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PENNSYLVANIA BULLETIN

Volume 28
Saturday, January 31, 1998 • Harrisburg, Pa.
Number 5
Pages 459—638

See Part II page 613 for the
Department of Conservation and Natural
Resources' Revisions to Schedule of Prices
and Changes for State Recreation Areas

See Part III page 619 for the
Environmental Quality Board's
Noncoal Mining

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The Courts
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Department of Conservation and
Natural Resources
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Revenue
Department of Transportation
Environmental Quality Board
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Turnpike Commission

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

No. 278, January 1998

PENNSYLVANIA



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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 1998.

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Part II

This part contains the
Department of Conservation and Natural Resources'
Revisions to Schedule of Prices and
Charges for State Recreation Areas

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Part III

This part contains the
Environmental Quality Board's Noncoal Mining

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[Executive Order No. 1997-7]

Pennsylvania Human Resources Investment Council

December 19, 1997

Whereas, a well-educated, highly skilled workforce will enable Pennsylvania to be a leader among states and a competitor among nations; and

Whereas, Pennsylvanians have the work ethic and ability to make Pennsylvania a National leader, a global competitor, and a job creator; and

Whereas, workforce development is a process of education, training, and development activities for increasing the skills and knowledge of individuals so they can maximize their employment opportunities, participate in productive work, and achieve their career potential through employer-based or self-employment; and

Whereas, it is in the interest of the Commonwealth of Pennsylvania to build upon the current strengths of our workforce and to address more effectively the potential of Pennsylvania's citizens, employers, and communities by:

(1) recognizing that the skills and knowledge of Pennsylvania's workforce are the keys to providing enhanced opportunities for individuals and economic competitive advantage for businesses and communities;

(2) expanding and providing for more efficient and coordinated administration of workforce development activities;

(3) effecting the maximum feasible return on investment for the Commonwealth's citizens; and

(4) promoting the integration of workforce development, economic development, and education policy; and

Whereas, the goals of Pennsylvania's workforce development system are:

(1) economic opportunity for all citizens;

(2) economic self-sufficiency and individual responsibility, and

(3) an educated workforce with relevant skills; and

Whereas, the mission of Pennsylvania's workforce development system is to foster a dynamic world-class workforce in which Pennsylvania's citizens and businesses possess the knowledge and skills to succeed and to excel in a highly competitive and rapidly changing world; and

Whereas, the Commonwealth's achievement of a world-class workforce is best accomplished through a workforce development system that is dedicated to and operates in adherence with the following basic philosophy and core values:

(1) Economic competitiveness;

(2) Excellence in education, training, and workplace preparation;

(3) Strong work ethic;

(4) Lifelong learning;

(5) Stewardship of public resources;

(6) The highest quality delivery of market driven services that are readily identifiable and easily accessible, and that consider the abilities and work support needs of a diverse population;

(7) Informed choice regarding education and training opportunities and in career decision-making;

(8) Private-sector solutions to workforce development goals supplemented by appropriate government involvement when necessary;

(9) Cooperation and collaboration among all who participate and are engaged in this endeavor;

(10) Valuing all workers and all work; and

(11) Mutual respect; and

Whereas, an effective workforce development system is agile and flexible in meeting the local workforce and economic development needs of the Commonwealth and its regions and communities; and

Whereas, an effective workforce development system is agile and flexible in meeting the basic skills, career development, and other needs of the system's customers. The customers of the system are employers, job seekers, and incumbent workers.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish, as part of Team Pennsylvania, the Pennsylvania Human Resources Investment Council (hereinafter referred to as Council) and invest it with the necessary powers to perform the duties and functions set forth herein and to advise and counsel me in the formation of a world-class workforce development system which complements the Commonwealth's overall education and economic development strategy and guides Federal, State, and local resources in a customer-focused and user-friendly manner that promotes a high quality, globally competitive workforce.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

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§ 1.209. Purpose.

The purpose of the Pennsylvania Human Resources Investment Council (Council) is to:

(1) Assess the economic and workforce needs of this Commonwealth, and develop a strategic plan to meet these Statewide needs.

(2) Continuously maintain a competitive advantage for this Commonwealth by developing, adopting and assuring the implementation of Statewide policies and goals for workforce development, including:

(i) Setting performance measurements and standards.

(ii) Defining financial resource investment priorities and strategies.

(iii) Developing return on investment criteria to measure the effectiveness of workforce development programs and activities.

(3) Coordinate with other Team Pennsylvania activities to develop a workforce development system that is market-driven and responsive to the needs of this Commonwealth's employers by supporting the primary goals of Team Pennsylvania which are to:

(i) Promote this Commonwealth to specific companies considering expansion and relocation.

(ii) Assist with business retention efforts.

(iii) Ensure that the Commonwealth's economic development strategies continue to be focused and effective.

(iv) Improve communication and collaboration among professionals serving this Commonwealth's businesses.

(4) Establish a rapid response mechanism to mobilize training resources to address the skill requirements for business retention or attraction opportunities created by major job projects of the Governor's Action Team or local economic developers.

(5) Collaborate and coordinate with State agencies and State boards and commissions that shape economic development and education policies of the Commonwealth, including, the Ben Franklin/IRC Partnership Board, the State Board of Education, the State Literacy Council, the Pennsylvania Apprenticeship and Training Council, the State Board of Vocational Rehabilitation, the State System of Higher Education, the State-related universities and the Pennsylvania Higher Education Assistance Agency, to develop Statewide policies that connect workforce development with lifelong learning and economic competitiveness.

(6) Collaborate with the Department of Community and Economic Development to ensure that the Statewide financing strategy for economic development reported to the General Assembly supports, and is supported by, the goals and objectives of the Commonwealth's workforce development system.

(7) Collaborate with the Department of Public Welfare to ensure that the Statewide welfare-to-work strategy established to meet the demands of the Personal Responsibility and Work Opportunity Act of 1996, the act of August 22, 1996 (Pub. L. No. 104-93, 110 Stat. 2105), supports, and is supported by, the goals and objectives of the Commonwealth's workforce development system.

(8) Review the provision of services and the use of funds and resources under applicable State and Federal human resource programs, and coordinate the provision of services and the use of funds and resources among State agencies consistent with the laws and regulations governing the programs. For purposes of this subchapter, applicable State and Federal human resource programs mean the following:

(i) The Job Training Partnership Act (29 U.S.C.A. §§ 1501—1792b).

(ii) The Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C.A. §§ 2301—2471).

(iii) The Wagner-Peyser Act (29 U.S.C.A. §§ 49—49l-1).

(iv) The Adult Education Act (20 U.S.C.A. §§ 1201—1213d).

(v) The School-to-Work Opportunities Act of 1994 (20 U.S.C.A. §§ 6101—6251).

(vi) The National and Community Service Trust Act of 1993, the act of September 21, 1993 (Pub. L. No. 103-82, 107 Stat. 785).

(vii) Title V of the Older Americans Act of 1965 (42 U.S.C.A. §§ 3056—3056i).

(viii) The Vocational Rehabilitation Act of 1973, as amended by the Rehabilitation Act of 1994 (29 U.S.C.A. §§ 701—797b).

(ix) The Customized Job Training Act (24 P. S. §§ 6201—6213).

(x) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the act of August 22, 1996 (Pub. L. No. 104—193, 110 Stat. 2105).

(xi) Section 202(a) of the Community Service Block Grant Amendments of 1994 (42 U.S.C.A. § 9901).

(xii) The Food Stamp Act of 1977 (Food Stamp Employment Training Program) (7 U.S.C.A. §§ 2011—2036).

(xiii) The Trade Act of 1974 (19 U.S.C.A. §§ 2101—2495).

(xiv) The Adult Literacy Act (24 P. S. §§ 6401—6409).

(xv) Article XIX-A of the Pennsylvania School Code of 1949 (Community Colleges) (24 P. S. §§ 19-1901-A—19-1913-A).

(xvi) The Workers' Compensation Act (77 P. S. §§ 1—1041.4)

(xvii) The Unemployment Compensation Law (43 P. S. §§ 751—914).

(9) Evaluate State and local plans and proposals submitted for the Federal and State acts in paragraph (8), and approve the investment of public dollars in plans and proposals which are consistent with the laws and regulations governing those acts and with the policies and priorities established by the Council.

(10) Develop strategies to assist local agents in providing support services including, child care and transportation to better meet the needs of system customers.

(11) Develop and advance strategies for local agents to work collaboratively to create regional networks, and to develop coordinated business plans and budgets within regional areas.

(12) Coordinate the following components of the Commonwealth's workforce development system:

(i) The development and dissemination of appropriate and necessary research and statistical information with the requisite protocols and standards for common data reference.

(ii) The identification and continuous study of workforce development system needs.

(iii) The development of common definitions and common and specific performance standards and measures for workforce development programs and activities.

(iv) The creation of consistent monitoring instruments for the programs and activities included in the system.

(v) The establishment and maintenance of a universally accessible information access system which enables the workforce development system to function and to serve its customers effectively.

(vi) The provision of technical assistance to assist local agencies in meeting any changes associated with a new workforce development system.

(vii) The implementation of mechanisms including, but not limited to, the collaborative process outlined in Federal law, to secure appropriate input from system customers and service providers in the development of policies, performance standards or investment strategies.

(13) Set standards for local career development marketplaces and workforce development system service provider participation, adopt an official workforce development system logo designation and develop a system-wide marketing program.

(14) Examine Federal and State laws and regulations to assess whether they present barriers to achieving the provisions of this subchapter and recommend to the Governor and to the Federal government changes or waivers in Federal or State statutes or regulations to eliminate barriers and promote the provisions of this subchapter.

(15) Report to the Governor, the General Assembly and the Commonwealth generally the Council's progress and the return on investment and the overall effectiveness of the State and Federal human resource programs defined in paragraph (7).

§ 1.210. Composition.

The Pennsylvania Human Resources Investment Council (Council) has been established in accordance with the composition requirements for State human resource investment councils found in Title VII of the Job Training Partnership Act (29 U.S.C.A. §§ 1792—1792b) or a Federally permissible alternative. In addition, the following individuals serve on the Council:

- (1) The Secretary of Aging.
- (2) The Secretary of Community and Economic Development.
- (3) The Secretary of Education.
- (4) The Secretary of Labor and Industry.
- (5) The Secretary of Public Welfare.
- (6) The Director of the Governor's Policy Office.
- (7) A private sector employer representative from each of the Team Pennsylvania regions.

§ 1.211. Chairperson and Vice-Chairperson.

The Governor will designate, to serve at his pleasure, one private-sector employer to serve as Chairperson and one government representative to serve as Vice-Chairperson of the Pennsylvania Human Resources Investment Council.

§ 1.212. Administration and staff.

(a) A management committee will be established comprised of Commonwealth government representatives of the Pennsylvania Human Resources Investment Council (Council) which is authorized to make determinations relating to the management and administration of workforce development programs.

(b) The management committee will develop an organizational framework for the conduct of the Council's work and for meeting the Council's staffing and support needs. The organizational framework may utilize existing staff structures or may constitute a new staffing arrangement.

(c) All executive State agencies are instructed to give to the Council any necessary assistance required by the Council in the performance of the duties of the Council so far as is compatible with the authority and ability of each State agency.

(d) The policy and program offices of the Departments of Aging, Community and Economic Development, Education, Labor and Industry, and Public Welfare shall provide personnel, equipment and resources, as may be required, for the functioning of the Council.

§ 1.213. Cooperation of agencies.

(a) The Pennsylvania Human Resources Investment Council (Council) will develop and adopt applied operating principles to govern the relationships between and among executive State agencies and other governmental and private sector organizations which are participants in the system.

(b) All executive State agencies are instructed to implement the decisions made by the Council regarding the State and Federal human resource programs in § 1.209(8) (relating to purpose) and other decisions directly related to the development, implementation and operation of the Commonwealth's workforce development system.

§ 1.214. Designation as the Commonwealth's Human Resources Investment Council (HRIC).

(a) The Pennsylvania Human Resources Investment Council (Council) is designated as the HRIC in accordance with Title VII of the Job Training Partnership Act (29 U.S.C.A. §§ 1792—1792b) and, as such, assumes the powers and responsibilities previously held by the State Job Training Coordinating Council.

(b) The Council may be known as or marketed by a name other than the "Pennsylvania Human Resources Investments Council" as determined by the Council or the Team Pennsylvania Board.

§ 1.215. Quorum.

A majority of the members constitutes a quorum of the Pennsylvania Human Resources Investment Council (Council) for the purpose of organizing and conducting the business thereof, and all action shall be taken by a vote of a majority of the members present.

§ 1.216. Meetings.

The Pennsylvania Human Resources Investment Council shall meet at times and places as determined to be necessary.

§ 1.217. Subcommittees.

The Pennsylvania Human Resources Investment Council has authority to establish and to appoint members and delegate duties to subcommittees, as it deems necessary, to fulfill its responsibilities. The subcommittees will be chaired by a member of the Council.

§ 1.218. Compensation.

Members of the Pennsylvania Human Resources Investment Council receive no compensation, but are entitled to receive an allowance for expenses incurred in the performance of duties.

§ 1.219. Rescission.

Executive Order 1983-4, Coordination of State Employment and Training Programs, is rescinded effective June 30, 1998.



Governor

Fiscal Note: GOV 97-18. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 98-158. Filed for public inspection January 30, 1998, 9:00 a.m.]

[4 PA. CODE CH. 5]

[Executive Order No. 1995-2]

Drug Policy Planning Coordination

December 19, 1997

Whereas, drug and alcohol abuse are responsible for numerous tragedies of contemporary society, including street crime, organized crime, school dropouts, mental illness, suicide, physical illness, unemployment, family breakups, highway injuries and fatalities; and

Whereas, alcohol-related fatalities are the number one cause of death among teenagers in Pennsylvania and at least 33 percent of all suicides and approximately 50 percent of all child and spouse abuse cases are related to substance abuse; and

Whereas, National and State studies have identified a strong link between drug and alcohol abuse and criminal behavior and at least 50 percent of the prisoners in the Commonwealth's jails and prisons need treatment for drug and alcohol abuse; and

Whereas, drug and alcohol abuse costs Pennsylvania an estimated \$5.3 billion annually in lost productivity and absenteeism; and

Whereas, the Congress of the United States has appropriated to the Commonwealth funds under the Federal Anti-Drug Abuse Act of 1986, which act encourages each state to develop a comprehensive and coordinated plan to implement a broad-based attack on the problems of drug and alcohol abuse; and

Whereas, the Congress of the United States has provided for increased drug education, treatment, and law enforcement programs in the Omnibus Drug Initiative Act of 1988, P. L. 100-690; and

Whereas, the Congress of the United States has appropriated to the Commonwealth funds under the Improving America's Schools Act of 1994, which act supports Federal, State, and community efforts and resources that prevent violence in and around schools by reducing the illegal use of alcohol, tobacco, and drugs; and

Whereas, to maximize the efficiency and effectiveness of Federal, State and local efforts to avoid duplication of effort and enhance coordination, the Commonwealth must have a comprehensive, coordinated strategy to combat illegal drug and alcohol use, and such a strategy should combine the elements of prevention, education, treatment, and enforcement; and

Whereas, a coordinated prevention effort for drug use and alcohol abuse is critical for the Commonwealth. The implementation and administration of drug use and alcohol abuse programs can be led more effectively and efficiently by one executive branch agency; and

Whereas, the Governor's Policy Office, which coordinates policy for all executive branch agencies, would be an appropriate entity to coordinate the development of the Commonwealth's drug use and alcohol abuse prevention policy; and

Whereas, the Pennsylvania Commission on Crime and Delinquency currently administers drug and violence prevention grant funds provided by the Federal government and would be an appropriate entity to coordinate the implementation and administration of drug use and alcohol abuse prevention efforts.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby designate the Pennsylvania Commission on Crime and Delinquency in conjunction with the Governor's Policy Office as the State coordination agency for administration of Drug Policy Planning Coordination.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCIL'S AND COMMITTEES

Subchapter KK. DRUG POLICY PLANNING COORDINATION

- | | |
|--------|--|
| Sec. | |
| 5.391. | Purpose. |
| 5.392. | Coordination. |
| 5.393. | Powers and duties of the Chairperson of the Pennsylvania Commission on Crime and Delinquency (Commission). |
| 5.394. | Relationship to other agencies. |

§ 5.391. Purpose.

The purpose of this subchapter is to formulate, implement and evaluate Statewide strategies to combat illegal drug use and drug and alcohol abuse in the communities of this Commonwealth. The Chairperson of the Pennsylvania Commission on Crime and Delinquency, at the direction of the Governor, is authorized to receive and distribute all Federal funds previously or hereafter designated for drug and alcohol programs to be identified or selected by the Governor, and all categorical funds to be administered by executive branch agencies.

§ 5.392. Coordination.

(a) In developing the Commonwealth's drug use and alcohol abuse prevention policy, the Director of the Governor's Policy Office shall coordinate efforts among the following:

- (1) The Secretary of Public Welfare.
- (2) The Secretary of Health.
- (3) The Secretary of Education.
- (4) The Secretary of Labor and Industry.
- (5) The Commissioner of Corrections.
- (6) The Commissioner of State Police.

(7) The Chairperson and Executive Director of the Pennsylvania Commission on Crime and Delinquency (Commission).

- (8) The Attorney General.

(b) In the implementation and administration of drug use and alcohol abuse prevention efforts, the Chairperson or Executive Director of the Commission shall coordinate efforts among the following:

- (1) The Secretary of Public Welfare.
- (2) The Secretary of Health.
- (3) The Secretary of Labor and Industry.
- (4) The Commissioner of Corrections.
- (5) The Commissioner of the State Police.
- (6) The Secretary of Education.
- (7) The Attorney General.

(c) Other State officials may be invited, from time to time, at the discretion of the Chairperson of the Commission or Director of the Governor's Policy Office, to participate in meetings when the attendance is deemed necessary.

§ 5.393. Powers and duties of the Chairperson of the Pennsylvania Commission on Crime and Delinquency (Commission).

The Chairperson shall have the following powers and duties:

(1) To implement a Statewide strategy for the prevention and eradication of illegal drug use and drug and alcohol abuse and related problems by:

(i) Maximizing the effectiveness of limited resources for law enforcement, prosecutorial, correctional and related functions.

(ii) Promoting coordination of Federal, State and local efforts to focus on particular drugs of abuse.

(iii) Ensuring that drug and alcohol abuse education efforts are carried out in the schools Statewide and identifying and assisting students at risk of drug and alcohol abuse.

(iv) Promoting coordinated delivery of drug and alcohol abuse treatment and rehabilitation services.

(v) Encouraging integration of drug and alcohol treatment and rehabilitation service with other human service delivery systems.

(vi) Establishing policies and priorities for the allocation of Federal and State funds to support prevention, education, treatment and enforcement efforts administered by the State departments, boards and commissions.

(vii) Using other means as the Chairperson deems appropriate.

(2) To evaluate existing drug and alcohol abuse prevention, education, treatment, and enforcement programs and strategies and direct appropriate changes and strategies.

(3) To conduct hearings at locations that the Chairperson of the Commission or Director of the Governor's Policy Office shall determine.

§ 5.394. Relationship to other agencies.

(a) Executive branch agencies shall cooperate to the fullest extent with the Chairperson of the Pennsylvania Commission on Crime and Delinquency (Commission) and shall provide information needed by the Chairperson in fulfilling his mandate under this subchapter.

(b) The Chairperson of the Commission may designate another executive branch agency as the administering agency for all or a portion of the funds awarded to the Governor under the Safe and Drug-Free Schools and Communities Act of 1994 (26 U.S.C.A. 7101—7143).



Governor

Fiscal Note: GOV 97-19. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 98-159. Filed for public inspection January 30, 1998, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CHS. 20, 300 AND 1100]

Proposal to adopt new Rule 300 (Transfer of Proceedings); and Amend Rule 21 (Venue) and Rule 1100 (Prompt Trial)

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Rule of Criminal Procedure 300 (Transfer of Proceedings), and amend Rules 21 (Venue) and 1100 (Prompt Trial). The proposed rule changes provide uniform procedures for the institution or transfer of proceedings in cases in which there are multiple charges in more than one judicial district arising from a single criminal episode. The following explanatory Report highlights the Committee's considerations in formulating this proposal.

Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed new rule and rule changes precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901, no later than Wednesday, February 18, 1998.

By the Criminal Procedural Rules Committee

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

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

Rule 21. Venue.

All criminal proceedings shall be brought before the issuing authority for the magisterial district [**where**] in which the offense is alleged to have occurred or before an issuing authority on temporary assignment to serve such magisterial district, subject, however, to the following exceptions:

* * * * *

(b) When charges arising from the same criminal episode occur in more than one magisterial district within the same judicial district, the criminal proceeding on all the charges should be brought before one issuing authority in any of the magisterial districts in which the charges arising from the same criminal episode occurred.

(c) When charges arising from the same criminal episode occur in more than one judicial district, the

criminal proceeding on all the charges should be brought before one issuing authority in a magisterial district within any of the judicial districts in which the charges arising from the same criminal episode occurred.

[(b)] (d) * * *

[(c)] (e) [**Where**] **When** any offense is alleged to have occurred within 100 yards of the boundary between two or more magisterial districts of a judicial district, the proceeding may be brought in either or any of the magisterial districts without regard [**of**] **to** the boundary lines of any county.

[(d)] (f) [**Where**] **When** the President Judge designates a magisterial district or a location in that district in which certain classes of offenses, which occurred in other specified magisterial districts, may be heard.

Official Note: Formerly Rule 154, adopted January 16, 1970, effective immediately; section (a)(3) adopted July 1, 1970, effective immediately; renumbered **Rule 21** September 18, 1973, effective January 1, 1974; amended July 1, 1980, effective August 1, 1980; amended January 28, 1983, effective July 1, 1983; **amended** _____, **effective** _____.

Comment

Except as provided in paragraph (c), [This] this rule governs venue between magisterial districts within the same judicial district; *i.e.*, the matter of where a proceeding is to be brought within the judicial district having jurisdiction.

Paragraphs (b) and (c), which are exceptions to the general rule governing venue, were added in 1998 in view of *Commonwealth v. McPhail*, 692 A. 2d 139 (Pa. 1997), in which the Court held that "all charges stemming from a single criminal episode" must be joined in a single trial "despite the fact that some of the charges arose in a different county." Accordingly, when charges arising from a single criminal episode occur in more than one judicial district, the magisterial district in which the proceeding on all the charges is brought, *i.e.*, the one with venue, may be any one of the judicial districts in which the charges occurred.

Similarly, when charges arising from a single criminal episode occur in more than one magisterial district within one judicial district, the magisterial district in which the proceeding on all the charges is brought, *i.e.*, the one with venue, may be any one of the magisterial districts in which the charges occurred.

The decision of in which magisterial district in paragraph (b), or in which judicial district in paragraph (c), the proceedings are to be brought is to be made by the law enforcement officers or attorneys for the Commonwealth. In making the decision, the law enforcement officers or attorneys for the Commonwealth must consider in which magisterial district under paragraph (b), or in which judicial district under paragraph (c), it would be in the interests of justice to have the case proceed, based upon the convenience of the defendant and the witnesses, and the prompt administration of justice.

Committee Explanatory Reports:

Report explaining the _____, 1998 amendments concerning multiple charges arising from a single criminal episode published at 28 Pa.B. 478 (January 31, 1998).

CHAPTER 300. PRETRIAL PROCEEDINGS

[This is an entirely new rule.]

Rule 300. Transfer of Proceedings.

(A) Whenever charges arising from a single criminal episode occur in more than one judicial district, and proceedings have been instituted in more than one judicial district, at any time after the case is held for court, the proceedings shall be transferred to one of the judicial districts, and joined for trial.

(B) The judicial district to which the proceedings are to be transferred shall be determined, either:

(1) by written agreement of the parties, filed with the clerk(s) of courts of the judicial district(s) in which the charges are pending; or

(2) by written agreement of the attorneys for the Commonwealth, filed with the clerk(s) of courts of the judicial district(s) in which the charges are pending, with service upon the defendant or defendant's counsel, and an opportunity for the defendant to object.

(C) Upon the filing of the agreement of the parties in paragraph (B)(1), the court promptly shall order the transfer of the proceedings.

(D) Upon the filing of the agreement of the attorneys for the Commonwealth in paragraph (B)(2),

(1) absent an objection within 10 days of filing, the court promptly shall order the transfer of the proceedings.

(2) In those cases in which an objection is filed by the defendant, the court shall promptly dispose of the objection. If the objection is denied, the court immediately thereafter shall order the transfer of the proceedings.

(E) Upon the issuance of the transfer order pursuant to paragraphs (C), (D)(1), or (D)(2), the clerk(s) of courts of the transferring judicial district(s) shall promptly transmit to the clerk of courts of the judicial district to which the proceedings are being transferred a certified copy of all docket entries, together with all the original papers filed in the proceeding in the clerk's judicial district, a copy of the bail bond and any deposits in satisfaction of a monetary condition of bail, and a bill of the costs which have accrued but have not been collected prior to the transfer.

(F) When a proceeding is transferred pursuant to this rule, the case shall proceed to trial and judgment in the same manner as if the proceeding had been instituted in the transfer judicial district.

(1) If the proceeding is transferred before an information has been filed in the transferring judicial district, the attorney for the Commonwealth in the transfer judicial district shall join the charges from the transferring judicial district with the charges in the transfer judicial district in the same information.

(2) If the proceeding is transferred after an information has been filed, the attorney for the Commonwealth in the transfer judicial district shall proceed pursuant to Rule 1127 (Joinder — Trial of Separate Indictments or Informations).

(3) The results of any pretrial proceedings that have been completed in the transferring judicial district shall be binding on the transfer judicial district proceedings.

(4) Costs, not previously collected, shall be collected in the transfer judicial district.

(G) If the defendant is in custody in a transferring judicial district, the order transferring the case shall provide that the defendant shall be delivered to the custody of the sheriff of the transfer judicial district.

Official Note: Former Rule 300 rescinded June 28, 1974, effective immediately; rescinded and number reserved June 29, 1977, and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; **new Rule 300 adopted _____, effective _____.**

Comment

The Supreme Court held in *Commonwealth v. McPhail*, 692 A.2d 139 (Pa. 1997), that the trial in one judicial district of some of the charges arising from a single criminal episode is a bar to the trial in another judicial district of the other charges arising from the same criminal episode. In view of this decision, it is incumbent upon law enforcement officers and prosecutors to be vigilant about instituting proceedings and proceeding to trial in cases in which there are multi-judicial district charges arising from a single criminal episode.

The *McPhail* decision has necessitated a clarification of procedures for the institution of criminal proceedings, and new procedures for the transfer of proceedings in cases in which there are multiple charges arising from a single criminal episode and the proceedings on the charges have been instituted in more than one judicial district.

In many cases, multiple charges arising from a single criminal episode will be known to the police officers and attorneys for the Commonwealth involved in the case, and will be joined in the first instance in one criminal complaint, and filed before one issuing authority in one judicial district. See Rule 21(c). However, there will be situations in which some of the charges are not known at the time the complaint is filed, and these charges have been filed in more than one judicial district. New Rule 300 establishes the procedures for the transfer of proceedings in these cases to one judicial district.

The procedures in this rule are distinct from the Rule 312 (Motion for Change of Venue or Change of Venire) procedures for a change of venue in cases in which it is determined at a hearing that a fair and impartial trial cannot be had in the county in which the case is pending.

It is expected that the parties will be able to agree on the judicial district in which the case should proceed. However, if they cannot agree, paragraph (B)(2) provides for the determination to be by the agreement of the attorneys for the Commonwealth. In determining the judicial district to which the proceedings are to be transferred, the parties must consider in which judicial district it would be in the interests of justice to have the case proceed, based upon the convenience of the defendant and the witnesses, and the prompt administration of justice.

Pursuant to paragraph (B)(2), upon the filing of the agreement of the attorneys for the Commonwealth, the defendant must be served a copy of the agreement, and be given an opportunity to object to the transfer or to the judicial district selected for the trial.

When an agreement is filed pursuant to this rule, the clerk of courts must promptly forward the agreement to

the appropriate judge for the issuance of an order transferring the proceedings. The appropriate judge would be the judge assigned to handle miscellaneous motions in criminal matters or the president judge, unless a judge has already been assigned to the case. Immediately upon receipt of the agreement from the clerk of courts, the judge must issue a transfer order, unless the defendant challenges the transfer or the judicial district to which the case would be transferred.

The decision to transfer a proceeding under this rule should be made at the earliest time after the case is held for court, so that most, if not all, of the pretrial proceedings can be accomplished in the transfer judicial district.

For venue between magisterial districts, see Rule 21.

For the procedures for the joinder of offenses in a complaint, see Rule 105.

For the procedures for the joinder of offenses in an information, see Rule 228.

For the procedures for the joinder or consolidation for trial of offenses charged in separate informations, see Rule 1127.

When proceedings are transferred pursuant to this rule, the case is to proceed in the same manner as if the charges had been instituted in the transfer judicial district. If any pretrial proceedings have been conducted in the transferring judicial district, the results of those proceedings will be binding on the proceedings in the transfer judicial district. For example, if discovery has been initiated, and the judge in the transferring judicial district has ordered or denied disclosure, this order would be binding on the judge and parties in the transfer judicial district. See *Commonwealth v. Starr*, 664 A.2d 1326 (Pa. 1995), concerning the coordinate jurisdiction rule and the law of the case doctrine.

Any costs collected before a proceeding is transferred will remain in the transferring judicial district.

Committee Explanatory Reports:

Report explaining the provisions of the new rule published at 28 Pa.B. 478 (January 31, 1998).

CHAPTER 1100. TRIAL

Rule 1100. Prompt Trial.

[(a)] (A) (1) Trial in a court case in which a written complaint is filed against the defendant after June 30, 1973 but before July 1, 1974 shall commence no later than 270 days from the date on which the complaint is filed.

(2) Trial in a court case in which a written complaint is filed against the defendant, where the defendant is incarcerated on that case, shall commence no later than 180 days from the date on which the complaint is filed.

(3) Trial in a court case in which a written complaint is filed against the defendant, where the defendant is at liberty on bail, shall commence no later than 365 days from the date on which the complaint is filed.

(4) Trial in a court case which is transferred from the juvenile court to the trial or criminal division shall commence in accordance with the provision set out in subsections **[(a)] (A)(2)** and **[(a)] (A)(3)** except that the time is to run from the date of filing the transfer order.

[(b)] (B) * * *

[(c)] (C) In determining the period for commencement of trial, there shall be excluded therefrom:

(1) the period of time between the filing of the written complaint and the defendant's arrest, provided that the defendant could not be apprehended because his or her whereabouts were unknown and could not be determined by due diligence;

(2) any period of time for which the defendant expressly waives Rule 1100;

(3) such period of delay at any stage of the proceedings as results from:

(i) the unavailability of the defendant or the defendant's attorney;

(ii) any continuance granted at the request of the defendant or the defendant's attorney.

(4) the period of time between the filing of an objection to the transfer of a case pursuant to Rule 300(B)(2) and the disposition of the objection.

[(d)] (D) * * *

[(e)] (E) No defendant shall be held in pre-trial incarceration on a given case for a period exceeding 180 days excluding time described in subsection **[(c)] (C)** above. Any defendant held in excess of 180 days is entitled upon petition to immediate release on nominal bail.

