing, as well as exculpatory evidence obtained by the Investigative Division.

(10) Access to evidence does not include an original complaint or the name of a complainant, information which is otherwise privileged or information not within paragraph (9).

(11) A hearing under this chapter will be public and be conducted by the Commission in accordance with sections 1107(14) and 1108(e) of the Ethics Act (relating to powers and duties of Commission; and investigations by Commission), and to the extent applicable, the related provisions of Part I (relating to State Ethics Commission). The Investigative Division bears the burden of proof.

(12) The hearing officer or the parties may request that briefs be presented. The filing of briefs shall be in accordance with the procedures for filing briefs under Part I, to the extent applicable.

(13) After the opportunity for a hearing has been provided, and following the submission of briefs, the Commission will determine, based upon the record before it, whether and for how long a prohibition against lobbying is to be imposed against the respondent.

(14) In determining whether and for how long a prohibition against lobbying is to be imposed against a respondent, the Commission may consider factors including the following:

(i) Whether the respondent contacted the Commission or took any meaningful measures to attempt to remedy the violation or failure to comply.

(ii) Whether the respondent has raised a justifiable excuse.

(iii) Whether the record establishes that the matter involved the first instance that the respondent was subject to the requirements of the act.

(iv) Whether other proceedings have been initiated against the respondent under the act, either by the Commission or by the Attorney General.

(v) Whether there are other factors which should be considered as aggravating or mitigating factors in the case.

(15) The determination of the Commission will be in the form of a final order with findings and reasons for the adjudication.

(16) Requests for reconsideration may be submitted to the Commission. The Commission will consider and rule upon requests for reconsideration under the related provisions of Part I, to the extent applicable.

(17) The official record of the case before the Commission will be publicly available.

(18) The files of the Investigative Division will not be publicly available.

[Pa.B. Doc. No. 99-156. Filed for public inspection January 29, 1999, 9:00 a.m.]

STATE REAL ESTATE COMMISSION

[49 PA. CODE CH. 35]

General Provisions

The State Real Estate Commission (Commission) proposes to amend Chapter 35 to read as set forth in Annex A.

The purpose of the proposal is to update the Commission's existing regulations to address issues of current importance in the real estate industry, and to better serve and protect the interest of consumers who use the services of a licensee in a real estate transaction.

Many of the Commission's regulations have not been updated since 1989, see 19 Pa.B. 781 (February 25, 1989). Other regulations which are proposed to be amended were last revised in 1994, see 24 Pa.B. 2904 (June 11, 1994). This proposed rulemaking is one of several the Commission will propose as part of its ongoing review of its regulations.

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

In compliance with Executive Order 1996-1, the Commission extended an invitation to the following boards and associations to preliminarily review and comment on the Commission's draft regulatory proposal: Pennsylvania Association of Realtors; Realtors Educational Institute; Institute of Real Estate Studies; Polley Associates; Cemetery Association of Pennsylvania; Pennsylvania Bar Association; Allegheny Highland Association; Greater Allegheny-Kiski Area Board; Allegheny Valley Board; Beaver County Association; Bradford-Sullivan County Association; Bucks County Board; Butler County Association; Cambria-Somerset Association; Carbon County Association; Carlisle Association; Central Montgomery County Association; Central Susquehanna Valley Board; Central Westmoreland Board; Centre County Association; Chester County Association; Clearfield-Jefferson Association; Delaware Valley Realtors Association; East Montgomery County Association; Elk-Cameron County Board; Greater Erie Board; Fayette County Board; Franklin County Association; Greenville Area Board; Hanover-Adams County Association; Greater Harrisburg Association; Greater Hazleton Association; Huntingdon County Board; Indiana County Board; Lancaster County Association; Lawrence County Board; Lebanon County Association; Lehigh Valley Association; McKean County Association; Greater Meadville Board; Greater Mercer County Board; Mifflin-Juniata County Board; Mon Yough Association; Monongahela Valley Board; Greater Philadelphia Association; North Central Penn Board; Pike/Wayne Association; Pocono Mountains Association; Reading-Berks Association; Realtors Association of Metropolitan Pittsburgh; Schuylkill County Board; Greater Scranton Association; Tri-State Commercial and Industrial Association; Warren County Board; Washington-Greene Association; West Branch Valley Association; Westmoreland West Association; Greater Wilkes-Barre Association; York County Association; The Pennsylvania Federation of Housing Counselors and Agencies; and The Real Estate Consumer Council.

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

*Description of Proposed Amendments:**§ 35.201. Definitions.*

The Commission proposes to delete references to appraising from the definition of "broker" and "salesperson." The proposed amendments will bring the definitions of "broker" and "salesperson" into conformity with the statutory change of the act of July 2, 1996 (P. L. 460, No. 71) (Act 71) which deleted the words "or appraises" from the Real Estate Licensing and Registration Act (act) (63 P. S. §§ 455.101—455.902).

*§ 35.222. Licensure as broker.**Subsection (b):*

The Commission proposes to amend subsection (b), relating to nonresident brokers, in an effort to facilitate licensure for nonresident brokers who desire to transact business in this Commonwealth, and to facilitate out-of-State licensure for Commonwealth brokers who desire to transact business in other states.

Under current regulations, an individual holding a broker's license issued by another jurisdiction who wants to obtain a Commonwealth broker's license must hold a broker's license issued by another jurisdiction that has been active for 5 years prior to the submission of a Commonwealth license application; have scored a passing grade on the Commonwealth portion of the broker's examination within 3 years prior to the submission of a license application; and satisfy requirements for education and experience under § 35.271 (relating to examination for broker's license).

The experience requirements under § 35.271 include 3 years as a licensed salesperson, with experience qualifications that the Commission considers adequate for practice as a broker, or at least 3 years of other experience, education, or both, that the Commission considers the equivalent of 3 years' experience as a licensed salesperson. The education requirements include 16 credits or 240 hours of instruction in professional real estate education as further delineated by the Commission under subsection (b).

The Commission, in conjunction with regional and National state licensing law groups, is working toward the common goal of removing licensure restrictions which hamper the ability of licensees to practice from state to state. The eventual goal is to achieve uniform licensure requirements with our neighboring states with an eye toward elimination of a separate State licensing examination for nonresidents who wish to practice in this Commonwealth. This would be consistent with the position advocated at the National level by the National Association of Realtors (NAR) and the Association of Real Estate License Law Officials (ARELLO). Both organizations are committed to eliminating additional examination requirements for licensees who wish to be licensed in more than one jurisdiction.

In studying this issue, the Commission discovered that section 602 of the act (63 P. S. § 455.602) does not require that a nonresident be licensed in another jurisdiction for 5 years prior to being eligible to hold a Commonwealth license. Similarly, the act does not require that a nonresident satisfy equivalent educational requirements as a prerequisite for licensure in this Commonwealth. The act requires only that nonresidents meet equivalent experience requirements "and other standards and qualifications as the Commission shall by rule provide. . . ."

In the Commission's view, qualified brokers and salespersons from other states should be permitted to practice

in this Commonwealth based upon their acquisition and possession of a current license in another state with a minimum of restriction. This belief is based, in part, upon the Commission's underlying recognition that over the years an increasing number of real estate transactions are having some aspect of interstate character. Recognizing another state's license as establishing the prerequisite knowledge and experience in real estate transactions enables the public to take advantage of a wider range of services and enhances competition. The Commission therefore proposes to amend subsection (b) by granting a broker's license to an individual holding a broker's license issued by another jurisdiction who meets substantially equivalent experience requirements of § 35.271(a)(3), and who satisfies the requirements of paragraphs (1)—(3).

As proposed, paragraph (1) would require applicants to have scored a passing grade on the Pennsylvania portion of the broker's examination within 3 years prior to submission of a properly completed license application. The Commission wishes to eliminate this requirement eventually but believes that until licensure requirements are substantially uniform among the states, Commonwealth consumers will be better served by licensees who can demonstrate their competency of the Commonwealth's law and regulations.

Paragraph (2) would require applicants to possess either a current broker's or associate broker's license issued by another jurisdiction prior to submission of a properly completed application. Consistent with the Commission's view that qualified brokers and salespersons from other states should be permitted to practice in this Commonwealth based upon their acquisition and possession of a current license in another state with a minimum of restriction, the current requirement that an applicant possess the license for 5 years would be eliminated.

Paragraph (3)(i) would require the applicant to submit a completed license application to the Commission containing a signed affidavit attesting that the individual has received a copy of the act and regulations of the Commission and has read, understands and agrees to comply with all provisions of the act and regulations while performing real estate activities in this Commonwealth. It is anticipated that this provision, in time, will replace the requirement that an applicant score a passing grade on the Pennsylvania portion of the broker's examination. In the interim, the requirement will help to ensure that licensees from other states who practice in this Commonwealth are familiar with and understand the laws and regulations governing real estate activities in this Commonwealth.

Subparagraph (ii) would refer the applicant to the requirement under § 35.221(3) (relating to general requirements) that the applicant sign a written consent to service of process. Subparagraph (iii) would require the individual to sign an affidavit agreeing to cooperate with any investigation and to provide information requested by the Commission or any of its authorized agents as a result of a formal or informal complaint to the Commission indicating a violation of the act. This requirement is consistent with section 604(a)(17) of the act (63 P. S. § 455.604(a)(17)).

Under subparagraph (iv), an applicant would be required to submit a certification from the real estate licensing authority of the other jurisdiction containing: the applicant's license number and confirmation that the applicant obtained initial licensure by written examination; confirmation that the applicant's license is current and in good standing; a description of any past disciplin-

ary action taken by the licensing authority against the applicant; and, the applicant's office address. If the applicant is an associate broker, the name and address of the applicant's employer would be required. With the exception of the 5 year licensure requirement, this language is similar to what appears in the current regulations under paragraph (4).

Finally, subsection (c) would require that an applicant for an associate broker's license satisfy the requirements of subsection (b) and submit a sworn statement from a licensed Commonwealth broker with whom the applicant will be affiliated, certifying that he will actively supervise the applicant.

§ 35.223. Licensure as salesperson.

Subsection (b):

The Commission proposes amendments to § 35.223(b) similar to those proposed to § 35.222(b). Neither the act nor the regulations of the Commission require an applicant for a salesperson's license to acquire experience prior to licensure. Therefore, the primary difference between proposed § 35.223(b) and proposed § 35.222(b) is the requirement that a nonresident who desires to hold a Commonwealth salesperson's license meet substantially equivalent education requirements of § 35.272 (relating to examination for salesperson's license) and satisfy the requirements of paragraphs (1)—(3).

With one exception, the requirements of paragraphs (1)—(3) parallel the requirements proposed under § 35.222(b). The major difference in these two proposals is found in paragraph (3)(ii) and (iii). As proposed, paragraph (3)(ii) would require a nonresident salesperson or broker to include with his license application a sworn statement from a licensed Commonwealth broker with whom the applicant will be affiliated attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence, and certifying that he will actively supervise and train the applicant. Paragraph (3)(iii) would also require that the license application include official transcripts evidencing the acquisition of degrees or course credits required by § 35.272(a)(2).

§ 35.245. Display of licenses in office.

Currently, § 35.245 requires the display of a license in a conspicuous place at the office out of which the licensee works. The Commission proposes to amend this section to conform with industry practice and to ensure compliance with section 601 of the act (63 P. S. § 455.601). In the first instance, licenses would be required to be on file and readily available for inspection in the main office or an office designated by the broker within this Commonwealth. In the second instance, a photocopy of the license would be displayed in a conspicuous place in the main or branch office out of which the licensee works. As amended, the regulation will ensure that anyone, that is, a consumer or an inspector, will have access to information to verify the licensure status of a licensee.

§ 35.271. Examination for broker's license.

Subsection (b)(2):

Under current regulations, at least eight of the required 16 credits of real estate instruction shall be in four or more of the Commission-developed courses listed in paragraph (2). The remaining eight credits must be in real estate courses, but, licensees are free to elect the course topics.

The Commission proposes to amend subsection (b)(2) to require that two of the required 16 education credits shall

be in a Commission-developed or approved real estate office management course and that two of the required 16 credits be in a Commission-developed or approved law course.

Brokers are responsible for the overall operation of a real estate office and have the legal responsibility to supervise the activities of their licensed salespersons or associate brokers. Yet, there is no requirement that an individual receive office management or supervisory training prior to obtaining a broker's license. Moreover, many consumer complaints which are filed against brokers relate to poor office policies or management, or both, and to issues associated with changes in the law—for example, seller disclosure, lead-based paint disclosure and agency. With this proposal, the Commission hopes to impart office management skills on newly licensed brokers and to ensure that newly licensed brokers are aware of new laws as they develop in today's practice.

Editorial changes are proposed to subsection (b)(2)(vii), (ix) and (x) consistent with the amendments to subsection (b)(2). The Commission also proposes to remove courses currently entitled "Appraisal of Residential Property" and "Appraisal of Income-Producing Property" in subparagraphs (ix) and (x), respectively. These courses would be re-titled "Valuation of Residential Property" and "Valuation of Income Producing Property." Under Act 71, effective September 3, 1998, all real estate appraisal activities will be under the jurisdiction of the State Board of Certified Real Estate Appraisers. Since brokers will continue to be able to perform comparative market analyses, the new course titles will more accurately reflect the subject matter content of these courses.

Subsections (b)(3)(iii) and (iv):

Under subsection (b)(3)(iii), a real estate course offered by a real estate school outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the school is located may be counted toward satisfying the education requirement. The Commission proposes to add language to this provision to require that the course transcript or certificate of completion provided by schools outside this Commonwealth state that the course is approved by the licensing authority of the jurisdiction where the school is located. This will shorten administrative review and speed the issuance of licenses.

The Commission also proposes to amend subsection (b)(3)(iv) to allow a real estate course which is offered by an industry organization outside of this Commonwealth to be counted toward satisfying the education requirement if the course is approved by the licensing jurisdiction of another state. As proposed, language would also be added to require the course transcript or certificate of completion to state that the course is approved by the licensing jurisdiction which has approved it. Under current regulations, the course would only be acceptable towards satisfying the education requirement if the course was also offered by a real estate school in this Commonwealth. The Commission has determined that the regulation as written unduly limits some very suitable and appropriate courses that otherwise would not be available in this Commonwealth. As long as the course is an acceptable real estate course which is approved by the licensing jurisdiction of another state, it should not matter whether the course is also offered by a real estate school in this Commonwealth.

Subsection (b)(4):

Under Act 71, effective September 3, 1998, all real estate appraisal activity will be transferred to the juris-

diction of the State Board of Certified Real Estate Appraisers. The Commission therefore proposes to delete from subsection (b)(4), language that allowed a maximum of six credits for courses in real estate appraisal under subsection (b)(2).

§ 35.281. Putting contracts, commitments and agreements in writing.

Editorial amendments are proposed to subsections (a) and (b). The Commission proposes to delete reference to an oral open listing agreement in subsection (b) because the reference is contradictory to the requirement in subsection (a) that agreements in connection with a real estate transaction be in writing.

§ 35.287. Supervised property management assistance by salespersons.

The Commission proposes to delete language under subsection (a) that allows a salesperson to assist in the preparation of an appraisal by the employing broker or an associate broker. Effective September 3, 1998, all real estate appraisal activities now fall under the jurisdiction of the State Board of Certified Real Estate Appraisers.

§ 35.304. Disclosure of licensure when advertising own real estate.

Amendments are proposed to § 35.304 to require that any licensee who sells or leases his own real estate shall disclose his licensure status in advertisements for the property. As currently written, the regulation applies only to brokers who sell or lease their own property. The current language is inconsistent with § 35.288(a) (relating to duties when selling or leasing own real estate). As proposed, the amendment will clarify that disclosure is required of all licensees. The proposed amendment will also ensure that consumers who independently negotiate with a licensee will be on notice that they are dealing with an individual who has more training and experience on real estate issues than the average consumer.

§ 35.305. Business name on advertisements.

Several amendments are proposed to § 35.305. The amendments to subsection (a) are editorial in nature. This subsection would advise brokerage companies, cemetery companies and rental listing referral agencies of their responsibility to advertise or otherwise hold themselves out to the public only under the business name designated on their license.

Subsection (b), as proposed, would permit licensees other than brokerage companies, cemetery companies and rental listing referral agencies, to use and advertise nicknames, that is, Jack v. John or Margaret v. Peggy if the names are included on their licensure applications or biennial renewal applications, or both. The inclusion of this information on application materials will enable the Commission to readily identify the individual on its computer tracking system if inquiry is made by the public about the licensure status of the individual. Currently, individuals are tracked only by the names appearing on their application and licensure documents. Nicknames are not included.

The proposed amendments to subsection (c) would delete the requirement that the telephone number of the employing broker be given greater prominence in an advertisement than the telephone number of the employee. Although the employing broker's telephone number must appear in the advertisement, as long as the name of the employing broker is given greater prominence in the advertisement than the name of the employee, the Commission is of the view that the telephone number of the

broker need only appear in a size equal to the telephone number of the employee. The purpose of the regulation is to ensure that a consumer will know the name and telephone number of the broker who, by law, is responsible for the activities of the employee. The proposed amendment should accomplish this objective without imposing additional advertising costs on the employee.

§ 35.308. Relationship with educational institution.

The proposed amendments to § 35.308 would delete the prohibition against a real estate company, franchise or network promoting, endorsing or advertising its association, affiliation or connection with a real estate school, college, university or institute of higher learning regarding its offering of real estate instruction. If the association, affiliation or connection includes an ownership interest, the proposed amendments would require full disclosure of the interest in all promotions, endorsements or advertisements. As proposed, an ownership interest would be defined to include proprietary or beneficial interests through which the real estate company, franchise or network earns or has the potential to earn income, or which produces a direct or indirect economic interest.

§ 35.321. Duty to deposit money belonging to another into escrow account.

The Commission's regulations relating to escrow requirements are in need of substantial amendments to better serve consumers and the regulated community.

As proposed, subsection (a) would be amended to provide an exception to the requirement that a broker deposit all moneys received by him into an escrow account to be held pending consummation of a transaction. The exception is set forth in the proposed amendments to § 35.322 (relating to transfer of escrow funds).

The proposed amendments to subsection (e) would allow a broker to transfer a security deposit that he receives belonging to another from the broker's escrow account to the escrow account of the lessor or the lessor's broker in the event of a sale of the leased property or a change in the property management agreement during the term of the tenancy. The transfer would be conditional upon the broker providing notification in writing to each tenant from whom the broker received such a deposit of the name and address of the banking institution in which the deposits will be held, and the amount of the deposits. The existing regulation fails to contemplate a sale of the leased premises or a change in the property management agreement during the term of a tenancy. As currently written, the regulation requires that the original broker continue to hold the deposits until the tenancy ends, regardless of whether the new lessor wants to continue to use that broker's services, to manage the property himself or to use the services of another broker.

§ 35.322. Transfer of escrow funds.

The proposed amendments to § 35.322 would permit the buyer and the seller or the lessor and the lessee, at any time, by separate written agreement, to direct the broker to transfer escrow funds being held by the broker to either the buyer or the seller, the lessor or the lessee or a bona fide escrow agent, for example, an attorney, a title company or a real estate brokerage company. Under current regulations, a broker's escrow duty may not be altered by agreement between the parties to the transaction. Therefore, the moment that a broker deposits funds belonging to another into escrow, the principals to the transaction lose their right to agree to a subsequent transfer of these funds. The Commission has found that

this regulation unduly infringes upon the contractual rights of the parties and has proved to be cumbersome not only for consumers of real estate services, but, for licensees as well.

§ 35.327. Procedure when entitlement to money held in escrow is disputed.

The proposed amendments to § 35.327 are intended to establish a fair and equitable procedure for the return of escrow money when entitlement to the money is disputed.

Currently, if the parties to a real estate sales or lease transaction dispute entitlement to escrow funds, § 35.327 compels the broker to hold the money in escrow until the dispute is resolved. Sometimes, the parties take no action to resolve the dispute. Nonetheless, the broker must continue to hold that money in escrow regardless of whether the payor-buyer has abandoned any claim to the earnest money deposit, or whether the payor-buyer's entitlement to the money is clear (for example, a contingency in the purchase agreement has not been met). Although current regulations allow a broker, following 30 days' notice to the parties, to petition the county court having jurisdiction in the matter to interplead the rival claimants, this procedure is only available when a civil action has been commenced by one of the parties against the other. When a case is not already before the court and there are no "rival claimants," a broker cannot petition the court to interplead the rival claimants. Moreover, frequently the dollar amount of the escrow deposit does not justify litigation costs.

The new proposal attempts to address these issues. As proposed, § 35.327 would be divided into three subsections, (a) through (c). Proposed subsection (a) would still require a broker to retain an earnest money deposit in escrow until either a written release is obtained from all parties consenting to its disposition, or a civil action is filed by one of the parties to determine its disposition. If a civil action is filed, the broker may petition the county court having jurisdiction in the matter to interplead the rival claimants and may, with written notice to the parties, deduct the costs incurred by the broker to interplead the claimants from the funds being held in escrow. The Commission believes that in the case of a dispute the parties should bear the cost of its resolution.

Proposed subsection (b) addresses the situation when there is a dispute between the parties over entitlement to moneys being held in escrow, but, no written release is signed and no civil action is filed to determine its disposition. In this instance, a broker would be permitted, after written notice to the parties and after the passage of 180 calendar days from the date of the proposed settlement, to either return the earnest money deposit to the payor-buyer, when the broker in good faith believes that a contingency in the purchase agreement has not been met, or pay out the deposit to a seller when the broker in good faith believes that the payor-buyer has abandoned any claim to the deposit. Although the broker could still stand subject to a civil action being filed against him by a disgruntled seller or the payor-buyer, under proposed subsection (c), the broker would not stand subject to disciplinary action by the Commission for paying out the deposit under these conditions.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 20, 1999, the Commission submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional

Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendments, the Commission has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

Fiscal Impact and Paperwork Requirements

The proposed amendments should have no fiscal impact on the Commonwealth, its political subdivisions or the public, that is, the regulated community. Likewise, the proposed amendments should not necessitate any legal, accounting, reporting or other paperwork requirements on the regulated community.

Statutory Authority

The amendments are proposed under the authority of sections 404 and 602 of the act (63 P. S. §§ 455.404 and 455.602).

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Judith Pachter Schulder, Counsel, State Real Estate Commission, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

HARVEY M. LEVIN,
Chairperson

Fiscal Note: 16A-560. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION

Subchapter B. GENERAL PROVISIONS

§ 35.201. Definitions.

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

* * * * *

Broker—An individual or entity that, for another and for a fee, commission or other valuable consideration, does one or more of the following:

* * * * *

(iii) Manages [or appraises] real estate.

* * * * *

Salesperson—An individual who is employed by a broker to do one or more of the following:

* * * * *

(vii) Assist a broker in managing [or appraising] property.

* * * * *

**Subchapter C. LICENSURE
LICENSURE REQUIREMENTS**

§ 35.222. Licensure as broker.

* * * * *

(b) [An individual holding a broker's license issued by another jurisdiction who wants to obtain a Pennsylvania broker's license either shall comply with subsection (a) or shall:

(1) Possess a broker's license issued by another jurisdiction that has been active within 5 years prior to the submission of a properly completed license application.

(2) Have scored a passing grade on the Pennsylvania portion of the broker's examination within 3 years prior to the submission of a properly completed license application. See § 35.271.

(3) Comply with §§ 35.241 and 35.242.

(4) Submit a completed license application to the Commission with a certification from the real estate licensing authority of the other jurisdiction containing the following information:

(i) The applicant's license number, the date of issuance of the license and confirmation that the applicant obtained initial licensure by written examination.

(ii) Whether the license has been active within the past 5 years.

(iii) A description of past disciplinary action taken by the licensing authority against the applicant.

(iv) The applicant's office address and the name of the applicant's employer.]

The Commission will grant a broker's license to an individual holding a broker's license issued by another jurisdiction who meets substantially equivalent experience requirements of § 35.271(a)(3), and who satisfies the following requirements:

(1) Has scored a passing grade on the Pennsylvania portion of the broker's examination within 3 years prior to the submission of a properly completed license application.

(2) Possesses a current broker's or associate broker's license issued by another jurisdiction prior to the submission of a properly completed license application.

(3) Submits a completed license application to the Commission containing:

(i) A signed affidavit attesting that the individual has received a copy of the act and this chapter and has read, understands and agrees to comply with the act and this chapter while performing real estate activities in this Commonwealth.

(ii) A signed written consent to service of process as required under section § 35.221(3) (relating to general requirements).

(iii) A signed affidavit agreeing to cooperate with any investigation and to provide information requested by the Commission or any of its authorized agents as a result of a formal or informal complaint to the Commission indicating a violation of the act.