[(f)] (F) * * *

[(g)] (G) * * *

Official Note: Adopted June 8, 1973, effective prospectively as set forth in paragraphs **[(a)] (A)(1)** and **[(a)] (A)(2)** of this rule; paragraph **[(e)] (E)** amended December 9, 1974, effective immediately; paragraph **[(e)] (E)** re-amended June 28, 1976, effective July 1, 1976; amended October 22, 1981, effective January 1, 1982. (The amendment to paragraph **[(c)] (C)(3)(ii)** excluding defense-requested continuances was specifically made effective as to continuances requested on or after January 1, 1982.) Amended December 31, 1987, effective immediately; amended and effective September 30, 1988; amended September 3, 1993, effective January 1, 1994; Comment revised September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; **amended** _____, **effective** _____.

Comment

Rule 1100 was adopted in 1973 pursuant to *Commonwealth v. Hamilton*, 297 A.2d 127 (Pa. 1972).

The time limits of this rule were amended on December 31, 1987, effective immediately. See *Commonwealth v. Palmer*, 558 A.2d 882 (Pa. Super. 1989).

In addition to amending the time limits of the rule, the Court deleted the provisions contained in former Rule 1100 **[(c)] (C)** concerning Commonwealth petitions to extend the time for commencement of trial. See Rule 1100 **[(e)] (E)** and **[(g)] (G)**.

Subsection **[(a)] (A)(2)** requires that the Commonwealth bring a defendant to trial within 180 days from the filing of the complaint if the defendant is incarcerated on the charges. Under section **[(e)] (E)**, subject to the exclusions provided in section **[(c)] (C)**, a defendant

who has been incarcerated on the charges pretrial for more than 180 days is entitled, upon petition, to immediate release on nominal bail.

If a defendant is at liberty on bail on the charges, subsection [(a)] (A)(3) requires that the Commonwealth bring the defendant to trial within 365 days from the filing of a complaint. Under section [(g)] (G), after 365 days and at any time before trial, a defendant released on bail or the defendant's counsel may apply to the court for an order dismissing the charges with prejudice on the ground that this rule has been violated. A copy of the motion must be served on the attorney for the Commonwealth, who has a right under this rule to be heard on the motion. If the court, upon hearing, determines that the Commonwealth exercised due diligence and that the circumstances causing the delay in the commencement of trial were beyond the Commonwealth's control, the court must deny the motion and list the case for trial on a date certain. If the court determines that the Commonwealth did not exercise due diligence, the court must dismiss the charges with prejudice and discharge the defendant.

When calculating the number of days set forth herein, see the Statutory Construction Act, 1 Pa.C.S. § 1908.

Pursuant to this rule, it is intended that "complaint" also includes special documents used in lieu of a complaint to initiate criminal proceedings in extraordinary circumstances such as criminal proceedings instituted by a medical examiner or coroner. See *Commonwealth v. Lopinson*, 234 A.2d 552 (Pa. 1967); *Commonwealth v. Smouse*, 594 A.2d 666 (Pa. Super. 1991).

A trial commences when the trial judge determines that the parties are present and directs them to proceed to voir dire or to opening argument, or to the hearing of any motions which had been reserved for the time of trial, or to the taking of testimony, or to some other such first step in the trial. It is not intended that preliminary calendar calls should constitute commencement of a trial. Concerning the hearing of motions reserved for the time of trial, see *Jones v. Commonwealth*, 434 A.2d 1197 (Pa. 1981).

For purposes of determining the time for commencement of trial, section [(c)] (C) contains the periods which must be excluded from that calculation. Under subsection [(c)] (C)(3)(1), in addition to any other circumstances precluding the availability of the defendant or the defendant's attorney, the defendant should be deemed unavailable for the period of time during which the defendant contested extradition, or a responding jurisdiction delayed or refused to grant extradition; or during which the defendant was physically incapacitated or mentally incompetent to proceed; or during which the defendant was absent under compulsory process requiring his or her appearance elsewhere in connection with other judicial proceedings. **Subsection (C)(4) was added in 1998 to ensure that the time period during which a judge is considering a defendant's objection to the transfer of a case pursuant to Rule 300(B)(2) is excluded from the calculations of Rule 1100.**

The provisions enumerating the excludable periods contained in section [(c)] (C) apply to the periods for commencing a trial under section [(d)] (D).

Subsections [(d)] (D)(1) and (2) provide the time limits for commencement of trial when a trial court has granted a new trial and no appeal has been perfected, or when an appellate court has remanded a case to the trial court, for whatever reason. Under subsection [(d)]

(D)(1), a trial must commence within 120 days of the trial court order granting a new trial, unless the defendant has been released on bail, in which event the trial must commence within 365 days.

The withdrawal of, rejection of, or successful challenge to a guilty plea should be considered the granting of a new trial for purposes of this rule. Subsection [(d)] (D)(1) also applies to the period for commencing a new trial following the declaration of a mistrial.

Under subsection [(d)] (D)(2), when an appellate court has remanded a case to the trial court, for whatever reason, trial must commence within 120 days after the remand, unless the defendant has been released on bail, in which event trial must commence within 365 days after the remand. The date of remand is the date as it appears in the appellate court docket. **[Where] When** remand of the record is stayed, the period for commencement of trial does not begin to run until the record is remanded as provided in this rule.

Although a defendant's removal from the ARD program does not result in a "new trial" under subsection [(d)] (D)(3), termination of the defendant's ARD program pursuant to Rule 184 commences a new trial period for the purpose of this rule.

When a judge grants a continuance requested by the defendant, trial should be rescheduled for a date certain consistent with the continuance request and the court's business, and the entire period of such continuance may be excluded under section [(c)] (C).

When admitted to nominal bail pursuant to this rule, the defendant must execute a bail bond. See Rules 4004 and 4005.

In addition to requesting that the defendant waive Rule 1100 for the period of enrollment in the ARD program (see Rule 178, paragraph (3)), the attorney for the Commonwealth may request that the defendant waive Rule 1100 for the period of time spent in processing and considering the defendant's inclusion into the ARD program.

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published with the Court's Order at 23 Pa.B. 4492 (September 25, 1993).

Final Report explaining the September 13, 1995 Comment revision of **the Bail Rule citations** published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Report explaining the _____, 1998 amendments concerning multiple charges arising from a single criminal episode published at 28 Pa.B. 478 (January 31, 1998).

REPORT

Proposed New Pa.R.Crim.P. 300; Amendments to Pa.Rs.Crim.P. 21 and 1100

Procedures in Cases Involving Multiple Charges Arising From a Single Criminal Episode Occurring in More Than One Judicial District

Introduction

The Committee is recommending the adoption of new Rule of Criminal Procedure 300 (Transfer of Proceedings), and amendments to Rules 21 (Venue) and 1100 (Prompt Trial) to provide procedures for the institution or transfer of cases involving multiple charges arising from a single criminal episode occurring in more than one judicial

district. The new procedures are necessitated by *Commonwealth v. McPhail*, 692 A. 2d 139, 144 (Pa. 1997), in which the Supreme Court determined that "the place of trial, whether within or without the county where the alleged crime occurred, is a matter of venue, not jurisdiction." Thus, under 18 Pa.C.S. § 110, when all the charges are within the jurisdiction of a single court, and, therefore, must be joined in a single trial, the trial in one judicial district of some of the charges arising from a single criminal episode is a bar to the trial in another judicial district of the other charges arising from the same criminal episode.

Discussion

A. Pa.R.Crim.P. 21 (Venue)

In considering the implications of *Commonwealth v. McPhail*, supra, the Committee agreed that Rule 21 (Venue) would have to be amended to make it clear that a case falling within the parameters of *McPhail*, that is, a case in which there are multiple charges arising from a single criminal episode, which are alleged to have been committed in more than one judicial district, would be an exception to the general rule that "all criminal proceedings shall be brought before the issuing authority for the magisterial district in which the offense is alleged to have occurred." New paragraph (c) addresses this situation. Under paragraph (c), it is expected that, when the law enforcement officers or the attorneys for the Commonwealth in the respective judicial districts are aware that there are multiple charges arising from a single criminal episode, all the charges should be filed together before one issuing authority in any of the judicial districts in which the charges occurred.

The Committee also discussed the comparable situation in which there are multiple charges arising from a single criminal episode which arise in more than one magisterial district but within the same judicial district. We agreed that these charges should be brought before one issuing authority in one of the magisterial districts in which some of the charges arose, and that Rule 21 should be amended to provide that this situation is another exception to the general venue rule. See new paragraph (b).

The Comment has been revised to include a citation to *Commonwealth v. McPhail*, and to provide guidance concerning in which judicial district or magisterial district the proceedings should be brought. The last paragraph explains that the decision should be based upon the convenience of the defendant and witnesses, and the prompt administration of justice.

B. New Rule 300 (Transfer of Proceedings)

Although, ordinarily, charges arising from a single criminal episode which occur in more than one judicial district will be instituted together under Rule 21(c), the Committee agreed that the rules should establish procedures governing those cases in which the proceedings are instituted in more than one judicial district. New Rule 300 provides the mechanism for transferring the different proceedings to one judicial district, and for the proceedings to be joined for trial, which would apply only after a case is held for court.

Paragraph (A) is an introductory paragraph, and requires that proceedings in cases in which charges arising from a single criminal episode have been instituted in more than one judicial district must be transferred to one judicial district and joined for trial. The first three paragraphs of the Comment explain the need for the new rule, and the interrelationship between Rule 21 and Rule 300. The first paragraph of the Comment also cautions

police officers and prosecutors to be vigilant about instituting proceedings and proceeding to trial in cases in which there are multi-judicial district charges arising from a single criminal episode.

Paragraph (B) sets forth the procedures for determining to which judicial district the proceedings should be transferred. The Comment points out that, in determining the judicial district to which the proceedings are to be transferred, "the parties must consider in which judicial district it would be in the interests of justice to have the case proceed, based upon the convenience of the defendant and the witnesses, and the prompt administration of justice."¹ It is further explained in the Comment that the decision to transfer should be made at the earliest possible time, so that as many of the pretrial proceedings as possible may be conducted in the transfer judicial district.

The Committee agreed that, in many cases, the determination of the transfer judicial district will be by agreement of the defendant and the attorneys for the Commonwealth. In these cases, the parties should prepare a written agreement which is filed in the judicial district in which the charges are pending.² See paragraph (B)(1).

The Committee also recognized that there may be cases in which the defendant will not agree on the judicial district that the attorneys for the Commonwealth have chosen, or the attorneys for the Commonwealth have reached an agreement on their own. In these cases, paragraph (B)(2) provides that the attorneys for the Commonwealth must file a written agreement with the clerk of courts in the judicial district in which the charges are pending. In addition, the rule requires that the agreement be served on the defendant or defendant's attorney, and that the defendant have an opportunity to object to the transfer or to the judicial district selected for the trial.

When the agreement has been filed, as explained in the Comment, it is expected that the clerk of courts will promptly forward the agreement to the appropriate judge, who is required to order the transfer of the proceedings. See paragraphs (C) and (D). The Comment explains that the appropriate judge would be the president judge, or the judge assigned to handle motions, or the judge assigned to handle the case, whichever applies in the given judicial district. In cases involving the agreement of the attorneys for the Commonwealth, the court is required to wait ten days before ordering the transfer to allow for the defendant's objection. See paragraph (D)(1). When a defendant files an objection, paragraph (D)(2) requires that the court promptly dispose of the objection, and if the objection is denied, immediately order the transfer.

Once an order transferring a proceeding is issued, paragraph (E) directs the clerk of courts of the transferring judicial district to promptly transmit to the clerk of courts of the transfer judicial district all of the following:

1. a certified copy of all docket entries;
2. all the original papers filed in the proceeding in the clerk's judicial district;

¹ It should be noted that there cannot be a transfer to a judicial district in which no charges have been filed even though one or more of the offenses was committed in that judicial district, i.e., a district attorney who has exercised his or her charging function and decided not to institute charges cannot be forced to try the case.

² Any references to procedurers to be followed by the transferring judicial district would apply to all transferring judicial districts in those cases in which there are charges pending in more than one judicial district. For example, pursuant to paragraph (B), the agreement would have to be filed in all judicial districts in which charges are pending.

3. a copy of the bail bond and any deposits in satisfaction of a monetary condition of bail; and

4. a bill of the costs that have accrued but have not been collected prior to transfer.

Paragraph (F) establishes the procedures once the case is transferred, noting that the case is to proceed in the same manner as if the proceeding had been instituted in the transfer judicial district. If the case is transferred before an information has been filed, then the charges are to be joined in the same information. See paragraph (F)(1). If the case is transferred after an information has been filed, then the case is to proceed pursuant to Rule 1127, and the informations should be joined for trial. See paragraph (F)(2). Paragraph (F)(3) makes it clear that the results of any pretrial proceedings completed in the transferring judicial district are binding on the transfer judicial district. This point is reiterated in the second to last paragraph of the Comment, with a citation to *Commonwealth v. Starr*, 664 A.2d 1326 (Pa. 1995) concerning the coordinate jurisdiction rule and the law of the case doctrine. The last provision of paragraph (F) directs that costs which have not been collected previously are to be collected in the transfer judicial district.

Finally, when the defendant in the case is in custody in a transferring judicial district, paragraph (G) requires that the order transferring the case include a provision for the delivery of the defendant to the custody of the sheriff of the transfer judicial district.

3. *Rule 1100 (Prompt Trial)*

The Committee discussed the implications of new Rule 300 on Rule 1100. We agreed that, if the defendant objects to the transfer pursuant to Rule 300(B)(2), the time during which the court is considering the objection should be excluded from the Rule 1100 calculations. Accordingly, a new paragraph (C)(4) has been added to Rule 1100 specifically excluding this time period from the determination of the period for commencement of trial.

[Pa.B. Doc. No. 98-160. Filed for public inspection January 30, 1998, 9:00 a.m.]

[234 PA. CODE CH. 1400]

Order Approving the Revision of the Comment to Rule 1405

The Criminal Procedural Rules Committee has prepared a Final Report explaining the revisions of the Comment to Pa.R.Crim.P. 1405 (Procedure at Time of Sentencing), which were approved by the Supreme Court on January 9, 1998, effective immediately. These Comment revisions 1) clarify that after a trial de novo in a summary case, the sentencing judge should advise the defendant of the right to appeal, and 2) emphasize that a Guideline Sentence Form must be completed in all court cases. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 9th day of January, 1998, upon the recommendation of the Criminal Procedural Rules Committee; this Recommendation having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision of the Comment to Pa.R.Crim.P. 1405 in the following form is approved.

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

Rule 1405. Procedure at Time of Sentencing.

* * * * *

Official Note: Previous Rule 1405 approved July 23, 1973, effective 90 days hence; Comment amended June 30, 1975, effective immediately; Comment amended and paragraphs (c) and (d) added June 29, 1977, effective September 1, 1977; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment amended April 24, 1981, effective July 1, 1981; Comment amended November 1, 1991, effective January 1, 1992; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1405. Present Rule 1405 adopted March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended January 3, 1995, effective immediately; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996. Comment revised December 22, 1995, effective February 1, 1996. The April 1, 1996 effective date extended to July 1, 1996. Comment revised September 26, 1996, effective January 1, 1997; Comment revised April 18, 1997, effective immediately; **Comment revised January 9, 1998, effective immediately.**

Comment:

This rule is derived in part from previous Rule 1405.

* * * * *

Sentencing Procedures

* * * * *

Other, additional procedures are required by statute. See, e.g., 42 Pa.C.S. § 9795(b), which requires the judge to inform certain offenders of the duty to register.

After sentencing, following a conviction in a trial de novo in a summary case, the judge should advise the defendant of the right to appeal and the time limits within which to exercise that right, the right to proceed in forma pauperis and with assigned counsel to the extent provided in Rule 316(a), and of the qualified right to bail under Rule 4009(b). See paragraphs C(3)(a), (b), and (e). See also Rule 1410.D (no post-sentence motion after a trial de novo).

After sentencing, the judge should inquire whether the defendant intends to file a post-sentence motion or to appeal, and if so, should determine the defendant's bail status pursuant to subparagraph C(3)(e) and Rule 4009. It is recommended, when a state sentence has been imposed, that the judge permit a defendant who cannot make bail to remain incarcerated locally, at least for the 10-day period during which counsel may file the post-sentence motion. When new counsel has been appointed or entered an appearance for the purpose of pursuing a post-sentence motion or appeal, the judge should consider permitting the defendant to remain incarcerated locally for a longer period to allow new counsel time to confer with the defendant and become familiar with the case. See also Rule 302 (Attorneys-Appearances and Withdrawals).

* * * * *

In cases in which a mandatory sentence is provided by law, when the judge decides not to impose a sentence greater than the mandatory sentence, regardless of the number of charges on which the defendant could be sentenced consecutively, and when no psychiatric or psychological examination is required under Rule 1403.B, the judge may immediately impose that sentence. But see Rule 1403.A(2), which requires that the court state on the record the reasons for dispensing with a pre-sentence report under the circumstances enumerated therein. See also 42 Pa.C.S. § 9721 et seq.

No later than 30 days after the date of sentencing, a Pennsylvania Commission on Sentencing Guideline Sentence Form must be completed at the judge's direction and made a part of the record. In addition, a copy of the form must be forwarded to the Commission on Sentencing, 204 Pa. Code § 303.1(e), effective July 13, 1997. See 27 Pa.B. 1254 (March 15, 1997).

With respect to the recording and transcribing of court proceedings, including sentencing, see Rule 9030.

Committee Explanatory Reports:

* * * * *

Final Report explaining the January 9, 1998 Comment revisions concerning Guideline Sentence Forms, and summary case appeal notice, published with the Court's Order at 28 Pa.B. 481 (January 31, 1998).

Final Report¹

Procedure at Time of Sentencing; Revisions of the Comment to Pa.R.Crim.P. 1405

On January 9, 1998, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court of Pennsylvania approved revisions of the Comment to Rule 1405 (Procedure at Time of Sentencing), effective immediately. The revisions clarify that after a trial de novo in a summary case, the sentencing judge must advise defendants of their appeal rights, and emphasize that a Guideline Sentence Form must be completed in all court cases.

Discussion

1. *Notice of Appeal Rights*

Several common pleas court judges questioned whether, pursuant to Rule 1405, following a summary case trial de novo, a defendant had to be advised of his or her appeal rights. The Committee agreed that the requirements of Rule 1405 concerning advising defendants of the right to appeal apply to summary cases following a trial de novo, and that this should be clarified in the rule. We concluded that this could best be accomplished by a Comment provision emphasizing that summary case defendants should be advised of their appeal rights after sentencing, following a summary case trial de novo. The revision appears in the "Sentencing Procedures" section of the Comment, and explains that the judge should advise the defendant of the right to appeal and the time limits within which to exercise that right, the right to proceed in forma pauperis and with assigned counsel to the extent provided in Rule 316(a), and the qualified right to bail under Rule 4009(b).

2. *Guideline Sentence Form*

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

The second revision was developed after the Committee considered correspondence from the Sentencing Commission, through its chairman, Judge David W. Heckler. The Committee was asked to consider a rule change to require that judges complete the Guideline Sentence Form upon sentencing in all cases in which the conviction involves either felonies or misdemeanors. The Committee noted that the Sentencing Code, 204 Pa. code § 303.1(e) (1997), requires judges to complete the forms, and concluded that it is not necessary to create a new rule. However, the Committee did agree that it is appropriate to refer to this Code provision in the Comment to emphasize the requirement, and has revised the Comment accordingly.

[Pa.B. Doc. No. 98-161. Filed for public inspection January 30, 1998, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 15th day of January, 1998, it is hereby ordered that Dauphin County Local Rule of Civil Procedure 212 is rescinded. Rules 212.1, 212.2, and 212.3 are promulgated as follows:

Rule 212.1. Notice of Earliest Trial Date. Filing of Pre-Trial Statements.

(a) Notice of civil jury trial dates required by Pa.R.C.P. 212.1(a) shall be effectuated by publication of the annual civil court calendar in the Dauphin County Reporter no later than November 1 of the year prior to the calendar's effective date. Cases shall be listed for trial in accordance with Dauphin County R.C.P. 215.1.

(b) Each party to an action which has been listed for civil jury trial shall file a pre-trial statement pursuant to Pa.R.C.P. 212.2 no later than seven days prior to the date set for the pre-trial conference. The original statement shall be filed with the Prothonotary and a copy shall be served on the pre-trial conference judge.

COMMENT: Pursuant to Pa.R.C.P. 212.1(c)(2), Dauphin County has altered the time frames for filing a pre-trial statement set forth in Pa.R.C.P. 212.1(b).

Rule 212.2. Contents of Pre-Trial Statements.

In addition to the requirements of Pa.R.C.P. 212.2, the pre-trial statement shall include:

- (a) the estimated length of trial;
- (b) any scheduling problems;
- (c) any special evidentiary issues;
- (d) a realistic settlement offer or demand.

Rule 212.3. Pre-Trial Conferences in Jury Trial Cases.

(1)(a) For each term of court, a pre-trial conference for all cases on the civil jury trial list shall be held on a date specially fixed by the Court and published in the court calendar. Assignments designating the judge and the time of the conference shall be noted on the final trial list. Copies of the trial list will be available at the Court Administrator's Office and the Prothonotary's Office.

(b) Each party shall be represented at the conference by counsel who will try the case or an authorized representative.

(2) Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and admissions as well as authority to settle. Counsel shall have the client available for consultation regarding settlement.

(3) At the pre-trial conference, efforts shall be made to narrow legal issues, to reach stipulations as to facts not in controversy, to shorten the time and expense of trial, and to discuss the prospects of settlement. The Court, at its option, may enter a pre-trial order to become part of the record of the case, embracing all stipulations, admissions and other matters which have come before it.

(4) If counsel fails to appear, the Court may impose appropriate sanctions.

In addition, Rules 215.1 and 215.2 are amended as follows:

Rule 215.1. Jury Trials.

(1) LISTING—At least [**four (4)] six** weeks prior to the first day of a session of civil jury trials, any case which is at issue may be listed for trial by the filing of a certificate of readiness with the Prothonotary. . .

Rule 215.2. Non-Jury Trials and Other Proceedings.

(1) Non-jury proceedings include, but are not limited to, Non-Jury Civil Actions, Equity, Discovery Motions, Change of Name Petitions, Special Relief in Divorce Petitions, Minor Settlement Petitions, Appeals from License Suspension, Exceptions to Divorce Master's Report, Tax Sale Exceptions, Preliminary Objections to Jurisdiction or Venue in Actions under the Domestic Relations Code, **Zoning Appeals**, and Class Actions.

These amendments shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

CLARENCE C. MORRISON,
President Judge

[Pa.B. Doc. No. 98-162. Filed for public inspection January 30, 1998, 9:00 a.m.]

SOMERSET COUNTY

**Consolidated Rules of Court; No. 9 Miscellaneous
1998**

Order

Now, this 15th day of January, 1998, it is hereby *Ordered*:

1. The following designated Somerset County Rules of Criminal Procedure (Som.R.Crim.P.), are hereby amended to read in their entirety as reflected in the revised Rules, as follows, effective 30 days after publication in the *Pennsylvania Bulletin*:

Som. R.Crim.P. 303. Arraignment.

Som. R.Crim.P. 303.1. Form of Notice Of Arraignment And Trial.

Som. R.Crim.P. 303.4. Form of Appearance Of Counsel And Waiver Of Arraignment.

2. The Somerset County Court Administrator shall:

A. File ten (10) certified copies of this Order with the Administrative Office of Pennsylvania Courts;

B. Distribute two certified copies of this Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

C. File one certified copy of this Order with the Pennsylvania Criminal Procedural Rules Committee; and

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

By the Court

EUGENE E. FIKE, II,
President Judge

Rules of Court

Arraignment And Notice

Som. R. Crim. P. 303. Arraignment.

A. Arraignment shall be scheduled not later than twenty (20) days after the information is filed, except that later arraignment may be scheduled for cause.

NOTE: For general scheduling procedures, see Som. R.J.A. 1030 et seq.

(Formerly R50-302).

B. The purposes of arraignment are to assure that defendant is advised of the charges against him; to have counsel enter an appearance, or, if defendant has no counsel, to consider defendant's right to counsel; to commence the period of time within which to initiate pretrial discovery and to file other pretrial requests and motions; to insure defendant has been provided a copy of the information; and to afford defendant an opportunity to plead to the information.

(Formerly R50-303).

C. After filing the information, the District Attorney shall notify defendant and defense counsel of arraignment and trial in the manner specified by Pa. R.Crim.P. 9024. A copy of the information shall accompany the notice. The notice of arraignment and trial shall be in substantially the form prescribed in Som. R.Crim.P. 303.1.

In addition, however, the District Attorney shall in all cases mail a copy of the information and notice to defendant, by first class mail. The District Attorney shall also mail a copy of the notice to the bondsman, at least ten (10) days before the arraignment date.

(Formerly R50-304).

D. Defendant shall appear personally before the court at arraignment and plead to the information, unless defendant or his attorney at or before arraignment, files with the Clerk of Courts and delivers a copy to the District Attorney, a written formal appearance, waiver and agreement to appear, signed by both defendant and defense counsel, in substantially the form specified in Som. R. Crim. P. 303.4.

(Formerly R50-305).

E. When a case is continued to another term after the notice of arraignment and trial has been given, said notice need not again be given unless it appears that the notice was not received by defendant and the Commonwealth has obtained another address for defendant. In-

stead, the Commonwealth may notify defendant as follows:

1. If defendant has not pleaded to all charges, notification to appear on the first day of any argument week as selected by the District Attorney which occurs at least ten days after such notice is mailed, (but not later than the next regular call of the criminal trial list) to plead to the information and stating the date, time and place of trial, in substantially the form set forth in Som. R. Crim. P. 303.2.

2. If defendant has pleaded not guilty to all charges, notification to appear on the specified date, time and place for trial, in substantially the form specified in Som. R. Crim. P. 303.3.

(Formerly R50-313).

F. The District Attorney shall keep an appropriate office record of the names and addresses of persons notified, the date of mailing and text of the notice.

(Formerly R50-316).

Som. R. Crim. P. 303.1. Form of Notice of Arraignment And Trial.

COMMONWEALTH OF PENNSYLVANIA) IN THE COURT OF COMMON PLEAS OF SOMERSET COUNTY, PENNSYLVANIA) NO. CRIMINAL 19 ____)
V.)
_____) (Defendant)

NOTICE OF ARRAIGNMENT AND TRIAL

To the defendant above named:

1. You have been formally charged with committing the criminal offense or offenses described in the Information which has been filed against you, copy of which is enclosed.

2. The date, time and place of arraignment on said criminal charges are as follows: _____, the ____ day of _____, 19____, at 9:30 a.m. at the Courthouse, Somerset, Pennsylvania.

3. You must personally appear before the Court at the date, time and place above stated in paragraph 2 of this Notice unless: (1) you and your attorney sign a waiver of appearance at arraignment in the form specified in Som. R.C.P. 303.4, and (2) you agree to appear personally instead at the Call Of The Criminal Trial List on _____, the ____ day of _____, 19____, at 9:30 o'clock a.m. at the Courthouse in Somerset, Pennsylvania, to plead guilty or not guilty to the charges.

4. You have a right to the assistance of an attorney at all stages of these proceedings; if you cannot afford an attorney, one will be appointed for you without cost if you file an application for counsel. You may obtain an application form from the Clerk of Courts, District Attorney, Sheriff, or any District Justice of Somerset County, Pennsylvania. It is important that you obtain an attorney promptly to assist you in these proceedings, if you do not already have one.

5. You may request pretrial discovery of information, and inspection of articles or documents, in the possession

of the District Attorney pertaining to your case, if you file a written request of the Court within **fourteen (14) days** after the arraignment date specified above in paragraph 2 of this Notice.

6. You may file an omnibus motion for pretrial relief for any of the following purposes: continuance (postponement) of the trial date, severance (separate trial) of one or more of the charges against you, suppression of evidence illegally obtained, psychiatric examination, quashing (dismissing) the information for legal defects, disqualification of a Judge, pretrial conference with the Court, approval of settlement of the charges, or any other appropriate pretrial relief or assistance, **if** the motion is filed in the Court within **thirty (30) days** after the arraignment date specified above in paragraph 2 of this Notice.

7. You will lose your rights to file a request for pretrial discovery and inspection, and to file an omnibus motion for pretrial relief, **unless** a written request or motion is filed within the required period of time stated above in paragraphs 5 and 6 of this Notice, calculated from the arraignment date specified above in paragraph 2 of this Notice, or **unless** the period of time is extended by special Court Order for good cause.

8. If you plead not guilty to any of the charges against you, your trial will be scheduled for _____, the day of _____, 19____, at 9:30 o'clock a.m., at the Courthouse in Somerset, Pennsylvania, when and where you must appear with your attorney and your witnesses prepared for trial, and must remain until the trial is completed.

9. If you fail to appear when required, a warrant will be issued for your arrest.

District Attorney

Notices

Som. R. Crim. P. 303.4. Form Of Appearance And Waiver Of Arraignment.

COMMONWEALTH OF PENNSYLVANIA) IN THE COURT OF COMMON PLEAS OF SOMERSET COUNTY, PENNSYLVANIA) NO. CRIMINAL 19 ____)
V.)
_____) (Defendant)

APPEARANCE OF COUNSEL AND WAIVER OF APPEARANCE AT ARRAIGNMENT

1. The undersigned attorney enters an appearance for defendant in the above captioned case.

2. Defendant acknowledges receipt of the Notice of Arraignment (for the ____ day of _____, 19 ____), and Trial (for the ____ day of _____, 19 ____), and receipt of a copy of the Information(s) in the above captioned case(s).

3. Defendant understands the nature of the charges, the rights and duties of defendant pertaining to arraignment as stated in said Notice and particularly in Rules of Criminal Procedure 304 (Bill Of Particulars), 305 (Pretrial Discovery and Inspection), and 306-307 (Omnibus Pretrial Motion). Defense counsel has discussed these

rights and duties with defendant, and believes defendant sufficiently understands them.

4. Defendant waives appearance at arraignment and agrees to appear at the next scheduled Call of the List on the ____ day of _____, 19 ____, to plead to the Information(s).

Printed Name of Attorney Attorney for Defendant

Defendant

[Pa.B. Doc. No. 98-163. Filed for public inspection January 30, 1998, 9:00 a.m.]

SUPERIOR COURT

Notice to the Bar

The Judges of the Superior Court of Pennsylvania have discontinued publication of the Pennsylvania Superior Court Reports. Volume 456 of the Superior Court Reports is the last one, which will be published.

Therefore, effective January 7, 1998, citations to Superior Court opinions should be expressed as follows:

Jones v. Smith, 692 A.2d XXX (Pa. Super. 1998)

KATHRYN M. BANN,
Recorder
Superior Court of Pennsylvania

[Pa.B. Doc. No. 98-164. Filed for public inspection January 30, 1998, 9:00 a.m.]

Opinions on the Internet

The Superior Court of Pennsylvania is pleased to inform you that the court's published opinions, filed on or after December 5, 1997, will be posted daily on the INTERNET. They can be found on the home page of the Administrative Office of the Pennsylvania Courts at: <http://www.cerf.net/penna-courts>.