(iv) A certification from the real estate licensing authority of the other jurisdiction containing:

(A) The applicant's license number, the date of issuance of the license and confirmation that the applicant obtained initial licensure by written examination.

(B) Confirmation that the applicant's license is current and in good standing.

(C) A description of any past disciplinary action taken by the licensing authority against the applicant.

(D) The applicant's office address and, if an associate broker, the name of the applicant's employer.

(c) An applicant for an associate broker's license shall satisfy the requirements of subsection (b) and submit an affidavit from a licensed Pennsylvania broker with whom the applicant will be affiliated:

(1) Attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence.

(2) Certifying that he will actively supervise the applicant.

[(c)] (d) * * *

* * * * *

§ 35.223. Licensure as salesperson.

* * * * *

(b) [An individual holding a broker's or salesperson's license issued by another jurisdiction who wants to obtain a Pennsylvania salesperson's license shall comply with subsection (a) or shall:

(1) Possess a broker's or salesperson's license issued by another jurisdiction that has been active within 5 years prior to the submission of a properly completed license application.

(2) Have scored a passing grade on the Pennsylvania portion of the salesperson's examination within 3 years prior to the submission of a properly completed license application. See § 35.272.

(3) Submit a completed license application to the Commission with a certification from the real estate licensing authority of the other jurisdiction containing the following information:

(i) The applicant's license number, the date of issuance of the license and confirmation that the applicant obtained initial licensure by written examination.

(ii) An indication of whether the license has been active within the past 5 years.

(iii) A description of past disciplinary action taken by the licensing authority against the applicant.

(iv) The applicant's office address and name of the applicant's employer.]

The Commission will grant a salesperson's license to an individual holding a broker's or salesperson's license issued by another jurisdiction who meets substantially equivalent education requirements of § 35.272, and satisfies the following requirements:

(1) Has scored a passing grade on the Pennsylvania portion of the salesperson's examination within 3 years prior to the submission of a properly completed license application.

(2) Possesses a current broker's or salesperson's license issued by another jurisdiction prior to the submission of a properly completed license application.

(3) Submits a completed license application to the Commission containing:

(i) A signed affidavit attesting that the individual has received a copy of the act and the regulations of the Commission and has read, understands and agrees to comply with the act and this chapter while performing real estate activities in this Commonwealth.

(ii) A sworn statement from a licensed Pennsylvania broker with whom the applicant will be affiliated:

(A) Attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence.

(B) Certifying that he will actively supervise and train the applicant.

(iii) Official transcripts evidencing the acquisition of degrees or course credits required by § 35.272(a)(2).

(iv) A certification from the real estate licensing authority of the other jurisdiction containing:

(A) The applicant's license number, the date of issuance of the license and confirmation that the applicant obtained initial licensure by written examination.

(B) Confirmation that the applicant's license is current and in good standing.

(C) A description of any past disciplinary action taken by the licensing authority against the applicant.

(v) The applicant's office address and name of the applicant's employer.

(vi) A written consent to service of process as required under § 35.221(3) (relating to general requirements).

(vii) An affidavit agreeing to cooperate with any investigation and to provide information requested by the Commission or any of its authorized agents as a result of a formal or informal complaint to the Commission indicating a violation of the act.

OFFICES

§ 35.245. Display of licenses in office.

* * * * *

(b) The current license of an associate broker, salesperson, associate cemetery broker or cemetery salesperson shall be [displayed in a conspicuous place at the office out of which the licensee works] on file and readily available for inspection in the main office or an office designated by the broker within this

Commonwealth. A photocopy of the license shall be displayed in a conspicuous place in the main or branch office out of which the licensee works.

* * * * *

Subchapter D. LICENSING EXAMINATIONS

§ 35.271. Examination for broker's license.

* * * * *

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirement of subsection (a)(4):

* * * * *

(2) Except as provided in paragraph (6), [at least eight] two of the required 16 credits shall be in [real estate courses in four] a Commission-developed or approved real estate office management course and two of the required 16 credits shall be in a Commission-developed or approved law course. At least six of the remaining 12 credits shall be in three or more of the Commission-developed courses listed in this paragraph. The remaining [eight] six credits shall be in real estate courses but not necessarily those listed in this paragraph. A candidate may not apply credits used to qualify for the salesperson's examination toward fulfillment of the broker education requirement.

* * * * *

(vii) [Real Estate Brokerage and Office Management.

(viii)] Residential Construction.

[(ix) Appraisal] (viii) Valuation of Residential Property.

[(x) Appraisal] (ix) Valuation of Income-Producing Property.

(3) To be counted toward the education requirement, a real estate course shall have been offered by:

* * * * *

(iii) A real estate school outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the school is located. The course transcript or certificate of completion shall state that the course is approved by the licensing authority of the jurisdiction where the school is located.

(iv) A real estate industry organization outside this Commonwealth, if the course is [also offered by a real estate school in this Commonwealth approved by the Commission] approved by the licensing jurisdiction of another state. The course transcript or certificate of completion shall state that the course is approved by the licensing jurisdiction which has approved it.

(4) A maximum of four credits will be allowed for each real estate course. A maximum of four credits will be allowed for each area of real estate study listed in paragraph (2) [, except that a maximum of six credits will be allowed for courses in Real Estate Appraisal].

* * * * *

Subchapter E. STANDARDS OF CONDUCT AND PRACTICE

GENERAL ETHICAL RESPONSIBILITIES

§ 35.281. Putting contracts, commitments and agreements in writing.

(a) A licensee who acts in a representative capacity [**in connection with a real estate transaction**] shall ensure that sale or lease contracts, commitments and agreements [**regarding the**] in connection with a real estate transaction that he has knowledge of, or that he reasonably should be expected to have knowledge of, are in writing.

(b) A licensee who enters into an [**oral**] open listing agreement shall provide the seller or lessor with a written memorandum stating the terms of the agreement.

* * * * *

§ 35.287. Supervised [**appraisal and] property management assistance by salespersons.**

[(a) A salesperson may assist in the preparation of an appraisal by the employing broker or an associate broker, if the employing broker or associate broker:

(1) Directly supervises and controls the salesperson's work, assuming total responsibility for the contents of the appraisal documents and value conclusions. The salesperson may not arrive at an independent determination of value.

(2) Personally makes a physical inspection of the interior and exterior of the subject property.

(3) Signs the appraisal document as "appraiser" and has the salesperson sign as "assistant to the appraiser."

(b)] A salesperson may assist in the management of real estate if the salesperson's work is directly supervised and controlled by the employing broker. The salesperson may not independently negotiate the terms of a lease nor execute a lease on behalf of the lessor.

ADVERTISING AND SOLICITATION

§ 35.304. Disclosure of licensure when advertising own real estate.

A [**broker**] licensee who sells or leases his own real estate shall disclose that he is a real estate [**broker**] licensee in advertisements for the property. **This requirement does not apply if the property is listed with a real estate company.**

§ 35.305. Business name on advertisements.

(a) [A broker, cemetery broker or rental listing referral agent] Brokerage companies, including sole proprietorships, cemetery companies and rental listing referral agencies shall advertise or otherwise hold [**himself**] themselves out to the public only under the business name designated on [**the**] their license.

(b) Individual brokers of record, associate brokers, salespersons, cemetery associate brokers, cemetery salespersons and rental listing referral agents who wish to use and advertise nicknames (for example, Jack v. John or Margaret v. Peggy),

shall include the names on their licensure applications or their biennial renewal applications, or both.

[(b)] (c) An advertisement by an associate broker, salesperson, cemetery associate broker or cemetery salesperson shall contain the business name and telephone number of the employing broker. The name [**and telephone number**] of the employing broker shall be given greater prominence in the advertisement than the name [**and telephone number**] of the employe. **The telephone number of the employing broker shall be at least equal in size in the advertisement to the telephone number of the employe.**

§ 35.308. Relationship with educational institution.

A real estate company, franchise or network may [**not**] promote, endorse or advertise its association, affiliation or connection with a real estate school or with a college, university or institute of higher learning regarding its offering of real estate instruction. [**This prohibition does not apply to individual licensees.**] An association, affiliation or connection which includes an ownership interest shall be disclosed in promotions, endorsements or advertisements. For purposes of this section, an ownership interest will be considered by the Commission to include proprietary or beneficial interests through which the real estate company, franchise or network earns or has the potential to earn income, or which produces a direct or indirect economic benefit.

ESCROW REQUIREMENTS

§ 35.321. Duty to deposit money belonging to another into escrow account.

(a) Except as provided in subsection (b) and § 35.322 (relating to transfer of escrow funds), a broker shall deposit money that he receives belonging to another into an escrow account in a Federally or State-insured bank or depository to be held pending consummation of the transaction, or a prior termination thereof that does not involve a dispute between the parties to the transaction, at which time the broker shall pay over the full amount to the party entitled to receive it. If a broker is a partnership, association or corporation, its broker of record shall be responsible for ensuring that the escrow duty is performed.

* * * * *

(e) If a broker receives a security deposit belonging to another under a lease agreement, the broker's duty to pay over the deposit, for purposes of subsection (a), shall arise when the tenancy ends. **If a sale of the leased premises or a change in a property management contract occurs during the term of the tenancy, the broker may transfer the security deposit from the broker's escrow account to the escrow account of the lessor or the lessor's broker upon notification in writing to each tenant from whom the broker received such a deposit of the name and address of the banking institution in which the deposits will be held, and the amount of the deposits.**

§ 35.322. [Nonwaiver of escrow duty] Transfer of escrow funds.

[A broker's escrow duty may not be waived or altered by an agreement between the parties to the transaction, between the broker and the parties, or between the broker and other brokers who may be

involved in the transaction.] The buyer and the seller or the lessor and the lessee may, at any time, by separate written agreement, direct the broker to transfer escrow funds to either the buyer or the seller, the lessor or the lessee or a bona fide escrow agent—for example, an attorney, a title company or a real estate brokerage company.

§ 35.327. Procedure when entitlement to money held in escrow is disputed.

[If a dispute arises between the parties to a real estate transaction over entitlement to money that is being held in escrow by a broker, the broker shall retain the money in escrow until the dispute is resolved. If resolution of the dispute appears remote without legal action, the broker may, following 30 days' notice to the parties, petition the county court having jurisdiction in the matter to interplead the rival claimants.]

(a) In the event of a dispute over the return or forfeiture of any earnest money deposit held by a broker, the broker shall continue to hold the deposit in escrow until a written release is obtained from all parties consenting to its disposition or until a civil action is filed to determine its disposi-

tion, at which time the broker may petition the county court having jurisdiction in the matter to interplead the rival claimants. The costs incurred by the broker to interplead the rival claimants may, with written notice to the parties, be deducted from the funds being held in escrow.

(b) If the parties have not released the broker and a civil action has not been filed 180 days after the settlement date, the broker may, after written notice to the parties, do one of the following:

(1) Return the earnest money to the payor-buyer when the broker in good faith believes that the payor-buyer is entitled to it because a contingency in the purchase agreement has not been met.

(2) Pay out the earnest money to the seller when the broker in good faith believes that the payor-buyer has abandoned any claim to it.

(c) A broker will not be subject to disciplinary action by the Commission for returning the earnest money to either party under subsection (b).

[Pa.B. Doc. No. 99-157. Filed for public inspection January 29, 1999, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective January 11, 1999.

The organization chart at 29 Pa.B. 575 (January 30, 1999) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 99-158. Filed for public inspection January 29, 1999, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

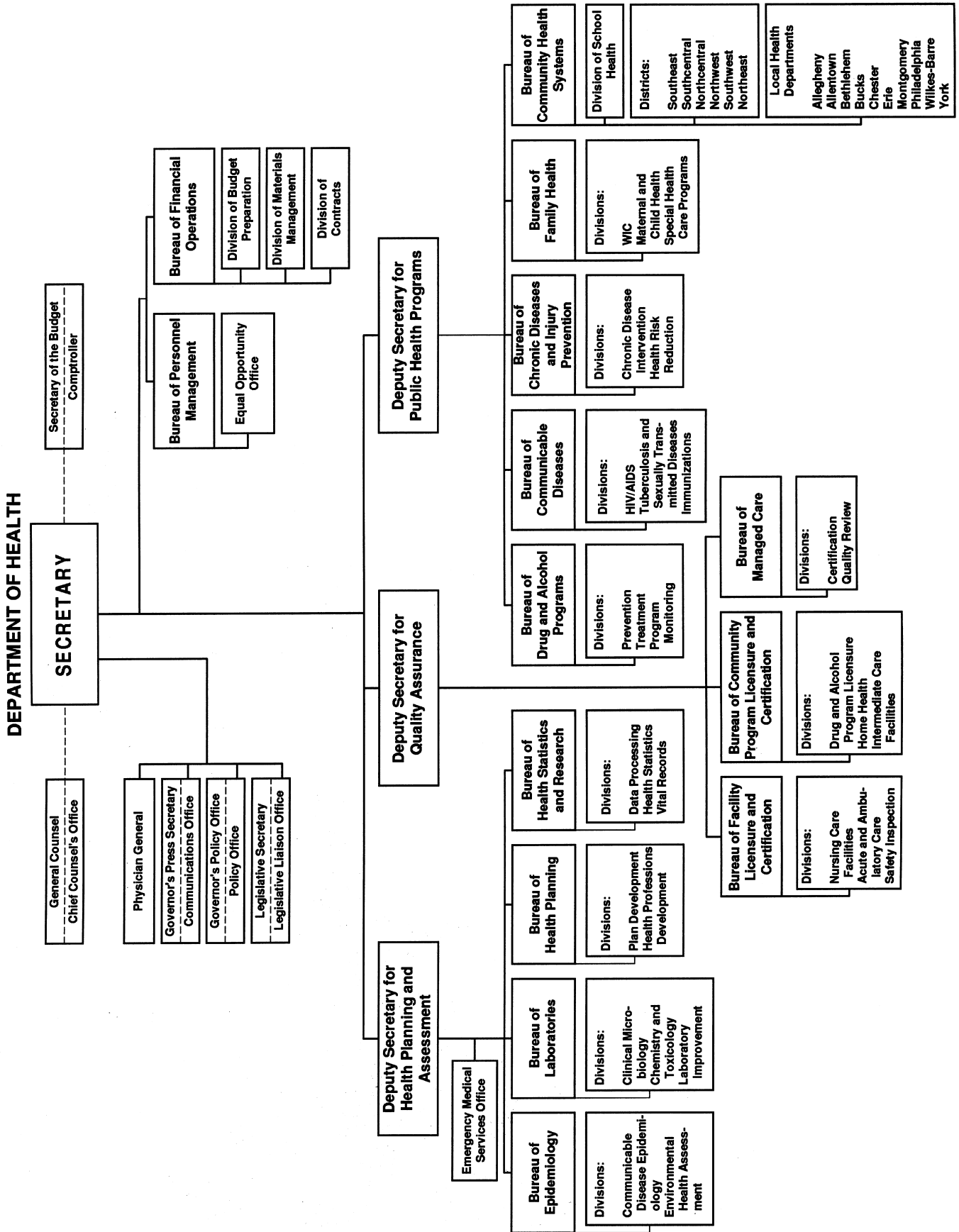
Reorganization of the Department of Transportation

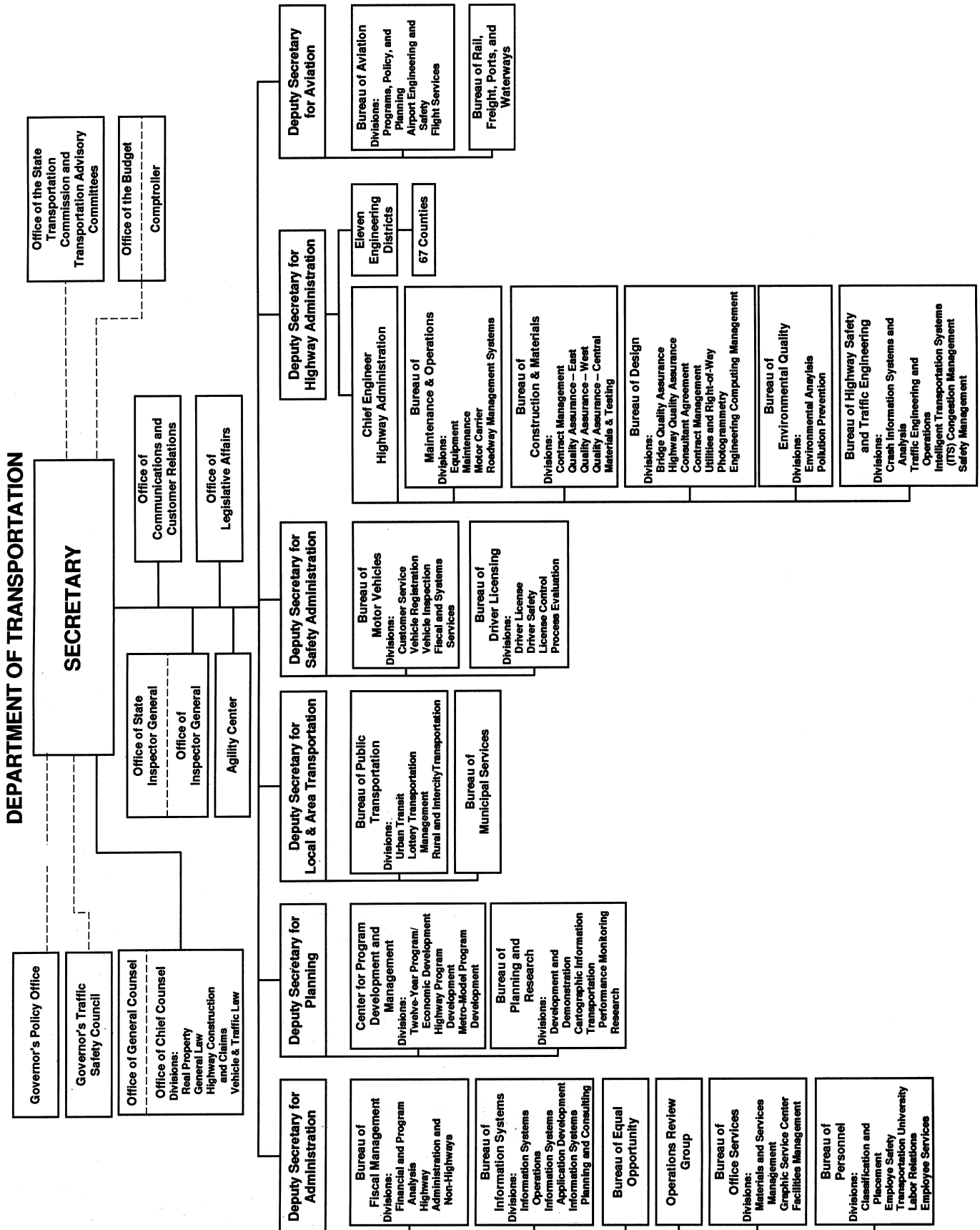
The Executive Board approved a reorganization of the Department of Transportation effective January 11, 1999.

The organization chart at 29 Pa.B. 576 (January 30, 1999) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 99-159. Filed for public inspection January 29, 1999, 9:00 a.m.]





NOTICES

DEPARTMENT OF BANKING

Action on Applications

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

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-15-99	Brown Brothers Harriman Trust Company of Pennsylvania Philadelphia Philadelphia County	Philadelphia	Approved
1-15-99	Pennsylvania Business Bank Philadelphia Philadelphia County	Philadelphia	Approved

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-13-99	First National Bank of Jermyn Jermyn Lackawanna County <i>To:</i> First Liberty Bank & Trust Jermyn Lackawanna County	645 Washington Ave. Jermyn Lackawanna County	Approved

Application represents conversion from a nationally-chartered banking institution to a State-chartered banking institution.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-14-99	First Liberty Bank & Trust Jermyn and NBO National Bank, Olyphant Surviving Institution— First Liberty Bank & Trust, Jermyn	Jermyn	Filed
1-15-99	Patriot Bank, Pottstown, and First Lehigh Bank, Walnutport Surviving Institution— Patriot Bank, Pottstown	Pottstown	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-13-99	Patriot Bank Pottstown Montgomery County	Redner's Supermarket 703 South West End Blvd. Quakertown Bucks County	Approved

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS
Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-13-99	UTI Employees Credit Union Collegeville Montgomery County	206 Jones Boulevard Pottstown Limerick Township Montgomery County	Approved

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 99-160. Filed for public inspection January 29, 1999, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Historical Education and Tourism Grant Program

The Department of Community and Economic Development (Department) gives notice of the establishment of the Historical Education and Tourism Program. The Program provides grants for tourism related projects throughout this Commonwealth with historical and/or educational value.

Organizations or individuals who wish to apply for funds under the program can receive a copy of the program guidelines by contacting the Department's Customer Service Center, 400 Forum Building, Harrisburg, PA 17120, (800) 379-7448, e-mail: DCED@state.pa.us.

SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 99-161. Filed for public inspection January 29, 1999, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Pennsylvania Rivers Conservation Registry

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation has approved the: "Monongahela River Conservation Plan" (prepared for the river segment from the Pennsylvania/West Virginia border to the Glenwood Bridge near the Pittsburgh corporate border) and is placing this segment of the Monongahela River, and the portion of its tributaries studied in the plan, on the Pennsylvania Rivers Conservation Registry (Registry).

On December 17, 1998, the Steel Industry Corporation submitted the Monongahela River Conservation Plan and other required information to gain Registry status.

After review of the Plan and the other information, the DCNR has determined that PA Rivers Conservation Program requirements have been satisfied and places the following on the Registry:

- A segment of the Monongahela River extending from the Pennsylvania/West Virginia border (river mile 90) to

the Glenwood Bridge, near the Pittsburgh corporate boundary (river mile 6). This river segment is approximately 84 miles long.

- A corridor extending from 1 mile east from the river's east bank to 1 mile west of its west bank or to the ridge of the nearest slope.

- The portion of all tributary streams within the river corridor.

This action becomes effective January 30, 1999. Projects identified in the Monongahela River Plan become eligible for implementation, development or acquisition grant funding through the PA Rivers Conservation Program.

A copy of the Final Plan is available for review at the Steel Industry Heritage Corporation, 338 East Ninth Avenue, 1st Floor, Homestead, PA 15120, (412) 464-4020 and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17105-8475, (717) 787-2316.

Maps and supporting data are on file at the Steel Industry Heritage Corporation Office.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 99-162. Filed for public inspection January 29, 1999, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Rescheduling for Public Comments due to Inclement Weather

Public comment is invited regarding the Department of Education's proposed Performance Goals and Indicators for Students with Disabilities. These proposed Performance Goals and Indicators are amendments to the Commonwealth's application for Federal funds authorized under Part B of the Individuals with Disabilities Education Act. Part B funds will be used to render services and programs to children with disabilities who are eligible under the act.

Copies of the proposed amendments are available by calling Beth Runkle at (717) 772-3260 or the TDD at (717) 787-7367. Alternative formats of the document (such as Braille and large print) will be made available upon request. The Department of Education will consider all public comments and make any necessary modifications to the Performance Goals and Indicators for Students

with Disabilities before submission to the Secretary of the United States Department of Education on March 1, 1999.

Public comments are welcome in alternative formats such as Braille or taped comments. Persons who wish to submit comments by telephone may call Laura Davis at (717) 783-6137 or the TDD at (717) 787-7367. Written comments will be received until February 12, 1999. They should be directed to Dr. Geraldine Miller, Special Education Advisor, Bureau of Special Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333. Additionally, an opportunity will be provided by the Department of Education, Bureau of Special Education for those wishing to present oral testimony on the proposed amendments. In order to provide oral testimony, commentators

will need to register by calling Beth Runkle at (717) 772-3260 by Friday, February 12, 1999. Each presentation will be limited to 15 minutes and a written copy of the oral testimony should be provided.

The date, location and time for oral testimony is as follows: February 16, 1999 from 3 p.m. to 7 p.m. at the Eastern Instructional Support Center, 200 Anderson Road, King of Prussia, PA.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-163. Filed for public inspection January 29, 1999, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

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

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

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

PA 0011533. Industrial waste, **Sunoco, Inc. (R&M)**, located at 3144 Passyunk Avenue, Philadelphia, PA 19145-5299.

This application is for renewal of an NPDES permit to discharge treated process wastewater, cooling water and stormwater from Girard Point Process area oil refinery industrial wastewater treatment plant in City of Philadelphia, **Philadelphia County**. This is an existing discharge to Schuylkill River Zone 4 of Delaware River Estuary. The permittee name is changed to Sunoco, Inc. (R&M).

The receiving stream is classified for warm water fish (maintenance only), migratory fish (passage only), industrial water supply, wildlife water supply, boating, fishing and navigation.