KATHRYN M. BANN,
Recorder
Superior Court of Pennsylvania

[Pa.B. Doc. No. 98-165. Filed for public inspection January 30, 1998, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 6]

Drugs Which May Be Used By Qualified Optometrists

The Department of Health (Department) is proposing to amend Chapter 6 (relating to drugs which may be used by certain optometrists) by replacing the current list of drugs contained in that chapter with an updated list which may be used by certain optometrists under the stated conditions, to read as set forth in Annex A.

A. Statutory Authority

The definition of "examination and diagnosis" in section 2 of the Optometric Practice and Licensure Act (63 P. S. § 244.2) (act), permits optometrists to use pharmaceutical agents approved by the Department for certain diagnostic purposes. Amendments to the act's definition of "practice of optometry," effective in 1996, permit optometrists to administer and prescribe legend and nonlegend drugs as approved by the Secretary of Health (Secretary) for certain treatment purposes. See section 1 of the act of October 30, 1996 (P. L. 721, No. 130) (Act 130), amending 63 P. S. § 244.2. These regulations are proposed under these provisions and section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)), which grants the Department authority to promulgate regulations.

B. Purpose of the Regulations

The 1996 amendments to the act redefined the practice of optometry to permit the administration and prescription of legend and nonlegend drugs as approved by the Secretary for the treatment of certain areas of the visual system, and under certain conditions. These changes not only permitted the Secretary to expand the list of drugs which optometrists may use in the course of their practices, but granted the Secretary the authority to establish standards under which optometrists could administer or prescribe those drugs. After discussions with various interested parties, including the Pennsylvania Academy of Ophthalmology, the Pennsylvania Optometric Association, the Pennsylvania Medical Society, the Pennsylvania College of Optometrists, and other interested State agencies, the Department has developed a list of drugs which may be used by optometrists, as well as conditions that must be satisfied, including Department of State licensure and certification standards as required by Act 130. See 63 P. S. § 244.4a. The Department is proposing to amend Chapter 6, by restructuring § 6.1 (relating to approved drugs) to include these conditions and the newly developed list of approved drugs.

C. Summary of the Regulations

Chapter 6 contains a very limited list of drugs which optometrists may use, restricted to three types: local anesthetics, miotics (for contracting the pupil) and mydriatics or cycloplegics (for dilating the pupil or stopping the movement of the eye). This list reflects the limits placed on the practice of optometry under the act prior to 1996. With the 1996 amendments to the act, the practice of optometry was expanded, requiring the Department to expand the list of drugs approved for use by optometrists. In doing so, the Department is proposing to create a list of categories of drugs approved for use by optometrists, rather than a simple list of acceptable drugs. The pro-

posed list of categories of drugs includes categories beyond those drugs necessary for simple examination of the visual system, and reflects the expanded practice of optometry as envisioned by the 1996 amendments to the act. In developing the proposed categories and drugs, the Department has made every effort to balance that expansion with concern for the welfare of the patient.

Section 6.1(a) (relating to approved drugs).

In developing this expanded list, the Department has taken into account the conditions placed on the practice of optometry by the amendments to the act, and has included many of these conditions in proposed subsection (a). The Department has also proposed requirements which are intuitive, for example, the Department has proposed the requirement that drugs shall be approved by the Federal Drug Administration (FDA) and has proposed to permit optometrists to prescribe and administer over-the-counter medications. By allowing optometrists to prescribe and administer over-the-counter medications, the Department is recognizing the fact that an optometrist should not be precluded from providing to a patient a drug the patient could use on him or herself. In cases where the nature of individual categories of drugs warrant conditional use, the Department has included language in the specific subparagraph relating to that drug. The definition of the "practice of optometry" restricts the optometrist's use of over-the-counter drugs to the scope of optometric practice.

Section 6.1(b).

Proposed subsection (b) contains the list of categories and approved drugs under those categories. The Department has chosen not to include allowable potencies because this manner of approving drugs no longer makes sense medically. In some cases, the potencies originally listed were the only potencies available. In some cases, multiple potencies could be acceptable.

In choosing what categories of drug to approve, and whether to approve these drugs for oral use, or topical use only, the Department took into account the issue of whether or not the treatment would be systemic. The act only permits the Department to approve drugs used for therapeutic purposes, for "the treatment of the anterior segment of the eye, the eyelids, the lacrimal system and conjunctiva and the removal of superficial foreign bodies from the ocular surface and adnexa" See the definition of "practice of optometry" in 63 P. S. § 244.2. Drugs which, if used only topically, would treat the anterior of the eye with a minimal systemic effect, would be approved for treatment by the Department for topical use only (for example, autonomic drugs and nonsteroidal antiinflammatory drugs). The Department proposes, however, to approve certain drugs for oral use in cases in which failure of an optometrist to use these drugs could put the health and safety of the patient at risk. The Department proposes to list under these categories those drugs most likely to treat effectively the most common conditions seen by optometrists. Although there may be a systemic effect in these cases, treatment focuses on the limited area of the visual system permitted by the act, as amended.

To protect the patient, the Department proposes that, prior to the oral use of these categories of drugs, the treating optometrist shall obtain verbal or written concurrence from the patient's referring physician, usual primary care physician, or an ophthalmologist if the pa-

tient's condition so indicates. The Department further proposes to require that, if the patient has no continuing medical care provider, the patient shall be referred to a primary care physician or an ophthalmologist by the optometrist before the optometrist prescribes the drugs listed under these categories. It is the Department's position that this requirement, in connection with the statutory prohibition that no treatment be continued for longer than 6 weeks without the concurrence of a licensed physician, is sufficient protection for the health and safety of the patient.

In making these decisions, the Department recognizes that in some cases, patients are unaware of the differences between ophthalmologists and optometrists, or may, for other reasons, choose or find it necessary to see an optometrist rather than an ophthalmologist. To ensure that necessary treatment is begun, the Department proposes to allow the use of oral drugs. The Department, however, has included the prior concurrence requirement in all categories of oral drugs approved, including antibacterial drugs, and antiviral drugs. It is the Department's position that this requirement will permit physicians to make a decision whether or not the patient should be treated by the optometrist, or referred back to the physician, or to an ophthalmologist for further treatment. At the same time, it will remove a barrier to care.

The proposed amendment would also permit optometrists to prescribe a limited number of analgesic medications once per patient visit, for a period of no longer than 72 hours per prescription.

D. Cost and Paperwork Estimates

1. Cost

The addition of new drugs to the approved list contained in Chapter 6 will not affect the Commonwealth, local governments or the general public financially. It is possible that the expansion of the practice of optometry to include the administration and prescription of certain drugs under certain enumerated conditions may adversely affect the practice of some ophthalmologists, if individuals who would otherwise find it necessary to consult an ophthalmologist can, under the 1996 statutory amendments and the proposed amendment, consult an optometrist and chose to do so. It is not certain that this will be the case, however, and the statute does provide for consultation with a licensed physician after treatment for a 6-week period by an optometrist. See 63 P. S. § 244.2.

2. Paperwork

No changes to reporting, recordkeeping or other paperwork would be required, except to the extent that the number of drugs optometrists would be permitted to administer and prescribe under certain conditions would increase, which may require increased notations in patient records.

E. Effective Date/Sunset Date

The proposed amendment will be effective immediately upon final adoption. The regulation will be continually monitored and updated as needed. Therefore, no sunset date has been set.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 21, 1998, the Department submitted a copy of this proposed to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee. In

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

If the Committees have objections to any portion of the proposed amendment, they will notify the Board within 20 days of the close of the public comment period.

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

H. Contact Person

Interested persons are invited to submit all comments, suggestions or objections regarding the proposed amendment to Lori Gerhard, Department of Health Policy Office, P. O. Box 90, Harrisburg, PA 17108 within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Persons with a disability may submit comments, suggestions or objections regarding the proposed amendment to Lori Gerhard in an alternative format, such as by audio tape, braille or by using TDD: (717) 783-6514. Persons with a disability who require a copy of the proposed amendment in an alternative format (that is, large print, audio tape, braille) should contact the Department of Health's Policy Office at (717) 787-3488 so that the necessary arrangements may be made.

DANIEL F. HOFFMANN,
Secretary

Fiscal Note: 10-152. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART I. GENERAL HEALTH

CHAPTER 6. DRUGS WHICH MAY BE USED BY CERTAIN OPTOMETRISTS

Sec.

6.1. Approved drugs.

§ 6.1. Approved drugs.

[(a) Optometrists who are appropriately qualified under the Optometric Practice and Licensure Act (63 P. S. §§ 244.1—244.12) are permitted to utilize the following drugs in their practice of optometry:

(1) Local anesthetics. Local anesthetics shall conform with the following:

(i) Benoxinate Hydrochloride—Ophthalmic Solution (0.4%)

(ii) Proparacaine Hydrochloride—Ophthalmic Solution (0.5%)

(iii) Tetracaine Hydrochloride—Ophthalmic Solution (0.5%)

(2) Miotics. Miotics shall conform with the following:

(i) Pilocarpine Nitrate Ophthalmic Solution U.S.P. (1.0%)

(ii) Pilocarpine Hydrochloride Ophthalmic Solution U.S.P. (1.0%)

(iii) Methacholine Chloride—Ophthalmic Solution (2.5%)

(iv) Dapiprazole HCL.

(3) *Mydriatics or cycloplegics.* Mydriatics or cycloplegics shall conform with the following:

(i) Eucatropine Hydrochloride U.S.P.—Ophthalmic Solution (5.0%)

(ii) Homatropine Hydrobromide Ophthalmic Solution U.S.P. (2.0%)

(iii) Homatropine Hydrobromide Ophthalmic Solution U.S.P. (5.0%)

(iv) Hydroxyamphetamine Hydrobromide Ophthalmic Solution U.S.P. (0.5%)

(v) Hydroxyamphetamine Hydrobromide Ophthalmic Solution U.S.P. (1.0%)

(vi) Tropicamide Ophthalmic Solution U.S.P. (1.0%)

(vii) Atropine Sulfate Ophthalmic Solution U.S.P. (1.0%) Ophthalmic Ointment (1.0%)

(viii) Cyclopentolate Hydrochloride—Ophthalmic Solution (1.0%)

(ix) Cyclopentolate Hydrochloride Ophthalmic Solution U.S.P. (2.0%)

(x) Cyclopentolate Hydrochloride (0.2%)/Phenylephrine Hydrochloride (1.0%) Ophthalmic solution

(xi) Phenylephrine Hydrochloride Ophthalmic Solution U.S.P. (10%)

(xii) Scopolamine Hydrobromide U.S.P. Ophthalmic Solution U.S.P. (0.25%)

(xiii) Ephedrine Sulfate U.S.P.—Ophthalmic Solution (5.0%)

(b) Potencies listed in this section are the maximum allowable potencies.]

(a) *Administration of pharmaceutical agents.* Optometrists who are certified to prescribe and administer pharmaceutical agents for therapeutic purposes under section 4.1 of the Optometric Practice and Licensure Act (35 P. S. § 244.4a), may prescribe and administer the drugs listed in subsection (b) in their practice of optometry under the following conditions:

(1) The drugs shall be approved by the Food and Drug Administration.

(2) Over-the-counter medications (per FDA listing) are fully authorized.

(3) An optometrist may not administer any drug parenterally.

(4) The treatment undertaken by an optometrist under this section:

(i) Shall be limited to 6 weeks duration.

(ii) May not include beta-blockers or steroids.

(iii) May not be prescribed for systemic conditions except as an adjunctive therapy and shall be limited to the anterior eye structures (and adnexa).

(5) An optometrist may not treat glaucoma.

(6) An optometrist may not prescribe or administer a Schedule I or II controlled substance.

(b) *Allowable pharmaceutical products.* Optometrists may prescribe and administer the following pharmaceutical products:

(1) Topical anesthetics.

(i) Proparacaine.

(ii) Benoxinate.

(iii) Tetracaine.

(2) Topical ocular lubricants.

(3) Topical ophthalmic dyes and stains.

(i) Fluorescein.

(ii) Rose Bengal.

(iii) Fluorexen.

(4) Topical hyperosmotic agents.

(5) Autonomic drugs—topical only.

(i) Cholinergic agonists.

(A) Pilocarpine nitrate and pilocarpine hydrochloride—diagnostic use only.

(B) Physostigmine.

(C) DFP (diisopropylfluorophosphate).

(D) Echthiopate.

(ii) Cholinergic antagonists.

(A) Homatropine hydrobromide.

(B) Tropicamide.

(C) Atropine sulfate.

(D) Cyclopentolate hydrochloride.

(E) Scopolamine hydrobromide.

(iii) Adrenergic agonists.

(A) Hydroxyamphetamine hydrobromide.

(B) Phenylephrine hydrochloride.

(C) Tetrahydrazoline.

(D) Nefazoline.

(E) Oxymetazoline.

(iv) Adrenergic antagonists—diagnostic use only.

(A) Dapiprazole.

(B) Thymoxamine.

(6) Nonsteroidal antiinflammatory drugs—topical only.

(i) Diclofenac.

(ii) Ketorolac.

(iii) Flurbiprofen.

(iv) Suprofen.

(7) Antimicrobial agents—access to culture and sensitivity testing (as clinically indicated) is urged.

(i) Antibacterial—topical use only.

(A) Cell wall inhibitors.

(I) Bacitracin.

- (II) Cephalosporins.
- (III) Penicillins.
- (IV) Vancomycin.
- (B) Protein synthesis inhibitors.
- (I) Aminoglycosides.
- (II) Tetracycline.
- (III) Erythromycin.
- (IV) Chloramphenicol.
- (C) Intermediary metabolism inhibitors.
- (I) Sodium sulfacetamide and sulfisoxazole.
- (II) Trimethoprim.
- (D) DNA synthesis inhibitors.
- (I) Ciprofloxacin.
- (II) Norfloxacin.
- (III) Ofloxacin.
- (E) Cell membrane permeability.
- (I) Polymyxin B.
- (II) Gramicidin.
- (ii) Antibacterial—oral. Prior to prescribing oral antibacterial agents, the optometrist shall obtain verbal or written concurrence from the patient's referring physician or usual primary care physician or from an ophthalmologist if the patient's condition so indicates. The optometrist shall record the concurrence in the patient's medical record and on the prescription form. If the patient has no continuing medical care provider, the optometrist shall refer the patient to a primary care physician or an ophthalmologist before prescribing these agents.
 - (A) Cell wall inhibitors.
 - (I) Penicillins—including in combination with clavulanic acid.
 - (II) Cephalosporins.
 - (1) First generation—cephalexin and cefadroxil.
 - (2) Second generation—cefaclor and cefuroxime.
 - (B) Protein synthesis inhibitors.
 - (I) Tetracycline.
 - (II) Doxycycline.
 - (III) Erythromycin.
 - (IV) Azithromycin.
 - (iii) Antivirals—topical only.
 - (A) Idoxurine.
 - (B) Vidarabine.
 - (C) Trifluridine.
 - (iv) Antivirals—oral. Prior to prescribing oral antiviral agents, the optometrist shall obtain verbal or written concurrence from the patient's referring physician or usual primary care physician or from an ophthalmologist if the patient's condition so indicates. The optometrist shall record the concurrence in the patient's medical record and on the prescription form. If the patient has no continuing

medical care provider, the optometrist shall refer the patient to a primary care physician or an ophthalmologist before prescribing these agents.

- (A) Acyclovir.
- (B) Valacyclovir.
- (C) Famcyclovir.
- (v) Antifungal and antiparasitic—topical only.
 - (A) Amphotericin B, nystatin, natamycin.
 - (B) Miconazole, ketoconazole, clotrimazole.
 - (C) Thiabendazole.
 - (D) Neomycin and polymyxin B.
 - (E) Paromycin.
 - (8) Analgesic drugs—oral and topical.
 - (i) An optometrist shall only be permitted to prescribe the following drugs, either alone or in combination with acetaminophen or aspirin, for up to 72 hours per patient visit.
 - (A) Codeine.
 - (B) Hydrocodone.
 - (C) Pentazocine.
 - (D) Propoxyphene.
 - (ii) Antihistamines and mast cell stabilizers—topical only.
 - (A) Pheniramine.
 - (B) Pyrilamine.
 - (C) Antazoline.
 - (D) Levocarbastine.
 - (E) Cromolyn.
 - (F) Nedocromil.
 - (G) Lodoxamide.
 - (H) Olopatadine.

[Pa.B. Doc. No. 98-166. Filed for public inspection January 30, 1998, 9:00 a.m.]

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 13]

Promotion

The Liquor Control Board (Board) under the authority of section 207(i) of the Pennsylvania Liquor Code (act) (47 P. S. § 2-207(i)) proposes to amend §§ 13.1 and 13.51 (relating to definitions; and general prohibition).

Purpose:

In accordance with Executive Order 1996-1, the Board has reviewed its regulations and determined that the regulations prohibit activities beyond those prohibited by the act and that these proposed amendments would permit Pennsylvania manufacturers and licensees to engage in business practices routinely engaged in by manufacturers and licensees in other states.

Summary of Amendments

§ 13.1. The term "routine business entertainment" is defined.

§ 13.51. Subsection (c) is proposed to be added setting forth the limitations and conditions concerning routine business entertainment engaged in by manufacturers and licensees.

Affected Parties

These regulatory amendments would affect in-State and out-of-State manufacturers, licensees of the Board and trade organizations that choose to participate in routine business entertainment.

Paperwork Requirements

The proposed amendments require that licensees and manufacturers keep complete and accurate records of all expenses incurred and all routine business entertainment received for a period of 2 years.

Fiscal Impact

The proposed amendments permit the regulated community to voluntarily engage in routine business entertainment, no compulsory spending by the regulated community is required. These proposed amendments will have no fiscal impact on the Commonwealth or local governments.

Effective Date/Sunset Date

The proposed amendments will become effective upon their publication in final form in the *Pennsylvania Bulletin*. No sunset date has been assigned.

Public Comment/Contact Person

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed amendments in the *Pennsylvania Bulletin*. Comments should be addressed to Jerry Danyluk, Regulatory Coordinator, Pennsylvania Liquor Control Board, Room 401 Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745-5(a)), on January 16, 1998, the Board submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Liquor Control and the Senate Committee on Law and Justice. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board. A copy of this material is available to the public upon request.

If the Committees have objections to any portion of the proposed rulemaking, they will notify the Board within 20 days of the close of the public comment period.

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

JOHN E. JONES, III,
Chairperson

Fiscal Note: 54-53. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 13. PROMOTION

Subchapter A. ADVERTISING

GENERAL PROVISIONS

§ 13.1. Definitions.

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

* * * * *

Routine business entertainment—Meals, beverages, tickets or passes to concerts, theaters, arts, sporting or charitable events provided to licensees, trade organizations or in-State manufacturers by licensees, trade organizations, in-State manufacturers or out-of-State manufacturers. For purposes of this definition, "licensee" includes all entities licensed under the Liquor Code including liquor importer licensees and vendor permittees.

* * * * *

GIVING AND ACCEPTING THINGS OF VALUE

§ 13.51. General prohibition.

(a) Except as provided in [subsection] subsections (b), (c) and § 13.52 (relating to advertising novelties), no **in-State or out-of-State manufacturer**, licensee or group of licensees, their servants, agents or employees, may directly or indirectly, in person, individually or through a trade organization, contribute to or accept from another licensee or group of licensees of a different class, their servants, agents or employees or a trade organization of licensees of a different class, anything of value by means of advertisements, contributions, purchase, sale of tickets, donations or by any device, for any purpose.

* * * * *

(c) **This section does not prohibit an in-State or out-of-State manufacturer, licensee or trade organization from providing another in-State or out-of-State manufacturer, licensee or trade organization routine business entertainment as defined in § 13.1 (relating to definitions). The routine business entertainment shall be subject to the following conditions:**

(1) **Routine business entertainment shall be provided without a corresponding obligation on the part of the recipient to purchase alcoholic beverages or to provide another benefit to the donor or to exclude or restrict from sale the products of any other licensee or in-State or out-of-State manufacturer.**

(2) **The donor, its servants, agents or employees shall accompany the recipient during routine business entertainment. When items such as tickets are donated by manufacturers to importing distributors for the ultimate use of retailers, the donor is considered to be the importing distributor and it is the importing distributor, or his servants, agents or employees, who shall accompany the retailer.**

(3) **Routine business entertainment that requires or includes overnight stay is prohibited.**

(4) **No more than \$200 may be spent per occasion on any recipient. An occasion for purposes of this**

section is a 24-hour time period that begins when the recipient first receives business entertainment. A recipient's spouse or guest may accompany the recipient, if no more than \$200 is spent per occasion on the recipient's spouse or guest.

(5) No recipient may be entertained on more than six separate occasions by any licensee, trade organization or manufacturer in a calendar year.

(6) Licensees, in-State manufacturers and out-of-State manufacturers shall keep complete and accurate records of all expenses incurred and all routine business entertainment received for a 2 year period. These records shall contain the name of the recipient and donor of the entertainment, the type of routine business entertainment, the date and, in the case of a donor, the amount of expenditure for each occasion.

[Pa.B. Doc. No. 98-167. Filed for public inspection January 30, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 54]

[L-970127]

Adjustment of Electric Distribution Company Rates for Changes in State Tax Liability

The Pennsylvania Public Utility Commission (Commission) on November 6, 1997, adopted a proposed rule-making to address the requirement of 66 Pa.C.S. § 2804(16) (relating to standards for restructuring of electric industry) that the Commission by regulation allow an electric distribution company (EDC) to recover changes in its State tax liability by establishing the time, manner, form and information content of the filings required for seeking recovery of changes in its State tax liability under 66 Pa.C.S. §§ 2801—2812 (relating to Electricity Generation Customer Choice and Competition Act) (act). The contact persons are Bob Wilson, Manager, Finance/Tariffs, Bureau of Fixed Utilities Services (717) 783-6162 and Kevin J. Moody, Assistant Counsel, Law Bureau (717) 787-2126.

Executive Summary

On December 3, 1996, Governor Tom Ridge signed into law the act which is codified as Chapter 28 (relating to restructuring of electric utility industry). The act establishes standards and procedures to create direct access by retail customers to the competitive market for electricity generation while maintaining safe and reliable electric service and tax revenue neutrality to this Commonwealth. The act includes two new taxes: a use tax on electricity to complement the tax on gross receipts from retail sales of electricity, and a revenue-neutral reconciliation (RNR) allowing the Commonwealth to recoup State tax losses that may result from the restructuring of the electric industry and the transition thereto.

The proposed regulations address the requirement of section 2804(16) of the act that the Commission by regulation allow an EDC to recover changes in its State tax liability by establishing the time, manner, form and

information content of the filings required by an EDC seeking recovery of changes in its State tax liability under the code.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 16, 1998, the Commission submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

Public meeting held
November 6, 1997

Commissioners Present: John M. Quain, Chairperson;
Robert K. Bloom, Vice Chairperson; John Hanger;
David W. Rolka; Nora Mead Brownell

Order

By the Commission:

On December 3, 1996, Governor Tom Ridge signed into law 66 Pa.C.S. §§ 2801—2812 (relating to Electricity Generation Customer Choice and Competition Act) (act). The act establishes standards and procedures to create direct access by retail customers to the competitive market for electricity generation while maintaining tax revenue neutrality to the Commonwealth.

Recognizing that restructuring the electric industry would affect the State taxes associated with the production, delivery and sale of electricity in this Commonwealth, the General Assembly enacted a use tax on electricity in addition to the tax on gross receipts from retail sales of electric energy. 66 Pa.C.S. §§ 2806(g)(3)(iii) and 2809(c)(2). The Legislature also established a RNR to "recoup losses that may result from the restructuring of the electric industry and the transition thereto." 66 Pa.C.S. § 2810(a). The intent of the RNR is to maintain the proportional tax obligations among customer classes and individual EDCs.

Section 2804(16) of the act requires the Commission to issue regulations that allow an EDC to recover changes in its State tax liability to the extent that the resulting rate does not exceed the rate cap established, except as provided in the act. 66 Pa.C.S. § 2804(16)(i). The act also permits an EDC to seek recovery of State tax liability changes under the act when the recovery would produce rates above the rate cap.

Regulations to implement these provisions of the act were developed by the Electric Competition Tax Working

Group, which includes Commission staff, the Office of Consumer Advocate, the Office of Small Business Advocate, the Department of Revenue, the Pennsylvania Electric Association and its member EDCs and electricity suppliers. The proposed regulations establish the time, manner, form and information content of the filings required by an EDC seeking recovery of changes in its State tax liability under the act.

Specifically, § 54.93 (relating to manner of filing) requires proposed rate changes under Chapter 54 (relating to adjustment of electric generation customer choice) to comply with the existing Commission regulations in § 53.51(c) and (d) (relating to perfection of tariffs or tariff supplements and service of proposed rate changes).

Section 54.94 (relating to recovery of changes in State tax liability) sets forth the information that must be provided when an EDC seeks recovery of changes in its State tax liability when the resulting rates do not exceed the rate cap.

Section 54.95 (relating to recovery of RNR tax liability producing rates above the rate cap) provides information and procedures that apply when an EDC seeks recovery of changes in its RNR tax liability when the resulting rates would exceed the rate cap.

Section 54.96 (relating to recovery of sections 2806(g) and 2809(c) tax liability producing rates above the rate cap) provides information and procedures that apply when an EDC seeks recovery of changes in its tax liability under sections 2806(g) and 2809(c) of the act when the resulting rates would exceed the rate cap.

Section 54.97 (relating to State tax adjustment surcharge) provides information and procedures that apply when an EDC seeks to modify its State Tax Adjustment Surcharge (STAS) to recover new or increased taxes under the act.

Finally, § 54.98 (relating to customer notice requirements) requires proposed rate increases under Chapter 54 to comply with existing Commission regulations in §§ 53.41—53.45 (relating to posting of tariffs and notices).

Accordingly, under sections 501, 1301 and 2804(16) of the Public Utility Code, 66 Pa.C.S. §§ 501, 1301 and 2804(16), and the Commonwealth Documents Law (45 P.S. § 1201 et seq.) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1—7.4, we propose to adopt §§ 54.91—54.98 to read as set forth in Annex A. *Therefore,*

It is Ordered that:

1. A rulemaking docket be opened to implement the act to permit an EDC to recover changes in its State tax liability under the act as set forth in Annex A of this order.
2. The Secretary of the Commission submit this order and Annex A to the Office of the Attorney General for preliminary review as to form and legality.
3. The Secretary of the Commission submit a copy of this order and Annex A to the Governor's Budget Office for review of fiscal impact.
4. The Secretary of the Commission submit this order and Annex A for informal review by the designated standing committees of both Houses of the General Assembly, and for informal review and comments by IRRC.

5. The Secretary of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. Within 30 days of publication of this order in the *Pennsylvania Bulletin*, an original and 15 copies of any comments concerning this order be submitted to the Commission. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Shirley M. Leming, Regulatory Coordinator, Law Bureau at (717) 772-4597 or through the AT&T Relay Center at (800) 654-5988.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-188. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

**CHAPTER 54. ELECTRICITY GENERATION
CUSTOMER CHOICE**

**Subchapter D. ADJUSTMENT OF ELECTRIC
DISTRIBUTION COMPANY RATES FOR CHANGES
IN STATE TAX LIABILITY**

<p>Sec. 54.91. 54.92. 54.93. 54.94. 54.95. 54.96. 54.97. 54.98.</p>	<p>Purpose. Definitions. Manner of filing. Recovery of changes in State tax liability. Recovery of RNR tax liability producing rates above the rate cap. Recovery of sections 2806(g) and 2809(c) tax liability producing rates above the rate cap. State tax adjustment surcharge. Customer notice requirements.</p>
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§ 54.91. Purpose.

This subchapter implements Chapter 28 of the code (relating to the Electricity Generation Customer Choice and Competition Act) governing adjustments to the rates of an EDC to reflect changes in its State tax liability. This subchapter establishes the time, manner, form and information content of the filings required by an EDC seeking recovery of changes in its State tax liability. This subchapter establishes specialized procedures to supplement existing procedures relating to public utility rate changes. Finally, this subchapter establishes the effective dates of relevant EDC rate adjustments and the applicable customer notification requirements for these adjustments.

§ 54.92. Definitions.

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

Code—The Public Utility Code, 66 Pa.C.S. §§ 101—3316.

CTC—*competitive transition charge*—The competitive transition charge as defined in section 2803 of the code (relating to definitions).

Customer—A retail electric customer as defined in section 2803 of the code.

Department—The Department of Revenue of the Commonwealth.

EDC—electric distribution company—An EDC as defined in section 2803 of the code.

Electric generation supplier or electricity supplier—An electric generation supplier or an electricity supplier as defined in section 2803 of the code.

ITC—intangible transition charge—The intangible transition charge as defined in section 2812(g) of the code (relating to approval of transition bonds).

Rate cap or price cap—The limits on the allowable charges of an EDC, and the exceptions and exclusions from these limits, as prescribed by section 2804(4) of the code (relating to standards for restructuring of electric industry).

RNR—revenue neutral reconciliation—See section 2810 of the code (relating to revenue-neutral reconciliation).

STAS—State tax adjustment surcharge—The State tax adjustment surcharge as defined in § 69.51 (relating to definitions).

Transition or stranded costs—The transition or stranded costs as defined in section 2803 of the code.

§ 54.93. Manner of filing.

Each proposed change in rates in this subchapter shall be perfected in accordance with § 53.51(c) (relating to general) and shall be served in accordance with § 53.51(d).

§ 54.94. Recovery of changes in State tax liability.

(a) The Commission will permit an EDC to recover from customers changes in its State tax liability arising from sections 2806(g), 2809(c) and 2810 of the code (relating to implementation, pilot programs and performance-based rates; requirements for electric generation suppliers; and revenue-neutral reconciliation) and §§ 69.51—69.56 (relating to inclusion of State taxes and gross receipts taxes in base rates) to the extent that the resulting rates do not exceed the rate or price cap.

(b) An EDC seeking recovery of changes in its State tax liability under this section shall provide the following information to the Commission:

(1) A description of the surcharge proposed by the EDC.

(2) A statement that the surcharge becomes effective for service rendered beginning 30 days after perfection as provided in § 53.51(c) (relating to general).

(3) If applicable, the calculations supporting the amount of its tax liability arising from the RNR.

(4) If applicable, the amount of payments under section 2806(g) and 2809(c) of the code for the immediately preceding 12-month period ending on June 30, plus interest accrued at 6% per year from the time of payment until the time the payments are reflected in customer rates, supported by a copy of the notification received from the Department assessing these taxes and related interest.

§ 54.95. Recovery of RNR tax liability producing rates above the rate cap.

An EDC proposing to increase its rates above the rate cap due to the RNR shall file a single issue rate proceeding under section 1308(a) of the code (relating to voluntary changes in rates). The Commission will determine whether the EDC's filing accurately represents the amount of its tax liability arising from the RNR and whether recovery of its RNR tax liability causes the resulting rates to exceed the rate cap. Within 30 days of

receiving the Department's notice of the change in the applicable tax rate established by the RNR, an EDC proposing to increase its rates as described in this section shall provide the following information to the Commission:

(1) A statement that the reason for the proposed rate increase is to permit the EDC to recover that portion of its RNR tax liability that produces rates above the rate cap.