Based on the additional information provided by the company on the rate of discharge from the industrial wastewater treatment plant, the following changes have been proposed to the Outfalls 009 and 015 published in the *Pennsylvania Bulletin* on November 28, 1998:

The proposed effluent limits for Outfall 009 for an emergency overflow of process wastewater from separator No. 2B are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	28	56	70
Total Suspended Solids	25	39	62
Chemical Oxygen Demand	219	422	547
Oil and Grease	9	17	22
Ammonia Nitrogen	17	38	42
Sulfide	0.16	0.37	0.40
Chromium (Total)	0.17	0.50	0.50
(Hexavalent)	0.01	0.03	0.03
Phenolic Compounds	0.15	0.42	0.42
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 015, based on an average flow of 6.4 mgd from industrial wastewater treatment plant are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	28	56	70
Total Suspended Solids	25	39	62
Chemical Oxygen Demand	219	422	547
Oil and Grease	9	17	22
Ammonia Nitrogen	17	38	42
Sulfide	0.16	0.37	0.40
Chromium (Total)	0.17	0.50	0.50
(Hexavalent)	0.01	0.03	0.03
Phenolic Compounds	0.15	0.42	0.42
Free Cyanide	monitor	monitor	
CBOD ₂₀	2,170 lbs per day		
BOD ₅ Removal		89.25%	
Fluoride	7.5	15.0	18.7
Total Aluminum	monitor	monitor	
Total Residual Oxidants		0.2	0.5
Total Zinc	monitor	monitor	
Phosphorus as PO ₄		monitor	
pH	within limits of 6.0—9.0 standard units at all times		
Total Copper	monitor	monitor	
Total Lead	monitor	monitor	
1,2-Dichloroethane	monitor	monitor	
Trichloroethylene	monitor	monitor	
Tetrachloroethylene	monitor	monitor	
Chronic Toxicity (TUC)		monitor	

Other Conditions:

Conditions for future permit modification.

Continuous operation of sand filter unit.

89.25% reduction of BOD₅ per DRBC requirements.

FSOD/BOD₅ ratio is assumed 1.464.

Thermal Requirements.

Authorization to discharge stormwater at Outfalls 005, 010 and 012 from roof drainage system.

Credits for stormwater runoff, intake service water, ballast water and intake filtered water.

Use of certain chemical additives.

Requirements for contaminated stormwater runoff.

Special Test Methods for certain pollutants.

The EPA waiver is not in effect.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.

PA 0020109. Industrial waste, SIC: 4613, **Interstate Energy Company**, 214 Shoemaker Road, Pottstown, PA 19460.

This proposed action is for renewal of an NPDES permit to discharge treated stormwater into Delaware River in Lower Mt. Bethel Township, **Northampton County**.

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

The proposed effluent limits for Outfall 001 are as follows:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons	monitor and report

The EPA waiver is in effect.

PA 0063878. Sewerage, **Northeastern Schuylkill Joint Municipal Authority**, P. O. Box 1326, Tamaqua, PA 18252.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Pine Creek in Rush Township, **Schuylkill County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Pottstown Water Authority located on the Schuylkill River.

The proposed effluent limits for Outfall 001, based on a design flow of .245 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH ₃ -N (5-1 to 10-31)	13.0		26.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric mean 2,000/100 ml as a geometric mean	
pH		6.0—9.0 standard units at all times	
Total Residual Chlorine	1.0		2.30

The EPA waiver is in effect.

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

PA 0085812. Industrial waste, SIC: 4941, **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602-7114.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Kettle Creek, in Tyrone Township, **Blair County**.

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

The proposed final effluent limits for Outfall 001 for a design flow of 2 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XXX	XXX	XXX
pH (s.u.)		from 6.0—9.0 inclusive	
Total Copper	0.007	0.014	0.018
Total Lead	0.005	0.010	0.012
Total Zinc	0.018	0.036	0.045

The proposed interim effluent limits for Outfall 001 for total copper, total lead and total zinc are monitor and report.

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

The EPA waiver is in effect.

PA 0085821. Industrial waste, SIC: 4941, **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602-7114.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Homer Gap Run, in Logan Township, **Blair County**.

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

The proposed final effluent limits for Outfall 001 for a design flow of 1.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XXX	XXX	XXX
pH (s.u.)		from 6.0—9.0 inclusive	
Total Aluminum	XXX	monitor and report	XXX
Total Copper	.010	.020	.025
Total Lead	.007	.014	.017
Total Zinc	.021	.042	.052

The proposed interim effluent limits for Outfall 001 for total copper, total lead and total zinc are monitor and report.

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

The EPA waiver is in effect.

PA 0045055. Industrial waste, SIC: 3324, **Quaker Alloy, Inc.**, 200 East Richland Avenue, Myerstown, PA 17067.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Tulpehocken Creek (by ditch), in Myerstown Borough, **Lebanon County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Western Berks Water Authority located in Berks County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 101 for a design flow of 0.081 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			
pH (s.u.)		from 6.0—9.0 inclusive	
Total Suspended Solids	30	60	75
Oil and Grease	15	30	37.5
Temperature	XXX	110°F	XXX

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

The EPA waiver is in effect.

Outfalls 201, 002, 003, and 004 are identified as stormwater outfalls.

PA 0022543. Sewage, SIC: 4952, **Borough of Bally**, South Seventh Street, P. O. Box 217, Bally, PA 19503-0217.

This application is for renewal and amendment of an NPDES permit for an existing discharge of treated sewage to the West Branch of Perkiomen Creek and an unnamed tributary of the West Branch of Perkiomen Creek, in Washington Township, **Berks County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the PSC Water Company located at the Greenlane Reservoir. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Dissolved Solids	1,000		2,000
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	6.0		12
(11-1 to 4-30)	18		36
Total Phosphorus	1.0		2.0
Total Residual Chlorine	0.41		1.3
Total Copper	0.030		0.060

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Zinc	0.200		0.400
Total Antimony	0.027		0.054
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0—9.0 inclusive	
Fecal Coliforms		200/100 ml as a geometric average	
(5-1 to 9-30)		4,700/100 ml as a geometric average	
(10-1 to 4-30)			

The proposed effluent limits for Outfall 002 for a design flow of 0.8 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Dissolved Solids	1,000		2,000
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	10.0		20
(11-1 to 4-30)	20		40
Total Phosphorus	1.0		2.0
Total Residual Chlorine	0.66		2.0
Total Copper	monitor and report		
Total Zinc	monitor and report		
Stream Flow		monitor and report	
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0—9.0 inclusive	
Fecal Coliforms		200/100 ml as a geometric average	
(5-1 to 9-30)		7,500/100 ml as a geometric average	
(10-1 to 4-30)			

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

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3670.

PA 0114316. Sewerage, SIC: 4952, **John and Sandra Erdley**, R. R. 1, Box 332, Millmont, PA 17845.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of Penns Creek in Hartley Township, **Union County**.

The receiving stream is classified for the following uses: high quality cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company located at Dauphin.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0004 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
TSS	20		40
Total Cl ₂ Residual	report		report
Fecal Coliforms		200 col/100 ml as a geometric mean	
(5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		6.0—9.0 at all times	
pH			

The EPA waiver is in effect.

PA 0113867. Industrial waste, SIC: 5771, **Eldorado Properties Corporation**, P. O. Box 2621, Harrisburg, PA 17105.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated stormwater runoff from a petroleum marketing terminal to an unnamed tributary to the Susquehanna River in Point Township, **Northumberland County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury Municipal Authority located approximately 4 river miles downstream.

The proposed effluent limits for Outfall 001 are:

Parameter	Concentration (mg/l)			Mass (lb/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
Total Recoverable Petroleum Hydrocarbons			report		

Other Conditions:

- (1) Treatment facilities must be "API approved oil/water separator."
- (2) Design requirements for sizing treatments units.
- (3) Minimum inspection requirements.
- (4) Disposal of oil and solids.
- (5) Recordkeeping.
- (6) Preparedness, Prevention and Contingency (PPC) Plan.
- (7) No discharge of tank bottom water.
- (8) No discharge of sewage, wash water, boiler blow down or other wastewaters.

The EPA waiver is in effect.

PA 0228079. Sewerage, SIC: 4952, **Middleburg Municipal Authority**, 13 North Main Street, Middleburg, PA 17842-0415.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage wastewater to unnamed tributary of Middle Creek in Franklin Township, **Snyder County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company located at Dauphin.

The proposed effluent limits for Outfall 001, based on a design flow of 0.02 mgd, are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)	Minimum (mg/l)
CBOD ₅	25	40	50	
TSS	30	45	60	
Ammonia-N				
(5-1 to 10-31)	3.7		7.4	
(11-1 to 4-30)	11		22	
Dissolved Oxygen				4.0
Total Cl ₂ Residual	0.34		0.93	
Fecal Coliforms				
(5-1 to 9-30)	200 col/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean			
pH	6.0—9.0 at all times			

The EPA waiver is in effect.

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

PA 0205699. Industrial waste, SIC: 4941, **Cowanshannock Township Municipal Authority**, P. O. Box 172, Nu Mine, PA 16244.

This application is for renewal of an NPDES permit to discharge treated process water from the Yatesboro Water Treatment Plant in Cowanshannock Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, an unnamed tributary to Cowanshannock Creek, classified as a warm fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Western Pennsylvania Water Company, located in Kittanning, PA, 19.18 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0065 mgd from permit issuance date through 3 years after permit issuance.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Copper					
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				
Outfall 001 from 3 years after permit issuance through permit expiration date:					
Iron			1.9		3.8
Aluminum			0.62		1.2
Copper			0.006		0.012
Total Residual Chlorine			0.014		0.028

Other Conditions: Effluent Chlorine minimization, toxics reduction condition.

The EPA waiver is in effect.

PA 0217751. Industrial waste, SIC: 4194, **Borough of Sewickley Water Authority**, P. O. Box 190, Sewickley, PA 15143.

This application is for amendment of an NPDES permit to discharge treated process water from water in Sewickley Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the ARCO Chemical Company, located at Monaca, 18.4 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.171 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
TSS			30		60
Aluminum			4		8
Iron			2		4
Manganese			1		2
TRC			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0110922. Sewage, **Camp Allegheny, Inc.**, 100 Camp Allegheny Drive, Stoystown, PA 15563-8823.

This application is for renewal of an NPDES permit to discharge treated sewage from Camp Allegheny STP in Stonycreek Township, **Somerset County**.

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

Outfall 001: existing discharge, design flow of 0.015 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	20			40
Suspended Solids	20			40
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Phosphorus	2.0			4.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)			0.50	1.18
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0205281. Sewage, **New Sewickley Township Municipal Authority**, P. O. Box 65, Freedom, PA 15042-0065.

This application is for issuance of an NPDES permit to discharge treated sewage from the Tri-County Park Sewage Treatment Plant in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of North Fork Big Sewickley Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority.

Outfall 001: existing discharge, design flow of 0.03 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10	15		20
Suspended Solids	10	15		20
Ammonia Nitrogen				
(5-1 to 10-31)	1.9	2.9		3.8
(11-1 to 4-30)	2.8	4.2		5.6
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—June 26, 1999)	monitor and report			
(June 27, 1999—expiration)	0.01			0.03
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The applicant proposes to expand the plant in two stages, first to 0.05 mgd and then to 0.10 mgd. The limitations listed above would also be applicable for each flow.

The EPA waiver is in effect.

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

PA 0024571. Sewage, **Municipal Sewer and Water Authority of Cranberry Township**, 2525 Rochester Road, Suite 700, Cranberry Township, PA 16066-6498.

This application is for renewal of an NPDES permit to discharge treated sewage to Brush Creek in Cranberry Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority—Eastvale Plant intake on the Beaver River located in Eastvale, approximately 27 miles below point of discharge.

The proposed interim effluent limits, based on a design flow of 3.0 mgd, are:

Outfall No. 001 (Interim Limits)

Parameter	Average Monthly (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
TSS	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,100/100 ml as a geometric average		
Phosphorus (as P)			
(4-1 to 10-31)	2		4
Total Residual Chlorine	monitor and report		
Dissolved Oxygen	minimum of 5 mg/l at all times		
pH	6.0—9.0 at all times		

The proposed final effluent limits, based on a design flow of 4.5 mgd, are:

Outfall No. 001 (Final Limits)

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
TSS	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	2		4
(11-1 to 4-30)	5		10
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,200/100 ml as a geometric average	
Phosphorus (as P)			
(4-1 to 10-31)	2		4
Total Residual Chlorine	0.18		0.59
Dissolved Oxygen		minimum of 5 mg/l at all times	
pH		6.0—9.0 at all times	

The EPA waiver is not in effect.

PA 0222721. Sewage. **Squaw Valley Woodlands**, 221 Byron Center Road, Emlenton, PA 16373.

This application is for a new NPDES permit, to discharge treated sewage to an Unnamed Tributary to Carrs Run in Allegheny Township, **Butler County**. This is a new discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Authority on the Allegheny River located at Emlenton, approximately 6 miles, below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.0047 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
TSS	10	20
Ammonia-Nitrogen		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Fecal Coliform		
(5-1 to 9-30)		200/100 ml as a geometric average
(10-1 to 4-30)		2,000/100 ml as a geometric average
Total Residual Chlorine	1.5	3.5
Dissolved Oxygen		minimum of 3 mg/l at all times
pH		within limits of 6.0 to 9.0 standard units at all times

The EPA waiver is in effect.

**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 name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an

informal conference in response to any given protest. Each protester will be notified in writing of the time and place of scheduled hearing or conference concerning the plan, action or application to which the protest relates. 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.

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

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

A. 3999401. Sewerage. **Lehigh County Authority**, P. O. Box 3348, Allentown, PA 18106-0348. Application to

replace an existing wastewater treatment plant, to serve Heidelberg Heights, located in Heidelberg Township, **Lehigh County**. Application received in the Regional Office—December 28, 1998.

A. 4099401. Sewerage. **Can Do, Inc.**, 1 South Church Street, Hazleton, PA 18201-6200. Application to extend existing sanitary sewer system, to serve Humboldt Industrial Park West, located in Hazle Township, **Luzerne County** and East Union Township, **Schuylkill County**. Application received in the Regional Office—December 29, 1998.

INDIVIDUAL PERMITS (PAS)

Stormwater Individual

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

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

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

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

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

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

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

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

NPDES Permit PAS10Q039-R. Stormwater. **Mill Run Associates**, Jeffrey H. Brozina, 7660 Imperial Way, Allentown, PA 18195, has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

NPDES Permit PAS10Q009-1R. Stormwater. **Pointe West Associates**, Robert Ciccone, 6866 Chrisphalt Drive, Bath, PA 18014-8503, has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Hassen Creek.

Luzerne County Conservation District, District Manager, Smith Pond Road, P. O. Box 250, Lehman, PA 18627-0250, (570) 674-7991.

NPDES Permit PAS10R032. Stormwater. **Silverleaf Resorts, Inc., (Beech Mountain Resorts)**, 1221 River Bend Drive, Suite 120, Dallas, TX 75247, has applied to discharge stormwater from a construction activity located in Butler Township, **Luzerne County**, to Nescopeck Creek.

Northampton County Conservation District, District Manager, R. R. 4, Nazareth, PA 18064-9211, (610) 746-1971.

NPDES Permit PAS10U105. Stormwater. **Kharecha Enterprises, LP**, P. O. Box 3189, Easton, PA 18043-3189, has applied to discharge stormwater from a construction activity located in Bethlehem Township, **Northampton County**, to Monocacy Creek.

SAFE DRINKING WATER

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

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

A. 2898502. Public water supply. **Shippensburg Borough Authority**, Southampton Township, **Franklin County**. *Responsible Official:* William Wolfe, Authority Secretary, 60 West Burd St., Shippensburg, PA 17257. *Type of Facility:* Forest Ridge Booster Pump Station for a public water system. *Consulting Engineer:* Steven Hilderhoff, CET Engineering Services, 1240 N. Mountain Rd., Harrisburg, PA 17112.

A. 5099501. Public water supply. **Triple Crown Corporation**, Centre Township, **Perry County**.

Responsible Official: Triple Crown Corporation, Mark X. Disanto, CEO, 5351 Jaycee Ave., Harrisburg, PA 17112.

Type of Facility: New community water system consisting of two wells, hypochlorite disinfection, finished water storage and distribution.

Consulting Engineer: R. J. Fisher & Assoc., Inc., 1546 Bridge St., New Cumberland, PA 17070.

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

A. 4999501. The Department has received a construction permit application from **Ronald Butler (Kipps Run MHP)** for the construction of a diffused aeration system. The proposed facilities will treat an existing groundwater supply source for removal of trichloroethylene.

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 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.

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 (800) 654-5984.

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

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Former Waynesboro Gas Company, Waynesboro Borough, **Franklin County**. Landis/Gardner, A Division of UNOVA, Inc., 20 East Sixth Street, Waynesboro, PA 17268 and Penn Fuel Gas, Inc., A Subsidiary of PP&L Resources, 55 South Third Street, Oxford, PA 19363, have submitted a Notice of Intent to Remediate site soils contaminated with lead, heavy metals, solvents, BTEX and PAHs; groundwater contaminated with solvents, BTEX and PAHs; and sediment contaminated with BTEX and PAHs. The applicants propose to remediate the site to meet a combination of Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Waynesboro Record-Herald* on December 17, 1998.

Former Mifflin County Subaru Motors, Armagh Township, **Mifflin County**. Dick Corporation, P. O. Box 10896, Pittsburgh, PA 15236, and Juniata Valley Bank, P. O. Box 66, Mifflintown, PA 17059, have submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX, PHCs and PAHs. The appli-

cants propose to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lewistown Sentinel* on December 22, 1998.

Washington Square II Parcel 2, City of Harrisburg, **Dauphin County**. UGI Utilities, Inc., 100 Kachel Blvd., Reading, PA 19612-2677, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet a combination of the Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Harrisburg Patriot News* on October 31, 1998.

NFO Partners Site, formerly American Insulators Property, New Freedom Borough, **York County**. NFO Partners, c/o Springwood Development Corp., 2350 Springwood Road, York, PA 17402 has submitted a Notice of Intent to Remediate site soils contaminated with heavy metals, BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Daily Record* on January 4, 1999.

Thompsontown Substation, Borough of Thompsontown, **Juniata County**. PP&L, Inc., Two North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Juniata Sentinel* on October 26, 1998.

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 (800) 654-5984.

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

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Former Waynesboro Gas Company, Waynesboro Borough, **Franklin County**. Landis/Gardner, A Division of UNOVA, Inc., 20 East Sixth Street, Waynesboro, PA 17268 and Penn Fuel Gas, Inc., A Subsidiary of PP&L Resources, 55 South Third Street, Oxford, PA 19363, have submitted a Notice of Intent to Remediate site soils contaminated with lead, heavy metals, solvents, BTEX and PAHs; groundwater contaminated with solvents, BTEX and PAHs; and sediment contaminated with BTEX and PAHs. The applicants propose to remediate the site to meet a combination of Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Waynesboro Record-Herald* on December 17, 1998.

Washington Square II Parcel 2, City of Harrisburg, **Dauphin County**. UGI Utilities, Inc., 100 Kachel Blvd., Reading, PA 19612-2677, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet a combination of the Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the Harrisburg *Patriot News* on October 31, 1998.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.

Permit No. 101622. An application to accept residual (Form R) wastes at the municipal waste processing facility was received from **Waste Treatment Corporation**, 1 Harmar Street, Warren, PA 16365, located in the City of Warren, **Warren County**. This application was

determined to be administratively complete in the Regional Office on January 12, 1999.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

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

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

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

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the act.

OPERATING PERMITS

Notice of Intent to Issue Title V Operating Permits

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

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

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

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

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

TVOP-46-00067: MM SKB Energy LLC (709 Swedeland Road, King of Prussia, PA 19406) located in Upper Merion Township, **Montgomery County**. The facility's major emission points include: six internal combustion engines, which emit major levels of nitrogen oxides (NOx).

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

67-05052: New York Wire Co. (441 East Market Street, York, PA 17405) located in the City of York, **York County**. The facility's major operations include the weaving and coating of steel, aluminum and bronze screen products which primarily emit volatile organic compounds (VOCs).

28-05011: Community Refuse LTD d/b/a Mountain View Reclamation (9760 Letzburg Road, Greencastle, PA 17225) located in Antrim and Montgomery Townships, **Franklin County**. The facility's major sources of emissions include a municipal solid waste landfill which primarily emit the following contaminants: volatile organic compounds.

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

TVOP-53-00005: CNG Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3197) for their gas transmission and storage facility (Greenlick Station) located in Stewardson Township, **Potter County**. The facility stores and transmits natural gas to the main distribution line. The facility's main sources include several natural gas fired engines, heaters and emergency generators which emit major quantities of nitrogen oxides (NOx), volatile organic compounds (VOCs) and formaldehyde (hazardous air pollutant [HAP]). The facility also emits CO, SO₂ and particulate matter. This facility is subject to all applicable requirements of Maximum Achievable Control Technology (MACT), Standards of Performance for New Stationary Sources (NSPS) and Reasonably Available Control Technology (RACT).

TVOP-18-00006: CNG Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3197) for their gas transmission and storage facility (Leidy Station) located in Leidy Township, **Clinton County**. The facility stores and transmits natural gas to the main distribution line.

The facility's main sources include several natural gas fired engines, heaters and emergency generators which emit major quantities of nitrogen oxides (NOx), volatile organic compounds (VOCs) and hazardous air pollutant (HAPS). The facility also emits CO, SO₂ and particulate matter. This facility is subject to all applicable requirements of Maximum Achievable Control Technology (MACT) and Reasonably Available Control Technology (RACT).

Notice of Intent to Issue Title V Operating Permits Including Emission Guidelines for Hospital/Medical/Infectious Waste Incinerators

The Department of Environmental Protection (Department) intends to issue a Title V operating permit under the Air Pollution Control Act and the section 111(d)/129 Emission Guidelines (EG) specified in 40 CFR Part 60, Subpart C. These Emission Guidelines, incorporated by reference in 25 Pa. Code § 122.3, apply to all existing hospital/medical/infectious/waste incinerators (HMIWIs) that commenced construction on or before June 20, 1996. The following Title V facility is subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Article III including Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements).

Permit No.: TVOP 47-00005.

Facility Name: Geisinger Medical Center.

Facility Location: Mahoning Township, Montour County.

Primary Emissions: Sulfur Oxides (SO₂), nitrogen oxides (NOx), carbon monoxide (CO), hazardous air pollutants (HAPS) and particulate matter.

Affected HMIWI Unit: Source ID 120, Pennram, medical/infectious/waste incinerator, 625 pounds/hour.

Copies of the Title V application, proposed permit and other relevant information are available for public inspection at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. An appointment to review the documents must be made by calling (570) 327-3693, between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V operating permit to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512, within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the permit number of the proposed Title V operating permit. The commentator should include a concise statement of objections to the issuance of the revised permit and the relevant facts upon which the objections are based.

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

The final Title V operating permit will contain all of the applicable requirements that apply to stationary air

contamination sources at the Geisinger Medical Center. The applicable requirements include the section 111(d)/129 requirements for HMIWI facilities.

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

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

21-317-058A: The Quaker Oats Co. (P. O. Box 3040, Shiremanstown, PA 17011) for cereal manufacturing operation in Hampden Township, **Cumberland County**.

21-320-010C: Fry Communications, Inc. (800 West Church Road, Mechanicsburg, PA 17055) for lithographic printing operation at the Building No. 3 facility in Silver Spring Township, **Cumberland County**.

36-309-083B: Buck Co., Inc. (897 Lancaster Pike, Quarryville, PA 17566) for installation of a bond storage tank located in Providence Township, **Lancaster County**.

36-313-030F: Warner Lambert Co. (400 West Lincoln Avenue, Lititz, PA 17543) for pharmaceutical manufacturing operation in Lititz Borough, **Lancaster County**.

38-320-002: Sowers Printing Co. (220 North 10th Street, P. O. Box 479, Lebanon, PA 17042) for lithographic printing operation in the City of Lebanon, **Lebanon County**.

67-2008A: York International Corp. (P. O. Box 1592, York, PA 17405-1592) for surface coating operation at their Grantley Plant in Spring Garden Township, **York County**.

67-307-005C: York International Corporation (P. O. Box 1592, York, PA 17405-1592) for abrasive blasting operation at their Grantley Plant in Spring Garden Township, **York County**.

67-310-004G: Southdown, Inc. (P. O. Box 220, Thomasville, PA 17364) for limestone crushing/grinding operation in Jackson Township, **York County**. This operation is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

67-315-011: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) for the G-Coater operation in Spring Grove Borough, **York County**.

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

25-318-119A: General Electric (2901 East Lake Road, Erie, PA 16531) for operation of a locomotive paint booth in Lawrence Park Township, **Erie County**.