(2) A proof of revenue calculation by rate class demonstrating the impact of the proposed rate increase upon each class of customers.

(3) A description of the surcharge for recovering the increased tax liability.

(4) A notice that the surcharge becomes effective 60 days from the date the EDC files the proposed rate increase.

§ 54.96. Recovery of sections 2806(g) and 2809(c) tax liability producing rates above the rate cap.

(a) The Commission will permit an EDC to recover, through its State Tax Adjustment Surcharge (STAS) or other appropriate mechanism, changes in its State tax liability and related interest under sections 2806(g) and 2809(c) of the code (relating to implementation, pilot programs and performance-based rates; and requirements for electric generation suppliers) when that recovery produces rates above the rate cap, upon certification by affidavit that the following exist:

(1) The EDC has not recovered the taxes due under its tariff indemnification provisions.

(2) The Department has not collected the taxes due under the other means in sections 2806(g)(3)(iii) and 2809(c)(2) of the code.

(b) In addition to the affidavit required under subsection (a), the EDC shall file with the Commission:

(1) A statement of the amount of payments under sections 2806(g) or 2809(c) of the code for the immediately preceding 12-month period ending on June 30, plus interest accrued at 6% per year from the time of payment until the time the payments are reflected in customer rates, supported by a copy of the notification received from the Department assessing these taxes and related interest.

(2) A proof of revenue calculation by rate class demonstrating the impact of the proposed rate increase upon each class of customers.

(3) A description of the surcharge for recovering the increased tax liability.

(4) A statement that the surcharge becomes effective for service rendered beginning 30 days after perfection as provided in § 53.51(c) (relating to general).

§ 54.97. State tax adjustment surcharge.

(a) Every EDC subjected to new or increased State taxes under sections 2806(g), 2809(c) and 2810 of the code (relating to implementation, pilot programs and performance-based rates; requirements for electric generation suppliers; and revenue-neutral reconciliation) and §§ 69.51—69.56 (relating to inclusion of State taxes and gross receipts taxes in base rates) that proposes to modify its STAS to recover these taxes shall include the following information in its surcharge calculation:

(1) The amounts paid under sections 2806(g) and 2809(c) of the code for the immediately preceding 12-

month period ending on June 30, plus interest accrued at 6% per year from the time of payment until the time the payments are reflected in customer rates; the EDC shall also provide an affidavit that it has not recovered these taxes under the other means in sections 2806(g)(3)(iii) and 2809(c)(2) of the code.

(2) Adjustments to the gross receipts tax rate under to the RNR.

(3) When applicable, items 1 and 2 shall be added to any other amounts recoverable under the STAS.

(4) The total of item 3 divided by a factor which is the complement of the gross receipts tax rate, adjusted by the RNR to the extent that recovery is approved by the Commission under section 2804(16) of the code (relating to standards for restructuring of electric industry).

(5) The quotient of item 4 divided by gross intrastate operating revenues derived from service under rates subject to the jurisdiction of the Commission for the most completed calendar year, exclusive of the revenues produced by the surcharge permitted by subsection (a). This quotient shall be expressed as a percentage.

(6) If the EDC increased or decreased its rates under the Commission's jurisdiction during or after the most recently completed calendar year, it shall include in its computation the appropriate adjustments to items 1, 2, 3, 4 and 5, as if the increased or decreased rates had been in effect for all of that calendar year.

(b) For rate changes that require the STAS to be filed under this section, every EDC shall provide the following information to the Commission:

(1) For a change in an EDC's RNR tax liability contained in a notice from the Department, the information described in § 54.94(b)(3) (relating to recovery of changes in State tax liability).

(2) For amounts paid by an EDC under sections 2806(g) and 2809(c) of the code, the information described in § 54.94(b)(4).

(c) Every tariff or tariff supplement modifying an EDC's STAS under this section shall carry an effective date which is 10 days after its filing with the Commission and shall be applicable for service rendered on or after the effective date.

§ 54.98. Customer notice requirements.

(a) An EDC proposing to increase its rates under § 54.94 or § 54.96 (relating to recovery of changes in State tax liability; and recovery of sections 2806(g) and 2809(c) tax liability producing rates above the rate cap) shall provide customer notice as provided in § 53.45(g) (relating to notice of new tariffs and tariff changes).

(b) An EDC proposing to increase its rates under § 54.95 (relating to recovery of RNR tax liability producing rates above rate cap) shall provide customer notice and follow the tariff posting procedures in §§ 53.41—53.45 (relating to posting of tariffs and notices).

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[52 PA. CODE CH. 57]

[L-970128]

Advanced Meter Deployment for Electricity

The Pennsylvania Public Utility Commission (Commission) on November 21, 1997, adopted a proposed rulemaking to ensure that the level of quality regarding metering services will not deteriorate in this Commonwealth. This rulemaking will amend regulations to establish meter deployment and customer selection procedures, meter standards and education strategies for customers choosing to participate in certain generation supply programs which require advanced metering capability. The contact persons for this regulation are Charles F. Covage, Bureau of Conservation, Economics and Energy Planning, (717) 783-3835 (technical) and Stephen Gorka, Law Bureau (717) 772-8840 (legal).

Executive Summary

On November 21, 1997, the Commission adopted a proposed rulemaking order to establish uniform procedures and standards for the deployment and customer selection of qualified advanced meters or coordination with any Electric Distribution Company (EDC) installation of Advanced Meter Networks (Network).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Commission submitted a copy of these proposed regulations on January 16, 1998 to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Concurring—Statement follows; John Hanger; David W. Rolka

Public Meeting held
November 21, 1997

Proposed Rulemaking Order

By the Commission:

Introduction

On December 3, 1996, Governor Tom Ridge signed into law 66 Pa.C.S. §§ 2801—2812 (relating to Electricity

Generation Customer Choice and Competition Act) (act). The act revised 66 Pa.C.S. (relating to Public Utility Code) by inter alia, adding Chapter 28 relating to restructuring of the electric utility industry.

The purpose of the act is to provide for an orderly transition of the Pennsylvania electric industry from a vertically integrated monopoly to a structure which would support the development of a competitive retail generation market. The ultimate goal is to permit all Pennsylvania retail electric customers (customers) to have direct access to a competitive generation market while simultaneously enjoying continued reliable and safe electric service.

Passage of the act will accelerate changes that are occurring in the historical methods of metering. Previously, almost all residential customers utilized a basic meter that was used to provide a monthly reading of the number of kwh used. Most commercial and industrial customers had a meter that registered demand as well. In some cases, customers worked with their utility to use a different type of meter. In most cases, however, the utility simply provided the meter that it determined was to be used. In recent years, some utilities have begun to deploy systems that can read meters automatically. Such network systems offer opportunities for much greater communication that are the first stage of advanced or specialized metering.

Now, customers will be able to select an electric generation supplier (supplier) offering a service program that meets the individualized needs of the consumer. The services can be provided with the use of a variety of advanced metering equipment. For example, real-time pricing (RTP) allows a supplier to price electricity at specified intervals based upon its cost during the time of use. Similarly, suppliers may offer and consumers may choose generation services that provide two-way communication for other purposes, load management support, or net metering to support self-generation in conjunction with generation provided by the supplier. While a customer may choose to participate in customer choice without using advanced metering, advanced meters of some form will enable the development of a wider range of generation services in the newly competitive market.

This discussion will focus on meter deployment and selection issues associated with customers choosing to participate in various advanced meter programs offered by suppliers. The purpose of this rulemaking is to establish uniform procedures and standards for the deployment and customer selection of advanced meters and coordination with any EDC installation of advanced meter networks.

Metering Provisions of the Act—66 Pa.C.S. § 2807(a), (d)

The act requires the EDC to provide customer service functions consistent with the regulations of the Commission, including meter reading, 66 Pa.C.S. § 2807(d). The services must, at a minimum, be maintained at the same level of quality under retail competition. Subject to Commission approval, the EDC may require that the customer install, at the customer's expense, enhanced metering capability sufficient to match the energy delivered by the suppliers with consumption by the customer. 66 Pa.C.S. § 2807(a). In addition, section 2804(3) of the act (relating to standards for restructuring of electric industry) permits the Commission to require the unbundling of services other than generation, transmission and distribution.

Present Metering Standards

Commission regulations and statutes address metering operation standards and testing, billing based on meter readings and dispute resolution. 52 Pa. Code §§ 57.20—57.25 and 66 Pa.C.S. §§ 1501—1511. Section 1509 of the Public Utility Code, 66 Pa.C.S. § 1509, also contains certain billing requirements. In addition, National standards for metering exist. For example, the American National Standards Institute (ANSI) has published a number of standards covering electrical metering, time-of-use metering and watt-hour meters.

Procedural Background

In order to facilitate the eventual establishment of a Preliminary Rulemaking Docket, the Commission staff prepared a *Discussion Document on Metering Issues* (Document) which was distributed to the Electric Competition Stakeholders (Stakeholders) on March 10, 1997. The Document presented questions which explored the various alternatives associated with metering.

In addition, to initiate a dialogue with the Stakeholders, a Metering Working Group (Working Group) was established and a public forum was held on March 21, 1997 for all interested parties. Over 90 individuals attended the conference. Presentations were made by QST Energy; Sustainable Systems Research; ENRON Power Marketing, Inc. (ENRON); International Brotherhood of Electrical Workers' Pennsylvania Utility Caucus (IBEW); Clean Air Council; Pennsylvania Electric Association (PEA); and Strategic Energy Limited (SEL). Another meeting was held on April 23, 1997 for members of a working group comprised of various Stakeholders. This meeting focused on presentations by advanced metering companies such as CellNet Data Systems, Inc. (CellNet), Hunt Technologies, ITRON, Inc. (ITRON) and Schlumberger.

By order, entered April 25, 1997, at Docket M-00960890.F0009, we requested comments concerning certain outlined metering questions. The order was distributed to all jurisdictional EDCs, the Office of Consumer Advocate (OCA), Office of Small Business Advocate and Electric Competition Legislative Stakeholders with a 30-day comment period.

Written comments were received from 18 parties including: CellNet; Dale Dix (individual member of IBEW); ENRON; Environmentalists; GPU Energy (GPU); IBEW; Industrial Energy Consumers of Pennsylvania (IECPA); ITRON; OCA; Office of Trial Staff (OTS); PEA; PECO Energy (PECO); Pennsylvania Power and Light Company (PP&L); Pennsylvania Power Company (Penn Power); Pennsylvania Retailers' Association (PRA); Pennsylvania Solar Energy Industries Association (PennSEIA); SEL; and Thomas Tamski (private citizen).

Summary of Comments

Issues surrounding metering in a restructured electric industry present polarized arguments with minimal agreement in certain areas. These issues involve (1) bundling vs. unbundling; (2) the role of the EDC; (3) advanced meter standards; and (4) customer education. While there is substantial disagreement regarding the unbundling of metering, those commenting generally agreed on (1) the Legislative intent of the act; (2) the need for meter standards; (3) the requirement that customers elect to have enhanced metering; and (4) the need for customer education.

Bundling vs. Unbundling of Advanced Metering

ITRON, PEA, Penn Power, PECO, GPU, PP&L, IBEW, Dale Dix and Thomas Tamski are opposed to the unbundling of metering. Environmentalists, ENRON, PRA, IECPA, SEL and OTS support the unbundling of metering. ITRON, PEA, CellNet and IECPA indicate that the intent of the act is in its title. Transmission and distribution should remain regulated and only generation should be deregulated. IECPA notes, however, that metering should be unbundled only to the extent practicable without endangering safety and reliability. ENRON believes that metering is not part of the utility energy delivery system and accordingly should be subjected to competition.

CellNet is neutral and indicates that the unbundling of metering is a potential consideration, but is not a necessary means to implement customer choice of alternate services. OCA states that the act does not specifically require that metering services performed by EDCs be unbundled and subjected to competition. Both CellNet and OCA suggest that the Commission could explore unbundling options. OCA emphasizes that the Commission is mandated to maintain the same level of quality of service under retail competition. IBEW pointed out that the act should not be read without taking other statutory provisions into consideration and noted that public utilities have duties relating to services and facilities under Chapter 15 of the Public Utility Code.

Advanced Meter Deployment

ITRON cautions that an assessment of information requirements for direct access must be made by the EDC prior to implementation of any advanced meter network system. ITRON believes that advanced meter network systems are the most effective solutions to meeting the requirements of direct access. ITRON and CellNet believe that EDCs should be encouraged to offer these types of systems. CellNet and OCA note, however, that any incremental costs should be borne by those who benefit from advanced metering directly, and not spread across the entire ratebase. PEA indicates that advanced metering services are currently available from the EDC.

Regarding advanced meters, all commenters agree that only customers desiring the technologies in order to participate in certain programs offered by suppliers should be required to pay any associated incremental costs. Customers who do not desire advanced meters should not be required to undertake this activity. IBEW notes that the act does not authorize customers to purchase their own meters. Rather, IBEW asserts that the act merely authorizes EDCs to charge customers for the installation of special metering equipment.

Advanced Meter Standards

All commenters agree that standards for advanced meters are essential regardless of the decision to unbundle metering or to maintain the status quo. All agree that Chapters 56 and 57 of our regulations should remain, §§ 56.1—56.231, 57.1—57.141, and that ANSI C12 Standards should be followed for hardware and performance specifics.

CellNet adds that advanced meters must be capable of supporting the expected minimum market requirement of hourly usage collected daily. Standards are needed to require all advanced meters to deliver the minimum level of functionality or to have the capability of being upgraded to perform these functions without requiring the replacement of the meter.

SEL suggests that the Commission should support both: (1) performance standards, in the form of minimum functional requirements; and (2) product specifications in the form of accuracy requirements. SEL maintains that minimum accuracy requirements already exist and minimum functional requirements for advanced meters could include the ability to (1) record and save profiles; (2) modify profile intervals; (3) provide open communications; (4) provide a standard data format; (5) provide a communications port for the customer to monitor electric usage; (6) provide a pulse output to allow for usage monitoring; (7) provide password protection; and (8) provide multiple callout capability.

EDC Responsibilities Regarding Advanced Metering

As previously discussed, both the act and other provisions of the Public Utility Code place responsibilities on the EDC or the jurisdictional public utility with regard to metering and metering services. ITRON, PEA, PECO, GPU, PP&L and IBEW indicate that EDCs should retain control of all metering services as envisioned in the act.

PEA cites numerous reasons for EDC control including equal access to low-cost metering; consistency from customer to customer; direct control and responsibility for reliability, accuracy and maintenance standards; regulatory protection; expertise in metering; public safety; and scale economies in providing various meter services. In addition, EDCs will be the only constant in an environment where suppliers will enter and exit the marketplace as conditions dictate. ITRON indicates that EDCs should continue to play the same role as they now perform regarding meter acquisition, meter installation, meter reading, meter repair and determination of meter accuracy. Likewise, IBEW argues that EDCs are the only entities authorized to provide metering services under the act and Public Utility Code. OCA advocates that the Commission must set forth minimum and continuing obligations of the EDCs.

Conversely, IECPA, ENRON and PRA indicate that metering should be unbundled. ENRON states that EDCs' responsibilities should: (1) establish minimum data elements, data flows, in collaboration with other interests for planning and operating the distribution system; and (2) compete in the marketplace to provide advanced metering services. Many parties indicate that the EDC should be encouraged to offer advanced metering services but condition that recommendation with the caveat that only parties that benefit from advanced metering should be required to pay for the advanced metering.

Advanced Metering Agreements

PEA, PECO, PP&L, Thomas Tamski, CellNet, SEL, ENRON, Environmentalists and OTS support advanced metering agreements to ensure the fulfillment of procedures and standards. PEA maintains that the EDC has ultimate responsibility to ensure that standards are met. CellNet and Environmentalists add that the Commission should be the party to hear appeals and resolve disputes.

Informal Complaint Procedures

Several commenters including PEA, OCA, IECPA, CellNet, OTS and Environmentalists, indicate that metering should be maintained at the same level of quality under retail competition. CellNet believes that the Commission should be the party to hear appeals and resolve disputes. Environmentalists indicate that a mechanism should be developed to settle discrepancies. OTS notes that the Commission must ensure that suppliers do not take advantage of customers.

Customer Education on Advanced Meters

All commentators agree that customer education on advanced metering is essential. PEA states that EDC programs will address customer education needs. GPU notes that EDCs will likely use bill inserts, brochures, radio spots and similar approaches. PP&L will likely use a consumer handbook, workshops, adult education workshops and audiotapes. OCA agrees that the EDC should inform customers that they have an option to purchase or lease an alternative meter if the meter meets Commission standards.

CellNet, SEL and Environmentalists agree that the Commission should develop a general education effort as an independent source. SEL believes that the Commission should review and monitor the activities of EDCs and suppliers. ENRON argues that meter companies should educate customers about service programs.

Conclusions

The Commission concludes that the commencement of generation competition offers substantial opportunities for expanded generation products that may require the use of specialized metering equipment, and that it is necessary at this time to facilitate the expanded use of specialized metering. However, the Commission also concludes that advanced metering is not an essential requirement for all customers to participate in the competitive generation market at this time. Different consumers will require the use of different types of advanced metering equipment to meet their needs. For these reasons, it is inappropriate and unnecessary to require the universal deployment of any particular type of advanced metering equipment or networks. Those consumers and suppliers choosing to use advanced metering equipment should pay for any incremental cost thereby incurred.

The Commission does not believe that it is necessary at this early stage of electric generation competition to unbundle metering from distribution services in order to facilitate the availability of advanced metering to meet consumer needs. Perhaps unbundling of metering services will be appropriate in the future, after market participants have had an opportunity to gain experience in the primary industry change to competitive generation markets.

Instead, the Commission concludes that metering should remain a regulated function of the EDC at this time. Metering can remain a regulated function of the electric distribution utility, retaining all existing requirements and procedures for meter installation, reliability, safety, accuracy and the like. However, the choice of generation supplier is inherently connected with the opportunity for customers and suppliers to choose any type of advanced metering equipment that is necessary to support new generation services that will be available in the market.

We conclude that this approach is consistent with the expectations in the act that the Commission support the development of competitive markets and the availability of resulting consumer benefits while retaining customer service in general, and metering in particular, commensurate with existing service quality as a local distribution function.

Bundling vs. Unbundling of Advanced Metering

It is clear that viewpoints on whether metering should be unbundled remain polarized. Opponents of unbundling argue that EDCs should continue to control all meter services due to the language and Legislative intent of the

act, safety/reliability concerns and other provisions of the Public Utility Code. They assert that the act mandates that EDCs and the Commission ensure that service will not deteriorate. Proponents of unbundling indicate that metering should be open in order to promote development of the competitive market at this time.

We cannot accept either view. The purpose of the act is to permit all Pennsylvania retail electric customers to have direct access to a competitive generation market while obtaining the benefits of expanded services and simultaneously enjoying continued reliable and safe electric distribution service. The act does not require unbundling of metering at this time, but certainly anticipates that unbundling may occur in the future.

We, therefore, conclude that metering can remain a regulated local distribution function at this time while providing substantial opportunities for customer and supplier introduction of advanced metering equipment and the associated expansion of generation services. This proposed rulemaking is intended to establish a set of uniform standards, procedures and requirements that can evolve over time as the competitive market develops: Thus, at this time, (1) customers should be permitted to choose an advanced meter provider while (2) all physical activity related to the advanced meter must be the responsibility of EDC employees as a local distribution function. Given these basic premises, we envision the following regulations:

Advanced Meter Deployment § 57.253

The EDC shall retain all existing functions related to metering, including selection and deployment of basic meters for all customers not selecting an advanced meter. If an EDC seeks to deploy network equipment, procedures must be adopted to ensure coordination with the need for and use of advanced metering equipment in the market. We encourage the integration of new technologies into the marketplace and will monitor the trends.

Advanced meters must meet appropriate standards and be compatible with other functional requirements of EDCs or suppliers. A network for automated meter reading capability, to be deployed by the EDC, must meet the same concerns. A network should be qualified as discussed in the next section. If an EDC seeks to collect a supplemental charge under section 2807(a) of the act, the Commission must approve a tariff change. The following information should be provided through the tariff filing and/or the qualification recommendation: a description of the network system; implementation timeframe; demonstration of compliance with applicable standards; implementation costs; impacts on customer bills and other existing and anticipated customer metering equipment and generation services; educational materials introducing the new metering technology; and the proposed tariffs concerning any charges for deployment of the network.

In addition, a customer shall have the opportunity to choose a qualified advanced meter to support the generation services provided by its chosen supplier. In order to facilitate the deployment of advanced meters and to avoid the time and expense of multiple decisions and negotiations concerning advanced metering, the Commission will establish a Metering Committee (Committee) to assist the Commission in identifying qualified advanced meters and to establish procedures for implementation. The Committee shall be appointed and chaired by the Office of the Executive Director and comprised of representatives of EDCs and suppliers, as well as consumer and environmental interests. The Committee shall submit a Report to

the Commission on or before September 1, 1998, and at least annually thereafter with its considerations and recommendations to the Commission.

The Committee shall seek to develop a catalog of qualified advanced meters, including networks as applicable that include a variety of technologies to support the demands of consumers and the services of suppliers expected in the market. While we expect that these technologies primarily will concern automated meter reading and advanced communication capabilities, they also should include other technologies as appropriate for load management, net metering for self-generation and other services.

Since not all consumers will use advanced meters at this time, and different advanced meters impose different costs and benefits, we do not believe that it is appropriate at this time to fund advanced metering through regulated rates paid by all customers. Instead, the EDC should be reimbursed for any net incremental costs incurred to provide the advanced metering. We note that the initial acquisition of an advanced meter certainly involves an additional expense, but that the expenses may be at least in part offset by reduced EDC expenses for meter reading, billing, normal change out and similar avoided EDC functions. We do not envision authorizing advanced meter surcharges that do not consider the offsetting costs.

Since the EDC will continue to be responsible for all metering services other than the selection of the meter, there is no reason to consider at this time issues as who should own the meter or pay an acquisition cost. The EDC shall own and pay the acquisition cost, although the customer and/or supplier shall be responsible for any net incremental costs incurred by the EDC. The customer and supplier may agree to share these costs as they deem appropriate. If the customer is to pay the costs directly, we assume that the basic method shall be in the form of a monthly bill surcharge. If the supplier is to pay the cost, perhaps a single payment would be preferable. The Committee should consider and recommend EDC reimbursement procedures that will be resolved by the Commission when it considers the applicable tariff of each EDC.

We believe that these provisions will ensure that customers will have the flexibility to choose an advanced meter while retaining metering as a regulated local distribution function and assuring EDC accountability for the safety and reliability of the distribution system without deterioration.

Advanced Meter Standards § 57.254

Advanced meters and network systems shall, at minimum, conform to existing standards for accuracy and safety including all existing Commission regulations, and ANSI C12 Standards or as these standards may be amended.

It is not appropriate for the Commission to adopt rigid standards for advanced metering at this time, as the market and available technologies are certain to evolve considerably in the coming years. Instead, the proposed regulations are designed to adopt a flexible set of standards that will be adopted by the Commission from time to time as requirements based on the recommendations of a working Meter Committee composed of representatives of interested groups. We believe that an advanced meter or network must possess, at minimum, open, nonproprietary communications capabilities, which allow both a supplier and EDC to access the information in a standard data format with multiple callout capability,

unless the qualified advanced meter is to be used in conjunction with a second meter. In addition, a qualified advanced meter must be capable of supporting the expected minimum market requirement of hourly usage and may support one or more other functional requirements such as the ability to: (1) modify profile intervals; (2) provide a communications port for the customer to monitor usage; (3) provide a pulse output to allow for usage monitoring; (4) provide password protection; and (5) operate in two directions for net metering.

For purposes of this proposed rulemaking, we believe that a meter which meets these minimum requirements shall be considered a qualified advanced meter subject to applicable surcharges and requirements of this subchapter.

We will periodically review and revise these requirements, as necessary, to reflect changes in technology and infrastructure that may occur in the restructuring of electric utility service in general. For purposes of this proposed rulemaking, we request comments on these general standards.

EDC Responsibilities Regarding Advanced Metering § 57.255

Because we conclude that it is not necessary to unbundle metering at this time, an employe of the EDC shall continue to be responsible for all activity relating to metering such as setting meters, testing, calibrating, change-out, energizing and the like.

An employe of the EDC must install and make operational a qualified advanced meter within 15 business days of the request to do so. The EDC must develop a procedure for ensuring the availability of qualified advanced meters as required. For example, an EDC could keep an inventory of meters as it does for other equipment or arrange with other suppliers and EDCs for more economic and efficient ways to ensure availability.

Since most forms of advanced metering provide opportunities for advanced generation services, the supplier must have complete access to automated meter reading. A supplier must be permitted directly to obtain automated meter readings as it requires, either in addition to or instead of the EDC reading. However, physical meter reading must be provided by an employe of the EDC as part of its local distribution service. The EDC shall comply with § 56.12(5)(ii) concerning physical readings to verify the accuracy of automated meter readings.

In order to encourage the deployment of advanced technologies on a systemwide basis, we may, at an appropriate time in the future, require EDCs to install advanced meters or networks. The Commission will remain flexible to address situations as they develop in the marketplace.

We believe these provisions to be consistent with the Legislative intent of the act to ensure that meter services are maintained at the same level of quality under a competitive generation supply environment.

Disputes Concerning Advanced Meters § 57.256

Disputes and operational issues concerning advanced metering are likely to develop in the early years and diminish over time. The Meter Committee provides an ideal forum for addressing these issues in the first instance.

Unresolved disputes or operational problems concerning advanced metering between an EDC and a supplier may be referred to the Office of Administrative Law Judge for

resolution using alternative dispute resolution, if possible, or through other proceedings as may be necessary. Upon the request of the Office of Administrative Law Judge, technical staff shall provide the technical expertise as is necessary to resolve disputes related to advanced metering. Disputes between an EDC and a residential or small commercial customer, or between a supplier and a residential or small commercial customer, may be filed with the Bureau of Consumer Services for mediation and dispute resolution consistent with existing Commission regulations.

If a customer, applicant or other interested party expresses dissatisfaction with an EDC or supplier response regarding advanced metering, the EDC or supplier must inform that person of the right to have the problem considered and reviewed by the Commission as an informal or formal complaint. The EDC or supplier shall explain how to file a complaint and otherwise comply with applicable regulations.

Record Retention and Reporting Requirements § 57.257

We will monitor deployment of all advanced meters or networks. In order to fulfill our statutory responsibility to ensure that service quality does not deteriorate and to hold EDCs accountable for their activities in this regard, we propose in these regulations that EDCs retain certain records and submit summary reports to us by April 1 of each year. We specifically seek comments concerning the content of these records and reports and whether there are other ways to address the Commission's responsibilities in this regard.

For the purpose of this proposed rulemaking and comments thereon, we propose that EDCs retain the following information in summary form for Commission staff review:

- (1) Updated lists of all qualified advanced meters;
- (2) General summary of procedures for advanced meter acquisition and installation;
- (3) Date of advanced meter purchase request by customers or suppliers and date of installation;
- (4) Summary of qualified advanced meters deployed, including the name of manufacturer and serial numbers;
- (5) Summary of characteristics and capabilities of each qualified advanced meter;
- (6) Summary of operational problems experienced and how resolved;
- (7) Summary of educational activities concerning advanced metering in general and specific qualified advanced meters;
- (8) Summary of advanced meter network activity; and
- (9) Any other information deemed appropriate.

The proposed regulations would require that EDCs file a report including the above information by April 1 of each calendar year. EDCs should also retain customer terms of service disclosure statements which include advanced metering provisions as provided in § 57.258.

The summary information will assist us to fulfill our statutory obligation to protect the customer and ensure that service quality does not deteriorate. This requirement will hold EDCs accountable for all metering activities including: advanced metering development; advanced meter selection and installation; advanced meter network deployment; and appropriate customer education. We will provide oversight to ensure that barriers to technological advances do not develop in the future.

Customer Education on Advanced Metering § 57.258

The manner in which customers perceive the changes to a competitive market will determine whether they choose to exercise choice. Customers will be required to choose whether to keep their current spinning disk meter or opt for an advanced metering system.

In general, residential customers now pay little attention to the function of their electric meter. In order to make an informed decision to keep the standard meter or change to an advanced meter, customers will have to compare advantages and disadvantages. For customers to understand and have confidence in their choices, customers must have the skills and knowledge to gather and use information wisely, and to track their electric usage effectively. Customers should have knowledge before installation of an advanced meter or participation in a specialized generation services program offered by a supplier.

To help ensure that prospective customers are aware of these implications, EDCs and suppliers must ensure that customers are informed as to the capabilities, advantages and disadvantages of an advanced meter prior to installation or participation in a generation service program utilizing advanced metering.

The terms of service disclosure statement anticipated to be required under the Customer Information Disclosure for Electricity Providers Proposed Rulemaking Order entered on November 7, 1997 at Docket No. L-00970126 is an ideal method for ensuring that the information is provided. An EDC or supplier must provide terms of service disclosure statements in compliance with the final rules adopted in that docket. Including metering information in the disclosure statement can help ensure that customers were provided all applicable information pertaining to advanced metering service and fees.

As part of its customer education responsibilities, an EDC must provide educational materials to all customers addressing the capabilities, advantages, disadvantages and fees of an advanced meter including how to obtain more information, and dispute procedures.

In order to fulfill our Legislative mandate to ensure that the level of quality regarding metering services will not deteriorate in this Commonwealth, we propose to amend our regulations to read as set forth in Annex A, and establish metering deployment and customer selection procedures, meter standards and education strategies for customers choosing to participate in certain generation supply programs which require advanced metering capability. Accordingly, under sections 501 and 2807(a) and (d) of the Public Utility Code, 66 Pa.C.S §§ 501 and 2807(a) and (d), and the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1201, et seq.) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we propose to amend the regulations at 52 Pa. Code Chapter 57, as noted above and to read as set forth in Annex A; *Therefore,*

It Is Ordered That:

1. A rulemaking docket shall be opened pertaining to advanced meters for electricity providers to read as set forth in Annex A.
2. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Interested parties may submit written comments, an original and 15 copies to the Office of Prothonotary, Pennsylvania Public Utility Commission, P. O. Box 3265,

Harrisburg, PA 17105-3265, within 30 days from the date this order is published in the *Pennsylvania Bulletin*. A copy of written comments shall also be served upon the Commission's Bureau of Conservation, Economics and Energy Planning.

4. The Secretary shall submit this order and Annex A to the Office of Attorney General for preliminary review as to form and legality.

5. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

6. The Secretary shall submit this order and Annex A for review by designated standing committees of both Houses of the General Assembly, and for review and comments by IRRC.

8. That the contact persons for this matter are Charles F. Covage, Bureau of Conservation, Economics, and Energy Planning, (717) 783-3835 (technical) and Stephen Gorka, Law Bureau (717) 772-8840 (legal).

JAMES J. MCNULTY,
Secretary

Statement of Vice Chairperson Robert K. Bloom

Before the Commission for consideration is a proposed rulemaking on Advanced Meter Deployment for Electricity Providers which proposes amendments to 52 Pa. Code Chapter 57. The purpose of this proposed rulemaking is to establish uniform procedures and standards for the deployment and customer selection of advanced meters and electric distribution company installation of advanced meter networks which may be required under the Electricity Generation Customer Choice and Competition Act ("Act"). Comments from interested parties addressing the various proposals within these regulations are requested and are due within 30 days from the date this order is published in the *Pennsylvania Bulletin*. I encourage parties to comment on this proposal and specifically request that commentators consider my concerns with this rulemaking as delineated below.