PA-33-161A: Buff One Transmission & Core Buyer (P. O. Box 383, Falls Creek, PA 15840) for operation of an aluminum melting furnace in Falls Creek, **Jefferson County**.

PA-37-234A: Praxair Surface Technologies (3225 Honeybee Lane, New Castle, PA 16105) for operation of a detonation cubicle in Wilmington Township, **Lawrence County**.

37-308-007: Reactive Metals & Alloys Corp. (P. O. Box 366, West Pittsburg, PA 16160) for operation of bulk bending, briquetting and bagging system in Taylor Township, **Lawrence County**.

PA-61-004A: Electralloy A GO Carlson, Inc. (175 Main Street, Oil City, PA 16301) for operation of a

vacuum arc remelt, electroslag remelt and two annealing furnaces in Oil City, **Venango County**.

PLAN APPROVALS

Notice of Intent To Issue Plan Approval for Minor Source

Agency: Commonwealth of Pennsylvania, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Action: Preliminary determination to approve the plan approval application for the installation of two baghouse control devices to control particulate emissions from a woodworking process. The public notice is required for sources required to obtain a plan approval at Title V facilities, in accordance with 25 Pa. Code § 127.44.

Summary: **Ethan Allen, Inc., Cherry Hill Division** (77 South Main Street, Union City, PA 16438), has submitted an application to install two baghouses to control particulate matter emissions from a woodworking process. The baghouses will not be required to run concurrently. The permit will be subject to the following conditions:

1. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval for purposes of shakedown, startup and compliance verification tests.

2. The source shall comply with 25 Pa. Code § 123.1 for fugitive emissions, § 123.13 for particulate matter emissions, § 123.31 for odor emissions and § 123.41 for visible emissions.

3. Magnehelic gauges or equivalent shall be installed on the baghouses, in accessible locations, to monitor pressure drop. The gauges shall be maintained and operated in accordance with manufacturer's specifications. The gauges shall be maintained in working, readable condition at all times.

4. The facility shall maintain sufficient replacement baghouse bags onsite, or shall have immediate access to sufficient spare bags, at all times.

5. The facility shall comply with 25 Pa. Code § 127.25 as follows:

a) No person shall cause or permit the operation of the source unless the source and air cleaning devices are operated and maintained in accordance with specifications in the Plan Approval application, and condition Nos. 1—4, listed above. A person may not cause or permit the operation of this source in a manner inconsistent with good operating practices.

6. Visible emissions from the baghouse stacks may be measured using either of the following:

a) A device approved by the Department and maintained to provide accurate opacity measurements; or

b) Observers, trained and qualified to measure plume opacity with the naked eye or with the aid of devices approved by the Department.

7. The permittee shall conduct daily monitoring of the source while it is in operation to observe for the presence of fugitive, visible and odor emissions being emitted into the outdoor atmosphere. All detected fugitive, visible and odor emissions shall be reported to the appropriate person.

8. The permittee shall maintain records of deviations to the above defined conditions, and corrective actions taken. The recordkeeping shall include a listing or notation of any and all sources of fugitive, visible and odor

emissions; the cause of the emissions; the duration of the emissions; and the corrective action taken to abate the deviation and prevent future occurrences. Records shall be maintained onsite and shall be made available to the Department upon request.

The above conditions will satisfy requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions), and will demonstrate the Best Available Technology for the source.

The Department has made a preliminary determination to approve the plan approval for the installation of the baghouses, subject to the conditions listed previously. Based on the information in the application and the requirements of the plan approval, the Department has determined that the modifications are not subject to New Source Review (NSR) requirements of 25 Pa. Code Chapter 127, Subchapter E, or prevention of significant deterioration of air quality (PSD) requirements of Subchapter D. A final determination will be made based on additional inputs received.

The Department will consider written comments received within 30 days of the publication of this notice. Persons may oppose this preliminary determination by filing a written notice with the Department of Environmental Protection, Bureau of Air Quality, 230 Chestnut Street, Meadville, PA 16335, Attn: Robert Huston.

East protest shall include the following:

1. Name, address and telephone number of the person filing each protest.
2. Identification of the proposed plan approval issuance being opposed.
3. Concise statement of the reasons for objecting to the issuance of the plan approval and the relevant facts upon which the objections are based.

If sufficient public interest is generated, the Department may, at its discretion, hold a public hearing or fact-finding conference at which time persons may appear and give testimony. If it is decided to hold a public hearing, a notice to this effect shall be published in a local newspaper giving the place and time of the hearing.

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

For additional information regarding the above, contact Robert Huston or Devendra Verma at (814) 332-6940, or by writing the Department at the Meadville address given.

All the pertinent documents (application, review memo and draft approval), are available for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the contact person indicated previously.

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

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-23-0047A: Degussa Corporation (1200 West Front Street, Chester, PA 19013) for a spray dryer in City of Chester, **Delaware County**.

PA-15-0029A: Dopaco, Inc. (241 Woodbine Road, Downingtown, PA 19335) for the construction of a flexographic printing press in Downingtown Borough, **Chester County**.

PA-15-0014B: Norwood Industries, Inc. (57 Morehall Road, Frazer, PA 19355) for the modification of a dust collector (baghouse) in East Whiteland Township, **Chester County**.

46-310-050GP: Pottstown Trap Rock Quarries, Inc. (394 Sanatoga Road, Pottstown, PA 19464) for the construction of a portable crushing plant in Lower Pottsgrove Township, **Montgomery County**.

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

06-1007R: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612) for a steel manufacturing facility in Reading, **Berks County**.

06-1069D: East Penn Mfg. Co., Inc. (P. O. Box 147, Lyon Station, PA 19536) for grid casting operation at Plant A1 in Richmond Township, **Berks County**. These sources are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

06-1069E: East Penn Mfg. Co., Inc. (P. O. Box 147, Lyon Station, PA 19536) for a battery assembly operation controlled by a fabric collector at Plant A2 in Richmond Township, **Berks County**. These sources are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

06-3069: Highway Materials, Inc. (100 Kutz Road, Temple, PA 19560) for a nonmetallic mineral crushing plant controlled by wet suppression system in Alsace Township, **Berks County**. Parts of the source are subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

21-310-019B: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for modification/installation of an impact crusher for a sand processing plant in Dickinson Township, **Cumberland County**. This source is subject to 40 CFR 50, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

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

17-305-043: M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701) for construction of a coal crushing and loading operation in Chest Township, **Clearfield County**. This operation is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

59-304-008C: Ward Mfg., Inc. (P. O. Box 9, Blossburg, PA 16912-0009) for construction of two Isocure core machines and associated air cleaning device (a packed bed scrubber) at the ACP Division in Lawrence Township, **Tioga County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

OP-46-0018A: Brown Printing Company (668 Gravel Pike, East Greenville, PA 18041) on December 30, 1998, for the approval of Facility VOC/NOx RACT located in Upper Hanover Township, **Montgomery County**.

OP-09-0002A: Penn Color, Inc. (400 Old Dublin Pike, Doylestown, PA 18901) on December 30, 1998, for the approval of Facility VOC/NOx RACT located in Doylestown Township, **Bucks County**.

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

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

Markel Corporation (Plymouth Township, Montgomery County)

Klearfold, Inc. (Warrington Township, Bucks County)

Johnson Matthey, Inc. (Tredyffrin Township, Chester County)

USX Corporation—Fairless Plant (Falls Township, Bucks County)

Markel Corporation (Operating Permit OP-46-0081)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
8 horizontal extruders	21.5	Catalytic Oxidizer	Implemented
3 vertical extruders	18.3	Good Control Practices	Implemented
3 vertical wire extruders	13.1	Good Control Practices	Implemented

The facility is a minor NOx source.

Klearfold, Inc. (Operating Permit OP-09-0012)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
3 silk screen presses	68 each	Limited VOC Content	Implemented
5 offset presses	68 each	Limited VOC Content	Implemented
Finishing	68	Good Control Practices	Implemented
Storage and mixing	68	Good Control Practices	Implemented
Preparation and maintenance	68	Good Control Practices	Implemented

The facility is also limited by a plant-wide applicability limit of 68.8 tons VOC per year for all of its emitting sources. The facility is a minor of NOx source.

Johnson Matthey, Inc. (Operating Permit OP-15-0027)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
4 coating lines	29.5 VOC	3lb of VOC Per Gallon	Implemented
Drying ovens	127 NOx	Natural Gas/Electrical	Implemented
Generators	9 NOx	Presumptive Limit	Implemented

The above emission limits are revisions to those originally published on February 18, 19 and 20, 1998.

USX Corporation—Fairless Plant (Operating Permit OP-09-0006)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
30 batch annealing furnaces	250 NOx	Manufacturer Specifications	Implemented
No. 2 cont. annealing furnace	39 NOx	Annual Tune-Up or Adjustment	Implemented
Galvanizing line furnace	106 NOx	Good Operating Procedure	Implemented

Cabot Performance Materials (Douglass Township, Montgomery County, Colebrookdale Township, Berks County)

Northeast Foods, Inc. (Bensalem Township, Bucks County)

Universal Packaging Corporation (Horsham Township, Montgomery County)

The Department of Environmental Protection (Department) has made a preliminary determination to approve TACT plans as amendments to the State Implementation Plan (SIP) for the above facilities. The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

These preliminary determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determinations for these facilities:

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Galvaneal furnace	8 NOx	Manufacturer Specifications	Implemented
Cold reduction mill 4-Stand	10 VOC	Good Operating Procedure	Implemented
Cold reduction mill 5-Stand	34 VOC	Good Operating Procedure	Implemented
Double cold reduction mill	19 VOC	Good Operating Procedure	Implemented

Cabot Performance Materials (Operating Permit OP-46-0037)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
3 boilers	220 NOx	Annual Tune-Up or Adjustment	Implemented
35 tanks (B-74)	23 VOC	Scrubber	Implemented
7 MIBK tanks (B-74)	28 VOC	Good Operating Procedure	Implemented
Tantalum mixers/settlers (B-74)	31 VOC	Good Operating Procedure	Implemented
Niobium mixers/settlers (B-74)	21 VOC	Good Operating Procedure	Implemented
Heating tank (B-19)	226 VOC	Scrubber	Implemented
7 tanks (B-23)	65 VOC	Good Operating Procedure	Implemented
4 tray dryers (B-47)	62 VOC	Scrubber	Implemented
Milling process equipment (B-47/ 101)	5 VOC	Good Operating Procedure	Implemented

Northeast Foods, Inc. (Operating Permit OP-09-0014)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
3 English muffin griddles	2.7 VOC	Good Operating Procedure	Implemented
Lanham roll oven	31 VOC	Manufacturer Specifications	Implemented

The facility is a minor NOx source.

Universal Packaging Corporation (Operating Permit OP-46-0156)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Wide-web flexographic press	24.9 VOC	Good Operating Procedure	Implemented
3 flexographic presses	9.0 VOC	Good Operating Procedure	Implemented

The facility is a minor NOx source.

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on March 4, 1999, at the Department's Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to the Department on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert, DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before March 4, 1999.

Individuals in need of accommodations as provided for in the Americans With Disabilities Act who would like to attend the hearing should contact Clarke Rupert at (610) 832-6020 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

Copies of the pertinent documents are available for review at the Southeast Regional Office. Appointments for

scheduling a review may be made by calling (610) 832-6268.

Public Hearing

The Department of Environmental Protection (Department) will conduct a public hearing on March 22, 1999, beginning at 1 p.m. in the Air Quality conference room at the Meadville Regional Office located at 230 Chestnut Street.

The hearing is for the Department to accept testimony concerning its decision to approve, with conditions, the revised Reasonably Available Control Technology (RACT) plans by:

Armstrong Cement & Supply Company, 100 Clearfield Road, Cabot, Butler County OP-10-028;

Ball Glass Container Corporation, One Glass Place, Port Allegany, McKean County OP-42-028;

Hodge Foundry, A Division of Svedala Ind. Inc., 42 Leech Rd., Greenville, Mercer County OP-43-036;

ESSROC Materials, Inc.;

Bessemer Borough, Lawrence County OP-37-003, to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) from vari-

ous air contamination sources. The final RACT proposals will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

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

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

The following is a revised summary of the preliminary NOx RACT determination for the above listed facilities:

Armstrong Cement & Supply Company

<i>Sources</i>	<i>Control</i>	<i>NOx Emission Limit</i>
Cement Kilns 1 and 2	CFG System on Clinker Coolers	6.62 lbs NOx per ton of product

Ball Glass Container Corporation

<i>Sources</i>	<i>Control</i>	<i>NOx Emission Limit</i>
Glass Melting Furnace No. 1	controls not economically feasible	7.8 lbs NOx/ton of Glass Melted
Glass Melting Furnace No. 2	controls not economically feasible	8.7 lbs NOx/ton of Glass Melted
Glass Melting Furnace No. 3	controls not economically feasible	6.0 lbs NOx/ton of Glass Melted

Hodge Foundry

<i>Sources</i>	<i>Control</i>	<i>VOC Emission Limit</i>
Pouring and Cooling	controls not economically feasible	3.6 lbs VOC/ton of binder
Shakeout	controls not economically feasible	30.8 lbs VOC/ton of binder
Large Cores and Molds Preparation	controls not economically feasible	20.6 lbs VOC/ton of binder
Small Cores and Molds Preparation	controls not economically feasible	2.3 lbs VOC/ton of binder

Additional Limits

Facility-wide furan usage shall not exceed 3 million pounds in any rolling 12-month period.

Pattern coatings shall not exceed 3.50 lbs VOC/gallon; as applied.

Heat treating and paint preheater sources shall comply with presumptive RACT requirements defined in 25 Pa. Code § 129.93(c)(1).

ESSROC Materials, Inc.

<i>Sources</i>	<i>Control</i>	<i>NOx Emission Limit</i>
Cement Kilns 4 and 5	Process Operations, Combustion Controls, Operator Training	Kiln No. 4—340 lbs/hour Kiln No. 5—476 lbs/hour

For the above facilities, a public hearing will be held for the purpose of receiving comments on the above proposed operating permit and the proposed SIP revisions. The public hearing is scheduled as follows: DEP Meadville Regional Office, Air Quality Conference Room, 230 Chestnut Street, Meadville, PA 16335, March 22, 1999, 1 p.m. to 3 p.m.

Persons wishing to present testimony at the hearing should contact Robert Huston, Air Pollution Control Engineer, DEP, 230 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

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

Those unable to attend the hearing but wish to comment should provide written comments to Robert Huston,

Air Pollution Control Engineer, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the contact person noted previously.

Notice of Intend to Issue RACT Operating Permit

Permit No. 06-1083
Berks County

The Department of Environmental Protection (Department) intends to issue a RACT Operating Permit to Roeberg Enterprises, Inc. (17th & Fairview Sts., Reading, PA 19606) for the Yorgey's Dry Cleaning Plant in Reading, Berks County in accordance with 25 Pa. Code § 127.44 and 40 CFR Part 52 (State Implementation Plan).

All of the pertinent documents are available at the Reading District Office. Reviews may be scheduled by

contacting Roger Fitterling at (610) 916-0100 between 8:30 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments of the proposal. The hearing will be held on March 24, 1999, from 1 p.m. until all scheduled comments on the proposal are received in the Reading District Office. The public is invited to present testimony at the hearing and should contact Roger Fitterling at (610) 916-0100 to reserve a time to present testimony. Persons interested in submitting written comments should send their comments to Roger Fitterling, Air Pollution Control Engineer, 1005 Cross Roads Blvd., Reading, PA 19605, no later than March 31, 1999.

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 Sandra Roderick at (717) 705-4703 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Issuance of Reasonably Available Control
Technology (RACT) Plan Approval
Beaver County and Cambria County**

The Department of Environmental Protection (Department) will hold hearings at 10 a.m. in the Waterfront A Conference Room, DEP Office, 500 Waterfront Drive, Pittsburgh, PA on March 15, 1999 to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

Beaver County

NOVA Chemicals, Inc.

The proposed approval of the RACT Operating Permit No. 04-000-033 for NOVA Chemicals, Inc., Beaver Valley Plant, establishes a facility-wide annual emission rate for volatile organic compounds (VOC) by establishing a permanent restriction on VOC emissions for each individual group.

Cambria County

BAR Technologies Inc. (BARTECH)

The proposed approval of the RACT operating permit No. 11-000-005 for BARTECH requires the use of low excess air in their steam station and the use of presumptive RACT requirements for other steel making sources at the facility to reduce the NOx emissions.

The Department reviewed the above referenced RACT Plans and made a preliminary determination to approve these plans and amendments to the State Implementation Plan (SIP).

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

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

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be pro-

vided. Each organization is requested to designate one witness to present testimony on its behalf.

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

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager Joseph Pezze, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

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

ENCROACHMENTS

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

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

E51-174. Encroachment. **Kvaerner Shipyard**, Philadelphia Naval Business Center, Philadelphia, PA 19112. To perform the following activities associated with the Kvaerner Philadelphia Shipyard Development: 1) To replace and maintain five reinforced concrete outfalls with existing and proposed diameters listed on the following Table 1. 2) To operate and maintain 25 existing reinforced concrete outfalls which are listed on the following Table 2. 3) To operate and maintain all bulkheads, quay walls and

relieving platforms associated with the existing Port Facility. The site is located at the former Philadelphia Naval Shipyard in the vicinity of dry dock no. 4 and dry

dock no. 5 at the terminus of Porter Avenue (Philadelphia, PA-NJ USGS Quadrangle N: 2.0 inches; W: 9.4 inches) in the City and **County of Philadelphia**.

Table 1:

<i>Outfall ID</i>	<i>Existing Diameter (in.)</i>	<i>Proposed Diameter (in.)</i>
KPI-019	10	30
KPI-021	20	48
KPI-022	18	30
KPI-046	12	24
KPI-047	12	48

Table 2:

<i>Outfall ID</i>	<i>Diameter (in.)</i>
KPI-018	12
KPI-020	24
KPI-023	8
KPI-026	*
CSO-017	24
CSO-012	Drainage Culvert
KPI-027	36
KPI-028	*
KPI-029	8
KPI-030	8
KPI-031	*
KPI-032	8
KPI-033	6
KPI-034	6
KPI-035	6
KPI-036	6
KPI-037	6
KPI-038	4
KPI-039	12
KPI-040	8
KPI-041	12
KPI-042	12
KPI-043	8
KPI-044	8
KPI-045	12

* Inlet discharges from bottom of manhole, directly into river.

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

E40-514. Encroachment. **MC Development Company**, 1902 Wyoming Avenue, Forty Fort, PA 18704. To place fill in 0.5 acre of wetlands and within the floodway of Espy Run and a tributary to Espy Run (CWF), for the purpose of constructing a 104-unit residential development known as Lexington Terrace. The project includes sanitary and stormwater utility line crossings of wetlands and/or the floodway of Espy Run, and a stormwater outfall to Espy Run which has been authorized under the Department's General Permit BDWM-GP-4. The project is

located on the east side of Kosciuszko Street, approximately 0.4 mile north of Middle Road (S. R. 2008) (Wilkes-Barre West, PA Quadrangle N: 13.3 inches; W: 15.6 inches), City of Nanticoke, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E40-515. Encroachment. **David Flaim**, c/o Computer Visionaries, Inc., 1258 Route 315, Wilkes-Barre, PA 18702-7010. To construct and maintain a single-span bridge across Gardner Creek (CWF), for the purpose of providing access to a proposed single-family dwelling. The proposed bridge has a span of 32.0 feet and an underclearance of 5.5 feet. The project includes minor road crossings impacting a de minimis area of wetlands

equal to 0.02 acre, to be authorized using the Department's General Permit BDWM-GP-7. The project is located on the east side of Westminster Road (S. R. 2039), approximately 0.4 mile southeast of S. R. 0081 (Pittston, PA Quadrangle N: 6.0 inches; W: 4.1 inches), Jenkins Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E45-367. Encroachment. **Gerald and Mary Gheraldi**, 4 Jamestowne Road, Manalatan, NJ 07726. To remove four gravel and sediment deposits from an approximate 150-foot channel section of a tributary to Appenzell Creek (HQ-CWF), to improve recreational use and flood flow conveyance of the stream. The project is located approximately 0.25 mile west of the intersection of S. R. 3026 and S. R. 3021 (Saylorsburg, PA Quadrangle N: 19.5 inches; W: 15.1 inches), Jackson Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E45-158. Encroachment. **Dingmans Choice and Delaware Bridge Co.**, P. O. Box 908, Milford, PA 18337. To repair and maintain the Pennsylvania portion of the Dingmans Ferry Bridge across the Delaware River (WWF, MF), which spans from Delaware Township, PA to Sandystone Township, NJ. Work will consist of repairing the concrete pier located in Pennsylvania and replacing riprap around the pier within a 0.2 acre area for scour protection. The structure is a 3-span truss bridge with a total length of approximately 540 feet, and a minimum underclearance of approximately 30 feet. The bridge is located approximately 0.6 mile east of the intersection of U. S. Route 209 and S. R. 0739. (Culvers Gap, NJ-PA Quadrangle N: 17.3 inches; W: 15.2 inches), Delaware Township, **Pike County** (Philadelphia District, U. S. Army Corps of Engineers).

E64-199. Encroachment. **Gordon T. Worum**, 885 Bohnet Drive, Fairbanks, Alaska 99712. To modify and maintain an existing single-span bridge across the West Branch Lackawaxen River (HQ-CWF), with work consisting of replacing the bridge deck using steel I-beams with a wooden deck. The existing rock abutment will be kept in place. The bridge has a span of approximately 30 feet and an underclearance of approximately 5 feet and is located on the northeastern side of S. R. 170, approximately 0.85 mile southeast of the intersection of S. R. 170 and S. R. 4025 (Forest City, Quadrangle N: 15.3 inches; W: 4.0 inches), Mount Pleasant Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E14-337. Encroachment. **Ferguson Township Supervisors**, 3147 Research Drive, State College, PA 16801. Beaver Branch of Spruce Creek. The project is located in three sections along a 1.5 mile section of Tadpole Road beginning approximately 1.09 miles west from the intersection of Gatesburg Road in Ferguson Township, **Centre County** (Pine Grove Mills PA Quadrangle N: 20.5 inches; W: 13.53 inches). The purpose of the application is to place 0.12 acre of permanent fill in PEM wetlands to widen the roadway for safety improvement. The applicant proposes to replace 0.2 acre through participation in the Pennsylvania Replacement Project.

E49-222. Encroachment. **Bloomsburg Hospital Properties, Inc.**, 549 East Fair Street, Bloomsburg, PA 17815. To construct, operate and maintain a parking area in the floodway of an unnamed tributary to Shamokin Creek; to

construct, operate and maintain a pedestrian bridge across an unnamed tributary to Shamokin Creek (a cold water fishery) to provide access to an existing medical facility. The construction of the parking area shall consist of removal of existing vegetation and earth and placing a crushed stone sub-base that will not exceed existing elevations. The pedestrian bridge shall be constructed with a maximum width of 5-feet and a maximum span of 24-feet. The project will not impact wetlands while impacting 16-feet of waterway that is located along the eastern right-of-way of S. R. 0054 approximately 100-feet north of the intersection of West Centre Street and S. R. 0045 (Shamokin, PA Quadrangle N: 20.8 inches; W: 7.3 inches) in Ralpho Township, **Northumberland County**. This permit also authorizes the construction, operation and maintenance of a stormwater outfall structure that shall be constructed in accordance with the Department of Environmental Protection's BDWM-GP-5.

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

E32-397. Encroachment. **William E. Beatty**, 403 Woodhaven Drive, Monroeville, PA 15146. To construct and maintain a 40-foot long, 7.5-foot diameter pipe culvert under an existing farm road in an unnamed tributary to South Branch Plum Creek (HQ-CWF) located approximately 3.25 miles south of the intersection of S. R. 85 and S. R. 210 (Plumville, PA Quadrangle N: 1.5 inches; W: 1.6 inches) in Washington Township, **Indiana County**.

E02-1196 A-1. Encroachment. **Allegheny Asphalt Manufacturing, Inc.**, 1020 Lebanon Road, West Mifflin, PA 15112. To amend Permit No. E02-1196 to construct and maintain the upstream barge facility using the existing mooring cells and two additional mooring cells in lieu of the sunken barges along the left bank of the Ohio River (WWF) to provide safe and efficient loading and unloading of barges. The project is located near River Mile 5.2 (Pittsburgh West, PA Quadrangle N: 22.0 inches; W: 10.2 inches) in Neville Township, **Allegheny County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-286A. Encroachment. **Mine Safety Appliances Company**, P. O. Box 426, Pittsburgh, PA 15230-0426. To amend existing permit application no. E10-286 to include the placement of fill within a total of 2.29 acres of 14 separate wetland areas as part of the development of the 13 parcel Cranberry Woods Corporate Office Park by Mine Safety Appliances Company and Trammell Crow Company. This development is located on the Mine Safety Appliances Company property (306 acres) directly south and east of the intersection of S. R. 0228 and I-79 at the Exit 25 interchange/overpass. This project will also include the creation of at least 2.29 acres of replacement wetlands in two separate locations within the Cranberry Woods Corporate Office Park (Mars, PA Quadrangle N: 10.0 inches; W: 13.0 inches) located in Cranberry Township, **Butler County**.

E25-576. Encroachment. **Erie Western Pennsylvania Port Authority**, 17 West Dobbins Landing, Erie, PA 16507-1424. To modify and maintain the existing East Avenue Boat Ramp in and along Lake Erie (Erie North, PA Quadrangle N: 3.6 inches; W: 8.9 inches) located in the City of Erie, **Erie County**, including the following structures and activities.

1. Remove the existing breakwater and excavate interior area to a bottom elevation of 568 feet (USGS Datum).

2. Construct a 500-foot-long rock fill breakwater having an interior slope of 2.5H:1V and an exterior slope of 4H:1V and a top width of 20 feet, including a 10-foot-wide concrete sidewalk.

3. Construct a concrete boat launch ramp and apron measuring approximately 50 feet wide by 100 feet long adjacent to the east side of the existing boat launch ramps.

4. Construct and maintain a dock measuring approximately 60 feet long by 5 feet wide along the inside of the breakwater to provide docking facilities for a ferry boat.

E33-193. Encroachment. **PA Department of Transportation**, Engineering District 10-0, P. O. Box 429, Route 286 South, Indiana, PA 15701. To remove the existing two span (each span 77 feet 9 inches in length) steel through girder bridge and to construct and maintain a two span composite steel I-beam bridge with each clear span measuring 78 feet and an underclearance of 17 feet 5 inches on S. R. 3033 (Mabon Street) across Sandy Lick Creek (TSF). The project is located on S. R. 3033 (Mabon Street) across Sandy Lick Creek approximately 300 feet south of the intersection of S. R. 3033 (Mabon Street) and Western Avenue in the Borough of Brookville. This project will utilize a temporary causeway in Sandy Lick Creek for the construction of a new bridge pier and removal and placement of the bridges (Brookville, PA Quadrangle N: 4.5 inches; W: 11.0 inches) located in Borough of Brookville, **Jefferson County**.

E62-341. Encroachment. **Sheffield Township**, 20 Leather Street, Sheffield, PA 16347. To install and maintain a 6-inch-diameter PVC dry hydrant water intake into Fourmile Run (HQ-CWF, Trout Stocked, Wild Trout). The project is located on Fourmile Run approximately 2,500 feet northeast of the intersection of S. R. 0006 and Four Mile Road in the Village of Saybrook (Sheffield, PA Quadrangle N: 18.5 inches; W: 6.2 inches) located in Sheffield Township, **Warren County**.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA10-004C0. Environmental Assessment. **W. J. Blumenschein and Sons, Inc.** (9640 Babcock Boulevard, Allison Park, PA 15101). To construct and maintain two nonjurisdictional dams across tributaries to Thorn Creek (WWF) to manage stormwater at the proposed Sugar Creek Plan of Lots located immediately east of the intersection of Dutchtown Road and Hageman Road (Township Line Road (Butler, PA Quadrangle N: 12.10 inches; W: 3.45 inches) in Butler Township, **Butler County**.

EA64-002C0. Environmental Assessment. **Steven and Deirdre Renehen** (130 Whiptridge Road, Summit, NJ 07901). To construct and maintain a nonjurisdictional dam across a tributary to Cooley Creek (HQ-CWF) for the purpose of recreation located approximately 5,800 feet northwest of the intersection of T-627 and T-670 (Long Eddy, NY-PA Quadrangle N: 11.40 inches; W: 2.35 inches) in Manchester Township, **Wayne County**.

ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Permit No. 4598405. **George Hatchard**, Vice Chairperson, Mount Pocono Municipal Authority, 303 Pocono Boulevard, Mt. Pocono, PA 18344. Permit to construct a sanitary sewer collection and conveyance system, located in Mount Pocono Borough, **Monroe County**.

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

NPDES Permit No. PA0041131. Sewerage. **Columbia Montour Area Vocational Technical School**, 5050 Swettenheiser Drive, Bloomsburg, PA 17815-8920. Applicant granted permission to discharge treated sewage, for facility located at South Centre Township, **Columbia County**.

NPDES Permit No. PA0209732. Sewerage. **Mary Graham**, R. R. 1, Box 529A, Woodland, PA 16881. Applicant granted permission to discharge treated sewage from facility located at Bradford Township, **Clearfield County**.

WQM Permit No. 1798406. Sewerage. **Mary Graham**, R. D. 1 Box 529A, Woodland, PA 16881. Applicant granted permission to replace old system with a new sewage plant to discharge treated sewage from facility located at Bradford Township, **Clearfield County**.

NPDES Permit No. PA0035777. Industrial waste. **Hoeganaes Corporation**, Yuris Road, Watsonstown, PA 17777 (Milton Plant). Applicant granted permission to renew existing industrial waste permit for treated sewage and noncontact cooling water discharge to unnamed tributary of Muddy Run. Facility located at Delaware Township, **Northumberland County**.

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

NPDES Permit No. PA0034215. Sewage. **Whitehaven Campgrounds**, 493 Westford Road, Westford, PA 16134 is authorized to discharge from a facility located in South Shenango Township, **Crawford County** to an unnamed tributary to the Pymatuning Reservoir.

NPDES Permit No. PA0221031. Sewage, **Daniel E. Long**, 1499 Mercer-New Wilmington Rd., New Wilmington, PA 16142 is authorized to discharge from a facility located in East Lackawannock Township, **Mercer County** to an Unnamed Tributary of Little Neshannock Creek.

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-D103	Judd Builders and Developers 1750 Walton Road P. O. Box 1650 Blue Bell, PA 19422	Richland Township Bucks County	Tohickon Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS107204	Lightning Oil Company, Ltd. 225A Swede Road Tidioute, PA 16351	Warren County Limestone and Watson Townships	East Hickory Creek and Middle 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 arrangement made for copying at the contact office noted.

List of NPDES and/or other General Permit Type

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application

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

PAG-8 General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site

PAG-9 General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

General Permit Type—PAG 2

Facility Location

*County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Receiving Stream
or Body of Water*

*Contact Office and
Telephone No.*

<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>
Union County Union Township	PAR106828	Winfield Acres Joseph and Pauline Ulrich R. R. 2, Box 191 Selinsgrove, PA	Unt. to Winfield Creek	Union County Conservation 60 Bull Run Crossing Lewisburg, PA 17837 (717) 523-8782
Westtown Township Chester County	PAR10-G299	Sunrise Development Group 771 East Lancaster Avenue, 2nd Floor Villanova, PA 19085	East Branch Chester Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6133
Concord Township Chester County	PAR10-J133	Karen H. Honold P. O. Box 159 Concordville, PA 19331	Unnamed Tributary to West Branch Chester Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6133
Plymouth Township Montgomery County	PAR10-T483	Plymouth Road Associates 839 Germantown Pike Norristown, PA	Unnamed Tributary of Plymouth Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6133
Lower Providence Township Montgomery County	PAR10-T487	Gwynedd Glen, Inc. 484 Norristown Road Blue Bell, PA	Perkiomen Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6133
Whitpain Township Montgomery County	PAR10-T465	Philomeno and Asalmone 450 South Gravers Road Plymouth Meeting, PA 19462	Lorraine Run	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6133
Lower Providence Township Montgomery County	PAR10-T489	John Heyser 400 North Park Avenue Norristown, PA	Unnamed Pond on Unnamed Tributary to Stoney Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6133
Plymouth Township Montgomery County	PAR10-T493	Six Valley Square Associates LLC 150 South Warner Road King of Prussia, PA 19406	Sawmill Run	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6133
Lehigh County Whitehall Township	PAR10Q112	Weis Markets, Inc. Alex Ororbia P. O. Box 471 Sunbury, PA 17801-0471	Coplay Creek	Lehigh CD (610) 391-9583
Lehigh County Upper Saucon Township	PAR10Q113	Church of the Assumption B.V.M. John Martin 4101 Old Bethlehem Pike Bethlehem, PA 18105	Saucon Creek	Lehigh CD (610) 391-9583

<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>
Northampton County Glendon Borough	PAR10U106	Joseph Reibman Glendon Properties, Inc. 108 N. Eighth St. Allentown, PA 18101-1202	Lehigh River	Northampton CD (610) 746-1971
Schuylkill County Girardville Borough/ Butler Township	PAR105772	Girardville Area Sewage Treatment Facility Girardville Area Mun. Auth. P. O. Box 5 4th and B Streets Girardville, PA 17935	Mahanoy Creek to Susquehanna River	Schuylkill CD (570) 622-3742
Mercer County Pine Township	PAR104336	Christner Realty, Inc. 235 Alpha Drive Pittsburgh, PA 15238	Unnamed Tributary to Swamp Run	Mercer Conservation District R. D. 2, Box 2055 747 Greenville Road Mercer, PA 16137 (724) 662-2242
Mercer County City of Hermitage	PAR104338	John XXIII Home 2250 Shenango Valley Freeway Hermitage, PA 16148	Unnamed Tributary to Bobby Run	Mercer Conservation District R. D. 2, Box 2055 747 Greenville Road Mercer, PA 16137 (724) 662-2242

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>
City of Meadville Crawford County	PAR608305	Lincoln Metal Processing Co., Inc. Meadville Metal Co. 1602 Selinger Ave. P. O. Box 8127 Erie, PA 16505	French Creek	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAR608306	Lincoln Metal Processing Co., Inc. 1602 Selinger Ave. P. O. Box 8127 Erie, PA 16505	Unnamed Tributary to Lake Erie	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Pymatuning Township Mercer County	PAR208319	Cobra Metal, Inc. 4100 Congress Pkwy., Inc. P. O. Box 449 Richfield, OH 44286-0449	Shenango River	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-0481 (814) 332-6942

**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, 909 Elmerton Avenue, Harrisburg,
PA 17110.*

Location: Elizabethville Borough, Dauphin County, P. O. Box 578, Elizabethville, PA 17023. The approved plan provides for construction of a .4 mgd sequencing batch reactor STP to replace, expand and upgrade an aging extended aeration STP no longer able to meet its discharge limits. The Authority will continue to implement a phased rehabilitation of the Borough's sewage collection

system to remove inflow and infiltration. The Department's review of the sewage facilities update revision has not identified significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Location: Salisbury Township, Lancaster County, 5581 Old Philadelphia Pike, Gap, PA 17527. Approved plan provides for construction of a .240 mgd STP at the sight of the municipality's existing .1 mgd STP. Phased construction of a collection system serving the areas north and east of the Village of Gap is included in the 5 and 10 year future sewer service area. The Department's review of the sewage facilities update revision has not identified significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits

must be obtained in the name of the municipality or authority as appropriate.

Plan revision approval granted December 30, 1998 under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110.

Location: Rapho Township, Lancaster County, 971 North Colebrook Road, Manheim, PA 17545; and Mount Joy Borough, Lancaster County, 21 East Main Street, Mount Joy, PA 17552. The proposed development is located in the area of Strickler Road, S. R. 0230, Harrisburg Pike, Esbenshade Road and Eby Chiques Road, Rapho Township and Mount Joy Borough, Lancaster County.

The approved project consists of the construction of a sewer extension and pump station to serve 728 (equivalent dwelling units) EDUs (mixed use). Fifty-one EDUs will be served in Mount Joy Borough and the remaining 677 EDUs will be served in Rapho Township. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority.

SAFE DRINKING WATER

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

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

Permit No. 2198502. Public water supply. **Filson Water Treatment Inc.**, South Middleton Township, **Cumberland County**. *Responsible Official:* John R. Filson, II, Secretary/Treasurer, Filson Water Treatment, Inc., Four Appomattox Court, Mechanicsburg, PA 17055. *Type of Facility:* A 675 gallon per day bottled water facility utilizing reverse osmosis treatment.

Permit No. 0698504. Public water supply. **Womelsdorf-Robeson Joint Authority**, Millcreek Township, **Berks County**. *Responsible Official:* Harold J. Ranck, Chairperson, 490 Lyman Avenue, Womelsdorf, PA 19567. *Type of Facility:* Well No. 9 with disinfection.

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

Application No. M. A. The Department issued a construction permit to **Pennsylvania American Water Company** (800 Hershey Park Drive, P. O. Box 888, Hershey, PA 17033-0888, Philipsburg Borough, **Centre County**) for construction of modifications to the wastewater clarifier at the Philipsburg water treatment plant.

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 (Depart-

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

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

The Department has received the following final reports:

Southcentral Regional Office: Environmental Cleanup Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

909 Partners, L. P. Site, Susquehanna Township, **Dauphin County**. EPSYS Corporation, 5801 Grayson Road, Harrisburg, PA 17111 has submitted a Final Report concerning remediation of site groundwater contaminated with heavy metals and solvents. The report is intended to document remediation of the site to meet the Statewide health standard.

Distribution Pole 20647S32034, Mechanicsburg Borough, **Cumberland County**. PP&L, Inc., Two North Ninth Street, Allentown, PA 18101, 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.

NFO Partners Site, formerly American Insulators property, New Freedom Borough, **York County**. NFO Partners, c/o Springwood Development Corp., 2350 Springwood Road, York, PA 17402 has submitted a Final Report concerning remediation of site soils contaminated with heavy metals, BTEX and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 4

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program

Provisions of Chapter 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act 2 (Land Recycling and Environmental Remedia-

tion Standards Act) remediation standards. Plans and reports required by provisions of Act 2 for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has acted upon the following plans and reports:

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

NFO Partners Site, formerly American Insulators property, New Freedom Borough, **York County**. NFO Partners, c/o Springwood Development Corp., 2350 Springwood Road, York, PA 17402 has submitted a final report concerning the remediation of site soils contaminated with heavy metals, BTEX and PAHs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on January 4, 1999.

PP&L Distribution Pole 33817S26828, Lower Paxton Township, **Dauphin County**. PP&L, Inc., Two North Ninth Street, Allentown, PA 18101-1179 submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on January 7, 1999.

PP&L Distribution Pole 26142S34603, East Donegal Township, **Lancaster County**. PP&L, Inc., Two North Ninth Street, Allentown, PA 18101-1179 submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on January 7, 1999.

PP&L Distribution Pole 20647S32034, Mechanicsburg Borough, **Cumberland County**. PP&L, Inc., Two North Ninth Street, Allentown, PA 18101-1179 submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on January 13, 1999.

SOLID AND HAZARDOUS WASTE BENEFICIAL USE DETERMINATIONS

Permit for Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for municipal and residual waste.

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

General Permit No. WMGR038. Bradford County Landfill, Northern Tier Solid Waste Authority (P. O. Box 10, Burlington, PA 18814). Application for Determination of Applicability for General Permit to operate a waste tire processing facility located in West Burlington Township, **Bradford County**. Permit issued in the regional office on January 12, 1999.

HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permit issued under the Solid Waste Management, (35 P. S. §§ 6018.101—6018.1003) and regulations for post-closure of a hazardous waste treatment, storage or disposal facility.

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

Permit No. PAD003050846. GTE Muncy, GTE Operations Support, Inc. (1255 Corporate Drive, SVC04C38, Irving, TX 75038). Post-closure permit for a hazardous waste facility located in Muncy Township, **Lycoming County**, issued in the regional office on January 13, 1999.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2516.

Permit I. D. No. 301257. Martins Creek SES Ash Basin No. 4, Pennsylvania Power and Light Company (PP&L), Two North Ninth Street, Allentown, PA 18101-1179. A permit, authorizing the operation of an existing local, captive, Class II Residual Waste Disposal Impoundment, known as Ash Basin No. 4, located in Lower Mount Bethel Township, **Northampton County**, with a hypalon liner system at the PP&L Martins Creek Steam Electric Station. This captive monofill will only receive approved residual wastes, primarily flyash with some provisions for bottom ash, and sediment from the industrial waste treatment basin from the PP&L Martins Creek Steam Electric Station. The permit was issued in the Regional Office on January 5, 1999.

Permit I. D. No. 101371. McAuliffe Hauling and Recycling Services, Inc., P. O. Box 59, Walnutport, PA 18088. A permit reissuance, allowing McAuliffe Hauling and Recycling Services, Inc. to operate the municipal waste transfer facility known as the McAuliffe Recycling

Plant, located in Lehigh Township, **Northampton County**, for the remainder of the original permit term, which expires on April 9, 2003. This permit also officially changes the name of the site to the McAuliffe Hauling and Recycling Services, Inc. There has been no other change in terms of approved operations or site design. The permit was issued in the Regional Office on January 6, 1999.

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

Permit No. 300717. Permit Modification. **Pine Hill Landfill, Pine Hill Inc.** (P. O. Box 62, Blossburg, PA 16912-0062). Modification to existing residual waste landfill to accept a new wastestream. Landfill located in Ward Township, **Tioga County**. Modification issued in the regional office on January 11, 1999.

AIR QUALITY OPERATING PERMITS

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

15-303-012A: Allan A. Myers, Inc. (Rte. 29 and Charlestown Road, Devault, PA 19432) issued for operation of a drum mix asphalt plant in Charlestown Township, **Chester County**.

TVOP-46-00051: Schlosser Steel, Inc. (2641 Township Line Road, Hatfield, PA 19440) issued for operation of a Facility Title V Operating Permit in Hatfield Township, **Montgomery County**.

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

PA-10-282A: Butler County Humane Society (P. O. Box 2036, Butler, PA 16003) issued December 31, 1998, for operation of an incinerator in Connoquenessing Township, **Butler County**.

PA-33-159A: Brookville Mining Equipment (P. O. Box 130, Brookville, PA 15825) issued January 31, 1999, for operation of surface coating in Pinecreek Township, **Jefferson County**.

PA-61-064A: Con Air Group—Franklin Division (P. O. Box 790, Franklin, PA 16323) issued December 31, 1998, for operation of a painting process in Sugar creek, **Venango County**.

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

AR-37-00023: Pennsylvania Power Co. (1 East Washington Street, New Castle, PA 16103) issued January 13, 1999, for incorporation of early election NOx

limits under Phase II of the Federal Acid Rain rules in West Pittsburgh, **Lawrence County**.

AR-62-00012: GPU Generation, Inc. (1001 Broad Street, Johnstown, PA 15907) issued December 16, 1998, for incorporation of NOx limits under Phase II of the Federal Acid Rain rules in Conewango Township, **Warren County**.

General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP4-36-323-017: Novelty Mfg. Co. (1330 Loop Road, Lancaster, PA 17601) authorized use of the general permit for burn-off oven in the City of Lancaster, **Lancaster County**.

GP1-67-302-134: Danskin, Inc. (P. O. Box M-16, York, PA 17405) authorized use of the general permit for two natural gas/No. 2 oil fired boilers in York City, **York County**.

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

GP-25-085: Skinner Engine Co. (337 West 12th Street, Erie, PA 16501) issued January 4, 1999, for operation of two natural gas fired boilers in Erie, **Erie County**.

GP-62-148: Elkhorn Operating Co., Roystone Gas Processing Plant (Route 6, Sheffield, PA 16347) issued January 5, 1999, for operation of two natural gas fired compressor engines and dehydrators in Sheffield Township, **Warren County**.

GP-42-095: Georgia Pacific Corp. (One Owens Way, Bradford, PA 16701) issued January 6, 1999, for operation of two natural gas fired boilers in Bradford, **McKean County**.

GP-61-016: Pennzoil Products Co., Rouseville Refinery (Two Main Street, Rouseville, PA 16344) for retrofitting of two gasoline storage tanks in Cornplanter Township, **Venango County**.

PLAN APPROVALS

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-23-0003A: Bayway Refining Company (4101 Post Road, Trainer, PA 19061) issued January 12, 1999, for the operation of a fired heater in Trainer Borough, **Delaware County**.

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

22-03022: Wenger Feed Mill, Inc. (P. O. Box 26, Rheems, PA 17570-0026) issued January 6, 1999, for

construction of the bulk unloading of grain and ingredients processed by hammermilling or pelleting controlled by fabric filters and cyclones in Lykens Township, **Dauphin County**.

67-03031: Pennex Aluminum Co. (P. O. Box 100, Wellsville, PA 17365) issued January 13, 1999, for construction of a 140,000 lb. reverberatory furnace in Wellsville Borough, **York County**.

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

PA-42-187A: Resting Acres Pet Cemetery (1353 South Avenue, Bradford, PA 16701) issued December 17, 1998, for construction of an animal crematory in Broward Township, **McKean County**.

10-313-028A: INDSPEC Chemical Corp. (133 Main Street, Petrolia, PA 16050) issued January 8, 1999, for installation of scrubber in Petrolia, **Butler County**.

Administrative Amendment of Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-15-0027B: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) issued January 13, 1999, for drum dryer in Tredyffrin Township, **Chester County**.

Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

23-313-046: Norquay Technology, Inc. (800 West Front Street, Chester, PA 19016) issued January 13, 1999, for the operation of a specialty chemical process in City of Chester, **Delaware County**.

PA-09-0003: Superpac, Inc. (1220 Industrial Boulevard, Southampton, PA 18966) issued January 14, 1999, for the operation of a flexographic printing press in Upper Southampton Township, **Bucks County**.

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

06-319-099E: General Battery Corp. (P. O. Box 13995, Reading, PA 19612) granted January 11, 1999, to authorize temporary operation for the No. 6 battery assembly line controlled by a fabric collector, covered by this Plan Approval until May 10, 1999, at the SLI Plant in Muhlenberg Township, **Berks County**.

21-317-058A: The Quaker Oats Co. (P. O. Box 3040, Shiremanstown, PA 17011) granted November 7, 1998, to authorize temporary operation for the life cereal processing line Nos. 4 and 5, covered by this Plan Approval until March 6, 1999, in Hampden Township, **Cumberland County**.

36-02027A: R. R. Donnelley & Sons Co. (216 Greenfield Road, Lancaster, PA 17601) granted January 6, 1999, to authorize temporary operation for the rotogra-

vure press area controlled by a carbon adsorption solvent recovery system, covered by this Plan Approval until May 5, 1999, at the Lancaster East Plant in Lancaster City, **Lancaster County**.

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

PA-10-028A: Armstrong Cement & Supply Co. (100 Clearfield Road, Cabot, PA 16023) issued December 31, 1998, for a ball mill and air separator in West Winfield, **Butler County**.

PA-10-042A: Keystone Aluminum, Inc. (P. O. Box 807, 126 Myoma Road, Mars, PA 16406) issued January 30, 1999, for a scrap shredder in Adams Township, **Butler County**.

10-302-030A: Slippery Rock University (Slippery Rock, PA 16057) issued January 31, 1999, for boilers 3, 4 and 5 in Slippery Rock, **Butler County**.

10-302-036: Slippery Rock University (Slippery Rock, PA 16057) issued January 31, 1999 for fabric collectors boilers 1 and 2 in Slippery Rock, **Butler County**.

PA-25-974A: Hi-Tech Plating Co., Inc. (1015 West 18th Street, Erie, PA 16502) issued December 31, 1998, for a chrome plating operation in Erie, **Erie County**.

PA-25-980A: Menasha Corp., Packaging Division (5800 Bundy Drive, Erie, PA 16509) for a cyclone classifier and baler in Erie, **Erie County**.

25-322-003: Waste Management of PA, Inc. (851 Robinson Road, Erie, PA 16514) issued December 30, 1998, for a landfill gas to electric generation facility in Summit Township, **Erie County**.

PA-37-296A: Select Industries, Inc. (420 Cascade Street, New Castle, PA 16107) issued January 31, 1999, for a coating line in New Castle, **Lawrence County**.

37-309-046: Essroc Materials, Inc. (P. O. Box 779, Bessemer, PA 16112) issued December 30, 1998, for tired-derived fuel systems in Bessemer Borough, **Lawrence County**.

PA-42-034A: Dunbar Asphalt Products, Inc. (P. O. Box 291, Wheatland, PA 16161) issued December 31, 1998, for a bituminous asphalt plant in Wheatland, **Mercer County**.

PA-43-170B: Werner Co. (93 Werner Road, Greenville, PA 16125) issued January 1, 1999, for a pultrusion process in Sugar Grove Township, **Mercer County**.

PA-61-187A: A. G. Industries, Inc. (P. O. Box 1107, Oil City, PA 16301) issued November 30, 1998, for a hvof powder coat system in Oil City, **Venango County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds and Notice of Public Hearing

Approval of Reasonably Available Control Technology (RACT) plan for Koppers Industries, Inc. in Clinton Township, Lycoming County.