The issue of whether the function of metering should be unbundled and performed on a competitive basis is a threshold issue of the transition to a competitive electric generation market that has yet to be considered by this Commission. The Act neither specifies that metering should be unbundled or that it should remain a regulated distribution function. Section 2804(3) of the Act specifies that the Commission shall require unbundling to separate the charges for generation, transmission and distribution, and that "The Commission may require the unbundling of other services." Pursuant to Section 2807(a) of the Act, subject to Commission approval, the Electric Distribution Company ("EDC") may require that the customer install, at the customer's expense, enhanced metering capability sufficient to match the energy delivered by the suppliers with consumption by the customer.

The proposed Order states that the Commission concludes that metering should remain a regulated function of the EDC at this time, that the choice of generation supplier is inherently connected with the opportunity for customers and suppliers to choose any type of advanced metering equipment that is necessary to support new generation services, and that those consumers and suppliers choosing to use advanced metering equipment should pay for any incremental cost thereby incurred. This recommendation proposes that the EDC shall own and pay the acquisition cost of advanced meters, but sets up a tariffed surcharge mechanism which the EDC could

implement to be compensated for any net incremental costs. I request commenter's opinions on whether this approach is consistent with the Act, consistent with a competitive generation market and the most administratively efficient procedure to accomplish advanced metering.

I am also concerned about the significance of the language contained in several sections of the proposed regulations. Specifically, Section 57.252. Advanced meter deployment and Section 57.254. EDC responsibilities regarding advanced metering contain language whereby employees of the EDC are responsible to install, calibrate, maintain, test and physically read advanced meters. However, no definition of an EDC employee is contained in the proposed regulations. While I do not believe that this rulemaking docket is the proper place to address this issue, a majority of the Commissioners have decided otherwise. I request commentators opinions on the ramifications of this language and whether such restrictions are consistent with a competitive generation market.

Because of the above concerns, I vote to concur in the result only of this rulemaking strictly for the purpose of soliciting comments on the proposed regulations.

Fiscal Note: 57-190. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
CHAPTER 57. ELECTRIC SERVICE**

Subchapter O. ADVANCED METER DEPLOYMENT

Sec.	Purpose.
57.251.	Definitions.
57.252.	Advanced meter deployment.
57.253.	Advanced meter standards.
57.254.	EDC responsibilities regarding advanced metering.
57.255.	Disputes concerning advanced metering.
57.256.	Record retention and reporting requirements.
57.257.	Customer education on advanced metering.

§ 57.251. Purpose.

The purpose of this subchapter is to facilitate the deployment of advanced metering equipment and the associated development of generation services based on these technologies. This subchapter will establish a procedure for identifying and providing for customer selection of qualified advanced meters and deployment of automatic meter reading network equipment from the electric distribution company while maintaining the safety and reliability of the electric system in this Commonwealth.

§ 57.252. Definitions.

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

Advanced meter network or network—A communications infrastructure installed in conjunction with an existing electronic watt-hour meter which allows for automated meter reading and other services.

Advanced meter standards—A set of general guidelines which define minimum compatibility, accuracy and functional requirements for an advanced meter.

Commission—The Pennsylvania Public Utility Commission.

EDC—electric distribution company—An electric distribution company as defined by 66 Pa.C.S. § 2803 (relating to definitions).

Electric generation supplier or electricity supplier—An electricity supplier as defined by 66 Pa.C.S. § 2803.

Multiple callout capability—A function which permits advanced meters to call more than one telephone number to report electric usage information.

Qualified advanced meter—An electronic watt-hour meter identified through the process established under this subchapter that supports the provision of generation services in a competitive market and meets certain advanced meter standards.

Retail electric customer or customer—A direct user of electric power as defined by 66 Pa.C.S. § 2803.

Small commercial customer—An individual, partnership, corporation, association or other business entity which employs fewer than 250 employees and which receives public utility service under a small commercial, small industrial or small business rate classification.

§ 57.253. Advanced meter deployment.

(a) Upon written request from both a customer and the generation supplier of that customer, an employe of the EDC shall install and make available for use any qualified advanced meter.

(b) A qualified advanced meter shall be one approved by the Commission according to the following process:

(1) The Office of the Executive Director shall appoint and chair a Metering Committee (Committee) composed of representatives of EDCs and suppliers, as well as representatives of consumer and environmental interests.

(2) The Committee shall meet as necessary in order to establish and modify from time to time recommendations to the Commission for a catalog of qualified advanced meters. The Committee shall seek to include in the catalog a variety of technologies that support the demands of customers and the services of suppliers expected in the market. These technologies may include: networks, two-way communication, time of use capabilities, load management, net metering for self-generation and similar services. Qualified advanced meters shall meet the standards in § 57.254 (relating to advanced meter standards).

(3) The Committee shall submit a report to the Commission by September 1, 1998, and at least annually thereafter, with its considerations and recommendations.

(c) Consumers and suppliers shall be responsible for any net incremental costs incurred by the EDC as a result of using a qualified advanced meter.

(1) Consumers using a qualified advanced meter may be assessed a bill surcharge by the EDC to cover net incremental costs associated with the choice to use an advanced meter, such as physical installation, meter reading and maintenance.

(2) In lieu of a customer surcharge, the supplier may pay the EDC for net incremental costs.

(3) The customer and supplier may mutually agree to allocate these charges between them.

(d) The Committee shall include in its reports to the Commission facts concerning the anticipated net incremental costs of any qualified advanced meters and any recommendations concerning the appropriate level and manner of payment of these charges.

(e) A customer surcharge or supplier payment for qualified advanced meters shall be incorporated in a tariff of each EDC approved by the Commission.

(f) An EDC may deploy a network for automatic meter reading capability provided that the following conditions apply:

(1) The network is compatible with market requirements as a qualified advanced meter based on the Metering Committee review and recommendations as adopted by the Commission.

(2) The application includes proposed tariffs concerning any charges for deployment of the network.

(3) The application includes, at a minimum:

(i) A description of the system.

(ii) Implementation time frame.

(iii) Certification on compliance with applicable standards.

(iv) Implementation costs.

(v) Summary of educational materials on the new technologies.

(vi) Impacts on customer electric bills.

(vii) Impacts on existing and anticipated advanced metering equipment and generation services.

§ 57.254. Advanced meter standards.

(a) An advanced meter and a network shall conform to existing regulations contained in §§ 57.20—57.25 and American National Standards Institute Standard C12 or as these standards may be amended.

(b) A qualified advanced meter and a network shall meet standards adopted by the Commission from time to time after consideration of the recommendations of the Metering Committee. All qualified advanced meters or networks should possess open, nonproprietary communications capabilities which allow both a supplier and EDC to access information in a standard data format, with multiple call-out capability, unless the qualified advanced meter is to be used in conjunction with a second meter. In addition, a qualified advanced meter shall be capable of measuring hourly usage, and may support one or more functional requirements, such as the ability to do one or more of the following:

(1) Modify a profile interval.

(2) Provide a communications port for a customer to monitor usage.

(3) Provide a pulse output to allow for usage monitoring.

(4) Provide password protection.

(5) Operate in two directions.

(c) A meter that meets requirements provided in subsections (a) and (b) shall be considered a qualified advanced meter and subject to applicable surcharges and other requirements of this subchapter. The Commission will periodically review and revise these requirements as necessary.

§ 57.255. EDC responsibilities regarding advanced metering.

(a) A qualified advanced meter shall be owned and operated by the EDC as part of its regulated local distribution function. An employe of the EDC shall be responsible for compliance with all applicable requirements related to installation, calibration, maintenance, testing, physical reading, safety and reliability.

(b) A supplier serving the customer may perform automated meter reading activities.

(c) An employe of the EDC shall install and make operational a qualified advanced meter within 15 business days from the date the request is received by an EDC.

(d) An employe of the EDC shall physically read an automated meter in compliance with § 56.12(5)(ii) (relating to meter reading; estimated billing; ratepayer readings).

(e) The EDC shall develop a protocol that ensures that qualified advanced meters are available for installation as required in this subchapter. The EDC may purchase and stock the meters, or may otherwise arrange with suppliers and other EDCs for the most economical way to ensure availability.

§ 57.256. Disputes concerning advanced metering.

(a) Disputes or operational problems between suppliers and EDCs concerning the use of advanced metering shall in the first instance be brought forward for review and resolution, to the extent possible, by the Metering Committee.

(b) An unresolved dispute or operational problem concerning advanced metering between an EDC and a supplier may be referred to the Office of Administrative Law Judge for resolution using alternative dispute resolution, if possible, or through other proceedings as may be necessary. Upon the request of the Office of Administrative Law Judge, Commission staff will provide technical expertise as is necessary to resolve a dispute related to advanced metering.

(c) A dispute between an EDC and a residential or small commercial customer, or between a supplier and a residential or small commercial customer, may be filed as an Informal Complaint with the Bureau of Consumer Services for mediation and dispute resolution consistent with this title.

(d) When a customer, applicant or other interested party expresses dissatisfaction with an EDC or supplier decision or explanation of its actions covered by this subchapter, the EDC or supplier shall inform the customer, applicant or other interested party of the right to have the problem considered and reviewed by the Commission as an informal or formal complaint. The EDC or supplier shall explain how to file the complaint and otherwise comply with §§ 3.111, 3.112 and §§ 56.161—56.224.

§ 57.257. Record retention and reporting requirements.

(a) An EDC shall maintain the following records:

- (1) Updated lists of all qualified advanced meters.
- (2) General summary of procedures for advanced meter acquisition and installation.
- (3) The date of advanced meter purchase request by customer and supplier and date of installation.
- (4) The summary of qualified advanced meters deployed, including name of manufacturer and serial numbers.
- (5) The summary of characteristics and capabilities of each qualified advanced meter.
- (6) The summary of operational problems experienced.

(7) The summary of educational activities concerning advanced metering in general and specific qualified advanced meters.

(8) The summary of advanced meter network activity under this subchapter.

(9) Other information deemed appropriate.

(b) An EDC shall submit to the Commission an annual Report by April 1 of each year including the information required under subsection (a).

(c) An EDC and supplier shall retain an executed customer terms of service disclosure statement which includes advanced metering provisions as provided in § 57.258 (relating to customer education on advanced metering) and shall be available for Commission review upon request.

§ 57.258. Customer education on advanced metering.

(a) The supplier shall ensure that a customer is informed as to the capabilities, advantages and disadvantages of a qualified advanced meter prior to installation or participation in a generation service program utilizing advanced metering.

(b) An EDC and supplier shall provide a terms of service disclosure statement that covers advanced metering.

(c) An EDC shall provide consumer education as part of its consumer information program addressing the capabilities, advantages and disadvantages of advanced metering, including qualified advanced meter options, applicable costs/surcharges, meter operations and capabilities, how to obtain more information, and dispute procedures.

(d) An EDC shall comply with § 57.257 (relating to record retention and reporting requirements).

[Pa.B. Doc. No. 98-169. Filed for public inspection January 30, 1998, 9:00 a.m.]

[52 PA. CODE CH. 54]

[L-970126]

Customer Information Disclosure for Electricity Providers

The Pennsylvania Public Utility Commission (Commission) on November 6, 1997, adopted a proposed rulemaking to enable customers to make informed choices regarding the purchase of all electricity services offered by that electricity providers. The rulemaking will implement and codify this provision of the act. The contact persons are Annunciata E. Marino (717) 772-2152 and Terrence J. Buda, Assistant Counsel, Law Bureau (717) 787-5755.

Executive Summary

On December 3, 1996, Governor Tom Ridge signed into law 66 Pa.C.S. §§ 2801—2812 (relating to Electricity Generation Customer Choice and Competition Act) (act). The act revised the 66 Pa.C.S. (relating to Public Utility Code) by inter alia, adding Chapter 28, relating to

restructuring of the electric utility industry. The purpose of the act is to permit customers their choice of electricity generation suppliers while maintaining reliable and safe electric service.

Section 2807(d)(2) of the act (relating to duties of electric distribution companies) requires the establishment of regulations ensuring that each electric distribution company, electricity supplier, marketer, aggregator and broker provide adequate and accurate customer information to enable customers to make informed choices regarding the purchase of all electricity services offered by that provider. The purpose of the regulation is to implement and codify this provision of the act.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 16, 1998, the Commission submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

Public meeting held
November 6, 1997

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; John Hanger; Statement follows; David W. Rolka; Nora Mead Brownell, Statement follows

Proposed Rulemaking Order

By the Commission:

Introduction

On December 3, 1996, Governor Tom Ridge signed into law the "Electricity Generation Customer Choice and Competition Act" (act). The act revised the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., by inter alia, adding Chapter 28, relating to restructuring of the electric utility industry. The purpose of the act is to permit customers their choice of electricity generation suppliers while maintaining reliable and safe electric service. See 66 Pa. C.S. §§ 2801—2812. The purpose of this rulemaking is to establish uniform procedures and standards for the provision of clear and adequate disclosure of customer information in the retail electricity industry.

Under section 2807(d)(2) of the act, Customer Information Provisions of the act, the Commission is required to establish regulations for each electric distribution company (EDC), electricity supplier, marketer, aggregator and broker (suppliers) to provide adequate and accurate cus-

tom information to enable customers to make informed choices regarding the purchase of all electricity services offered by that provider. The act states that "information shall be provided to consumers in a clear and understandable format that enables consumers to compare prices and services on a uniform basis." See 66 Pa.C.S. § 2807(d)(2).

The elements addressed by this rulemaking are interrelated and are important aspects of communications between the EDC/supplier and customers, such as billing format, disclosure of terms of service and pricing practices, which are necessary to meet the requirements of the act. Decisions regarding utility and supplier interactions are being addressed in Commission Docket No. M-00960890.F0011, and those decisions regarding advanced meter deployment are being addressed in Commission Docket No. M-00960890.F0009.

Procedural Background

To facilitate the establishment of interim requirements prior to the promulgation of regulations, the Commission staff prepared the Discussion Document on Customer Information (Document) that was distributed to Electric Competition Stakeholders (stakeholders) on February 3, 1997. The Document presented questions which explored the various alternatives associated with customer information. Fourteen written comments were received in response to the Document, including: Patricia L. Bourne (private citizen); Enron Capital & Trade Resources (ENRON); the Environmentalists; Green Mountain Resources, Inc.; Industrial Energy Consumers of Pennsylvania (IECPA); Mid-Atlantic Independent Power Producers (MAIPP); New Energy Ventures (comments and supplement); Office of Consumer Advocate (OCA); Pennsylvania Coal Association; Pennsylvania Weatherization Task Force; QST Energy; Strategic Energy LTD.; University of Delaware; and Fred Wooley (PP&L Customer Service Representative and IBEW Local 1600 member).

In addition, to initiate a dialogue with the Stakeholders, a public forum was held on February 14, 1997. Over 65 individuals attended the forum. Presentations were delivered by Commission staff, the Office of Attorney General, ENRON, International Brotherhood of Electrical Workers' (IBEW) Local 1600, Pennsylvania Electric Association (PEA), New Energy Ventures Mid-Atlantic and the University of Delaware. At the forum, a Customer Information Working Group (Working Group) was established.

By order entered April 1, 1997, at Docket No. M-00960890.F0008, we requested comments concerning four primary customer information issues: (1) standards and pricing practices for retail electricity service; (2) data sharing; (3) marketing/sales activities; and (4) complaint process and dispute resolution. Twenty-seven additional outstanding issues for comment were also listed in this order. The order was distributed to all jurisdictional EDCs, the Office of Consumer Advocate, Office of Small Business Advocate and Electric Competition Legislative Stakeholders with a 31-day comment period. At the request of Stakeholders, the comment period was extended another 7 days, with a deadline of May 8, 1997. Written comments were received from 19 parties including: Appalachian-Pacific Coal Mine Methane Power Company LLC; Energy Coordinating Agency of Philadelphia, Inc.; ENRON; the Environmentalists; GPU Energy and GPU Advanced Resources; Green Mountain Energy Partners, L.L.C.; International Brotherhood of Electrical Workers' Pennsylvania Utility Caucus; Lebanon Methane Recovery, Inc.; New Energy Ventures-Mid Atlantic; Office of the Attorney General; Office of Consumer Advocate;

Office of Trial Staff; PECO Energy; PEA; Pennsylvania Power Company; Pennsylvania Power & Light Company; QST Energy Inc.; UGI-Electric; and United States Environmental Protection Agency.

On April 16, 1997, the Working Group met to further clarify and discuss the outstanding issues listed in the April 1, 1997, order, as well as the additional issues raised in Commissioners Hanger and Rolka's statements attached to that order. Special presentations were also delivered on customer information needs by Ed Holt & Associates and American Energy Solutions, Inc. More than 35 individuals attended this Working Group meeting.

Considering the written comments of all parties and discussions of the Working Group, consensus was reached on most issues surrounding customer information needs in a restructured electric industry. These issues concerned standards and pricing practices for all customers, with more stringent requirements targeting only residential and small commercial customers. The requirements for residential and small commercial customers addressed the following: billing; terms of service/disclosure statement; energy use and efficiency information; supplier disclosure for pricing; marketing/sales activities; privacy of customer information; and the process for handling complaints. By order entered July 11, 1997, at Docket No. M-00960890.F0008, we issued Customer Information Interim Requirements, which outlines all of the above-named issues and summarizes the written comments received from our Request for Comments Order, entered April 1, 1997, at Docket No. M-00960890.F0008.

The Commission is particularly interested in receiving comments on certain issues. We recognize that transmission services provided by the EDC may be billed to the generation supplier under to the Federal Energy Regulatory Commission (FERC) practice. We are specifically interested in comments regarding transmission billing under § 54.4(b)(2)(ii) (relating to bill format—residential and small commercial customers) being applicable to suppliers.

We are interested in comments regarding information about renewable resources under § 54.5(e)(6)(v) (relating to terms of service—residential and small commercial customers) and whether use of general terms such as "green" can provide customers clear information. In addition, we are interested in receiving comments with respect to the appropriateness of the Federal Trade Commission (FTC) Guides for the Use of Environmental Marketing Claims. (See 16 CFR Part 260 (relating to guides for the use of environmental marketing claims)).

We are also interested in comments on the Commission's "Consumer's Dictionary for Electric Competition" (Dictionary) and "A Short Glossary of Standard Terms for Customer Communications" (Glossary). Commentators can request a copy of the Dictionary and Glossary from the Commission's Office of Communications.

Finally, we recognize the different viewpoints regarding the restriction of customer information. We are, therefore, interested in comments regarding privacy of customer information under § 54.9(a) (relating to privacy of customer service).

To fulfill our Legislative mandate to establish regulations for the provision of adequate and accurate customer information concerning the purchase of all electricity services in a competitive generation market, we propose to create regulations as set forth in Annex A, and establish customer information disclosure requirements

for electricity providers. Accordingly, under 66 Pa.C.S. §§ 501, 504—506, 701, 1301, 1501 and 2807, and the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1—7.4, we shall issue for comment proposed Chapter 54; *Therefore,*

It Is Ordered that:

1. The proposed regulations for Chapter 54, Electricity Generation Customer Choice, as set forth in Annex A hereto, are issued for comment.

2. The Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Interested persons may submit an original and 15 copies of written comments to the Office of Prothonotary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, within 30 days from the date this order is published in the *Pennsylvania Bulletin*. A copy of written comments shall also be served on the Commission's Bureau of Conservation, Economics, and Energy Planning.

4. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

5. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

6. The Secretary shall submit this order and Annex A for review by the designated standing committees of both Houses of the General Assembly, and for review and comment by IRRC.

7. A copy of this order and Annex A shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, all jurisdictional electric utilities, all parties of record and all Electric Competition Stakeholders.

JAMES J. MCNULTY
Acting Secretary

Statement of Commissioner John Hanger

This important rulemaking is designed to help assure that customers have available the information necessary to make informed decisions concerning competitive generation.

The proposal requires that terms of service disclosure statements (provided after a customer has chosen the supplier) and customer bills for residential and small commercial customers contain a standard pricing unit for electricity in cents per kwh, kW or other Commission approved standard pricing unit. However, the proposed regulations do not require any particular equivalent disclosure of simple pricing units while a customer is still shopping for a supplier.

During the pilot programs, the Commission has encouraged suppliers to communicate prices in simple cents per kwh, but many suppliers have either not been willing or able to do so. At the same time, the Commission has received numerous questions and concerns about the usefulness of the pricing information provided. Certainly, residential and small commercial customers must have clear price information available.

Should the regulations require simple price per kwh or similar standard ways to market prices to the shopping customer? If so, should such information only be available

upon request, or should it be required in certain listings, such as a webpage, or in any or all marketing materials?

I look forward to reading your comments on this issue.

Statement of Commissioner Nora Mead Brownell

As we move forward with the restructuring of the electric industry into a competitive market place, we cannot forget that the goal of this change is improved service to the consumer. By service, I mean much more than price. Customer relations, as well as price, will be a determining factor in attracting new business.

One of the most crucial aspects of customer relations is the timely and effective provision of accurate information. The success, or failure, of all participants to convey accurate and understandable information to the public will have an immediate and direct impact on the public trust. It is that public trust which will judge how well all of the participants have met our commitments to this process.

It is also axiomatic that confusing or poor information will be bad for business. A consumer who receives confusing or poor information from a new supplier will more likely opt for the status quo rather than engage in the decision making process which will be required under competition. Similarly, a consumer who receives poor or confusing information from a current supplier will likely switch to a more customer friendly supplier.

I urge all concerned to carefully review these proposed regulations from the foregoing perspective and provide us with comments. I am specifically interested in comments regarding whether we should provide more stringent requirements for standard product/price comparisons to aid in consumer shopping. Examples such as a required price per kilowatt hour comparison should be discussed. In addition, I would like the parties to comment on whether there should be a specific provision for Commission review of marketing plans for generation suppliers.

The tremendous public response to the pilot programs has laid to rest any question of whether the public is interested in electric competition. Our task in this rule-making is to ensure that information is conveyed to the public effectively and in a fashion that preserves the public trust as we move into the new era of competition.

Fiscal Note: 57-187. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

**CHAPTER 54. ELECTRICITY GENERATION
CUSTOMER CHOICE**

Subchapter A. CUSTOMER INFORMATION

Sec.	
54.1.	Purpose.
54.2.	Definitions.
54.3.	Standards and pricing practices for retail electricity service.
54.4.	Bill format—residential and small commercial customers.
54.5.	Terms of service—residential and small commercial customers.
54.6.	Energy use and efficiency information.
54.7.	Supplier disclosure for pricing.
54.8.	Marketing/sales activities.
54.9.	Privacy of customer service.
54.10.	Complaint handling process.

§ 54.1. Purpose.

The purpose of this subchapter is to require each EDC, electricity supplier, marketer, aggregator and broker to

provide adequate and accurate customer information to enable customers to make informed choices regarding the purchase of all electricity services offered by that provider. Information shall be provided to customers in an understandable format that enables customers to compare prices and services on a uniform basis.

§ 54.2. Definitions.

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

Basic services—Services necessary for the physical delivery of service, including generation, transmission and distribution. Transition services, although temporary in scope, are basic services (see the definition of transition charges).

CTC—competitive transition charge—The competitive transition charge as defined in 66 Pa.C.S. § 2803 (relating to definitions).

Commission—The Pennsylvania Public Utility Commission.

Customer—A customer as defined in 66 Pa.C.S. § 2803.

Customer information—Verbal or electronic formats used by EDCs or suppliers to communicate services and prices to customers.

Distribution charges—Basic service charges for delivering electricity to the home or business. These charges include basic service under § 56.15(4) (relating to billing information) and universal service.

EDIC—electric distribution company—The electric distribution company as defined in 66 Pa.C.S. § 2803.

Electricity supplier or supplier—Electricity supplier as defined in 66 Pa.C.S. § 2812(g) (relating to approval of transition bonds).

Generation charges—Basic service charges for the cost of electricity supply.

ITC—intangible transition charge—Charges designed to recover an EDC's transition or stranded costs, which are subject to special-purpose financing.

Nonbasic services—Recurring services which are distinctly separate and clearly not required for the physical delivery of electric service.

Renewable resources—Renewable resources as defined in 66 Pa.C.S. § 2803.

Small commercial—This term refers to a person, sole proprietorship, partnership, corporation, association or other business entity which employs fewer than 250 employees and which receives public utility service under a small commercial, small industrial or small business rate classification. See section 2 of the Small Business Advocate Act (73 P. S. § 399.42).

Terms of service—An agreement between a customer and a supplier.

Transition charges—Basic service charges comprised of a CTC and an ITC, designed to recover an electric utility's transition or stranded costs as approved by the Commission.

Transmission charges—Basic service charges for the cost of transporting electricity over high voltage wires from the generator to the distribution system of an EDC.

§ 54.3. Standards and pricing practices for retail electricity service.

In furnishing retail electricity service, EDCs and suppliers or any entity that otherwise provides retail electricity service information to customers, shall comply with the following:

(1) Use common and consistent terminology in customer communications, including marketing, billing and terms of service.

(i) Use the term "EDC" as defined in § 54.2 (relating to definition) as a standard term.

(ii) Use the terms as defined in the Commission's "Consumer's Dictionary for Electric Competition" (Dictionary), maintained on file in the Commission's Office of Communications. EDCs shall provide this Dictionary upon customer request, and the bill insert described in subparagraph (iii) shall indicate the phone number and address to request the Dictionary.

(iii) As long as an EDC is collecting transition charges, the EDC shall distribute as a bill insert at least once every 6 months, the Commission's "A Short Glossary of Standard Terms for Customer Communications" (Glossary). The Glossary will be maintained on file in the Commission's Office of Communications.

(2) Provide adequate disclosure of terms of service.

(3) Provide accurate pricing information that reflects the customer's true cost for service. Prices billed shall match advertised, promotional or agreed upon prices.

(4) Respond fully, accurately and promptly to customer inquiries and complaints.

(5) Comply with Commission regulations regarding standards for changing an electricity supplier.

§ 54.4. Bill format—residential and small commercial customers.

(a) Customer bills shall contain a standard pricing unit for electricity in cents per kWh, kW or other Commission approved standard pricing unit.

(b) The following requirements apply only to the extent to which an entity has responsibility for billing customers:

(1) Charges for basic services, nonbasic services and the overall billing total are permitted in the same bill, and each shall be distinctly separate and clearly labeled in the customer's bill.

(2) Basic services shall be unbundled as itemized charges:

(i) Generation charges.

(A) Charges for generation shall be first among the itemized service charges.

(B) Generation charges are a component of basic service, and customer choices for generation pricing options are permitted, for example, fixed price per kWh, time of day, demand, peak, offpeak, real time, and the like.

(ii) Transmission charges, if applicable.

(iii) Distribution charges.

(iv) Transition charges, if applicable.

(v) Total basic charges.

(3) The basic service charges in paragraph (2) shall appear on the first page of the customer bill.

(4) The basic service charges in paragraph (2) may not be further unbundled on the first page of the customer bill.

(5) The basic service charges listed in paragraph (2) may be itemized in a distinctly separate section of the bill.

(6) Nonbasic service charges are not listed in paragraph (2) and do not fit into the definition of "charges" as specified in § 56.13 (relating to separate billings for merchandise, appliances and nonrecurring services).

(7) Identical nonbasic services offered by different providers of nonbasic services are not required to have the same name. Providers of identical nonbasic services shall use similar definitions for these services as specified in paragraph (12) and § 54.5(f) (relating to terms of service—residential and small commercial customers).

(8) Charges for nonbasic services shall include a monthly total charge.

(9) Charges for nonbasic services shall be itemized on a customer's bill on a quarterly basis, at a minimum.

(10) The customer's bill for generation charges shall include the following electricity use data figures:

(i) The total annual electricity use for the past 12 months, including the current billing cycle, in kWh or kW or in another Commission approved standard pricing unit, which is a single cumulative number and not a graph such as a bar chart.

(ii) The average monthly electricity use for the past 12 months in kWh or kW or in another Commission approved standard pricing unit, which is simply the single cumulative number as determined in subparagraph (i) divided by 12 months.

(11) The requirements of § 56.15 (relating to billing information) shall be incorporated in customers' bills to the extent that they are applicable.

(12) Definitions for basic and nonbasic service charges and terms are required in a customer's bill and shall be distinctly separate and clearly labeled.

(13) The entity responsible for the billing of generation supply shall include a statement in the customer's bill whenever a change occurs in the terms of service or expiration date. That statement is:

"Your current electric generation terms of service expires on (expiration date). If you do not choose a new supplier, your current supplier shall continue to serve you. You shall receive new terms of service from your supplier."

This statement shall be provided to customers at intervals of 3, 2 and 1 billing cycles preceding the change or expiration date.

(14) "For general information" is the required title for customer contact information in a customer's bill.

(i) This information shall be clearly separate and distinctly labeled in the customer's bill.

(ii) The name, address, telephone number, Commission license number (supplier only) and internet address, if available, for the supplier and EDC shall be included.

(iii) The billing entity's information shall appear first and be clearly noticeable.

(15) The customer's bill shall include the following statements:

(i) "Generation prices and charges are set by the electric generation supplier you have chosen."

(ii) "The Public Utility Commission regulates retail transmission and distribution prices and services."

(16) If a customer chooses the option to receive two separate bills, the EDC shall include in a customer's bill the following information where the supplier charges would normally appear:

(i) The supplier's name.

(ii) A statement that the customer's electric generation supplier is responsible for the billing of supplier charges.

(17) If a customer chooses the option to receive a single bill from the EDC, the EDC shall include in the customer's bill the name of the supplier where the supplier charges appear.

(c) The Commission's Bureau of Consumer Services will review bill format for compliance with Chapter 56 (relating to standards and billing practices for residential utility service) upon the request of the billing entity and as part of its complaint and investigation process, when appropriate. In addition, the Commission may review bill format consistent with the plain language policy in § 69.251 (relating to plain language—statement of policy).

§ 54.5. Terms of service—residential and small commercial customers.

(a) The supplier shall provide the customer written disclosure of the terms of service whenever:

(1) The customer initiates service with the supplier.

(2) The customer receives service from a supplier of last resort at market rates.

(3) The terms of service change.

(b) Terms of service shall disclose material terms and conditions, including the following:

(1) The standard pricing unit in cents per kwh, kW or other Commission approved standard pricing unit.

(2) The variable pricing statement (if applicable) shall include:

(i) Conditions of variability (state on what basis prices will vary).

(ii) Limits on price variability.

(3) An itemization of basic and nonbasic charges distinctly separate and clearly labeled.

(4) The length of the agreement, which includes:

(i) Starting date.

(ii) Expiration date (if applicable).

(5) The clear explanation of sign-up bonuses, add-ons, limited time offers and exclusions (if applicable).

(6) The clear explanation of prices, terms and conditions for special services, such as advanced metering deployment (if applicable).

(7) The cancellation provisions (if applicable).

(8) The renewal provisions (if applicable).

(9) The name and telephone number of supplier of last resort.

(10) A statement that if the supplier of last resort changes, the customer shall be notified by the supplier of that change and the name, address and telephone number of the new supplier of last resort.