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan

(SIP) for a cogeneration and railroad crosstie treatment facility owned and operated by Koppers Industries, Inc. in Clinton Township, Lycoming County.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

Source

Wellons creosoted woodwaste-fired boiler

Nitrogen Oxides Emission Limits

160 ppmv corrected to 7% oxygen, dry basis (24-hour average) and 145 ppmv corrected to 7% oxygen, dry basis (30-day rolling average)

Additionally, a 13.4 million BTU/hour No. 6 fuel oil-fired boiler, a 220 horsepower diesel-fired fire pump, an 8 horsepower gasoline-fired makeup water pump, a 15,000 BTU/hour LPG-fired laboratory space heater, a 402,000 BTU/hour No. 2 fuel oil-fired boiler and ten 100,000 BTU/hour portable kerosene-fired heaters shall be maintained and operated in accordance with manufacturers' specifications and good air pollution control practices.

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and proposed SIP revision. The hearing will be held on March 9, 1999, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to David W.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

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

Aldenderfer, Air Quality Environmental Program Manager, Pennsylvania DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be received by March 24, 1999.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (570) 327-3693.

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

Montenay Montgomery Limited Partnership (Plymouth Township, Montgomery County)

PECO Energy Company (Falls Township, Bucks County)

Atlas Roofing Corporation (Quakertown Borough, Bucks County)

The Department of Environmental Protection (Department) has made a preliminary determination to approve RACT plans as amendments to the State Implementation Plan (SIP) for the above facilities. The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

These preliminary determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determinations for these facilities:

Montenay Montgomery Limited Partnership (Operating Permit OP-46-0010A)

<i>Source</i>	<i>NOx Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
2 municipal waste combustors	615 each	Source Monitoring and Recordkeeping	Upon Issuance of Permit

The facility is a minor VOC source.

PECO Energy Company (Operating Permit OP-09-0066)

<i>Source</i>	<i>NOx Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Boiler No. 3	322	Annual Tune-Up or Adjustment	Implemented
Boiler No. 4	322	Annual Tune-Up or Adjustment	Implemented

<i>Source</i>	<i>NOx Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Boiler No. 5	322	Annual Tune-Up or Adjustment	Implemented

The facility is a minor VOC source.

Atlas Roofing Corporation (Operating Permit OP-09-0039)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Shingle Saturator, Coating	43.4	Manufacturer Specifications	Implemented
Felt Saturator	23.2	Manufacturer Specifications	Implemented
Felt Line Saturator Vent	4.9	Manufacturer Specifications	Implemented
Saturator Cleaning Outside	6.1	Manufacturer Specifications	Implemented
Saturator Cleaning Inside	4.1	Manufacturer Specifications	Implemented

The facility is a minor NOx.

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on February 2, 1999, at the Department's Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to the Department on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert, DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428, on or before February 2, 1999.

Individuals in need of accommodations as provided for in the Americans With Disabilities Act who would like to attend the hearing should contact Clarke Rupert at (610) 832-6020 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

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

**ACTIONS TAKEN UNDER SECTION
401: FEDERAL WATER POLLUTION
CONTROL ACT
ENCROACHMENTS**

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the

Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

E23-371. Encroachment Permit. **Borough of Ridley Park**, 105 East Ward Street, Ridley Park, PA 19078. To modify and maintain the following miscellaneous work activities at Eastlake Park: 1) remove accumulated sediments from the bed of Eastlake to elevation 29.00; 2) install a floating barrier system adjacent to the upstream side of the dam structure; 3) place rip-rap to control storm sewer outfall scour at various locations; 4) install a fountain aerator; 5) replacement of an existing foot bridge with a 5-foot wide pedestrian bridge across the upstream end of Eastlake; 6) partially relocate a park walkway; 7) repair and partially remove an existing retaining wall; 8) regrade stream banks and Eastlake side slopes to approximately 3H:1V; 9) repair approximately 950 linear feet of existing gabion bank stabilization, and perform other minor maintenance activities; 10) excavate a forebay desiltation basin at the upstream end of Eastlake. The work area is located in and along Little Crum Creek and Eastlake from 80 feet to 2,000 feet upstream of Ridley Park Dam (Lansdowne USGS Quadrangle N: 0.30 inch; W: 11.30 inches) in Ridley Park Borough, **Delaware County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E46-790. Encroachment Permit. **Gambone Brothers Construction Company**, 1030 W. Germantown Pike, P. O. Box 287, Fairview Village, PA 19409. To install and maintain 80 linear feet of triple 12-foot by 4.66-foot roadway box culverts in and along a tributary to the Schuylkill River (WWF). This work is located just southeast of the intersection of Henderson Road and Shoemaker Road and is associated with the Gulp Mills Business Park (Norristown, PA Quadrangle N: 14.7 inches; W: 14.8 inches) in Upper Merion Township, **Montgomery County**.

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

E40-500. Encroachment. **Robert Cook**, R. R. 3, Box 3054, Harveys Lake, PA 18618. To modify and maintain an existing pile-supported dock in Harveys Lake, increasing the areal coverage from approximately 900 square feet to approximately 1,680 square feet. As modified, the dock will have dimensions of approximately 40 feet (lakeward) by 42 feet. The project is located at Pole No. 281 (Harveys Lake, PA Quadrangle N: 18.2 inches; W: 6.5 inches), in Harveys Lake Borough, **Luzerne County**.

E40-507. Encroachment. **Caradon Mideast Aluminum, Inc.**, Crestwood Industrial Park, P. O. Box 93, 330 Elmwood Road, Mountaintop, PA 18707-0098. To excavate in 0.31 acre of wetlands, within the drainage basin of Big Wapwallopen Creek, for the purpose of expanding the Caradon Mideast Aluminum Manufacturing facility. The project is located to the south of the existing facility, along Elmwood Road in the Crestwood Industrial Park (Wilkes-Barre West, PA Quadrangle N: 2.2 inches; W: 3.2 inches), in Wright Township, **Luzerne County**. The permittee is required to provide for 0.31 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project.

E40-509. Encroachment. **Pennsylvania American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701. To modify and maintain an existing aerial utility line crossing of Monument Creek, with work consisting of replacing 30-inch cast iron pipe sections with 30-inch ductile iron pipe, removing the existing concrete piers, and constructing steel trusses with concrete footings to support the two 30-inch water mains. The project includes bank rehabilitation/protection within a 90-foot channel reach utilizing R-7 riprap. The project is located approximately 100 feet north of S. R. 0502 (Avoca, PA Quadrangle N: 14.1 inches; W: 8.9 inches), in Pittston Township, **Luzerne County**.

E45-360. Encroachment. **Mid-Monroe Development Corporation, c/o Resorts USA, Inc.**, P. O. Box 447, Bushkill, PA 18324. To construct and maintain (1) a 3-span bridge (known as Encroachment No. 20) having a total span of 200 feet and a minimum underclearance of approximately 24 feet; (2) 12 road crossings; and (3) a golf clubhouse parking lot (known as Encroachment No. 38) in and across tributaries to Pond Creek and associated wetlands, including placement of fill in 0.11 acre of wetlands for Phase 2 and 3 of the Country Club of the Poconos planned residential development and 18-hole golf course and country club. The project is located north of U. S. Route 0209 between S. R. 1016 and Township Road T-540 (Bushkill, PA Quadrangle N: 13.3 inches; W: 13.6 inches) in Middle Smithfield Township, **Monroe County**. The permittee is required to provide 0.31 acre of replacement wetlands. The Environmental Assessments for two

stormwater management facilities (nonjurisdictional dams identified as Encroachment Nos. 32 and 33) have been approved.

Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E14-330. Encroachment. **Millheim Borough**, P. O. Box 421, Millheim, PA 16854-0421. To remove the existing structure and to construct and maintain an 84 inch by 32 foot long corrugated pipe arch culvert in an unnamed tributary to Elk Creek on Long Lane Road approximately 0.5 mile south of the intersection of Long Lane Road with Rt. 45 (Millheim, PA Quadrangle N: 1.5 inches; W: 14.7 inches) in Millheim Borough, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E17-324. Encroachment. **Thomas A. Lingle**, R. R. 1, Box 319, Clearfield, PA 16830. To maintain fill, approximately 24 feet by 40 feet by 8 feet deep, in the floodway of an unnamed tributary to the West Branch of the Susquehanna River for a mobile home located on T-210 about 800 feet west of T-521 (Clearfield, PA Quadrangle N: 5.6 inches; W: 11.8 inches) in Lawrence Township, **Clearfield County**. This permit was issued under section 105.13(e) "Small Projects."

E49-221. Encroachment. **PENN DOT District 3-0**, 715 Jordan Avenue, Montoursville, PA 17754. To replace and maintain an existing 6.25' x 5' reinforced concrete box culvert with a 10' x 8' precast reinforced concrete box culvert and to construct a temporary diversion dam in an unnamed tributary to the Susquehanna River located 1 mile north of the intersection of SR-147 and SR-405 along SR-405, section 068 (Northumberland, PA Quadrangle N: 12.5 inches; W: 15.95 inches) in West Chillisquaque Township, **Northumberland County**.

E59-378. Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754. To remove an existing single structure and to construct, operate and maintain a two span prestressed concrete adjacent box beam bridge to carry SR 1032, Sect. 002 Segment/Offset 0010-0004 across Crooked Creek. The bridge shall be constructed so that each span will have a clear normal span of 95.1 feet. The average underclearance of each span shall be a minimum of 15.7 feet. The bridge shall be constructed at a skew of 75 degrees. As proposed, the construction will not impact wetlands while impacting 113.3 feet of waterway. The proposed bridge is located along the western right-of-way of SR 0287 approximately 1,000 feet west of the intersection of SR 1032 and SR 0287 (Tioga, PA Quadrangle N: 8.5 inches; W: 1.0 inch) in Tioga Township, **Tioga County**.

E59-379. Encroachment. **PA Dept. of Transportation, District 3-0**, 715 Jordan Avenue, Montoursville, PA 17754. To construct and maintain an 8-span steel multi-girder bridge having a span of 1,507 feet, a minimum underclearance of 85 feet, a skew of 90° and seven reinforced concrete piers and two reinforced concrete abutments in Mill Creek and Tioga Reservoir located 6 miles North of Mansfield along SR-15 (Tioga, PA Quadrangle N: 1.2 inches; W: .2 inch) in Tioga Township, **Tioga 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.

E11-267. Encroachment. **Barnesboro Borough**, 101 Tenth Street, Barnesboro, PA 15714. To construct and

maintain a pedestrian bridge having a clear span of 145 feet and an underclearance of 11.75 feet across West Branch of Susquehanna River (CWF) located on Susquehanna Street approximately 500 feet upstream of the confluence of said river with Walnut Run (Barnesboro, PA Quadrangle N: 6.55 inches; W: 4.75 inches) in the Borough of Barnesboro, **Cambria County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E11-268. Encroachment. **Highland Sewer and Water Authority**, 120 Tank Drive, Johnstown, PA 15904. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 49.5 feet and an average underclearance of 6.1 feet across South Fork Little Conemaugh River for the purpose of providing access to the Lloydell Reservoir for on site monitoring as required by the Dam Safety Emergency Action Plan. This permit also authorizes the placement and maintenance of fill in a de minimis area of wetlands equal to 0.02 acre. The project is located on the Lloydell Reservoir Access Road, approximately 1 mile south of its conjunction with Szalat Avenue (Beaverdale, PA Quadrangle N: 9.0 inches; W: 8.2 inches) in Adams and Summerhill Townships, **Cambria County**.

E26-248. Encroachment. **Albert Gallatin Area School District**, 10 West Church Street, Masontown, PA 15461-1800. To operate and maintain a 240 foot long, 24 inch ADS pipe stream enclosure in an unnamed tributary to Monongahela River (WWF) located at Albert Gallatin Elementary School (Masontown, PA Quadrangle N: 17.8 inches; W: 4.0 inches) in Masontown Borough, **Fayette County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E56-285. Encroachment. **Borough of Confluence**, P. O. Box 99, Confluence, PA 15424-0099. To convert and maintain an existing Truss/girder bridge having four spans of 65.4 feet each and an underclearance of 14.5 feet across Youghiogheny River (HQ-CWF) for the purpose of constructing a pedestrian/bikeway bridge. Also, during rehabilitation, to construct and maintain two temporary causeways in said stream. The project is located on Old S. R. 281, at a point 325 feet downstream of the S. R. 281 bridge (Confluence, PA Quadrangle N: 10.45 inches; W: 16.00 inches) in Confluence Borough and Addison Township, **Somerset County** and Henry Clay Township, **Fayette County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-284. Encroachment. **Cabot Resources Corp.**, 700 Ekastown Road, Sarver, PA 16055. To maintain fill placed within the left 50-foot floodway of a tributary to Little Buffalo Creek having a 2:1 (H:V) slope and extending approximately 400 feet upstream from the entrance driveway to Jack's Mountain View Inn approximately 1,200 feet northwest of the intersection of S. R. 0356 and S. R. 2017 at Nolf Corners (Freeport, PA Quadrangle N: 12.25 inches; W: 12.75 inches) in Buffalo Township, **Butler County**.

E20-461. Encroachment. **Cambridge Springs Borough**, 26 Federal Street, Cambridge Springs, PA 16403. To construct and maintain the following improvements at the existing Cambridge Springs Borough Drinking Water Treatment Facility within the 100-year-floodplain of

French Creek south of Snow Alley between Kearney Avenue and North Main Street (Cambridge Springs, PA Quadrangle N: 10.3 inches; W: 8.0 inches) in Cambridge Springs Borough, **Crawford County**:

1. A 32-foot-long by 17-foot-wide addition onto the back (stream) side of the existing Water Treatment Plan buildings for use as a chemical storage room.

2. A chlorine contact tank and associated underground piping along Snow Alley.

3. A 17.5-foot-long by 23.5-foot-wide filter backwash discharge flow equalization basin adjacent to an existing flow equalization basin between the Water Treatment Plant building and French Creek.

E61-217. Encroachment. **National Fuel Gas Distribution Corporation**, P. O. Box 2081, Erie, PA 16512. To operate and maintain an 8-inch diameter natural gas pipeline installed by directional drilling under DEP Emergency Permit No. EP6198602 issued on September 10, 1998, across French Creek approximately 800 feet downstream of the S. R. 322 bridge (Franklin, PA Quadrangle N: 4.75 inches; W: 10.75 inches) in the City of Franklin, **Venango County**.

WATER QUALITY CERTIFICATION

Final Actions Under Section 401 of the Federal Water Pollution Control Act

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)).

These actions of the Department may be appealed to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by aggrieved persons under the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Environmental Hearing Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

Certification Request Initiated By: Dames and Moore, 2325 Maryland Road, Willow Grove, PA 19090.

Project Description: This activity involves low-pressure water cleaning prior to painting of the Betsy Ross Bridge. The request was submitted on behalf of the Delaware River Port Authority (DRPA), operator of the bridge which spans the Delaware Estuary-Zone 3 between Philadelphia, PA and Pennsauken, NJ. Best Management Practices for bridge painting projects are proposed. Potable wash water will be used without additives, at a flow rate of approximately 4 gpm from two spray wands and an average approximately 8,000 gpd over the 10-month project. Less than half of the cleaning is expected to occur over the Delaware Estuary-Zone 3.

Final Action on Request: Certification Granted.

SPECIAL NOTICES

Recycling Grant Awards Under the Municipal Waste Planning, Recycling and Waste Reduction Act

The Department of Environmental Protection announces the following grants to municipalities for recycling programs under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. § 4000.902).

Grant funds are used to develop and implement recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program

costs. Municipalities considered financially distressed under the Municipalities Financial Recovery Act (53 P. S. §§ 11701.101—11701.501), are eligible to receive funding for an additional 10% of approved costs. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Carl Hursh, Chief of Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101
§ 902 Recycling Development and Implementation Grants
Bureau of Land Recycling and Waste Management

	<i>Municipal Applicant</i>	<i>Project Type</i>	<i>Grant Award</i>
1	Richlandtown Borough Bucks County	Yardwaste Composting	\$ 17,055
2	Caln Township Chester County	Yardwaste Composting	\$ 14,078
3	Chester County	Home Composting Program	\$ 43,307
4	City of Coatesville Chester County	Yardwaste Composting	\$ 28,261
5	Downingtown Borough Chester County	Yardwaste Composting	\$ 25,580
6	Modena Borough Chester County	Curbside Recycling	\$ 20,413
7	City of Chester Delaware County	Recycling Education	\$ 4,557
8	Delaware County	Recycling Education	\$ 2,686
9	East Lansdowne Borough Delaware County	Yardwaste Composting	\$ 9,383
10	Springfield Township Delaware County	Yardwaste Composting	\$ 67,500
11	Swarthmore Borough Delaware County	Curbside Recycling	\$ 8,300
12	Abington Township Montgomery County	Yardwaste Composting	\$184,500
13	Douglass Township Montgomery County	Yardwaste Composting	\$ 34,616
14	Hatfield Borough Montgomery County	Curbside Recycling	\$ 55,789
15	Springfield Township Montgomery County	Curbside Recycling	\$166,500
16	Upper Merion Township Montgomery County	Recycling Education	\$ 7,621
17	Whitemarsh Township Montgomery County	Yardwaste Composting	\$ 40,811
18	Carbon County	Recycling Education	\$ 18,354
19	Mayfield Borough Lackawanna County	Recycling Education	\$ 639
20	City of Allentown Lehigh County	Curbside, Drop-off and Yardwaste Program	\$446,778
21	Emmaus Borough Lehigh County	Recycling Education	\$ 16,650

	<i>Municipal Applicant</i>	<i>Project Type</i>	<i>Grant Award</i>
22	South Whitehall Township Lehigh County	Yardwaste Composting	\$ 17,865
23	Upper Milford Township Lehigh County	Curbside Recycling	\$ 3,218
24	Dorrance Township Luzerne County	Drop-off Recycling	\$ 38,020
25	Wright Township Luzerne County	Drop-off Recycling & Home Composting	\$ 36,630
26	Monroe County	Recycling Education	\$ 41,692
27	Polk Township Monroe County	Drop-off Recycling	\$ 47,191
28	Stroud Township Monroe County	Yardwaste Composting	\$183,189
29	City of Bethlehem Northampton County	Recycling Education	\$ 29,891
30	East Allen Township Northampton County	Curbside Recycling	\$ 5,607
31	Williams Township Northampton County	Drop-off Recycling	\$ 70,002
32	Schuylkill County	Drop-off Recycling	\$884,326
33	Schuylkill Haven Borough Schuylkill County	Drop-off Recycling	\$ 15,744
34	Susquehanna County	Recycling Education	\$ 7,071
35	Honesdale Borough Wayne County	Yardwaste Composting	\$ 15,885
36	Wayne County	Drop-off Recycling & Home Composting	\$ 12,933
37	Wyoming County	Recycling Center	\$499,950
38	Berks County	Drop-off Recycling	\$ 7,200
39	Cumru Township Berks County	Yardwaste Composting	\$ 13,725
40	Exeter Township Berks County	Curbside Recycling & Yardwaste Composting	\$ 42,336
41	Spring Township Berks County	Yardwaste Composting	\$ 18,331
42	Bellwood Borough Blair County	Yardwaste Composting	\$ 45,000
43	Blair County	Yardwaste Composting	\$ 42,645
44	East Pennsboro Township Cumberland County	Curbside Recycling	\$ 8,326
45	Hampden Township Cumberland County	Yardwaste Composting	\$ 62,294
46	Mechanicsburg Borough Cumberland County	Yardwaste Composting	\$ 34,650
47	Newville Borough Cumberland County	Yardwaste Composting	\$ 14,311
48	Dauphin County	Recycling Education	\$ 826
49	Lower Swatara Township Dauphin County	Curbside Recycling	\$ 26,324
50	Penbrook Borough Dauphin County	Yardwaste Composting	\$ 15,862
51	Franklin County	Yardwaste Composting	\$ 81,000
52	Greencastle Borough Franklin County	Yardwaste Composting	\$ 31,500

	<i>Municipal Applicant</i>	<i>Project Type</i>	<i>Grant Award</i>
53	Earl Township Lancaster County	Yardwaste Composting	\$ 27,000
54	East Cocalico Township Lancaster County	Yardwaste Composting	\$ 46,122
55	Eden Township Lancaster County	Yardwaste Composting	\$ 20,700
56	Elizabeth Township Lancaster County	Yardwaste Composting	\$ 24,367
57	Lancaster County	Drop-off Recycling	\$ 19,948
58	West Earl Township Lancaster County	Yardwaste Composting	\$ 66,110
59	Lebanon County	Recycling Education	\$ 33,519
60	Mt. Gretna Borough Lebanon County	Yardwaste Composting	\$ 34,020
61	N. Londonderry Township Lebanon County	Yardwaste Composting	\$ 63,675
62	Carrol Township York County	Curbside Recycling	\$ 793
63	Fairview Township York County	Yardwaste Composting	\$ 26,730
64	Glen Rock Borough York County	Yardwaste Composting	\$ 24,885
65	Hellam Township York County	Yardwaste Composting	\$ 19,723
66	Penn Township York County	Curbside Recycling & Yardwaste Composting	\$ 52,072
67	Red Lion Borough York County	Curbside Recycling	\$ 10,060
68	Bellefonte Borough Centre County	Yardwaste Composting	\$174,737
69	Centre County	Recycling Center	\$252,133
70	Millheim Borough Centre County	Yardwaste Composting	\$ 19,795
71	Chest Township Clearfield County	Newsprint to Animal Bedding	\$ 1,094
72	Clearfield County	Drop-off Recycling	\$ 49,140
73	Clinton County	Drop-off Recycling	\$ 43,977
74	Town of Bloomsburg Columbia County	Curbside Recycling	\$ 64,870
75	Lycoming County	Drop-off Recycling	\$ 67,500
76	Danville Borough Montour County	Curbside Recycling & Yardwaste Composting	\$ 29,700
77	Mahoning Township Montour County	Recycling Education	\$ 7,200
78	Northumberland County	Curbside Recycling & Yardwaste Composting	\$ 92,700
79	Snyder County	Home Composting	\$ 23,368
80	Sullivan County	Curbside Recycling	\$141,066
81	Hartleton Borough Union County	Drop-off Recycling	\$ 49,062
82	Allegheny County	Commercial Recycling	\$ 45,000
83	City of Clairton Allegheny County	Yardwaste Composting	\$ 86,845
84	Municipality of Fox Chapel Allegheny County	Yardwaste Composting	\$ 17,995

	<i>Municipal Applicant</i>	<i>Project Type</i>	<i>Grant Award</i>
85	City of McKeesport Allegheny County	Yardwaste Composting	\$ 48,378
86	Municipality of Monroeville Allegheny County	Curbside Recycling & Yardwaste Composting	\$ 33,926
87	O'Hara Township Allegheny County	Yardwaste Composting	\$ 24,227
98	City of Pittsburgh Allegheny County	Recycling Education	\$ 88,000
89	Leechburg Borough Armstrong County	Recycling Center	\$ 15,937
90	Brighton Township Beaver County	Curbside Recycling	\$ 69,300
91	Monaca Borough Beaver County	Curbside Recycling & Yardwaste Composting	\$ 51,363
92	Rochester Township Beaver County	Curbside Recycling	\$ 36,053
93	Vanport Township Beaver County	Yardwaste Composting	\$ 4,014
94	Cambria County	Drop-off Recycling	\$299,196
95	City of Johnstown Cambria County	Recycling Education	\$ 10,000
96	Fayette County	Recycling Education	\$ 8,487
97	South Union Township Fayette County	Curbside Recycling	\$145,290
98	Washington Township Fayette County	Yardwaste Composting	\$ 10,102
99	Windber Borough Somerset County	Yardwaste Composting	\$ 21,240
100	Cecil Township Washington County	Curbside Recycling	\$ 9,225
101	Charleroi Borough Washington County	Yardwaste Composting	\$ 28,516
102	City of New Kensington Westmoreland County	Curbside Recycling	\$120,482
103	Crawford County	Organics Composting	\$ 82,998
104	City of Erie Erie County	Institutional Recycling	\$ 30,000
105	Fairview Township Erie County	Institutional Recycling	\$ 39,321
106	Franklin Township Erie County	Home Composting & Recycling Education	\$ 26,712
107	Millcreek Township Erie County	Curbside Recycling & Yardwaste Composting	\$ 77,207
108	Venango Township Erie County	Recycling Center	\$ 57,870
109	Jefferson County	Recycling Education	\$ 11,052
110	Lawrence County	Curbside Recycling & Recycling Education	\$ 80,640
111	Kane Borough McKean County	Yardwaste Composting	\$104,999
112	Rockland Township Venango County	Drop-off Recycling	\$ 6,660
113	Tidioute Borough Warren County	Drop-off Recycling	\$ 11,400

[Pa.B. Doc. No. 99-164. Filed for public inspection January 29, 1999, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule Revisions; 1999 HCPCS Updates

The Department of Public Welfare announces effective January 1, 1999, that changes have been made to the Medical Assistance Program Fee Schedule as a result of implementing the 1999 updates to the Health Care Financing Administration Common Procedure Coding System (HCPCS). The Federally required updates add new procedure codes which are compensable beginning January 1, 1999.