(11) A clear explanation of penalties, fees or exceptions, printed in type size larger than the type size appearing in the terms of service.

(12) Customer contact information that includes the name of the EDC and supplier, and the supplier's address, telephone number, Commission license number and internet address (if available). The supplier's information shall appear first and be noticeable.

(13) A statement that directs a customer to the Commission if the customer is not satisfied after discussing the terms of service with the supplier in paragraph (12).

(14) The name and telephone number for universal service program information.

(c) Customers shall be provided a 3-day right of rescission period following receipt of the disclosure statement.

(d) A supplier shall comply with § 54.10 (relating to complaint handling process). This requirement shall also be applicable for a supplier of last resort.

(e) Suppliers shall provide a written disclosure statement of energy sources, as follows:

(1) A graph of the most recent annual average percentage of electricity supplied or the anticipated mix, for example, coal 50%, natural gas 10%, oil 25%, nuclear 15%. If the supplier demonstrates to the Commission that providing customers with a graph of energy sources causes financial harm, a table shall be acceptable.

(2) A statement that the data is historic (if applicable) and future percentages may vary.

(3) If the supplier cannot identify the energy source of its supply, for example, the supply is purchased from a power pool, the supplier shall disclose the average energy mix or equivalent information from the relevant market and identify that market by name.

(4) If the supplier cannot identify or approximate the energy source, the supplier shall disclose this fact.

(5) Disclosure of energy sources shall be made upon customer inquiry, upon entering into agreements with new customers and as soon as possible when a significant change occurs in energy sources as specified in the terms of service with existing customers.

(6) In addition to paragraphs (1)—(5), suppliers shall comply with the following provisions whenever energy sources are marketed with special characteristics, such as "produced in Pennsylvania" or "environmentally friendly," and the like:

(i) Claims shall be factually supported upon customer inquiry and in the terms of service.

(ii) The Commission shall be notified as soon as possible when a significant change occurs in energy sources as specified in the terms of service with existing customers or when representations cannot be met.

(iii) The terms of service shall indicate that the customer's electricity is mixed with electricity from other energy sources in the transmission and distribution systems.

(iv) Accounting for electricity supply shall match the supplier's claims to customers, and the supplier may not sell the designated energy sources multiple times.

(v) Reference shall be made to "renewable resources" as defined in 66 Pa.C.S. § 2803 (relating to definitions) in lieu of "green" or any representations to customers that

energy sources benefit the environment. Terms of service shall state the specific renewable resource technology.

(f) Definitions for "basic" and "nonbasic service" charges and terms are required in a customer's terms of service and shall be distinctly separate and clearly labeled.

(g) If the supplier initiates a cancellation of a customer's open-ended terms of service, the supplier shall comply with the following for customer notification:

(1) Customers shall receive a 45-day advance written notice.

(2) The EDC shall receive a 45-day advance written notice.

(3) Notice shall include the ending date for supplier service.

(h) The supplier shall include in the customer's terms of service, the following statements:

(1) "Generation prices and charges are set by the electric generation supplier you have chosen."

(2) "The Public Utility Commission regulates retail transmission and distribution prices and services."

(i) Disclosure statements shall include the following customer notification:

"If a fixed term agreement (if applicable) expires or whenever we change your terms of service, you will be notified by us on your bill for supply charges at intervals of 3, 2 and 1 billing cycles preceding the expiration date (if applicable) or effective date of the proposed changes."

§ 54.6. Energy use and efficiency information.

(a) At least twice annually EDCs shall provide residential and small commercial customers with information on specific means of using electricity more effectively and efficiently. Topics shall include insulation, lighting efficiency, appliance efficiency, conservation practices, load management techniques or other relevant technologies to advance customer understanding of cost-effective use of electricity.

(b) A Commission review will be conducted of the EDC's efforts to provide residential and small commercial customers with information to enable them to make informed decisions about the cost-effective, efficient use of electricity.

§ 54.7. Supplier disclosure for pricing.

(a) Residential and small commercial customers shall receive from suppliers, a written disclosure statement relating their current monthly cost for basic generation service to any new pricing agreement. The current monthly cost may be based on the customer's actual use, on an estimation of the customer's average monthly use or on another basis that reasonably compares the customer's current service to the actual terms of service being offered by the supplier.

(b) This pricing disclosure shall be required of suppliers prior to entering into agreements with new customers and at regular intervals preceding a proposed price change for existing customers, as specified in § 54.4(b)(13) (relating to bill format—residential and small commercial customers).

§ 54.8. Marketing/sales activities.

(a) Suppliers shall use plain language in compliance with § 69.251 (relating to plain language—statement of policy) in communications with residential and small commercial customers.

(b) Materials and marketing plans for residential and small commercial sales shall be made available upon request of the Commission.

(c) Suppliers shall comply with other provisions of this subchapter with respect to marketing and sales activities.

§ 54.9. Privacy of customer information.

(a) Residential and small commercial customers shall be notified and given the opportunity by suppliers and EDCs to restrict the release of private information. Specifically, a customer may restrict the release of either the following:

(1) The customer name, address and telephone number.

(2) The customer telephone number only.

(b) Customers shall be permitted to restrict information as specified in subsection (a) by returning a signed form or by telephone.

(c) Information pertaining to individual residential and small commercial customer load or usage profiles may not be released to a third party by the supplier or EDC without the express written consent of the customer.

(d) Residential and small commercial customers are entitled to request and receive at least one load profile a year from their EDC without cost. The load profile shall contain that information and analysis necessary to perform the scheduling and supply functions for the customer. Information and analysis beyond that necessary to perform scheduling and supply functions shall be made available to the customer at cost.

§ 54.10. Complaint handling process.

EDCs and suppliers shall implement the following with respect to the rights of consumers in the handling and resolution of complaints:

(1) Residential and small commercial customers shall directly contact the party responsible for the service in question as an initial step for complaint and problem resolution. If the customer contacts the supplier or EDC in error, the customer shall be promptly referred to the appropriate contact, if known. In the event of a power outage, the customer shall be directed to the EDC.

(2) Complaints that pertain to Chapter 56 (relating to standards and billing practices for residential utility service) matters shall be handled and resolved in accordance with the applicable standards in Chapter 56.

(3) EDCs and suppliers shall give the Commission access to terms of service, billing and other customer information resources for compliance reviews as deemed necessary by the Commission. When complaints arise and are brought before the Commission for resolution, the obligation of the supplier shall be extended to the provision of pricing information.

[Pa.B. Doc. No. 98-170. Filed for public inspection January 30, 1998, 9:00 a.m.]

[52 PA. CODE CHS. 53a AND 54]**Electric Utility Filing Requirements; Gas Utility Filing Requirements**

The Pennsylvania Public Utility Commission (Commission) proposed to add a new Chapter 54, Subchapters A—C at 27 Pa.B. 1012 and 1027 (March 1, 1997). When this proposed new text is adopted, it will be redesignated Chapter 53a (relating to tariff filing information for noncommon carriers).

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 98-171. Filed for public inspection January 30, 1998, 9:00 a.m.]

[52 PA. CODE CHS. 3 AND 54]

[L-970129]

Licensing Requirements for Electric Generation Suppliers

The Pennsylvania Public Utility Commission (Commission) on November 21, 1997, adopted a proposed rulemaking to provide for an orderly transition of the Pennsylvania electric industry from a vertically integrated monopoly to a structure which would support the development of a competitive retail market. The Commission believes that through application of the proposed licensing regulations the nature and quantity of financial and technical fitness documentation required to be submitted in applying for a license, and the reporting, bonding and other administrative requirements for maintaining a license, are directly related to the scope of activities proposed to be licensed. The contact persons are Patricia Krise Burket (717) 787-3464 (legal) and Robert Bennett (717) 787-5553 (technical).

Executive Summary

On December 3, 1996, Governor Tom Ridge signed into law, 66 Pa.C.S. §§ 2801—2812 (relating to Electricity Generation Customer Choice and Competition Act) (act). The act revised 66 Pa.C.S. (relating to Public Utility Code), by adding Chapter 28 relating to restructuring of the electric utility industry. The purpose of the act is to permit customers their choice of electricity generation suppliers while maintaining reliable and safe electric service.

Sections 2806(g)(3) and 2809 of the act (relating to implementation, pilot programs and performance-based rates; and requirements for electric generation suppliers) require the licensing of electric generation suppliers including brokers, aggregators and marketers. The purpose of this proposed rulemaking is to institute a process for licensing electric generation suppliers, and to establish reporting and bonding requirements for the maintenance of a license.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 16, 1998, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and

to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed rulemaking, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

Public meeting held
November 21, 1997

Commissioners present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson, Concurring in result; John Hanger, Statement follows; David W. Rolka

Proposed Rulemaking Order

The purpose of Chapter 28 of the act is to provide for an orderly transition of the Pennsylvania electric industry from a vertically integrated monopoly to a structure which would support the development of a competitive retail electric generation market. The ultimate goal is to permit all Pennsylvania retail electricity customers to have direct access to a competitive generation market while at the same time enjoying the continued reliability, and safety of existing transmission and distribution services.

Two initial tasks that needed to be accomplished under the act by the Commission were the initiation of retail access pilot programs, section 2806(g) of the act, and the licensing of electric generation suppliers to participate in the pilot programs, sections 2806(g)(3) and 2809 of the act. Section 2809 of the act provides in pertinent part that:

[n]o person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators and other entities, shall engage in the business of an electric generation supplier in this Commonwealth unless the person or corporation holds a license issued by the Commission. 66 Pa. C.S. § 2809.

An electric generation supplier is defined as:

[a] person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission and

distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company. 66 Pa. C.S. § 2803.

Moreover, an "aggregator" or "market aggregator" is defined as "[a]n entity, licensed by the commission, that purchases electric energy and takes title to electric energy as an intermediary for sale to retail customers." 66 Pa. C.S. § 2803. A "broker" or "marketer" is defined as "[a]n entity, licensed by the commission, that acts as an agent or intermediary in the sale and purchase of electric energy but that does not take title to electric energy." 66 Pa.C.S. § 2803.

On January 16, 1997, the Commission issued a tentative order and draft licensing application for interim licensing of electric generation suppliers pending the promulgation of regulations. The tentative order established a comment period ending January 31, 1997, and was served on well over 200 persons including the Office of Consumer Advocate, the Office of Small Business Advocate, Pennsylvania jurisdictional electric utilities and members of the Electric Stakeholders Group. The Commission order was also posted on the Commission's electronic bulletin board. Comments were received from numerous parties. On February 13, 1997, the Commission issued a final order which adopted interim licensing procedures and a license application.

In its February 13, 1997, order, the Commission recognized that the interim licensing procedures were to be temporary in nature, and that they would be replaced by regulations. As the first step in promulgating these regulations, the Commission has revised its interim licensing procedures and has redrafted them as proposed regulations.

The Commission seeks general comments on the proposed regulations. Persons submitting comments are requested to provide supporting justification for requested revisions, and propose suggested regulatory language for incorporation into the final-form regulations.

The Commission also seeks comment on the proposed licensing procedure and the bonding, reporting and other licensing requirements as applied to community-based organizations, civic, fraternal or business associations, fraternal, common interest groups and other entities that work with a licensed supplier to "market" aggregated services to their members or constituents. The definition of "electric generation supplier" of the act is very broad, and our interpretation of this definition is that every entity that engages in an activity listed as that undertaken by an electric generation supplier must be licensed. However, the Commission recognizes that some of these activities may be undertaken by "nontraditional marketers" who will not have any direct physical or financial responsibility for the customer's electricity. Under these circumstances, the general licensing requirements may be unnecessary and exclusionary.

Inherent in the proposed licensing regulations is the concept that the licensing requirements, that is the nature and quantity of financial and technical fitness documentation required to be submitted in applying for a license, and the reporting, bonding and other administrative requirements for maintaining a license, are directly related to the scope of activities proposed to be licensed. The Commission believes that through application of this concept the proposed licensing regulations will not impose

unreasonable burdens on "non-traditional marketers" in applying or maintaining a license. Accordingly, the Commission requests comments on how best to apply the proposed licensing requirements to nontraditional marketers. Comments should particularly address whether the Commission should adopt specific guidelines for non-traditional marketers, or whether these matters should be addressed through less formal interaction between the applicant and Commission staff. Comments regarding the approach proposed herein and more specific proposals addressing the licensing of nontraditional marketers are encouraged.

Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the act 66 Pa.C.S. § 2801 et seq., and the Commonwealth Documents Law (45 P.S. § 1201 et seq.) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we propose to amend our regulations by adding §§ 54.31—54.43, and amending § 3.551 to read as set forth in Annex A;

Therefore,

It is Ordered that:

1. A rulemaking docket shall be opened to promulgate regulations for the licensing of electric generation suppliers as set forth in Annex A of this order.

2. The Secretary shall submit this order and Annex A to the Office of the Attorney General for preliminary review as to form and legality.

3. The Secretary shall submit a copy of this order, together with Annex A, to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for review and comments by the designated standing committees of both Houses of the General Assembly, and for informal review and comments by IRRC.

5. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. Within 30 days of this order's publication in the *Pennsylvania Bulletin*, an original and 15 copies of any comments concerning this order shall be submitted to the Commission. One copy of a diskette containing the comments in electronic format should also be submitted. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Shirley M. Leming, Regulatory Coordinator, Law Bureau at (717) 772-4597.

7. A copy of this order and Annex A be served on the Office of Consumer Advocate, the Office of Small Business Advocate, the Department of Revenue, the Department of State and all licensed electric generation suppliers.

JAMES J. MCNULTY,
Secretary

Statement of Commissioner John Hanger

These proposed permanent licensing regulations attempt to balance two considerations based on our experience with the Interim Licensing Requirements that they will replace. On the one hand, the Commission must ensure that only technically and financially fit suppliers receive licenses and that the Commission has the ability to enforce compliance with all applicable requirements. On the other hand, the licensing requirements must not unnecessarily create barriers to market entry by a wide variety of potential competitive suppliers.

I encourage comments from interested parties, especially on the following issues:

1. Section 54.35 continues the practice required under the Interim Licensing Requirements to advertise notice of an Application in newspapers covering every county in which the Applicant proposes to serve and to provide proof of publication. This requirement appears to have been an administrative burden both for applicants and the Commission. To my knowledge, not a single protest was filed concerning any Interim License Application. Is there an easier and more effective way to let the public know of an Application?

2. Section 54.37(b) provides that fully documented, unprotested Applications will be deemed approved if not processed within 45 days. I support the concept of prompt Commission response, but I am concerned that failure of the Commission to respond as required, or disagreements over whether an Application has been fully documented, could result in market activity by suppliers not found to be financially and technically fit. Should the "deemed approved" language be deleted?

3. The NOPR expressly requests comments concerning licensing nontraditional marketers such as community based organizations. For example, such an organization working with a licensed supplier might only provide marketing and educational materials to its constituency. Should a license be granted upon demonstration of working knowledge of generation products and services to be offered and the skills to communicate them effectively to the target audience?

Fiscal Note: 57-91. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 3. SPECIAL PROVISIONS

Subchapter H. FORMS

§ 3.551. Official forms.

The following is a list of forms which can be obtained from the Office of the Secretary of the Commission:

* * * * *

(15) Application for electricity or electric generation supplier license.

* * * * *

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 54. ELECTRICITY GENERATION CUSTOMER CHOICE AND COMPETITION

Subchapter B. ELECTRICITY GENERATION SUPPLIER LICENSING

Sec.	
54.31.	Definitions.
54.32.	Application process.
54.33.	Application form.
54.34.	Change in organizational structure or operational status.
54.35.	Publication of notice of filing.
54.36.	Protests to applications.
54.37.	Approval.
54.38.	Regulatory assessments.
54.34.	Reporting requirements.
54.40.	Bonds or other security.
54.41.	Transfer or abandonment of license.
54.42.	License suspension; license revocation.
54.43.	Standards of conduct and disclosure for licensees.

§ 54.31. Definitions.

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

Applicant—A person or entity seeking to obtain a license to supply retail electricity or electric generation service.

Code—The Public Utility Code, 66 Pa.C.S. §§ 101—3316.

Commission—The Pennsylvania Public Utility Commission.

Default supplier—A supplier approved by the Commission under section 2807(e)(3) of the code (relating to duties of electric distribution companies) to provide generation service to customers who contracted for electricity that was not delivered, or who did not select an alternative electric generation supplier.

Department—The Department of Revenue of the Commonwealth.

Electric generation supplier—An electricity or electric generation supplier, as defined in section 2803 of the code (relating to definitions).

Interim license—A temporary license granted to an electric generation supplier under interim standards adopted by Commission order.

License—A license granted to an electric generation supplier under this subchapter.

Licensee—A person or entity which has obtained a license to provide retail electricity or electric generation service.

Marketing—The publication, dissemination or distribution of informational and advertising materials regarding the electric generation supplier's services and products to the public by print, broadcast, electronic media, direct mail or by telecommunication.

Offer to provide service—The extension of an offer to provide services or products communicated orally, or in writing to a customer.

Renewable resource—Renewable resource as defined in section 2803 of the code.

§ 54.32. Application process.

(a) An electric generation supplier may not engage in marketing, or may not offer to provide, or provide retail electricity or electric generation service until it is granted a license by the Commission.

(b) An application for a license shall be made on the form provided by the Commission. A copy of the application may be obtained from the Commission's Secretary. An application shall be verified by an oath or affirmation as required in § 1.36 (relating to verification). See section 2809(b) of the code (relating to requirements for electric generation suppliers).

(c) An original and eight copies of the completed application and supporting attachments shall be filed. An application for a license shall be accompanied by the application fee as established in § 1.43 (relating to schedule of fees payable to the Commission).

(d) Copies of the completed application with supporting documentation shall be served on the following offices: the Office of Consumer Advocate, the Office of Small Business Advocate, the Department and the Office of the Attorney General.

(e) Incomplete applications and those without supporting attachments, when needed, will be rejected without prejudice. The license application, with supporting attachments, shall be completed in its entirety.

(f) An applicant may request that information contained in the application be kept confidential by filing a petition under § 5.423 (relating to orders to limit availability of proprietary information).

(g) An electric generation supplier who has been granted an interim license shall apply for a license under this subchapter by amending its prior license application to include additional and updated information as required by § 54.33 (relating to application form). An amended application shall be submitted by _____. (*Editors Note:* The blank refers to a date 120 days after the effective date of adoption of this proposal.)

§ 54.33. Application form.

(a) The application form includes information that will be used in the evaluation of the financial fitness and technical fitness to render service. Information includes the following:

- (1) Identification of the geographic area that the applicant proposes to serve.
- (2) Identification of the type of service that the applicant proposes to furnish.
- (3) Identification of the class of customers to which the applicant proposes to provide these services.
- (4) The identification of the applicant's utility affiliates.
- (5) Designation of the applicant's business structure.
- (6) Financial information regarding credit ratings and history, and insurance pertinent to the conduct of the applicant's business as an electric generation supplier.
- (7) Evidence of the applicant's membership in the East Central Area Reliability Coordination Agreement (ECAR), the Mid Atlantic Area Council (MAAC) or other regional reliability councils.
- (8) Evidence of the applicant's ability to comply with Commission's requirements concerning customer billing, customer education, billing and terms of service, and customer information.

(b) The application also directs under sections 2806(g)(3)(i), 2809(c)(1) and 2810(c)(6) of the code (relating to implementation, pilot programs and performance-based rates; requirements for electric generation suppliers; and revenue-neutral reconciliation), that the applicant provide tax information. This tax information includes:

- (1) The name, address, telephone number, electronic numbers and addresses used to transmit tax and related information of the person responsible for preparing and filing the applicant's Pennsylvania tax returns.
- (2) Trade names or fictitious names used by the applicant.
- (3) The type of business association (for example, sole proprietor, partnership, corporation).
- (4) The names of the owners, general partners, or corporate officers and their Social Security numbers.
- (5) The number of the applicant's current and anticipated employees working in this Commonwealth.
- (6) Identification of the applicant's assets in this Commonwealth.

(7) The location or address of the principal office in this Commonwealth or of its registered agent.

(8) The applicant's Department tax identification numbers including Sales Tax license number, employer identification number and corporate box number. If tax numbers have not yet been obtained, an applicant shall provide the filing date of its application for these numbers.

(c) Tax information provided under subsection (b) shall be filed with the Secretary of the Department at the time that application is made with the Commission.

§ 54.34. Change in organizational structure or operational status.

(a) The applicant shall inform the Commission of a change in the information provided in the application during the pendency of the application, or while the licensee is operating in this Commonwealth.

(b) A change in the organizational structure or operation that affects an applicant's or a licensee's operation in this Commonwealth shall be reported to the Commission within 30 days of the date of the change. Specifically, notification shall be given to the Commission of a change in the following:

- (1) Ownership of generation or transmission facilities or other inputs to electric power production.
- (2) Affiliation with an electric distribution company, or an entity which owns generation or transmission facilities or other inputs to electric power production.
- (3) Affiliation with an entity that has a franchised service area.

§ 54.35. Publication of notice of filing.

(a) Notice of filing an application shall be published in newspapers of general circulation covering each county in which the applicant intends to provide service as required by § 5.14(a)(2) (relating to applications requiring notice). Applicants may contact the Commission's press secretary to confirm the identity of the newspapers of general circulation in which notice shall be published.

(b) The notice shall be written in plain language and include the name, address and telephone number of the applicant, a description of the proposed service to be provided and the geographic area to be served. The notice shall include the application docket number and a statement that protests related to the technical or financial fitness of the applicant shall be filed within 15 days of the publication date of the notice with the Commission's Secretary, Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265. The notice in an acceptable electronic format shall be submitted to the Commission's Secretary for posting on the Commission's electronic bulletin board.

(c) Proof of publication of the notice shall be filed with the Commission's Secretary. An application will not be considered complete for Commission review without the proof of publication.

§ 54.36. Protests to applications.

(a) Consistent with § 5.14(b) (relating to applications requiring notice), a 15-day protest period commences on the date notice of the application filing is published in newspapers as set forth in § 54.35 (relating to publication of notice of filing). An interested party may file a protest to an application in compliance with § 5.52(a) (relating to content of a protest to an application) and shall set out clearly and concisely the facts of the challenge to the fitness of the applicant is based. An applicant may file an

answer to the protest within 10 days of when the protest is filed. Protests which do not fully comply with § 5.52(a) will be rejected.

(b) Protests may challenge only the applicant's financial and technical fitness to provide the service for which a license is requested. Competitive protests or protests opposing other aspects of the applicant's provision of service may not be filed and, if submitted, will be rejected by the Commission. Sanctions may be imposed on parties who intentionally misuse the protest process.

(c) A protest to the applicant's technical or financial fitness to provide service will be assigned to Commission staff for review. Staff will determine if the protest fully complies with § 5.52(a) and sets out clearly and concisely the facts upon which the challenge to the fitness of the applicant is based. Staff will determine if the protest is sufficiently documented. If a protest is not sufficiently documented, Commission staff will prepare a recommendation for Commission consideration dismissing the protest and granting the application. If a protest is sufficiently documented, the application will be transferred to the Office of Administrative Law Judge for hearings or mediation as deemed appropriate.

§ 54.37. Approval.

(a) A license will be issued, authorizing the whole or any part of service requested, if the Commission finds that:

(1) The applicant is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of code and the lawful Commission orders and regulations, specifically including Chapter 56 (relating to standards and billing practices for residential utility service).

(2) The proposed service is consistent with the public interest and the policy declared in Chapter 28 of the code (relating to Electricity Generation Customer Choice and Competition Act). See section 2809(b) of the code (relating to requirements for electric generation suppliers).

(b) Completed applications, with all supporting documentation, including documentation or clarifying information requested by Commission staff, if unprotested, will be processed within 45 days after acceptance by the Commission. If the application is not processed within the time period, the application will be deemed approved. The review period may be extended for a reasonable period of time by Secretarial Letter.

§ 54.38. Regulatory assessments.

(a) A licensee shall be required to pay assessments to be used to defray regulatory costs. See section 510 of the code (relating to assessment for regulatory expenses upon public utilities). Assessments will be based upon the administrative costs incurred by the Commission related to generation suppliers. These costs include: maintaining records related to licensees, and administering other provisions of the code related to maintenance of adequate reserve margins, compliance with Chapter 56 (relating to standards and billing practices for residential utility service), and fulfilling consumer information and education obligations.

(b) Yearly assessments shall be paid by the licensee within 30 days of receipt of notice of the amount lawfully charged against it as a condition of maintaining a license to supply electricity or electric generation. See section 510(c) of the code.

§ 54.39. Reporting requirements

(a) A licensee shall report its level of gross receipts to the Commission on a quarterly basis. Gross receipt information shall be filed with the Commission no later than 30 days following the end of the first full quarter, and of each subsequent quarter that the license is in effect.

(b) A licensee shall file an annual report on or before April 30 of each year, for the previous calendar year. The annual report shall contain the following information (See section 2810(c)(6)) of the code (relating to revenue—neutral reconciliation):

(1) Updates to the tax information requested in the application in § 54.33(b) (relating to application form).

(2) The total amount of gross receipts from the sales of electricity for the preceding calendar year.

(3) The total amount of electricity sold, stated in kilowatt hours, during the preceding calendar year.

(4) The percentage of total electricity supplied by each energy source, including a detailed breakdown of renewable resources as defined in section 2803 of the code (relating to definitions).

(c) A licensee shall be required to meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 28 of the code (relating to the Electricity Generation Customer Choice and Competition Act) pertaining to reliability and to inform the Governor and Legislature of the progress of the transition to a fully competitive electric market.

(d) Information requested under this section will be made available for public review upon request to the Commission subject to any rulings on confidentiality made by the Commission.

§ 54.40. Bonds or other security.

(a) A license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. See section 2809(c) of the code (relating to requirements for electric generation suppliers).

(b) The purpose of the security requirement is to ensure the licensee's financial responsibility, the payment of Gross Receipts tax as required by section 2810 of the code (relating to revenue—neutral reconciliation), other taxes and the supply of electricity at retail in accordance with contracts, agreements or arrangement. See section 2809(c) of the code.

(c) The initial security level required from each applicant is \$250,000. Modifications of this amount commensurate with the amount of business anticipated to be conducted in this Commonwealth will be granted when substantial evidence is submitted in support of the modification. A request for modification of this initial security level may be made in conjunction with the filing of the application. The license will be issued contingent on the submission of proof that the applicant has obtained a bond, or other approved security in the amount directed by the Commission.

(d) After the first year that the license is in effect, the security level for each licensee will be reviewed annually and modified based on the licensee's reported quarterly gross receipts information. The security level will be 10% of the licensee's reported gross receipts. See section 2809(c)(1)(i) of the code. Maintenance of a license will be contingent on the licensee providing proof to the Commis-

sion that a bond or other approved security in the amount directed by the Commission has been obtained.

(e) Payments under the security may result from the licensee's failure to pay the full amount of taxes or assessments due, or failure to supply electricity or other services in accordance with contracts, agreements or arrangements. Language shall be incorporated in the security that prioritizes the claims for payment of the Commonwealth over claims filed by private persons.

(f) The Commission may approve the use of a security other than a bond. See section 2809 (c)(1)(i) of the code. Approval of use of other security instruments will be made by the Commission on an ad hoc basis.

(g) Licensee liability for unreasonable service, or for violations of the code and Commission orders and regulations is not limited by these security requirements.

§ 54.41. Transfer or abandonment of license.

(a) A license may not be transferred without prior Commission approval. See section 2809(d) of the code (relating to requirements for electric generation suppliers). Approval for transfer shall be obtained by petition to the Commission. The granting of the petition will not eliminate the need for the transferee to complete and file with the Commission an application that demonstrates the transferee's financial and technical fitness to render service under the transferred license.

(b) A licensee that wishes to abandon service shall notify the Commission, the licensee's customers, the affected distribution utilities and default suppliers prior to the abandonment of service. Notice shall be provided at intervals of 3, 2, 1 billing cycles preceding the affected date of the proposed abandonment in accordance with § 54.5(i) (relating to customer notification). (*Editor's Note:* See 28 Pa.B. 501 (January 31, 1998) for the proposed version of § 54.5).

§ 54.42. License suspension; license revocation.

(a) A licensee shall comply with all applicable requirements of Code and Commission regulations and orders. Consistent with due process, a license may be suspended or revoked, and fines may be imposed against the licensee for:

- (1) Failure to pay the yearly assessment.
- (2) Failure to furnish and maintain a bond or other security approved by the Commission in the amount directed by the Commission.
- (3) Nonpayment of taxes under section 201 of the Tax Reform Code of 1971 (72 P. S. § 7201), relating to tax for education, and Article XI of the Tax Reform Code of 1971 (72 P. S. §§ 8101—8104), relating to utilities gross receipts tax, and taxes imposed by Chapter 28 of the code (relating to Electricity Generation Customer Choice and Competition Act). See sections 2806(g)(3) and 2809(c)(1) of the code (relating to implementation, pilot program and performance based rates; and requirements for electric generation suppliers).
- (4) Failure to waive confidentiality with respect to tax information in the possession of the Department. See section 2810(c)(6)(iv) of the code (relating to revenue-neutral reconciliation).
- (5) Failure to provide the address of its principal office in this Commonwealth or of its registered agent.

(6) Failure to follow the principles in § 54.43 (relating to standards of conduct and disclosure for licensees).

(7) Violation of applicable provisions of the code, this title and lawful Commission orders. See section 2809(b) of the code.

(b) The unauthorized transfer by an electric distribution company, or its affiliate, of a customer's electric generation supplier without the consumer's express consent will result in a fine, or the suspension, or the revocation of the license of that electric distribution company's affiliated electric generation supplier. See section 2807(d)(1) of the code (relating to duties of electric distribution companies).

(c) The unauthorized transfer by an electric generation supplier, or its affiliate, of a customer's electric supplier without the consumer's express consent will result in a fine, or the suspension, or the revocation of the license of that electric generation supplier. Section 57.171 (relating to standards for changing a customer's electric supplier). See section 2807(d)(1) of the code.

§ 54.43. Standards of conduct and disclosure for licensees.

To protect Pennsylvania consumers, licensees shall adhere to the following principles in the provision of electric generation service:

- (1) A licensee shall provide accurate information about its electric generation services using plain language and common terms in communications with consumers. When new terms are used, the terms shall be defined again using plain language. Information shall be provided in a format that enables customers to compare the various electric generation services offered and the prices charged for each type of service.
- (2) A licensee shall provide, upon the request of a customer or the Commission, information regarding energy sources by percentage, including a breakdown of renewable resources, and environmental characteristics of its electric generation purchases.
- (3) A licensee shall provide notification of change in conditions of service, intent to cease operation as an electric generation supplier, explanation of denial of service, proper handling of deposits and proper handling of complaints in accordance with this title.
- (4) A licensee shall maintain the confidentiality of a consumer's personal information, including name, address and telephone number, and historic payment information, and the right of access by the consumer to his own load and billing information.
- (5) A licensee may not discriminate in the provision of electricity as to availability and terms of service based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance income and exercise of rights under the Consumer Credit Protection Act (15 U.S.C.A. §§ 1601—1693r) relating to Equal Credit Opportunity. See 15 U.S.C.A. §§ 1691—1691f (relating to equal credit opportunity); 12 CFR Part 202 (relating to equal credit opportunity (Regulation B)).
- (6) A licensee is responsible for fraudulent, deceptive or other unlawful marketing or billing acts performed by its agents or representatives. A licensee shall inform consumers of State consumer protection laws that govern the cancellation or rescission of electric generation supply contracts. See 73 P. S. § 201-7.

(7) A licensee shall comply with the relevant Commission regulations, orders and directives that may be adopted

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[52 PA. CODE CH. 54]

[L-970131]

Reporting Requirements for Quality of Service Benchmarks and Standards

The Pennsylvania Public Utility Commission (Commission) on December 4, 1997, adopted a proposed rulemaking to establish uniform measurements and reporting requirements to allow the Commission to monitor the level of the electric distribution companies' (EDCs) customer service performance. After the Commission has received and analyzed an adequate supply of data from the proposed uniform measurements, it will develop quality of service benchmarks and standards which will be the subject of the future rulemaking. The contact persons are Mary Frymoyer (717) 783-1628 and Stephen Gorka, Assistant Counsel, Law Bureau (717) 772-8840.

On December 3, 1996, Governor Tom Ridge signed into law, 66 Pa.C.S. §§ 2801—2812 (relating to Electricity Generation Customer Choice and Competition Act) (act). Section 2807(d) of the act (relating to duties of electric distribution companies) is clear in its intent that utilities are to maintain, at a minimum, the current levels of reliability and customer service to their customers as they move toward competition. The purpose of the proposed regulations is to establish uniform measurements and reporting requirements to allow the Commission to monitor the level of the EDCs' customer service performance. After the Commission has received and analyzed an adequate supply of data from the proposed uniform measurements, it will develop quality of service benchmarks and standards which will be the subject of a future rulemaking.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 16, 1998, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed rulemaking, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If the Legislative Committees have objections to any portion of the proposed regulations, they will notify the Commission within 20 days of the close of the public comment period. If IRRC has objections to any portion of the proposed regulations, it will notify the Commission within 10 days of the close of the Legislative comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures

for review, prior to final publication of the regulations, by the Commission, the General Assembly and the Governor of any objections raised.

Public meeting held
December 4, 1997

Commissioners present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson, Concurring in result; John Hanger; David W. Rolka; Nora Mead Brownell

Proposed Rulemaking Order

By the Commission:

On December 3, 1996, Governor Tom Ridge signed into law the act. The code revised 66 Pa.C.S. (relating to Public Utility Code), by inter alia, adding Chapter 28 relating to restructuring of the electric utility industry. The Public Utility Commission is the agency charged with implementing the act. The purpose of this rulemaking is to establish uniform measurement and reporting of customer service performance by the electric distribution companies to the Commission.

The act is clear in its intent that the level of customer service provided by the EDCs is to remain at the same level of reliability and quality under competition as was provided prior to competition. Under section 2807(d) of the act, customer services shall, at a minimum, be maintained at the same level of quality under retail competition. Section 2802(12) of the act (relating to declaration of policy) states that reliable electric service is of utmost importance to the health, safety and welfare of the citizens of the Commonwealth. Thus the elements addressed by this rulemaking are presented to allow the Commission to ensure that the customer service and service reliability of Pennsylvania's EDCs remain at an adequate level.

This rulemaking addresses components of customer service such as telephone access, billing frequency, meter reading, timely response to customer disputes, the proper response to customer disputes and payment arrangement requests, compliance with customer service rules and regulations, and interacting with customers in a prompt, courteous and satisfactory manner. These components are interrelated and are important aspects of EDC customer service. Service reliability is also a very important aspect of the quality of customer service. However, the Electric Service Reliability Rulemaking at Docket No. L-100970120 contains provisions for the EDCs to report data that measure reliability performance and thus we do not address reliability reporting in this rulemaking. However, the Commission intends to use the reporting at Docket No. L-100970120 to monitor the reliability of each EDC's distribution system along with the other measures specifically addressed in this rulemaking.

Only after the Commission has received and analyzed an adequate supply of data from the proposed uniform measurements will it develop quality of service benchmarks and standards for the EDCs. The establishment of benchmarks and standards will be the subject of a future rulemaking. The Commission also intends to measure and monitor the customer service performance of the electric generation suppliers and will take the appropriate steps to obtain uniform measurement from these entities at a later time.

Background

By order adopted March 13, 1997, at Docket No. M-00960890F0007 (March Order), the Commission solicited comments on a variety of potential quality of service measures such as business office access, complaint resolution, posting payments, billing adjustments, installation of service, investigations and repairs, appointments kept with customers, meter reading, service reliability indices and customer satisfaction surveys. Through the order, the Commission also asked the EDCs to describe their present monitoring of customer service performance, what performance standards they have set for themselves and what their performance history has been.

Each of the ten EDCs (Allegheny Power, Citizens' Electric Company, Duquesne Light Company, GPU Energy, PECO Energy Company, Pennsylvania Power Company, Pennsylvania Power & Light Company, Pike County Light & Power Company, UGI Utilities, Inc. (Electric Division), Wellsboro Electric Company, the Pennsylvania Electric Association (PEA), Office of Consumer Advocate (OCA), International Brotherhood of Electrical Workers' Pennsylvania Utility Caucus and Lebanon Methane Recovery, Inc. responded to the tentative order. Reply comments were filed by Duquesne Light Company, and Enron Power Marketing, Inc.

A review of the responses to the data requests outlined by the March order revealed that the EDCs have not measured their level of customer service quality with any degree of uniformity. On November 5, 1997, the Bureau of Consumer Services (BCS) held a meeting with representative of the EDCs. This meeting was to identify the benchmarks currently used by the EDCs to judge their own performance in the area of customer service and to clarify the information provided by the EDCs in response to the March Order. Representatives from the EDCs, the Bureau of Conservation, Economics and Energy Planning (CEEP), the BCS and Commission staff attended this meeting.

The discussion with the EDC representatives confirmed that existing EDC measurement of the quality of service components as outlined in the March order is non-uniform. Each EDC measures some of the components raised in the order, but no EDC measures all the components. Further, there are almost no standard methods of measurement that are used by all EDCs. The only exceptions are two of the reliability indices. All the major EDCs use the System Average Interruption Frequency Index (SAIFI) and Customer Average Interruption Duration Index (CAIDI) to monitor the reliability of their distribution systems and are able to supply historical data derived from these two reliability indices.

Because of the lack of uniform measurement by the EDCs, the Commission proposes to establish regulations to read as set forth in Annex A to develop uniform measurement and reporting on a select set of quality of service components. We agree with the comments of GPU Energy to the March order that uniform data will provide the Commission with the means to compare performance easily and quickly and that divergent data sets would require the Commission to compare "apples and oranges," and would not present a true picture of performance.

The EDCs' lack of historical, uniform measurement and inability to report uniform data on many of the measures presented in the March order led us to revise our original proposal regarding the appropriate components to measure customer service quality. We have narrowed the scope of the quality of service reporting and measurement to

the areas listed as follows. We believe that these components are fair indicators of the quality of an EDC's service to customers: Telephone Access to the Company, Billing, Meter Reading, Prompt Response to Customer Disputes, Customer Surveys, Regulatory Performance and the Reliability of Electric Service.

Many of the measures presented in the proposed requirements are directly related to Chapter 56 (relating to standards and billing practices for residential utility service), and should not require further data collection by the EDCs. The use of available data should also alleviate the EDCs' concern about their current financial constraints. We propose that the EDCs report to the Commission the number of customer disputes, as defined in § 56.2 (relating to definitions), for which the EDC did not render a utility report within 30 days of the filing of the dispute as required by § 56.151(5) (relating to general rule). Since § 56.202 (relating to record maintenance) requires utilities to preserve records of all customer disputes and complaints, this information should be available. We believe this statistic is preferable to a simple tally of the total number of customer complaints because it will indicate instances in which the EDC has not complied with the customer service regulations by not responding promptly to a customer's complaint. A complaint or dispute filed with a company is not necessarily a negative indicator of service quality. However, a company's timely response to a complaint is an important measure of customer service quality.

Similarly, to measure metering performance, we propose that the EDCs report information under § 56.12(4)(ii) and (iii) and (5) (relating to meter reading). We believe that these regulations represent the minimal criteria of meter reading performance. Further, this addresses differing viewpoints expressed by the EDCs about whether the percent of meters read or the number of meter reading errors is the most appropriate way to measure meter reading performance. Again, the use of reporting related to Chapter 56 mitigates any additional financial burdens on the EDCs.

Several measures which were presented for comment in the March order concerned aspects of service quality that the EDCs agree are important indicators of customer service performance. Among these were service installation, kept appointments, complaint resolution and nonemergency investigations and repairs. However, most of the EDCs have not necessarily measured performance in these areas and they believe that the measurement methodology suggested in the March order would be burdensome. Rather than measure several of these discreet activities, another option would be to measure customers' experience with these activities. Several EDCs noted that the use of customer surveys would be a more appropriate way to assess EDC performance in these areas.

Regarding the issue of survey uniformity, we agree with the EDCs that transactional customer surveys can measure many of these areas of customer service. Therefore, we have proposed specific customer survey reporting requirements using both transactional surveys of customers who had recent interactions with their EDC and general surveys of a cross section of each EDC's customer population. We agree with the comments of PEA and various EDCs to the March order that such surveys must be uniform in content, administration and analysis. Therefore, we propose that each EDC's customers be surveyed with the same survey questionnaires, using identical sampling and analysis procedures. In addition,

we propose that an independent third party administer the surveys to the customers of each EDC and analyze and report the survey results to the Commission in a uniform manner.

We propose to measure the regulatory performance of the EDCs by using justified consumer complaint rate, justified payment arrangement request rate, the number of informally verified infractions and infraction rate. In response to the March order, most of the EDC's indicated that they believe that "justified" complaints and "justified" payment arrangement requests were more appropriate measures of regulatory customer service performance than "volume" of informal consumer complaints and payment arrangement requests. Under § 56.211 (relating to informal complaints), the BCS has established procedures for handling consumer disputes and payment arrangement requests as well as rules for determining on a case-by-case basis whether or not a customer is "justified" in coming to the Commission. "Justified" informal consumer complaints and payment arrangement requests are those cases in which, in the judgement of the BCS, the company did not comply with Commission regulations, reports, Secretarial Letters, tariffs or guidelines prior to BCS intervention. The procedures and rules are available from the Director of the BCS or from the Secretary of the Commission.

Under 66 Pa.C.S. § 308(d) (relating to bureaus), the BCS developed the justified informal consumer complaint rate and the justified payment arrangement request rate as two measures by which it can uniformly judge and report to the Commission the complaint handling performance of utilities. For the past number of years, the BCS has calculated and reported these rates in its annual report; thus the EDCs are familiar with them and what they represent.

Regarding infractions and the infraction rate, the Commission has procedures to ensure that EDCs and other public utilities conform to the standards of conduct for residential service established by statute and regulation. Through informal consumer complaints and payment arrangement requests the Commission is able to identify, document and notify utilities of instances where the utilities have violated a particular section of the regulations. The BCS tallies the number of informally verified infractions and reports them annually to the Commission. Beginning in 1997, the BCS has also calculated an infraction rate that compares a utility's number of infractions with its number of residential customers. We believe that an EDC's commitment to compliance with rules and regulations is an important indicator of good service quality to customers. Thus, we have proposed the addition of the number of infractions and the infraction rate as measures of EDC customer performance.

Additionally, we invite comments on the development of uniform questionnaires and on the use of an independent third party to administer the surveys. Specifically, we solicit comments on: (1) what process should be used to develop uniform questionnaires; (2) what parties should be involved in the survey development process; and (3) who should facilitate or provide leadership for this process. Similarly, we solicit comments on a process to secure a third party contract to administer the surveys and how contract expenses can be equitably shared among the EDCs. If any party has an alternative proposal to achieve uniform survey administration by a means other than the use of an independent third party, we would welcome comments regarding this alternative proposal, along with proposed regulatory language.

We are also interested in comments regarding the reporting format for both the EDCs and the survey administrators. We believe that all reporting should be uniform and by electronic submission and would appreciate comments in this regard.

The Commission reserves the right to waive any or all requirements of these regulations upon petition by an affected party under § 5.43 (relating to petitions for issuance, amendment, waiver or repeal of regulations).

Accordingly, under sections 2802(12) and 2807(d) of the Public Utility Code, 66 Pa.C.S. §§ 2802(12) and 2807(d), and the Commonwealth Documents Law (45 P.S. § 1201 et seq.), and the regulations promulgated thereunder, we shall institute a rulemaking proceeding to accomplish the objective described in the body of this order.

Therefore,

It is Ordered that:

1. A rulemaking docket shall be opened to consider the regulations set forth in Annex A.
2. The Secretary shall submit a copy of this order and Annex A to the Office of Attorney General for review as to form and legality.
3. The Secretary shall submit a copy of this order and Annex A to the Governor's Budget Office for review of fiscal impact.
4. The Secretary shall submit this order and Annex A for review by the designated standing committees of both Houses of the General Assembly, and for review and comments by IRRC.
5. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. A copy of this final opinion and order and any accompanying statements of the Commissioners be served upon all jurisdictional electric companies, the Office of Consumer Advocate, the Office of Small Business Advocate, participants in the Commission's electric competition investigation at Docket No. I-00940032, the Electric Competition Legislative Stakeholders, all parties of record and the Universal Service and Energy Conservation Work Group.
7. Within 30 days of this order's publication in the *Pennsylvania Bulletin*, an original and 15 copies of any comments concerning this order and Annex A should be submitted to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-192. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

Chapter 54. ELECTRICITY GENERATION CUSTOMER CHOICE

Subchapter F. REPORTING REQUIREMENTS FOR QUALITY OF SERVICE BENCHMARKS AND STANDARDS

- Sec.
54.151. Purpose.
54.152. Definitions.

- 54.153. Reporting requirements.
- 54.154. Customer surveys.
- 54.155. Regulatory performance.

§ 54.151. Purpose.

This subchapter establishes a means by which the Commission can develop uniform measurement and reporting to assure that the customer services of the EDCs are maintained, at a minimum, at the same level of quality under retail competition. This subchapter sets forth uniform measurements and reporting requirements for monitoring the level of the EDCs' customer service performance. This subchapter also establishes the effective dates of the reporting requirements.

§ 54.152. Definitions.

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

BCS—The Bureau of Consumer Services of the Commission.

Busy-out rate—The number of calls to an EDC's call center or business office that received a busy signal divided by the number of calls that were completed.

Call center—A centralized facility established by a utility for the regular transaction of business between customers and supervised utility customer service representatives.

Call abandonment rate—The number of calls to an EDC's call center or business office that were abandoned divided by the total number of calls received at the EDC's telephone call center or business office.

Code—The Public Utility Code, 66 Pa.C.S. §§ 101—3316.

Commission—The Pennsylvania Public Utility Commission.

Customer—A retail electric customer as defined in 2803 of the code (relating to definitions).

EDC—electric distribution company—An electric distribution company as defined in section 2803 of the code.

General survey—A survey of a cross section of the customers of a utility to include an evaluation of overall satisfaction with the EDC, the clarity and accuracy of EDC bills, perceived reliability of service and customer problem perception.

Informal consumer complaint—An appeal by a consumer to the BCS about a utility's proposed resolution of a dispute related to billing, service delivery, repairs and all other issues not related to requests for payment arrangements.

Informally verified infraction—An apparent misapplication of Commission regulations as determined by the BCS through its examination of information obtained as part of its review of informal consumer complaints and payment arrangement requests. The informal verification process implemented by the BCS notifies a utility of the information which forms the basis of an alleged infraction, affords the utility the opportunity to affirm or deny the accuracy of the information and concludes with a BCS determination regarding the alleged infraction. An informally verified infraction is not equivalent to a formal violation under section 3301 of the code (relating to civil penalties for violations) unless otherwise determined through applicable Commission procedures.

Infraction—A misapplication of a Commission regulation, particularly the standards and billing practices for residential service.

Infraction rate—The number of informally verified infractions per 1,000 residential customers.

Justified informal consumer complaint—A complaint where the BCS has determined that an EDC did not follow Commission procedures or regulations.

Justified informal consumer complaint rate—The number of justified informal consumer complaints per 1,000 residential customers.

Justified payment arrangement request—A payment arrangement request where an EDC did not follow Commission negotiation procedures or regulations.

Justified payment arrangement request rate—The number of justified payment arrangement requests per 1,000 residential customers.

Payment arrangement request—A customer request for payment terms to the BCS.

Small commercial—A person, sole proprietorship, partnership, corporation, association or other business entity which employs fewer than 250 employees and which receives public utility service under a small commercial, small industrial or small business rate classification. See section 22 of the Small Business Advocate Act (73 P. S. § 399.42).

Transaction survey—A survey targeted toward individuals that have had a recent interaction with an EDC. A transaction includes filing a complaint, inquiring about a bill, having a repair completed, installation of service or an appointment for a special meter reading.

§ 54.153. Reporting requirements.

(a) Unless otherwise specified in this subchapter, each EDC shall file reports biannually with the Commission on or before August 1 and February 1 of each year beginning August 1, 1999. Each August report shall contain data from the first 6 months of the calendar year. Each February report shall contain data from the second 6 months of the year as well as data for the entire preceding calendar year. The report shall be filed with the Secretary of the Commission. Each report shall include the name and telephone number of the person to whom inquiries should be addressed.

(b) Each EDC shall take measures necessary and keep sufficient records to report the following data to the Commission:

(1) *Telephone access.*

(i) The percent of calls answered at the EDC's call center or business office within 30 seconds with the EDC representative ready to render assistance and to accept information necessary to process the call. An acknowledgment that the customer or applicant is waiting on the line does not constitute an answer.

(ii) The average busy-out rate.

(iii) The call abandonment rate.

(2) *Billing.*

(i) The average number and percent of residential bills that the EDC failed to render once every billing period to residential ratepayers in accordance with § 56.11 (relating to billing frequency).

(ii) The average number and percent of small commercial bills that the EDC failed to render once every billing period to small commercial ratepayers.

(3) *Meter reading.*

(i) The number and percent of residential meters for which the company has failed to obtain an actual or ratepayer supplied reading within the past 6 months to verify the accuracy of estimated readings in accordance with § 56.12(4)(ii) (relating to meter reading; estimated billing; ratepayer readings).

(ii) The number and percent of residential meters for which the company has failed to obtain an actual meter reading within the past 12 months to verify the accuracy of the readings, either estimated or ratepayer read in accordance with § 56.12(4)(iii).

(iii) The number and percent of residential remote meters for which it has failed to obtain an actual meter reading under the time frame in § 56.12(5)(ii).

(4) *Response to disputes.* The actual number of disputes as described in Chapter 56, Subchapter F (relating to disputes; termination disputes; informal and formal complaints) for which the company failed to issue its report to the complaining party within 30 days of the initiation of the dispute under § 56.151(5) (relating to purpose).

§ 54.154. Customer surveys.

(a) *General survey.* Each EDC shall arrange for an independent third party to submit to the Commission the results of a general telephone survey of a cross-section of all classes of the EDC's customer population.

(1) The purpose of the general survey shall be to evaluate customer perceptions about the accuracy of bills, the clarity of bills and other communications from the EDC, the reliability of the EDCs service, problems with the EDC and overall customer satisfaction.

(2) The survey instrument shall be a uniform questionnaire developed for use by all EDC's.

(3) The survey sample selection procedure shall be based on a uniform procedure applicable to all EDCs.

(4) Using uniform methodology, a single, independent third party shall conduct the survey for all EDCs, analyze each EDC's survey results and report each EDCs survey results to the Commission. Each EDC shall also receive the results obtained from its own customers.

(b) *Transaction survey.* Each EDC shall arrange for an independent third party to submit to the Commission the results of telephone transaction surveys of customers who have had recent interactions with the EDC.

(1) The purpose of the transaction surveys shall be to assess the customer perception regarding the most recent interaction with the EDC. Survey questions shall measure access to the utility, employee courtesy, employee knowledge, the keeping of scheduled appointments, promptness of response or visit and satisfaction with the outcome of the interaction.

(2) The transaction survey questions shall specifically address the circumstances that generated the most recent transaction. Interaction categories shall include the following: service installation, premise visit by company field personnel for an activity other than service installation, service interruption, billing balance inquiry or dispute, request for discontinuance of service, application for service and other similar interactions.

(3) The survey instrument shall be a uniform questionnaire developed for use by all EDC's.

(4) The survey sample selection procedure shall be based on a uniform procedure applicable to all EDCs.

(5) A single, independent third party shall use a uniform methodology to conduct the survey for all EDCs,

analyze each EDCs survey results and report the survey results by EDC to the Commission. Each EDC shall also receive the results obtained from its own customers.

(c) *Commission approval.* The questionnaires and the survey procedures shall be subject to the approval of the Commission.

(d) *Timetable.* Survey results shall be reported to the Commission as follows:

(1) General survey results shall be reported annually, on or before April 1 of each year, beginning April 1, 2001.

(2) Transaction survey results shall be submitted biannually, on or before October 1 and April 1 of each year beginning October 1, 2000. Each October report shall contain survey results from the first 6 months of the calendar year. Each April report shall contain results from the second 6 months of the year as well as a 12-month total of survey results.

§ 54.155. Regulatory performance.

(a) The BCS will review and analyze residential informal consumer complaints and payment arrangement requests filed with the Commission and will report the justified consumer complaint rate and the justified payment arrangement request rate to the Commission on an annual basis.

(b) The BCS will report to the Commission the number of informally verified infractions of applicable statutes and regulations relating to the treatment of residential accounts by each EDC. The BCS will calculate and report to the Commission an "infraction rate" for each EDC.

[Pa.B. Doc. No. 98-173. Filed for public inspection January 30, 1998, 9:00 a.m.]

[52 PA. CODE CH. 54]

[L-970130]

Reporting Requirements for Universal Service and Energy Conservation Programs

The Pennsylvania Public Utility Commission (Commission) on December 4, 1997, adopted a proposed rulemaking to establish standard reporting requirements for universal service and energy conservation programs. The data collected as a result of the reporting requirements will assist the Commission in monitoring the progress of the electric distribution companies (EDC) in achieving universal service in its service territory. The reporting requirements will ensure that the data is reported uniformly and consistently. The contact persons are Janice K. Hummel, Bureau of Consumer Services (technical) (717) 783-9088 and Kathryn G. Sophy, Law Bureau (legal) (717) 772-8839.

Executive Summary

On December 3, 1996, Governor Tom Ridge signed into law 66 Pa.C.S. §§ 2801—2812 (relating to Electricity Generation Customer Choice and Competition Act) (act). The act revised 66 Pa.C.S. (relating to Public Utility Code), by inter alia, adding Chapter 28, relating to restructuring of the electric utility industry. The act is

clear in its intent that the EDCs are to continue, at a minimum, the protections, policies and services that now assist customers who are low-income to afford electric service. Section 2804(9) of the act (relating to standards for restructuring of electric industry) requires the Commission to ensure that universal service and energy conservation policies, activities and services are appropriately funded and available in each electric distribution territory.

The purpose of this proposed rulemaking is to establish standard reporting requirements for universal service and energy conservation programs. The data collected as a result of the reporting requirements will assist the Commission in monitoring the progress of the EDCs in achieving universal service in their service territories. The reporting requirements will also ensure that the data is reported uniformly and consistently.

This proposal establishes that the EDCs will report the following information to the Commission: 1) annual reports on residential low-income collections and universal service and energy conservation programs; 2) biennial (every 2 years) plans for universal service and energy conservation programs; 3) every 6 years an independent third-party evaluation that measures the degree that an EDC's universal service and energy conservation programs are working to provide affordable utility service at reasonable rates.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 16, 1998, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting this proposed rulemaking, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

Public meeting held
December 4, 1997

Commissioners present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Concurring in result; John Hanger; David W. Rolka; Nora Mead Brownell

Proposed Rulemaking Order

By the Commission:

On July 10, 1997, the Commission issued a final order that established guidelines for universal service and energy conservation programs. As part of that order, the Commission issued temporary reporting requirements un-

til we developed formal regulations through our normal rulemaking process. This order initiates the formal rulemaking process. The purpose of this rulemaking is to establish standard reporting requirements for universal service and energy conservation programs. The data collected as a result of the reporting requirements will assist the Commission in monitoring the progress of the EDCs in achieving universal service in their service territories. The reporting requirements will also ensure that the data is reported uniformly and consistently. The proposed reporting requirements are set forth in Annex A.

Parties have had several opportunities to comment on the reporting requirements. At Docket M-00960890F003, the Commission established a universal service and energy conservation work group to provide the Commission with recommendations on universal service and energy conservation matters relating to electric restructuring. Over a 6-week period, 70 different parties participated in five work group meetings. The work group submitted a final report on universal service and energy conservation programs to the Commission. The work group reached consensus on limited items for seven principles, including reporting requirements.

On April 25, 1997, the Commission issued a tentative order that proposed guidelines for universal service and energy conservation programs, including reporting requirements. The Commission received comments to the tentative order from 52 parties. Considering these comments, the Commission made changes to the guidelines including the reporting requirements in its final order adopted on July 10, 1997.

Information from the EDCs about universal service programs and low-income customers is more critical now so the Commission can determine if universal service and energy conservation programs comply with the act. The act requires that programs be appropriately funded and available to low-income customers. In their comments to the reporting requirements outlined in the Commission's tentative order regarding guidelines for universal service and energy conservation programs, Pennsylvania Electric Association and the individual EDCs commented that they could not currently provide all the data requested in this section. The Commission is not insensitive to the problems that EDCs will encounter in gathering and reporting the data required as a result of these regulations. The EDCs currently provide much of the program related data we are requesting in these regulations. However, the EDCs report the data at various times throughout the year in different reports. These regulations will establish a uniform and standard reporting format and time schedule. The reporting requirements of these regulations will replace certain program related reports, such as hardship fund and CARES reports, that the EDCs provide to the Commission.

These proposed regulations introduce new collection reporting requirements that identify costs specifically associated with low-income customers. The Commission acknowledges that the EDCs will need time to make programming changes to collect this data. Therefore, the Commission proposes that each EDC should be able to report complete data to the Commission no later than April 1, 2000. For the purposes of low-income collections reporting the Commission requests information on two low-income groups: confirmed low-income accounts and nonconfirmed low-income accounts. Confirmed low-income accounts are those accounts where the EDC has obtained information that would reasonably place the customer in a low-income designation. Examples of this information

are receipt of Low-Income Home Energy Assistance Program (LIHEAP) grants, income source noted as TANF or General Assistance on an application for service; or the customer's self-report of income in conjunction with establishing a payment arrangement or application for a utility low-income program.

The nonconfirmed low-income group is comprised of an estimated number of accounts that are believed to be low-income but for which the EDC has no specific confirming information about the account to designate it as low-income. The EDC's belief about the number of nonconfirmed low-income accounts may be based on the disparity between census data reports on the number of low-income households in a service territory versus the number of confirmed low-income accounts in the same area. It is important to consider the nonconfirmed low-income designation for two reasons. First, the EDCs should seek to identify and confirm low-income customers so that they can be apprised of the availability of special programs such as LIHEAP and universal service programs that could help them maintain their utility service. Second, some collection expenses will be attributable to nonconfirmed low-income, payment-troubled customers. These expenses are not appropriately attributed to the nonlow-income residential customer group. Therefore, it is necessary to consider both the confirmed and nonconfirmed low-income accounts when reporting on the collection costs attributable to the "universal service" group defined as low-income. When reporting collection figures for the nonconfirmed low-income group, the EDCs are asked to provide a best guess estimate for the expenses associated with this group.

We are also interested in comments regarding the reporting format for the EDCs. We believe that all reporting should be uniform and by electronic submission and would appreciate comments in this regard.

The Commission reserves the right to waive any or all requirements of these regulations upon petition by an affected party under § 5.43 (relating to petitions for issuance, amendment, waiver or repeal of regulations).

Accordingly, under section 501 of the Public Utility Code, and the Commonwealth Documents Law (45 P. S. § 1201 et seq.) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we propose to add the regulations at 52 Pa. Code §§ 54.71—54.76 to read as set forth in Annex A; *Therefore,*

It Is Ordered that:

1. A Rulemaking Docket shall be opened to consider regulations in Annex A.
2. The Secretary shall submit a copy of this order and Annex A to the Office of Attorney General for review as to form and legality.
3. The Secretary shall submit a copy of this order and Annex A to the Governor's Budget Office for review of fiscal impact.
4. The Secretary shall submit this order and Annex A for review by the designated standing committees of both Houses of the General Assembly, and for formal review and comments by IRRC.
5. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. A copy of this final opinion and order and any accompanying statements of the Commissioners be served upon all jurisdictional electric companies, the Office of

Consumer Advocate, the Office of Small Business Advocate, other parties who participated in the Commission's electric competition investigation at Docket No. I-00940032, the Electric Competition Legislative Stakeholders, and the Universal Service and Energy Conservation Work Group.

7. Within 45 days of this order's publication in the *Pennsylvania Bulletin*, an original and 15 copies of any comments concerning this order and Annex A should be submitted to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-193. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

Subpart C. FIXED UTILITIES

CHAPTER 54. ELECTRICITY GENERATION CUSTOMER CHOICE

Subchapter C. UNIVERSAL SERVICE AND ENERGY CONSERVATION REPORTING REQUIREMENTS

Sec.	
54.71	Statement of purpose and policy.
54.72	Definitions.
54.73	Universal service and energy conservation goals.
54.74	Universal service and energy conservation plans.
54.75	Annual residential collection and universal service and energy conservation program reporting requirements.
54.76	Evaluation reporting requirements.
54.77	Electric distribution companies with less than 55,000 residential accounts.

§ 54.71. Statement of purpose and policy.

Section 2804(9) of the code (relating to standards for restructuring of electric industry) mandates that the Commission ensure universal service and energy conservation policies, activities and services for residential electric customers are appropriately funded and available in each EDC territory. This subchapter requires covered EDCs to establish uniform reporting requirements for universal service and energy conservation policies, programs and protections and to report this information to the Commission. The reports are necessary to determine each EDC's progress in achieving universal service within its service territory. This chapter also requires each covered EDC to have a third-party evaluation conducted on its universal service and energy conservation programs every 6 years. The independent evaluator's reports shall be presented to the EDC and to the Commission.

§ 54.72. Definitions.

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

CAP—Customer assistance program—An alternative collection method that provides payment assistance to low-income, payment troubled utility customers. CAP participants agree to make affordable monthly payments that are less than the current bill in exchange for continued provision of electric utility services.

CARES—A program that provides a cost-effective service that helps selected, payment-troubled customers maximize their ability to pay utility bills. A CARES

program provides a casework approach to help customers secure energy assistance funds and other needed services.

Classification of accounts—Accounts are classified by the following categories: all residential accounts, confirmed low-income residential accounts and nonconfirmed low-income residential accounts.

Code—The Public Utility Code, 66 Pa.C.S. §§ 101—3316.

Collection operating expenses—Expenses directly associated with collection of payments due.

Direct dollars—Dollars which are applied to a CARES customer's electric utility account, including all sources of cash assistance applied to utility bills such as LIHEAP, hardship fund grants, and local agencies' grants.

EDC—Electric distribution company—The electric distribution company as defined in section 2803 of the code (relating to definitions).