Changes to the Medical Assistance Program Fee Schedule for Provider Types 01, 03, 04, 05, 07, 10, 11, 12, 15, 16, 17, 19, 20, 23, 30, 43, 49 and 50.

Additions Effective January 1, 1999

<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>
AE	A4614	86	82139	60	90291	60	90393	60	90675
9P, 9R	K0456	86	82247	60	90296	60	90396	60	90676
9P, 9R	K0457	86	82248	60	90371	60	90585	60	90680
AM	L8195	86	82731	60	90375	60	90632	60	90690
10, 20, 40	57106	86	88142	60	90376	60	90633	60	90691
10, 20, 40	57111	86	88164	60	90379	60	90634	60	90692
10, 20, 40	57112	60	90281	60	90384	60	90645	60	90693
25	69990	60	90283	60	90385	60	90646	25	95970
RD, 54, 57	76977	60	90287	60	90386	60	90647	25	95971
86	82136	60	90288	60	90389	60	90648	60, PT	97140

End—Dated March 31, 1999

The procedure codes being deleted from the fee schedule as a result of those updates will not be compensable for services provided after March 31, 1999.

<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>
AM, 55	L4390	20	61712	86	82130	60	90714	60, PT	97122
10, 20, 27, 40	16040	25	63690	86	82250	60	90726	60	97250
10, 20, 27, 40	16041	25	63691	86	83717	60	90728	60	97260
10, 20, 40	16042	20, 27, 40	64830	86, 89	88156	60	90730	60	97261
10, 20, 27, 40	57108	54, 57, RD	71038	86	88250	60	90737		
10, 20, 40	61106	54, 57, RD	74405	86	88260	60	90741		
10, 20, 40	61130	53, 58, RN	78017	60	90711	60	90742		

The fiscal note was prepared under section 612 of The Administrative Code of 1929 (71 P. S. § 232).

Price changes made to the Medical Assistance Fee Schedule are routinely included in carry forward budget estimates.

Contact Person

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative should contact Thomas Vracarich at (717) 783-2800.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-190. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 99-165. Filed for public inspection January 29, 1999, 9:00 a.m.]

Response to Comments Received Regarding Public Notice Published on December 26, 1998 (28 Pa.B. 6350)

On December 26, 1998, the Department of Public Welfare (Department) published a public notice entitled *Public Notice of the Department's Intent to Revise Community Access Disproportionate Share Payments (28 Pa.B. 6350)*. In response to that public notice, the Department received several comments. The commentators expressed concern that: 1) the Department's database as it related to children's hospitals may be flawed; 2) the method of using a Statewide average discriminates against small facilities; 3) the Department inappropriately includes out-of-State (OOS) facilities in the Community Access Fund (CAF) charity care component; and 4) the CAF is intended to offset the financial impact of Act No. 1996-35 (Act 35) and OOS facilities were not adversely impacted by this Act.

Departmental response:

1) The database used in the CAF methodology was drawn from the 1995-96 inpatient hospital cost reports as submitted by the hospitals. These cost reports are certified by the hospitals as true and accurate. Any issues with the data therefore are the result of errors made by the hospitals submitting this information to the Department.

2) The concept of using a Statewide average is not new. In calculating Medical Assistance reimbursement for inpatient services, the Department utilizes Statewide averages in a number of instances, including the computation of relative values and the prospective capital add-on. Recognizing that several large volume hospitals incur the bulk of charity care costs, the Department limited payments under this component to \$750,000 to prevent a handful of hospitals from consuming all available funds. The Department disagrees with the assertion that small hospitals have been discriminated against. Of the 42 hospitals which qualify for the charity care component of the CAF, 21 of them have less than 350 beds. Of those 21 facilities, 14 have less than 300 beds.

3) There are only two OOS facilities which qualify for CAF payments. Since these facilities serve a large number of Pennsylvania MA recipients and in some instances more Pennsylvania MA recipients than some in-State hospitals, they should not be eliminated from the CAF proposal based solely on geography.

4) The assertion that the original CAF was intended to ease the financial impact of Act 35 on certain hospitals is correct. The CAF was developed in April 1997 and at that time criteria were developed to provide additional payments to certain hospitals which rendered uncompensated care and which the Department projected would have experienced a significant discontinuation of revenue as a result of MA program revisions.

The Fiscal Year 1998-99 General Appropriations Act had no requirement that the funds be allocated based on previously existing criteria. Although the Department included the previous criteria, the Department expanded the CAF to include a charity care component. The Department felt that continuing to strive to offset the financial impact of charity care was a logical and appropriate method of expanding the CAF.

While the Department appreciates and values the comments received on this public notice, the comments do not merit the elimination of a program that will greatly

benefit hospitals and ultimately, MA recipients. Therefore, the Department intends to proceed with the distribution of the CAF as proposed on December 26, 1998.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 99-166. Filed for public inspection January 29, 1999, 9:00 a.m.]

DEPARTMENT OF REVENUE

Interest Rate

An error occurred in the notice that was published at 28 Pa.B. 6351 (December 26, 1998). The new interest rate of 7% is effective for the year commencing January 1, 1999. The affected text is reprinted as follows:

Under section 806 of the act of April 9, 1929 (P. L. 343, No. 176), known as the Fiscal Code, the Secretary of Revenue announces that, for the year commencing January 1, 1999, all unpaid taxes which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 7% per annum. This rate will remain constant until December 31, 1999. Under the provisions of section 6621(a)(2) of the Internal Revenue Code, this rate has been established by the Secretary of the Treasury of the United States, to be effective January 1, 1999. This rate will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

Although the Tax Reform Act of 1986 amended Internal Revenue Code section 6621, by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Pennsylvania law. The Fiscal Code, as herein cited, requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

ROBERT A. JUDGE, SR.,
Secretary

[Pa.B. Doc. No. 99-167. Filed for public inspection January 29, 1999, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Chester County

Pursuant to the provisions of 71 P. S. Section 2002(b), The Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing single span, concrete encased steel I-beam bridge which carries Westbourne Road (S.R. 2006) over Goose Creek in Westtown Township, Chester County. The bridge is to be replaced on the existing alignment with an adjacent box beam bridge. Roadway approaches will be improved approximately 70 meters (200 ft.) east and west

of the bridge. The approach work is primarily to provide transition to the new structure.

The proposed project will require acquisition of 125.4 square meters (1,350 square feet) of right-of-way from the Twin Brook Farm property adjacent to the existing roadway. The Pennsylvania Historical and Museum Commission (PHMC) has determined that this project will have "No Effect" on the Twin Brook Farm property, a property eligible for listing in the National Register of Historic Places. This resource is protected by Section 2002 of Pennsylvania Act 120.

Mitigation measures will be taken to minimize harm as stipulated in the Categorical Exclusion/Section 2002 Evaluation Report.

The environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, have been considered. It has been concluded that there is no prudent and feasible alternative to the project as designed and all reasonable steps have been taken to minimize such effects.

No adverse environmental effect is likely to result from the replacement of the bridge.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-168. Filed for public inspection January 29, 1999, 9:00 a.m.]

Retention of Engineering Firms

Crawford County

Project Reference No. 08430AG2290

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately eight (8) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S. R. 0079, Section A05, Crawford County, Interstate 79, Restoration from Mercer County Line to PA 285 (Exit 35). This project involves rehabilitation and resurfacing (SUPERPAVE) 11.69km of existing roadway and shoulders. Also, waterproofing and overlaying of four (4) structures, drainage and guide rail updates.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- c. Number of NICET certified inspectors in each payroll classification.

- d. Understanding of Department's requirements, policies and specifications.
- e. Past performance.
- f. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	5 (3)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (1)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
- 5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$40.54
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the

construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Base Radio Station
- 8 Two-Way Radios
- 1 Cellular Phone
- 1 Survey Equipment (Rod, Level, Tapes, etc.)

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	3
TCI	6

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Mr. John L. Baker, P.E., District Engineer, District 1-0, 1140 Liberty Street, Franklin, PA 16323.

Any technical questions concerning the requirements for this project should be directed to: Mr. David W. Ruhlman, P.E., District 1-0 at (814) 437-4311.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

Venango County

Project Reference No. 08430AG2291

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately eight (8) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S. R. 0080, Section A01, Venango County, Interstate 80 Restoration from Mercer County Line to PA 308 (Exit 4). This project involves rehabilitation and resurfacing (SUPERPAVE) for 11.69km of existing roadway and shoulders, drainage and guide rail updates.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- c. Number of NICET certified inspectors in each payroll classification.
- d. Understanding of Department's requirements, policies and specifications.
- e. Past performance.
- f. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	5 (3)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (1)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
- 5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$40.54
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Base Radio Station
- 8 Two-Way Radios
- 1 Cellular Phones
- 1 Survey Equipment (Rod, Level, Tapes, etc.)

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	3
TCI	6

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Mr. John L. Baker, P.E., District Engineer, District 1-0, 1140 Liberty Street, Franklin, PA 16323.

Any technical questions concerning the requirements for this project should be directed to: Mr. David W. Ruhlman, P.E., District 1-0 at (814) 437-4311.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

Venango County

Project Reference No. 08430AG2292

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately five (5) inspectors, under the Department's Inspector(s)-in-Charge for construction

inspection and documentation services on S. R. 3008, Section B00, Venango County, Kennerdell Bridge Replacement Project. This project involves the replacement of a 740' long bridge over the Allegheny River.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- c. Number of NICET certified inspectors in each payroll classification.
- d. Understanding of Department's requirements, policies and specifications.
- e. Past performance.
- f. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	3 (2)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (1)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$40.54
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License
- 1 Vehicle for the Transportation of Nuclear Gauges
- 1 Base Radio Station
- 3 Two-Way Radios
- 1 Survey Equipment (Rod, Level, Tapes, etc.)

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	2
TCI	4

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Mr. John L. Baker, P.E., District Engineer, District 1-0, 1140 Liberty Street, Franklin, PA 16323.

Any technical questions concerning the requirements for this project should be directed to: Mr. David W. Ruhlman, P.E., District 1-0 at (814) 437-4311.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

Berks County

Project Reference No. 08430AG2293

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately twelve (12) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S. R. 0222, Section 003, Wyomissing Borough and Spring Township, Berks County, Warren Street Extension North. This project involves the construction of approximately 6,430 linear feet of divided roadway with plain cement concrete pavement, RPS; a construction of approximately 1,970 linear feet of bituminous concrete base course with bituminous binder course and bituminous wearing course; various side road bituminous construction; a 180-foot single span composite steel multi-girder bridge; a 115-foot single span composite prestressed concrete I-beam bridge; a 218-foot single span composite steel multi-girder bridge; and a twin 10' x 3' cell precast reinforced concrete box culvert, or alternative designs; retaining walls; MSE walls; sound barriers; guide rail; drainage; traffic signals; lighting; erosion control; planting; signing; and pavement marking within a length of 14,121 linear feet (2,675 miles).

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, drainage, retaining walls, MSE walls, sound barriers, guide rail, traffic signals, lighting, signing, erosion control, planting and pavement markings. Two (2) of the TCI's shall be PennDOT CDS certified. Two (2) of the TCI/TCIS's shall be nuclear gauge certified.
- c. Understanding of Department's requirements, policies, and specifications.
- d. Past Performance.
- e. Number of available inspectors in each payroll classification.
- f. Number of NICET certified inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	3 (3)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	5 (3)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$46.27
(TCIS)	\$40.54
(TCI-Materials)	\$36.55
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm

will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

1	Nuclear Densometer Gauges/License
1	Vehicle for the Transportation of Nuclear Gauges
1	Base Radio Station
12	Two-Way Radios
1	Two-Way Radio Repeater Station
1	Camera (type 35mm, and film)

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	4
TCI-M	2
TCI	6

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Mr. Walter E. Bortree, P.E., District Engineer, District 5-0, 2460 Parkwood Drive, Allentown, PA 18103, Attention: Mr. Brian H. Graver.

Any technical questions concerning the requirements for this project should be directed to: Mr. Brian H. Graver, District 5-0, at (610) 791-6022.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest with required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief
Consultant Selection Committee
7th Floor, Forum Place
555 Walnut Street
P. O. Box 3060
Harrisburg, Pennsylvania 17105-3060

Note: The Zip Code for express Mailing is 17101-1900

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (TEA-21) and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The Department requests that each Letter of Interest include the following information and that the information be packaged and presented in the order indicated below to facilitate the Department's review and evaluation.

The firm's ability and willingness to package and present the requested information in the above order to facilitate the Department's review and evaluation will be the first factor considered in the evaluation process.

1. Transmittal Letter (Maximum of two (2) 8 1/2 x 11" typed pages, one side)

2. A fact sheet that includes the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant should indicate on this fact sheet the names and Professional Engineer License Number of Individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm. If the project advertisement indicated the Department will retain a Land Surveying firm for the project, the applicant should indicate on this fact sheet the names and Professional Land Surveyor Registration Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's land surveying activities, and whose names and seals shall be stamped on all plans, plats, and reports issued by the firm.

3. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart should show key staff from the prime and each subconsultant and their area of responsibility.

4. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 should be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work and service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B should specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do not include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant should not include more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

5. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, should accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

These Forms should be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Standard Form 255.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Standard Form 255.

7. Registration To Do Business

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 the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary should indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

The single page summary of the latest audited overhead rate for the prime consultant and each subconsultant is optional for construction inspection services.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2 x 11" pages or five (5) double sided 8 1/2 x 11" pages may be included at the discretion of the submitting firm.

Letters of Interest will be rejected for the following reasons:

1. Received after the cut-off time and date specified above.
2. Failure to identify a Disadvantaged Business Enterprise (DBE) if a DBE participation goal is identified in the advertised project.
3. Failure to include a copy of the registration to do business in the Commonwealth.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-169. Filed for public inspection January 29, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Donald M. Dunlap; Hearing; Doc. No. AG99-01-007

A hearing shall occur on March 3, 1999, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. The proceedings in this matter will be governed by the Administrative Agency Law, 2 Pa.C.S. §§ 501—508 and 701—704 and the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq.

Motions preliminary to those at hearing, protest petitions to intervene or notices of intervention, if any, must be filed with the Docket Clerk on or before February 10, 1999.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-170. Filed for public inspection January 29, 1999, 9:00 a.m.]

John D'Ohavi; Hearing

Appeal of John D'Ohavi under The Motor Vehicle Financial Responsibility Law Catastrophic Loss Benefits Continuation Fund; Doc. No. CF98-12-019

A telephone prehearing conference initiated by this office shall be conducted on February 11, 1999, at 10 a.m. The parties shall have exchanged and filed prior to February 4, 1999, all exhibits intended for use at the hearing, a witness list identifying the names, addresses and telephone numbers for the proposed witnesses, the identity of all experts along with their curriculum vitae and proposed testimony, an estimate of time for the respective party's case-in-chief, a listing of all legal issues and the supportive citation for the respective party's position pertaining to the legal issues and all joint factual stipulations.

The hearing shall occur on February 24, 1999, at 10 a.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

A written request for continuance of the scheduled hearing, for good cause, will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-171. Filed for public inspection January 29, 1999, 9:00 a.m.]

Pennsylvania Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

The Insurance Department has received from the Pennsylvania Compensation Rating Bureau (PCRB) a filing for a loss cost level change for workers' compensation insurance. This filing is made in accordance with section 705 of Act 44, which amended the Pennsylvania Workers' Compensation Act. The PCRB requests an overall 5.26% decrease. The PCRB has calculated the employer assessments to be 4.07%, compared to 3.19% last year. This results in a net effect of 4.45% decrease. Updates to a variety of other rating values and Manual rules to reflect the most recent experience and terminology are also being submitted for approval.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Nabila Audi, Actuary, Pennsylvania Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, or by e-mail at naudi@ins.state.pa.us, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-172. Filed for public inspection January 29, 1999, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

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

Appeal of Doris D. Dwin; file no. 98-181-08707; State Farm Fire and Casualty Ins. Co.; doc. no. P99-01-012; February 16, 1999, at 1 p.m.

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

Rules of Administrative Practice and Procedure) unless specific exemption is given.

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

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-173. Filed for public inspection January 29, 1999, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad
With Hearing

A-00114362. SEPTA. Application of Southeastern Pennsylvania Transportation Authority (SEPTA).

For exemption from the following provisions of Subchapter C of the 52 Pa. Code to permit the construction of new level platforms (33.122(F)) associated with the New Eastwick Station, located in the City of Philadelphia, PA.

An Initial Hearing on this matter will be held Wednesday, March 10, 1999 at 10 a.m., in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-174. Filed for public inspection January 29, 1999, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before February 22, 1999, as set forth at 52 Pa. Code

§ 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00115556. John Andrew McElroy, t/d/b/a Lake Harmony Wholesale (P. O. Box 204, Blakeslee, Carbon County, PA 18610) persons upon call or demand in the borough of Blakeslee, Carbon County, and within an airline radius of 12 statute miles of the limits of the borough of Blakeslee.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-175. Filed for public inspection January 29, 1999, 9:00 a.m.]

**Water Service
Without Hearing**

A-210082. C B Treat Water Company. Application of C B Treat Water Company for approval to begin to offer, render, furnish or supply water service to the public in Port Florence Development, Paupack Township, Wayne County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before February 16, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: C B Treat Water Company.

Through and By Owner: Robert Treat, Box 26, White Mills, Pa. 18473.

JAMES J. MCNULTY
Secretary

[Pa.B. Doc. No. 99-176. Filed for public inspection January 29, 1999, 9:00 a.m.]

**STATE CONSERVATION
COMMISSION**

Dirt and Gravel Road Pollution Prevention Maintenance Program

As required by 25 Pa. Code § 83.604(f), the State Conservation Commission is providing public notice of FY98 apportionment of funds to participating County Conservation Districts for the Dirt and Gravel Road Pollution Prevention Maintenance Program that is authorized under 75 Pa.C.S. § 9106.

A. Effective Date

These allocations are effective upon publication in the *Pennsylvania Bulletin*.

B. Background

The State Conservation Commission approved the following allocations at their public meeting on January 7, 1999: \$3,528,000 of FY98 funds are apportioned according to stipulations in 75 Pa.C.S. § 9106(c) and \$106,901 of uncommitted FY97 funds are divided evenly among the participating County Conservation Districts.

Copies of the referenced Statement of Policy contained in Chapter 83.604, as published in Pa. Bulletin, Vol. 28, No. 37, September 12, 1998, and 75 Pa.C.S. § 9106(c) are available from Woodrow J. Colbert at the State Conservation Commission Office, Rm. 407 Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-8821.

The following allocations are being made to County Conservation Districts participating in the program. Listed alphabetically, they are: Adams \$19,755; Allegheny \$19,511; Armstrong \$49,425; Beaver \$26,142; Bedford \$54,383; Berks \$19,958; Blair \$30,857; Bradford \$27,656; Bucks \$20,254; Butler \$22,573; Cambria \$25,593; Cameron \$57,898; Carbon \$19,827; Centre \$37,617; Chester \$31,215; Clarion \$60,896; Clearfield \$227,586; Clinton \$28,490; Columbia \$30,649; Crawford \$104,209; Cumberland \$19,622; Dauphin \$25,986; Elk \$35,156; Erie \$28,471; Fayette \$54,700; Forest \$38,223; Franklin \$25,273; Fulton \$29,049; Greene \$60,689; Huntingdon \$70,816; Indiana \$102,958; Jefferson \$54,068; Juniata \$43,840; Lackawanna \$47,294; Lancaster \$45,489; Lawrence \$27,598; Lebanon \$17,128; Lehigh \$34,695; Luzerne \$82,721; Lycoming \$36,613; McKean \$22,205; Mercer \$56,418; Mifflin \$33,932; Monroe \$26,522; Montgomery \$17,975; Montour \$16,837; Northampton \$19,862; Northumberland \$17,367; Perry \$48,839; Pike \$121,428; Potter \$455,377; Schuylkill \$37,300; Snyder \$18,927; Somerset \$25,998; Sullivan \$62,507; Susquehanna \$27,304; Tioga \$58,669; Union \$42,414; Venango \$44,021; Warren \$47,504; Washington \$68,852; Wayne \$417,548; Westmoreland \$36,535; Wyoming \$74,514; and York \$41,187.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 99-177. Filed for public inspection January 29, 1999, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting sealed bids for:

- 1) Equipment Rental, Vactor #2115 Catch Basin Cleaner or Equal

Bid Opening: February 11, 1999 at 11:30 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 Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-178. Filed for public inspection January 29, 1999, 9:00 a.m.]

Request for Bids

Used Computer Equipment to include Desktop CPU's, Portable PC's, Monitors, Keyboards, Printers, Modems, and Misc. Cable for sale by sealed bid by the Pennsylvania Turnpike Commission. Bids open February 22, 1999.

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 Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-179. Filed for public inspection January 29, 1999, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

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

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

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

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

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

Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

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

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

BARBARA HAFER,
State Treasurer

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

Commodities

1462118 Motor vehicles, trailers and cycles—3 each 1999 model heavy duty 4x4 pickup truck.

Department: Corrections
Location: Camp Hill, Cumberland County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1318218 Motor vehicles, trailers and cycles—1 each 1999 model 15 passenger van wagon.

Department: Public Welfare
Location: Ebensburg Center, Ebensburg, Cambria County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1461118 Motor vehicles, trailers and cycles—1 each 1999 model van body truck.

Department: Corrections
Location: Camp Hill, Cumberland County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1440218 Food preparation and serving equipment—2 each steamers, pressure, direct steam operation, wall mounted w/4 compartment, Ref: Cleveland Model PDW-4.

Department: Public Welfare
Location: Warren State Hospital, North Warren, Bradford County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8169440 Construction and building materials—2,944 bags Portland cement based fast-setting concrete mix—IFSCEM 110 fastset patch.

Department: Transportation
Location: Scranton, Lackawanna County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

SU-00335R01 Food preparation and serving equipment—Shippensburg University is seeking vendors interested in bidding on providing food equipment and installation for renovation of Century Room.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, Cumberland and Franklin Counties, PA
Duration: FY 98—99
Contact: Zora Frank, (717) 532-1386 or fax (717) 532-1350

32001-14 Household and commercial furnishings and appliances—Shippensburg University is seeking vendors interested in bidding on providing 310 mattresses for student beds in Seaver Apartment.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, Cumberland/Franklin Counties, PA
Duration: FY 98—99
Contact: Zora Frank, (717) 532-1386 or fax (717) 532-1350

1506118 Metal bars, sheets and shapes—1 each furnish and install Applications/Feed Registry System for the production of license plates.

Department: Corrections
Location: Pittsburgh, Allegheny County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

SERVICES

Computer Related Services—08

RFQ 12090—12091 Indiana University of Pennsylvania (IUP) is seeking price quotes for the licensing of Microsoft software through the Microsoft Open License Program (MOLP) at Level B. Requests for a copy of the RFQ should be made in writing and directed to Barbara Cerovich, IUP, 650 South 13th Street, Indiana, PA 15705; fax (724) 357-2670; e-mail: CEROVICH@grove.iup.edu. Request for Quotation is due at 1:30 p.m. on February 16, 1999. The University encourages responses from small, minority and women owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Twenty-four (24) months
Contact: Barbara Cerovich, (724) 357-3077

Construction and Construction Maintenance—09

038 Restoration of the existing underground stormwater drainage system on the property of PRC leased from Ridley Creek State Park.

Department: Conservation and Natural Resources
Location: Ridley Creek State Park, 8606 Providence Road, Newtown, PA 19073
Duration: June 30, 1999
Contact: Regional Park Office No. 4, (215) 453-5016

DGS A 251-276 Project title: New Fuel Facility. Brief description: Removal of fuel and waste oil underground storage tanks. Installation of new underground storage tank and construction of new fuel island and canopy. Estimated range: \$100,000 to \$500,000. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a check for \$5 per set made payable to the Commonwealth of Pennsylvania or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, February 24, 1999 at 2 p.m. A prebid conference has been scheduled for Tuesday, February 16, 1999 at 10 a.m., at the PennDOT Maintenance Building, Gettysburg, PA. Contact: Larry Wood, (717) 787-0466. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: PennDOT Maintenance Building, Gettysburg, Adams County, PA
Duration: 160 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-299 Project title: New Fuel Facility. Brief description: Remove existing USTs and fuel facility. Install new fuel USTs and waste oil aboveground storage tank. Construct new fuel island and canopy. Estimated range: \$100,000 to \$500,000. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a check for \$5 per set made payable to the Commonwealth of Pennsylvania or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, February 24, 1999 at 1 p.m. A prebid conference has been scheduled for Thursday, February 11, 1999 at 10 a.m. at the PennDOT Maintenance Building, Towanda, PA. Contact: Larry Wood, (717) 787-0466. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: PennDOT Maintenance Building, Towanda, Bradford County, PA
Duration: 160 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-483 Project title: New Fuel Facility. Brief description: Remove fuel and waste oil USTs and fuel facility island. Install new UST and AST and construct new island with canopy. Estimated range: \$100,000 to \$500,000. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set made payable to the Commonwealth of Pennsylvania or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, February 24, 1999 at 11 a.m. A prebid conference has been scheduled for Thursday, February 18, 1999 at 10 a.m. at the PennDOT Maintenance Building, Indiana, PA. Contact: Larry Wood, (717) 787-0466. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: PennDOT Maintenance Building, Indiana, Indiana County, PA
Duration: 160 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-484 Project title: New Fuel Facility. Brief description: Removal of existing fuel facility and underground storage tanks. Install new fuel facility and underground storage tank for fuel and aboveground storage tank for waste oil. Estimated range: \$100,000 to \$500,000. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set made payable to the Commonwealth of Pennsylvania or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, February 24, 1999 at 11 a.m. A prebid conference has been scheduled for Thursday, February 18, 1999 at 2 p.m. at the PennDOT Maintenance Building, Clarion, PA. Contact: Larry Wood, (717) 787-0466. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: PennDOT Maintenance Building, Clarion, Clarion County, PA
Duration: 160 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-533 Project title: New Fuel Facility. Brief description: Remove fuel, heating oil and waste oil underground storage tanks. Construct new island and canopy and install new underground storage tank systems. Estimated range: \$100,000 to \$500,000. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a check for \$5 per set made payable to the Commonwealth of Pennsylvania or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, February 24, 1999 at 2 p.m. A prebid conference has been scheduled for Wednesday, February 17, 1999 at 10 a.m. at the PennDOT Maintenance Building, Lewistown, PA. Contact: Larry Wood, (717) 787-0466. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: PennDOT Maintenance Building, Lewistown, Mifflin County, PA
Duration: 160 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 948-41ME4 Project title: Electrical and Electronic Systems for the Keystone Building. Brief description: The package consists of, but is not limited to, the following work: provide complete electrical systems and integrated electronic systems, including building management systems, fire alarm, CCTV, access control and related electronics, instrumentation and controls. Estimated range: \$5,000,000 to \$10,000,000. Plans deposit: \$25 per set. Payable to: CRSS Constructors. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a check for \$15 per set made payable to Reliance Reprographics, Inc. or provide your express mail account number to the office listed. Mail requests to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, February 16, 1999 at 2 p.m. A prebid conference has been scheduled for Tuesday, February 2, 1999 at 2 p.m. Meeting to be held in the Corporate Board Room, Arsenal Building, 18th and Herr Streets, Harrisburg, PA. Contact persons: John Schneider or Justin Koenes, (717) 233-7507. All contractors who have secured contract documents are invited and urged to attend this prebid conference. All questions must be submitted in writing to CRSS Constructors, Inc. in association with the Quandt Group, Inc., P. O. Box 60827, Harrisburg, PA 17106-0827. Attn: John Schneider, (717) 233-7507, fax (717) 233-7528 by Tuesday, February 9, 1999.

Department: General Services
Location: Keystone Building, Capitol Complex, Harrisburg, Dauphin County, PA
Duration: 760 calendar days from preconstruction conference date
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 1700-31 Project title: Removal of Underground Storage Tanks. Brief description: Remove one existing 2,000 gallon underground fuel oil storage tank and one existing 500 gallon underground gasoline storage tank, concrete pads, fuel dispenser, exposed piping and electrical conduit. Perform site assessment, sampling and testing. Backfill and restore excavated site. Estimated Range: Under \$100,000. UST/AST Construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a check for \$5 per set made payable to the Commonwealth of Pennsylvania or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, February 27, 1999 at 2 p.m.

Department: General Services
Location: State Fire Academy, Lewistown, Mifflin County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. FDC-406-565 Providing and placing shoulder material (2A—720 tons); and bituminous concrete paving (tack coat—17,500 s. y., binder—2,300 tons, and wearing—1,380 tons). All work is in French Creek State Park.

Department: Conservation and Natural Resources
Location: Union Township, Berks County and Warwick Township, Chester County, PA
Duration: 60 days
Contact: Construction Management Section, (717) 787-5055

IN-779 Cooling Tower Replacement: Stabley and Stright Halls. Work included under this project consists of cooling tower replacement, Stabley and Stright Halls consisting of removing existing cooling towers, piping, beams, electrical equipment, receptacles, wiring, and the like, to furnish and install new cooling towers, piping, wiring, conduit, and the like. Notice to Contractors may be requested from IUP, phone: (724) 357-2289, fax: (724) 357-6480. Internet: <http://www.iup.edu/engcons>.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705-1087
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (724) 357-4851

Engineering Services—14

01 Municipality of Penn Hills will retain an engineering firm for the design of the rehabilitation of the Jefferson Heights Bridge, over Route 376, from No. Pike to Old William Penn. Estimated cost for rehabilitation is in the \$2 million range. Project funded under PennDOT "ACT TEA-21" bill. The municipality will "shortlist" three firms from the firms responding. Interested firms should submit letter of interest, along with PennDOT Forms 254 and 255 to: John C. Brennan, Municipal Manager, 12245 Frankstown Road, Pittsburgh, PA 15235, on or before February 25, 1999 at 4 p.m.

Department: Municipality of Penn Hills
Location: Jefferson Heights Bridge over Route 376, Penn Hills, Allegheny County, PA
Duration: Indeterminate 1998—99
Contact: John C. Brennan, Municipal Manager, (412) 798-2108

08430AG2290 To provide construction inspection services on S. R. 0079, Section A05, I-79 from Mercer County line to PA 285, in Crawford County.

Department: Transportation
Location: Engineering District 1-0
Duration: Eighteen (18) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2291 To provide construction inspection services on S. R. 0080, Section A01, I-80 from Mercer County line to PA 308 in Venango County.

Department: Transportation
Location: Engineering District 1-0
Duration: Eighteen (18) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2292 To provide construction inspection services on S. R. 3008, Section B00, Kennerdell Bridge Replacement, in Venango County.

Department: Transportation
Location: Engineering District 1-0
Duration: Eighteen (18) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2293 To provide supplementary construction inspection staff of approximately 12 inspectors for construction inspection and documentation services for S. R. 0222, Section 003, Warren Street Extension North, Wyomissing Borough, Spring Township, Berks County.

Department: Transportation
Location: Engineering District 5-0
Duration: Thirty-six (36) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance—15

BOGM 98-10 Clean out and plug five abandoned oil and gas wells estimated to be 1,800 to 2,800 feet deep. *(RPS, Inc., St. Malachy Church, Forest Grove School, Montour High School and Community Alliance Church Properties) Moon, Kennedy and Robinson Townships and the Town of McKees Rocks.

Department: Environmental Protection
Location: *See Above, Allegheny County, PA
Duration: 120 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

DMF 006-101.1 Abandoned mine land project, deep mine borehole sealing, Darmac Associates Corporation involves an estimated 850 l. f. of borehole sealing.

Department: Environmental Protection
Location: Armstrong Township, Indiana County, PA
Duration: 45 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

Extermination Services—16

9999 3600 005 Contractor will perform extermination services for the State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, Schuylkill County, PA. Vendor to request bid package in writing.

Department: Corrections
Location: State Correctional Institution Mahanoy, 301 Morea Road, Frackville, PA
Duration: July 1, 1999 to June 30, 2002
Contact: Ann M. Gavala, Purchasing Agent, (570) 773-2158, fax (570) 621-3096

Food—19

100 Items to be bid monthly, all amounts are approximate for period July 01, 1999 to June 30, 2000. (Pounds are approximate for 12-month period). 8,000 lbs. fish portions, raw, unbreaded, cod, 4 oz. portions. *(USDA Certificate required). 8,000 lbs. crab cakes, 4 oz. portion, pre-cooked. (Certificate of Compliance required). 1,200 lbs. clams and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

101 Eggs, fresh, consumer Grade A, medium, must be candled inspected, Class I, brown and white, packed 30 dozen/case, 40 lb. carton USDA Certificate required, and all related items. Approximately 1,500 dozen each Monday from July 1, 1999 to June 30, 2000. Bids will be sent out quarterly.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

102 Items to be bid monthly, all amounts are approximate for period July 01, 1999 to June 30, 2000. 62,000 each, cheese pizza, 5.5 oz. prepared frozen, individual pizza to contain 1 1/2 oz. mozzarella or mozzarella substitute, 1 1/2 oz. tomato sauce and spice on a 2 1/2 oz. enriched crust. Packed 48/case. New weight: 16 lbs./case (and all related items).

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

103 48,000 each, milk, skim in 1/2 pint containers for period July 01, 1999 to June 30, 2000, and all related items. Bids will be sent out quarterly.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

104 All items to be bid monthly, all amounts are approximate for period July 01, 1999 to June 30, 2000. (Lbs. are approximate for 12 month period). 8,000 lbs. beef liver; 12,000 lbs. frankfurters all beef; 9,600 lbs. ham, skinless; 15,000 lbs. pork chops and all related items. 8,000 lbs. bacon; 5,000 lbs. bologna, garlic (all beef); 5,000 lbs. bologna (all beef); 15,000 lbs. beef sandwich steaks; 4,500 lbs. braunschweiger; 4,000 lbs. chopped ham; 14,400 lbs. beef rib-b-que and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

105 Ice cream in 4 oz. cups, minimum of 1/3 delivery to be with toppings and one meal of sherbet per month. Approximately 480 dozen cups weekly, from July 01, 1999 to June 30, 2000. Bids will be sent out quarterly.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

106 Items will be bid monthly, all amounts are approximate for period July 01, 1999 to June 30, 2000. Pounds are approximate for 12 month period. 20,000 lbs. cheese, processed American; 10,000 lbs. cheese, processed Swiss; 7,000 lbs. longhorn cheese, and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

107 Items will be bid monthly, all amounts are approximate for period July 01, 1999 to June 30, 2000. Pounds are approximate for 12 month period. 6,000 lbs. veal steaks, 4 oz. portions, and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

108 Items to be bid monthly, all amounts are approximate for period July 01, 1999 to June 30, 2000. (Pounds are approximate for 12 month period). 46,000 lbs. chicken, ready to cook, Grade A, Type II, fresh frozen, Class I broilers or fryers, Style II, quartered, no livers, gizzards or necks. Weight range: 3 lb. per chicken, PA Spec C-94, Eff. 04/11/73. USDA Certificate required (and all related items).

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

109 All items are approximate for period July 01, 1999 to June 30, 2000. 400 bags flour, hi-gluten, 100 lb. bags; 200 bags of flour, rye, 100 lb. bags; 300 bags flour, whole wheat, 100 lb. bags; 4,200 bags flour, bread, 100 lb. bags; and all related items. Bids sent out monthly.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

110 Items to be awarded monthly, all amounts are approximate for period July 01, 1999 to June 30, 2000. Onions, carrots, celery, lettuce, bananas, apples, oranges, grapefruit, pears, and all related items. USDA Certificate required.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

111 Items to be bid monthly, all amounts are approximate for period July 01, 1999 to June 30, 2000. Cases are approximate for 12 month period. 1,050 cases of Hot Pockets, beef and cheddar, ingredients: sliced beef and real cheddar cheese, 24 5/8 oz./cases, and all related items. No pork or pork by-products will be accepted.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

112 All items to be bid monthly, all amounts are approximate for period July 01, 1999 to June 30, 2000. (Pounds are approximate for 12 month period). 22,000 lbs. poultry meat; 14,000 lbs. turkey breast; 12,000 lbs. chicken patties; 4,000 lbs. turkey sausage; 8,000 lbs. turkey ham; 9,000 lbs. chicken franks; 12,000 lbs. ground turkey and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

113 Items to be bid monthly, all amounts are approximate for period July 1, 1999 to June 30, 2000. 18,000 lbs. broccoli, frozen; 7,000 lbs. brussel sprouts, frozen; 9,000 lbs. cauliflower, frozen and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

114 Potatoes, to be bid monthly for period July 1, 1999 to June 30, 2000. Approximately 32,000 lbs. per month. Potatoes to be US No. 2, First Choice, 6 oz. minimum, if available the 3 inch round, white, US No. 1 is acceptable. 50 lb. bags, USDA Certificate required.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

115 Items will be bid monthly, all amounts are approximate for period of July 1, 1999 to June 30, 2000. (Cases are approximate for 12 month period). 20,000 each, chicken burritos; 20,000 each, beef burritos and all related items.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 1999 to June 30, 2000
Contact: Ronald Dudek, Purchasing Agent, (412) 761-1955

0640 Provide a minimum of 50 eight pound bags per week at location 1. Provide a minimum of 25 eight pound bags per week at location 2, 3, 4. Provide the following at no cost to the Department: One ice chest minimum capacity of 100 bags at each location. Perform maintenance on each ice box as necessary. Installation, removal or relocation of each ice chest as requested by the Department—24 hour emergency service. Rotation of stock upon delivery of new stock. Provide ice only May 1 to October 31. Location or Stockpile Norristown, Skippack, Sanatoga and Springhouse. Location 1—Norristown—at Swede Road and Johnson Highway, Norristown; Location 2—Skipack—Route 73 WB near Cross Road; Location 3—Sanatoga—Route 422 WB at Sanatoga Exit; Location 4—Springhouse—Route 309 NB at Springhouse.

Department: Transportation
Location: Various locations
Duration: May 1, 1999 to October 31, 2000
Contact: Tom Carroll, (610) 275-2368

98-27 Provide milk and dairy products to the Department of Public Welfare for a 12 month period beginning July 1, 1999. Copies of the bid proposal can be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: Each Department of Public Welfare Location, PA
Duration: July 1, 1999 to June 30, 2000
Contact: Kathy A. King-McCarthy, (717) 705-3878

785-98 Prepared salads, various types, for delivery April through June. For details, request bid proposal, Inquiry No. 785-98.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: April 6, 1999 through June 29, 1999
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

LBP-99-001 Meat and meat products. Quantities, specifications and delivery dates may be obtained from the Northeastern PA Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: March 1, 1999 through December 31, 1999
Contact: Joseph Libus, Purchasing Agent II, (570) 961-4318

LBP-99-002 Miscellaneous frozen food items. Quantities, specifications and delivery dates may be obtained from the Northeastern PA Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: March 1, 1999 through December 31, 1999
Contact: Joseph Libus, Purchasing Agent II, (570) 961-4318

LBP-99-003 Frozen seafood. Quantities, specifications and delivery dates may be obtained from the Northeastern PA Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: March 1, 1999 through December 31, 1999
Contact: Joseph Libus, Purchasing Agent II, (570) 961-4318

LBP-99-004 Dairy (cheese, butter, margarine, cottage cheese, sour cream, and the like.). Quantities, specifications and delivery dates may be obtained from the Northeastern PA Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: March 1, 1999 through December 31, 1999
Contact: Joseph Libus, Purchasing Agent II, (570) 961-4318

LBP-99-005 Fresh fruits and vegetables. Quantities, specifications and delivery dates may be obtained from the Northeastern PA Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: March 1, 1999 through December 31, 1999
Contact: Joseph Libus, Purchasing Agent II, (570) 961-4318

LBP-99-006 Poultry and poultry products. Quantities, specifications and delivery dates may be obtained from the Northeastern PA Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: March 1, 1999 through December 31, 1999
Contact: Joseph Libus, Purchasing Agent II, (570) 961-4318

LBP-99-007 Bread and rolls. Quantities, specifications and delivery dates may be obtained from the Northeastern PA Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: March 1, 1999 through December 31, 1999
Contact: Joseph Libus, Purchasing Agent II, (570) 961-4318

LBP-99-008 Ice cream, sherbet and frozen yogurt. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: March 1, 1999 through December 31, 1999
Contact: Joseph Libus, Purchasing Agent II, (570) 961-4318

HVAC—22

Inquiry No. 1246 Boiler feed pumps.

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, Snyder County, PA 17870
Duration: Indeterminate 1998—99
Contact: Arletta K. Ney, Purchasing Agent, (570) 372-5070

Contract No. FDC-306-512 Complete installation of electrical hookups throughout campsites (includes landscaping; a small amount of paving restoration; and utility relocation). Work is at Gifford Pinchot State Park.

Department: Conservation and Natural Resources
Location: Warrington Township, York County, PA
Duration: Complete work by May 26, 1999
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-307-514 Complete installation of electrical hookups throughout campsites (includes landscaping, small amount of paving restoration, and utility relocation). All work is in Greenwood Furnace State Park.

Department: Conservation and Natural Resources
Location: Jackson Township, Huntingdon County, PA
Duration: Complete all work by May 26, 1999
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-311-511 Complete installation of electrical hookups throughout campsites (includes landscaping; a small amount of paving restoration, and utility relocation). Work is in Prince Gallitzin State Park.

Department: Conservation and Natural Resources
Location: White Township, Cambria County, PA
Duration: Complete all work by May 26, 1999
Contact: Construction Management Section, (717) 787-5055

Laboratory Services—24

No. 8338 Laboratory services for Ebensburg and Altoona Centers. Vendor will provide a phlebotomist, specimen transportation, and "stat" testing on call. A phlebotomist shall be available at the centers for the drawing of blood. Phlebotomist will draw the specimens as scheduled by the centers. The vendor will supply a phlebotomist within 2 hours after notification. Specimens are to be picked up 5 days a week, Monday through Friday. Pickup time to be not later than 12:30 p.m. All necessary materials for collection and preparation of specimens for shipment are to be supplied by the vendor.

Department: Public Welfare
Location: Ebensburg Center, Route 22 West, Ebensburg, Cambria County, PA and Altoona Center, 1515 Fourth Street, Altoona, Blair County, PA July 01, 1999 through June 30, 2002
Duration: July 01, 1999 through June 30, 2002
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

9999 1500 000 Contractor will provide dental laboratory services to the inmate population at the State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, Schuylkill County, PA. Vendor must request bid package in writing.

Department: Corrections
Location: State Correctional Institution Mahanoy, 301 Morea Road, Frackville, PA
Duration: July 1, 1999 to June 30, 2002
Contact: Ann M. Gavala, Purchasing Agent, (570) 773-2158, fax (570) 621-3096

Medical Services—29

DM-251 The contractor shall provide dental prosthetic services to the State Correctional Institution at Coal Township.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: 3 years—July 1, 1999, through June 30, 2002
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, Ext. 142

Sanitation—36

01 To remove trash twice weekly from Maintenance Yard. This will require four 6 cubic yard containers.

Department: Transportation
Location: Swede Road and Johnson Highway, Norristown, PA 19401
Duration: July 1, 1999 to June 30, 2000
Contact: Tom Carroll, (610) 275-2368

1998-5 Contractor shall provide waste/garbage removal for the State Correctional Institution at Cambridge Springs, PA.

Department: Corrections
Location: State Correctional Institution Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403
Duration: 1, 2 or 3 years beginning July 1, 1999
Contact: Quentin Hargenrater, Jr., (814) 398-5400

SP 8-0781-005 Removal and disposal of nonrecyclable garbage and refuse and recyclable waste—Contractor to provide handling, collecting and disposal of garbage/trash and recyclable materials. Anticipated start date is July 1, 1999. Contract period will be for 2 years. For detailed specifications, contact the Purchasing Office at Wernersville State Hospital, (610) 670-4129.

Department: Public Welfare
Location: Wernersville State Hospital, Route 422, Wernersville, Berks County, PA 19565
Duration: Anticipated Start Date: July 01, 1999 to June 30, 2001
Contact: Nancy Deininger, Purchasing Agent, (610) 670-4129

Security Services and Equipment—37

6760 0010 000 Argus thermal imaging camera (TIC).

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: Indeterminate 1998—99
Contact: Linda Malinak, (717) 975-4931

Vehicle, Heavy Equipment—38

9999-0900-000 The contractor shall provide all equipment and labor to provide preventative maintenance on two Caterpillar industrial diesel engines.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P. O. Box 8837—2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: March 1, 1999 to June 30, 2002
Contact: Delores Stephens, (717) 975-5200

SP-260008 Provide all labor, parts, materials, tools, transportation, supervision and equipment necessary to perform preventive maintenance and repairs to the Nenotech Bundling System, Model S/W 3016.

Department: Liquor Control Board
Location: Papercraft Building, Papercraft Park, Pittsburgh, PA 15238-3218
Duration: One (1) year
Contact: Betty J. Goodling, (717) 787-6360

Miscellaneous—39

Project Number 98-14 Electric Usage Inventory and Analysis. Objective of this project is to solicit contractor to collect and analyze electric service information (usage, rates, and the like) to assist PennDOT in making appropriate decisions in the purchase of electricity in deregulated environment. Resulting contract will include incentive options. Fax requests for copies of RFP to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: Bureau of Office Services, 555 Walnut Street, 8th Floor, Harrisburg, PA 17101-1900
Duration: Anticipated July 1, 1999 through December 31, 2000 with 1-year renewal option
Contact: Jim DiLouie, (717) 787-9778

Inquiry No. 1245 Invacare Action A-T adult Tilt-N-Space wheelchairs.

Department: Public Welfare
Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, Snyder County, PA 17870
Duration: Indeterminate 1998—99
Contact: Arletta K. Ney, Purchasing Agent, (570) 372-5070

4500 DO Purchase of continuous dissolved oxygen analyzer and recorders as manufactured by Hydrolab Corporation or equal.

Department: Fish and Boat Commission
Location: Benner Spring Fish Research Station, 1225 Shiloh Road, State College, PA 16801
Duration: Delivery approximately March 1, 1999
Contact: Kathi Tibbott, Purchasing Agent, (814) 359-5130

CTS-1999 A maximum of six Pennsylvania colleges/universities which provide teacher certification programs will be chosen as participants in the Commonwealth Student Assistance Program Undergraduate Training Pilot Program and will receive a one-time grant of up to \$12,000 to develop and deliver the pilot SAP Undergraduate Training. Applicants must be an accredited teacher training institution located within Pennsylvania. All interested applicants must attend a mandatory pre-application meeting on Friday, February 26, 1999 from 10 a.m. to 3 p.m. at the Department of Education in Harrisburg. This is a competitive grant process. A Grant Application packet is available upon request.

Department: Education
Location: Site of Grant Recipient
Duration: July 1, 1999—June 30, 2000
Contact: Kim Swarner, (717) 783-6777

SP-38-6300-8-004 Remove existing comminutor. Provide and install new comminutor. New comminutor to be Muffin Monster, Model No. 30,000-18 or approved equal.

Department: Conservation and Natural Resources
Location: State Parks Region No. 3, Gifford Pinchot State Park, 2200 Rosstown Road, Lewisberry, PA 17339-9787
Duration: Completion time—60 days after Notice to Proceed
Contact: James L. Ross, (814) 733-9123

TADRS-ADR TADRS-ADR RFP to provide alternative dispute resolution services, including consulting, mentoring, training, facilitating and mediating for the Department of Environmental Protection. A preproposal conference will be held on Friday, February 19, 1999.

Department: Environmental Protection
Location: Various locations in Pennsylvania
Duration: July, 1999 to June, 2002 renewable to June, 2004
Contact: Nina Huizinga, (717) 783-5374

[Pa.B. Doc. No. 99-180. Filed for public inspection January 29, 1999, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

STATE CONTRACTS INFORMATION

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	Awarded On	To	In the Amount Of
1404118-01	01/20/99	Hershocks, Inc.	9,923.10
8084810-01	01/20/99	Uni-Patch	44,750.00
8120760-01	01/20/99	Seigworth Road Supply	20,050.38
8176230-01	01/20/99	Wyoming Equipment Sales	17,780.00
8504760-01	01/20/99	Howells Lancaster Auto Glass and Paint Co.	21,328.00
1196138-01	01/20/99	Northeast Auto Outlet, Inc.	18,676.65
1227188-01	01/20/99	Computer Sav- ings Corp.	83,042.00
1285048-01	01/20/99	Beta Star Corp.	19,130.00
1347218-01	01/20/99	Dicks Home Care	69,440.00
1347218-02	01/20/99	Daley Re- sources Ltd.	19,419.20
1374158-01	01/20/99	McGee Electric	23,975.00
1403188-01	01/20/99	Eastern Com- puter Ex- change, Inc.	56,000.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 99-181. Filed for public inspection January 29, 1999, 9:00 a.m.]