Hardship Fund—A fund that provides cash assistance to utility customers to help them pay their utility bills.

Impact evaluation—An evaluation that focuses on the degree to which a program achieves the continuation of utility service to program participants at a reasonable cost level and otherwise meets program goals.

Indirect dollars—Cash or goods donated to a CARES household that are not directly applied to a CARES customer's electric utility account. The term includes cash assistance, weatherization services, other donations, and assistance from effective referrals to government programs.

LIURP—Low-income usage reduction program—An energy usage reduction program, that assists low-income customers conserve energy and reduce residential energy bills.

Low-income customer—A residential utility customer whose household income is at or below 150% of the Federal poverty guidelines.

Payment rate—The total number of monthly payments received from CAP participants in a given period divided by the total number of monthly bills issued to CAP participants.

Payment troubled—A household that has failed to maintain one or more payment arrangements in a 2-year period.

Process evaluation—An evaluation that focuses on whether a program meets the level of need, conforms to the program design and operates efficiently.

Residential account in arrears—A residential account that is at least 1 day overdue. This classification includes all customer accounts which have payment arrangements.

Universal service and energy conservation—Universal service and energy conservation as defined in section 2803 of the code.

§ 54.73. Universal service and energy conservation program goals.

(a) The Commission will determine if the EDC meets the goals of universal service and energy conservation programs.

(b) The general goals of universal service and energy conservation programs include the following:

(1) To protect consumers' health and safety by helping low-income customers maintain electric service.

(2) To provide for affordable electric service by making available payment assistance to low-income customers.

(3) To assist low-income customers conserve energy and reduce residential utility bills.

(4) To provide that universal service and energy conservation programs are operated in a cost-effective and efficient manner.

§ 54.74. Universal service and energy conservation plans.

(a) *Plan submission.* Each EDC shall submit to the Commission for approval an updated universal service and energy conservation plan on a biennial basis beginning April 1, 1999. The plan shall cover the next 2 calendar years. The plan shall state how it differs from the previously approved plan. The plan shall include revisions based on analysis of program experiences and evaluations. If the Commission rejects the plan, the EDC shall submit a revised plan under the order rejecting or directing modification of the plan as previously filed. If the order rejecting the plan does not state a timeline, the EDC shall file its revised plan within 30 days of the entry of the order.

(b) *Plan contents.* The components of universal service and energy conservation include the following: CAP, LIURP, CARES, Hardship Funds and other programs, policies and protections. For each component of universal service and energy conservation, the plan shall include the following:

- (1) Program description.
- (2) Eligibility criteria.
- (3) Projected needs assessment.
- (4) Projected enrollment levels.
- (5) Program budget.

(c) *Cost-effectiveness.* An EDC shall annually assess the cost-effectiveness of its universal service and energy conservation programs.

§ 54.75. Annual residential collection and universal service and energy conservation program reporting requirements.

Each EDC shall report annually to the Commission on its progress in achieving universal service within its service territory. Annual EDC reports shall contain information on programs and collections for the prior calendar year. The report is due April 1 each year, beginning April 1, 2000. When noted, the data shall be reported by classification of accounts. Each EDC's report shall contain the following information:

(1) Collection reporting is categorized as follows:

(i) The criteria used by the EDC to categorize residential customers as low-income.

(ii) Annual collection operating expenses by classification of accounts. Collection operating expenses include administrative expenses associated with termination activity, negotiating payment arrangements, budget counseling, investigation and resolving informal and formal complaints associated with payment arrangements, securing and maintaining deposits, tracking delinquent accounts, collection agencies' expenses, litigation expenses other than Commission related, dunning expenses and winter survey expenses.

(iii) The total dollar amount of the gross residential write-offs, by classification of accounts.

(iv) The total number of residential customers, by classification of accounts.

(v) The total number of residential accounts in arrears, by classification of accounts.

(vi) The total dollar amount of residential accounts in arrears, by classification of accounts.

(vii) The total number of residential customers who are payment troubled, by classification of accounts.

(viii) The total number of terminations completed, by classification of accounts.

(ix) The total number of reconnections, by classification of accounts.

(2) Program reporting is categorized as follows:

(i) For each universal service and energy conservation component, program data shall include information on the following:

(A) Program costs.

(B) Program recipient demographics, including age of family members, family size, gender of head of household, income and source of income.

(C) Participation levels.

(D) Program benefits.

(ii) Additional program data for individual universal service and energy conservation components shall include the following information:

(A) LIURP. Reporting requirements as established in § 58.15 (relating to program evaluation).

(B) CAP.

(I) Energy assistance benefits.

(II) Average CAP bills.

(III) Payment rate.

(C) CARES.

(I) Energy assistance benefits.

(II) Direct dollars applied to CARES accounts.

(III) Indirect dollars applied to CARES accounts.

(D) Hardship funds.

(I) Ratepayer contributions.

(II) Special contributions.

(III) Utility contributions.

(IV) Outreach contacts.

§ 54.76. Evaluation reporting requirements.

Each EDC shall have a third-party conduct an impact evaluation of its universal service and energy conservation programs. The first impact evaluation will be due January 1, 2003. Subsequent evaluation reports shall be presented to the EDC and the Commission at no more than 6-year intervals.

(1) An independent third-party evaluator shall conduct the impact evaluation.

(2) The Commission may request periodic status reports from the EDC or the evaluator.

(3) The evaluator shall submit a copy of the initial draft and final evaluation report to both the Commission's Bureau of Consumer Services and to the EDC.

§ 54.77. Electric distribution companies with less than 55,000 residential accounts.

Beginning March 1, 1999, each EDC with less than 55,000 accounts shall report to the Commission on a biennial basis the following information in lieu of §§ 54.74—54.76 (relating to universal service and energy conservation plans; annual residential collection and universal service and energy conservation program reporting requirements; and evaluation reporting requirements):

(1) The universal service and energy conservation plan.

(2) Expenses associated with low-income customers.

(3) A description of the universal service and energy conservation services provided to low-income residential customers.

(4) Number of services or benefits provided to low-income residential customers.

(5) Dollar amount of services or benefits provided to low-income residential customers.

(6) Other reports requested by the Commission.

[Pa.B. Doc. No. 98-174. Filed for public inspection January 30, 1998, 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 20, 1998.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-14-98	United Asian Bank (In Organization) Philadelphia Philadelphia County	1010 Arch Street Philadelphia Philadelphia County	Approved Incorporated 1-15-98

Mergers, Consolidations and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-13-98	Peoples State Bank of Wyalusing Wyalusing Bradford County Purchase of assets/assumption of liabilities of three branch offices of Northern Central Bank, Williamsport, <i>Located At:</i> Route 220 New Albany Bradford County Main Street Ulster Bradford County	Wyalusing Eagles Mere Avenue Eagles Mere Sullivan County	Approved
1-16-98	Financial Trust Company Chambersburg Franklin County Purchase of assets/assumption of liabilities of seven branch offices of Pennsylvania National Bank and Trust Company, Pottsville, <i>Located At:</i> 4231 Trindle Road Camp Hill Cumberland County 1002 N. Seventh St. Harrisburg Dauphin County 5074 Jonestown Road Harrisburg Dauphin County 1661 E. Chocolate Ave. Hershey Dauphin County	Chambersburg N. Front & Market Sts. Harrisburg Dauphin County 2151 Linglestown Road Harrisburg Dauphin County 5137 Jonestown Road Harrisburg Dauphin County	Filed

NOTICES

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-15-98	Berks County Bank Reading Berks County	500 Hawkridge Drive Hamburg Berks County	Filed
1-15-98	Fidelity Deposit and Discount Bank Dunmore Lackawanna County	Clarks Summit State Hospital 1451 Hillside Drive Clarks Summit Lackawanna County	Filed
1-20-98	First County Bank Doylestown Bucks County	3325 Street Road Bensalem Bucks County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-20-98	Fulton Bank Lancaster Lancaster County	<i>To:</i> Village at Gap Shopping Center Route 30 Salisbury Township Lancaster County <i>From:</i> 841 Route 41 Salisbury Township Lancaster County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-13-98	Northern Central Bank Williamsport Lycoming County	Route 220 New Albany Bradford County	Approved
1-13-98	Northern Central Bank Williamsport Lycoming County	Main Street Ulster Bradford County	Approved
1-13-98	Northern Central Bank Williamsport Lycoming County	Eagles Mere Avenue Eagles Mere Sullivan County	Approved

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 98-175. Filed for public inspection January 30, 1998, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council; Meeting Notice

A meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Monday, February 9, 1998. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 98-176. Filed for public inspection January 30, 1998, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Professional Standards and Practices Commission; Application of Stephen M. Landini for Reinstatement of Teaching Certificate; Doc. No. RE 97-01

Under the Teacher Certification Law (Law), act of December 12, 1973 (P. L. 397, No. 141) as amended (24 P. S. §§ 2070.1—2070.18), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of Stephen M. Landini for reinstatement of his teaching certificate.

On or about September 11, 1997 Stephen Landini filed an application for reinstatement of his teaching certificate under section 16 of the Teacher Certification Law (24 P. S. § 2070.16), §§ 35.1 and 35.2 of the General Rules of Administrative Practice and Procedure (1 Pa. Code §§ 35.1 and 35.2) and 22 Pa. Code § 233.14 (relating to reinstatement). Under section 16 of the Law, the Department of Education on December 23, 1997, recommended to the Commission that the application be denied. In accordance with the Law, and the General Rules of Administrative Practice and Procedure, the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as might be necessary, and to prepare a proposed report to the

Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties desiring to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with §§ 35.27—35.32 of the General Rules of Administrative Practice and Procedure (1 Pa. Code §§ 35.27—35.32) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with § 35.23 of the General Rules of Administrative Practice and Procedure (1 Pa. Code § 35.23).

Notices and petitions to intervene and protest shall be filed with Dr. Warren D. Evans, Executive Director of the Professional Standards and Practices Commission, at 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate, should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

WARREN D. EVANS,
Executive Director

[Pa.B. Doc. No. 98-177. Filed for public inspection January 30, 1998, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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 0054305. Industrial waste, **Sun Company, Inc. (R&M)**, 1801 Market Street, Ten Penn Center, Philadelphia, PA 19103-1699.

This application is for renewal of an NPDES permit to discharge treated stormwater using oil water separator serving Exton Petroleum marketing terminal located in West Whiteland Township, **Chester County**. This is an existing discharge to the grassy field behind the terminal within the drainage basin of an unnamed tributary to Valley Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of stormwater from the oil water separator are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons		monitor/report	
Diesel Range Organics		monitor/report	
Gasoline Range Organics		monitor/report	

Other Requirements:

1. DMR to DRBC
2. Product Contaminated Stormwater Runoff
3. Monitoring and Reporting
4. PPC Plan Requirements
5. Other Wastewaters
6. Definitions

The EPA waiver is in effect.

PA 0050547. Sewage, **Indian Run Village MHP**, Route 82, 1 Lenape Way, Honeybrook, PA 19344.

This application is for renewal of an NPDES permit to discharge treated sewage from Indian Run MHP in West Brandywine Township, **Chester County**. This is an existing discharge to Indian Run Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 37,500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	20	40
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Phosphorus (as P)		
(4-1 to 10-31)	1.0	2.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	
Total Residual Chlorine		
(issuance through Year 2)	0.7	2.0
(year 3 through expiration)	0.4	1.0

Other Conditions:

The EPA waiver is in effect.

Final water quality based effluent limitation for Total Residual Chlorine.

PA 0050059. Sewage, **English Village Service Company, Inc.**, 1201 Bethlehem Pike, Suite 104, North Wales, PA 19454.

This application is for renewal of an NPDES permit to discharge treated sewage from English Village Apartments STP in Horsham Township, **Montgomery County**. This is an existing discharge to Park Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of .12 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	1.0	2.0
(11-1 to 4-30)	3.0	6.0
Nitrate and Nitrate		
(7-1 to 10-31)	10.0	20.0
Phosphorus (as P)		
(4-1 to 10-31)	2.0	4.0
Total Residual Chlorine	0.1	0.23
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

Other Conditions:

The Total Residual Chlorine limit is effective 2 years from permit issuance.

The EPA waiver is in effect.

PA 0035297. Industrial waste, **Sun Company, Inc. (R&M)**, 1801 Market Street, Ten Penn Center, Philadelphia, PA 19103-1699.

This application is for renewal of an NPDES permit to discharge treated stormwater runoff from oil water separator serving Twin Oaks petroleum marketing terminal located in Upper Chichester Township, **Delaware County**. This is an existing discharge to an unnamed tributary to Baldwin Run. This also includes a discharge of treated groundwater to the unnamed tributary to Baldwin Run.

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

The proposed effluent limits for Outfalls 001 and 002, based on an average flow of treated stormwater are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons			monitor/report
Diesel Range Organics			monitor/report
Gasoline Range Organics			monitor/report

The proposed effluent limits for Outfall 003, based on an average flow of 36,000 gpd of treated groundwater are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Benzene	0.001	0.002	0.0025
Total BETX	0.1	0.2	0.25
Ethylbenzene	monitor/report	monitor/report	
Toluene	monitor/report	monitor/report	
Total Xylene	monitor/report	monitor/report	
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

Other Requirements:

1. DMR to DRBC
2. Product Contaminated Stormwater Runoff
3. Monitoring and Reporting
4. PPC Plan Requirements
5. Other Wastewaters
6. Definitions
7. Groundwater Monitoring

Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3670.

PA 0111937. Sewerage, SIC: 4952, **Patriot Treatment Plant, Inc.**, 6009 New Berwick Highway, Bloomsburg, PA 17815.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to locally known as Campbells Run (Unnamed Tributary of Susquehanna River) in South Centre Township, **Columbia 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 Danville Municipal Authority located at Danville.

The proposed effluent limits for Outfall 001, based on a design flow of 0.02 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>	<i>Instantaneous Minimum (mg/l)</i>
CBOD ₅	25		50	
TSS	30		60	
Ammonia-N				
(5-1 to 10-31)	3		9	
(11-1 to 4-30)	5		10	
Dissolved Oxygen				5.0
Total Cl ₂ Residual	0.9		2.0	
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.

PA 0209554. Sewerage, SIC: 4952, **Con-Way Central Transportation Services, Inc.**, 3240 Hillview Avenue, Palo Alto, CA 94304.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage wastewater to an unnamed tributary of Valley Fork Run in Bradford Township, **Clearfield 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 PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.001 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
Free Cl ₂ Residual	report		
Fecal Coliforms	200 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0034169. SIC: 4952, **Astro Village Mobile Home Park**, 731 Buck Wood Lane, Lititz, PA 17543-8436.

This proposed action is for reissuance of an NPDES permit for an existing discharge of treated sewage to Housel Run in West Chillisquaque Township, **Northumberland County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury Municipal Authority on the Susquehanna River, 14 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0283 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	10	20
Total Chlorine Residual	1	2.3
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	200/100 ml as a geometric average	
pH	6.0—9.0 at all times	

Other Conditions: none

The EPA waiver is in effect.

PA 0023582. Sewerage, SIC: 4952, **Freeburg Borough Municipal Authority**, P. O. Box 308, Freeburg, PA 17827.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Susqueheca Creek in Freeburg Borough, **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 Consolidate located at Dauphin.

The proposed effluent limits for Outfall 001, based on a design flow of 0.11 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
TSS	30	45	60
Ammonia-N (5-1 to 10-31)	9.5	14	19
Total Cl ₂ Residual	1.0		2.3
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 0098876. Industrial waste, SIC: 7991, **YMCA of Pittsburgh, South Hills YMCA**, 51 McMurray Road, Upper St. Clair, PA 15241.

This application is for renewal of an NPDES permit to discharge groundwater in Upper St. Clair Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, McLaughlin Run, 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 West View Borough Municipal Water Authority, located at West View, 20 miles below the discharge point.

Outfall 001: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This outfall shall contain groundwater from dewatering of wells during swimming pool maintenance.					

The EPA waiver is in effect.

PA 0007196. Sewage, **Helvetia Coal Company**, P. O. Box 729, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated sewage from Lucerne No. 8 Sewage Treatment Plant in Young Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Blacklegs Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Freeport Water Company on the Allegheny River.

Outfall 002: existing discharge, design flow of 0.005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	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)	0.08			0.18

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0028193. Sewage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237.

This application is for renewal of an NPDES permit to discharge treated sewage from Longvue No. 2 in Ross Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Girty's Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Millvale Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.1 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10	20		30
Suspended Solids	25	38		50
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.0	4.5		6.0
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)	1.0			3.0
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			
Copper		monitor and report		
Silver		monitor and report		

The EPA waiver is in effect.

PA 0039489. Sewage, **Garrett Borough Municipal Authority**, P. O. Box 218, 307 Municipal Road, Garrett, PA 15542.

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

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

Outfall 001: existing discharge, design flow of .0677 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0216178. Sewage, **Cecil Township Municipal Authority**, 3655 Millers Run Road, Cecil Township Municipal Building, McDonald, PA 15321.

This application is for renewal of an NPDES permit to discharge treated sewage from the Cherrybrook Sewage Treatment Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Chartiers Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority located on the Ohio River.

Outfall 001: existing discharge, design flow of 0.09005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	4.0	6.0		8.0
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)	0.14			0.33
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.

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

PA 0103136. Sewage, **Woodhaven Mobile Home Park**, Greene Township, Shane L. Kosterman, 7950 Page Road, Wattsburg, PA 16442.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage from a waste water treatment plant in Greene Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water and migratory fishery, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing potable water supply between the point of discharge and Lake Erie to consider during the evaluation.

The proposed effluent limits for Outfall 001, based on an average design flow of 0.03 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Phosphorus as P	1.0	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml	
(10-1 to 4-30)	2,000/100 ml	
Dissolved Oxygen	6.0	
Total Residual Chlorine	0.5	1.2
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0210331. Sewage. **Pine Grove Mobile Home Park and Sales**, 374 N. Perry Highway, Mercer, PA 16137.

This application is for renewal of an NPDES permit to discharge sewage to unnamed tributary to Munell Run in Coolspring Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocking fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Beaver River on the Municipal Authority of North Sewickly located at North Sewickly Township, approximately 33 miles below point of discharge.

The proposed discharge limits for Outfall 001, based on a design flow of 0.0375 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX
CBOD ₅	10	20
Total Suspended Solids	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 mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0040967. Sewage, SIC: 42122, **Kinzua Ltd., Wolf Run Marina**, P. O. Box 825, Warren, PA 16365.

This application is for renewal of an NPDES permit to discharge treated sewage from an existing sewage treatment plant serving a marina and restaurant complex to the Allegheny River/Reservoir in Mead Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at river mile 90, approximately 112.5 miles below point of discharge.

The proposed discharge limits for Outfall 001, based on a design flow of 0.004150 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XXXX	XXXX	XXXX
CBOD ₅	25		50
TSS	30		60
Ammonia	15		30
TRC	1.5		3.5
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
pH	6.0—9.0 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 following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already

filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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. 4598401. Sewerage. **J. A. Snyder Entities, Inc., Fountain Court**, Rt. 611, Bartonsville, PA 18321. Application to construct and operate a sewage treatment plant, and sewers and appurtenances to serve Fountain Springs West, located in Pocono Township, **Monroe County**. Application received in the Regional Office—January 2, 1998.

A. 5897402. Sewerage. **Flying J, Inc.**, 50 West 990 South, Brigham City, Utah 84302. Application to con-

struct and operate a sewage treatment plant, pump stations, sewers and appurtenances to serve Flying J Travel Plaza, located in Harford and New Milford Townships, **Susquehanna County**. Application received in the Regional Office—July 9, 1997.

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

A. 0397401. Sewerage. **Canterbury Coal Company**, R. R. 1, Box 119, Avonmore, PA 15618. Application for the construction and operation of a sewage treatment plant located in the Township of Kiskiminetas, **Armstrong County** to serve the DiAnne Mine, Shaft Site.

A. 6397408. Sewerage. **David Harchuck**, 122 Kerr Road, New Kensington, PA 15068. Application for the construction and operation of a small flow treatment facility located in the Township of Washington, **Westmoreland County** to serve the Harchuck Office Building.

A. 6396409. Sewerage. **South Strabane Township Sanitary Authority**, 550 Washington Road, Washington, PA 15301. Application for the construction of approximately 4,500 l. f. of 10 inch diameter force main sewer along with the construction of a sewage pump station located in the Township of South Strabane, **Washington County** to serve the Windsor Highlands Pump Station.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

A. 6397409. Sewerage. **New Eagle Borough Municipal Authority**, 157 Main St., New Eagle, PA 15067. Application for the demolition of the Borough's two existing 0.15 mgd sewage treatment plants and the construction of a single 0.8 mgd sequencing batch reactor sewage treatment plant at the existing treatment plant "A" site located in the Borough of New Eagle, **Washington County** to serve the New Eagle Borough STP. The project also consists of a pumping station at the existing treatment plant "B" location and a force main from the Borough of New Eagle and a future additional 0.3 mgd from the Dry Run area of Carroll Township.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

WQM Permit No. 3398401. Sewerage. **Lundberg Treatment Facility Association**, R. D. 1, Box 114, Brockway, PA 15824. This project is for a small flow treatment facility to be installed to handle domestic sewage from a maximum of five residential homes in Snyder Township, **Jefferson County**.

WQM Permit No. 1098401. Sewerage. **Tim J. Hall**, SRSTP, 105 Sturbridge Lane, Evans City, PA 16033. This

project is for the construction of a single residence sewage treatment plant in Adams Township, **Butler County**.

INDIVIDUAL PERMITS

(PAS)

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. 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 discharged.

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

NPDES Permit PAS10-PAS10-D103. Stormwater. **Judd Builders and Developers**, 1750 Walton Road, P. O. Box 1650, Blue Bell, PA 19422, has applied to discharge stormwater from a construction activity located in Richland Township, **Bucks County**, to Tohickon Creek.

NPDES Permit PAS10-PAS10-J042. Stormwater. **Rose Tree Media School District**, 901 North Providence Road, Media, PA 19360, has applied to discharge stormwater from a construction activity located in Middletown Township, **Delaware County**, to Ridley Creek.

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

NPDES Permit PAS10X086. Stormwater. **PADEP, BAMR**, P. O. Box 8476, Harrisburg, PA 17105-8476 has applied to discharge stormwater from a construction activity located in Murrysville, **Westmoreland County** to an unnamed tributary to Steels Run.

SAFE DRINKING WATER

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

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

A. 0997519. Public water supply. **Buckingham Township**, Mark A. Curfman, P. O. Box 413, Buckingham, PA 18912. This proposal involves the construction of two wells, a service building, a water storage tank and a distribution system to provide a water supply system to the proposed Yerkes Tract and Buckingham Forest developments in Buckingham Township, **Bucks County**.

Southcentral Regional Office, Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4692.

A. 6797503. Public water supply. **Daisy Data, Inc.**, Newberry Township, **York County**. *Responsible Official:* Henry Shefet, President, 2850 Lewisberry Road, York Haven, PA 17370; *Type of Facility:* Construction permit for installation of granular activated carbon and ultraviolet light facilities for removal of volatile organic compounds at an existing noncommunity water system; *Consulting Engineer:* Raymond F. Ravid, P. E., Ravid Associates, 3700 Kramer Street, Harrisburg, PA 17109.

A. 3198501. Public water supply. **Saltillo Municipal Water Works**, Clay Township, **Huntingdon County**. *Responsible Official:* Eugene Cornelius, Vice-President, Box 171, Saltillo, PA 17253; *Type of Facility:* Development of a new well with a disinfection system; *Consulting Engineer:* Dana R. Boob, Dana R. Boob Surveying and Engineering, P. O. Box 699, Millheim, PA 16854.

A. 0197506. Public water supply. **Heritage Hill II Partnership**, Littlestown Borough, **Adams County**. *Responsible Official:* Harry McKean, General Partner, 209 Locust Street, P. O. Box 215, East Berlin, PA 17316; *Type of Facility:* Construction permit for Well No. 1 at a rate of 80 gpm. Treatment will consist of disinfection via gas chlorination. The well will be developed and turned over to the Littlestown Borough Authority; *Consulting Engineer:* Richard M. Bodner, P. E., Martin and Martin, Inc., 37 South Main Street, Suite A, Chambersburg, PA 17201.

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

A. M. A. The Department issued a construction permit to **The Borough of Westfield** (429 East Main Street, Westfield Borough, **Tioga County**) authorizing construction of a replacement water line crossing under the Cowanesque River adjacent to State Route 49.

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

1198501. Blacklick Valley Municipal Authority, P. O. Box 161, Vintondale, PA 15961. Construction water main, a chlorination building and appurtenances to update and consolidate the existing water systems serving Twin Rocks and Vintondale; and extend service to Belsano and Ragleyville, **Cambria and Indiana Counties**.

3290501-A2. Saltsburg Borough, 320 Point Street, P. O. Box 104, Saltsburg, PA 15681. Construction of a 500,000 gallon finished water storage tank and waterlines serving Saltsburg Borough, **Indiana County**.

0288509-A1. Sharpsburg Borough, 1021 North Canal Street, Pittsburgh, PA 15215. Installation of Aqua Mag and addition of caustic soda for corrosion control serving Sharpsburg Borough, **Allegheny County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

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

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

Northcentral Regional Office, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.

Woloshyn Facility, Wysox Township, **Bradford County**. William Woloshyn, R. R. 2, Box 72 A-1, Wysox,

PA 18854 has submitted a Notice of Intent to Remediate groundwater contaminated with solvents. 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 Daily Review* on December 15, 1997.

Northeast Regional Field Office, Joseph A. Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Pennsylvania Power & Light Company (PP&L)—Distribution pole #52430N25109, Summit Hill Borough, **Carbon County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard.

Pennsylvania Power & Light Company (PP&L)—Distribution pole #67963N44494, Palmyra Township, **Pike County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard.

Pennsylvania Power & Light Company (PP&L)—Distribution pole #63450N45417, Salem Township, **Wayne County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard.

Pennsylvania Power & Light Company (PP&L)—Distribution pole #5993S45020, Lower Macungie Township, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard.

Pennsylvania Power & Light Company (PP&L)—Distribution pole #61478S47427, South Whitehall Township, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard.

Pennsylvania Power & Light Company (PP&L)—Distribution pole #63219S50608, Allen Township, **Northampton County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

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

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

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

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

Diamond Oil Property, City of Coatesville, **Chester County**. Jim Taylor NePo Associates, Inc., 127 Willowbrook Lane, West Chester, PA 19382, has submitted a Notice of Intent to Remediate site soil and groundwater

contaminated with BTEX and polycyclic aromatic hydrocarbons. The site is located in a Special Industrial Area, within the Coatesville Enterprise Zone. The applicant's proposed remediation will address any immediate, direct or imminent threat to public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in *The Coatesville Ledger* on November 26, 1997.

West Chester Laundry, Borough of West Chester, **Chester County**. Gloria G. Hunsberger, Powell-Harpstead, Inc., 1313 West Chester Pike, West Chester, PA 19382, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Statewide health standards for soil and site specific standards for groundwater. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Local News*, on December 26, 1997.

AIR POLLUTION OPERATING PERMITS

Operating Permit applications received 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.*

46-318-037: United States Can Company (431 Privet Road, Horsham, PA 19044) for the operation of can side seam welding and coating lines in Horsham Township, **Montgomery County**.

15-310-025A: Glasgow, Inc. (660 Morehall Road, Malvern, PA 19355) for the operation of stone crushing plant in East Whiteland, **Chester County**.

46-399-056A: MM Biogas Power LLC (709 Swedeland Road, King of Prussia, PA 19046) for the operation of three IC Engines in Upper Merion Township, **Montgomery County**.

46-399-109: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) for the operation of an industrial wastewater plant in Upper Merion Township, **Montgomery County**.

46-318-049: Triumph Controls (205 Church Road, North Wales, PA 19454) for the operation of paint spray booth in Upper Gwynedd Township, **Montgomery County**.

*Northeast Regional Office, Air Quality Program, Two
Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

39-399-029A: Air Products & Chemicals Inc. (7201 Hamilton Blvd., Allentown, PA 18195) for the operation of two thermal reactors with air pollution control by a thermal oxidizer in Upper Macungie Township, **Lehigh County**.

40-309-036A: Schott Glass Technologies Inc. (400 York Ave., Duryea, PA 18642) for the operation of a glass melting furnace with air pollution control by a scrubber and baghouse in Duryea Borough, **Luzerne County**.

*Southcentral Regional Office, Air Quality Program, One
Ararat Blvd., Harrisburg, PA 17110, (717) 657-4587.*

06-312-009A: Scranton-Altoona Terminals Corp. (P. O. Box 2621, Harrisburg, PA 17105) for a bulk gasoline terminal controlled by two adsorption units and storage

tanks controlled by internal floating roofs in Sinking Spring, **Berks County**. Various sources are subject to 40 CFR 60, Subpart XX, Standards of Performance for New Stationary Sources.

06-322-003: New Morgan Landfill Co. (P. O. Box 128, Morgantown, PA 19543) for a municipal solid waste landfill controlled by a gas collection system and enclosed flare in New Morgan, **Berks County**. This source is subject to 40 CFR 60, Subpart WWW, Standards of Performance for New Stationary Sources.

06-310-026A: Pottstown Trap Rock Quarry, Inc. (P. O. Box 196, Skippack, PA 19474) for a nonmetallic mineral crushing plant controlled by wet suppression in Douglass Township, **Berks County**. The sources are subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

07-313-012I: QCI, A ChemFirst Co. (P. O. Box 216, Tyrone, PA 16686) for a batch specialty chemical manufacturing operation in Tyrone Borough, **Blair County**.

36-05067: C & D Technologies, Inc. (82 East Main Street, Leola, PA 17540) for the operation of a lead-acid battery manufacturing operation in Upper Leacock Township, **Lancaster County**. The operation is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

36-308-005D: Colonial Metals Co. (217 Linden Street, P. O. Box 311, Columbia, PA 17512-0311) for the operation of a brass and bronze melting plant in Columbia Borough, **Lancaster County**. This operation is subject to 40 CFR 60, Subpart M, Standards of Performance for New Stationary Sources.

36-313-030E: Warner-Lambert Co. (400 W. Lincoln Avenue, Lititz, PA 17543) for the operation of a pharmaceutical manufacturing plant in Lititz Borough, **Lancaster County**.

38-318-035: Supreme Mid-Atlantic Corp. (P. O. Box 779, Jonestown, PA 17038) for the lift gate painting operation at Plant #3 in West Lebanon Township, **Lebanon County**.

38-320-001: Milprint Incorporated (Five Keystone Drive, Lebanon, PA 17042) for a printing operation controlled by a regenerative thermal oxidizer in South Lebanon Township, **Lebanon County**.

67-302-136: PECO Energy Co. (R. D. 1, Box 208, Delta, PA 17314) for two auxiliary boilers located in Peach Bottom Township, **York County**.

67-310-004F: Medusa Minerals Co. (P. O. Box 220, Thomasville, PA 17364) for the operation of a limestone crushing/grinding plant in Jackson Township, **York County**. This operation is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

67-310-035B: Global Stone PenRoc, Inc. (P. O. Box 1967, York, PA 17405-1967) for the limestone processing operation at the roofing plant in West Manchester Township, **York County**. This operation is subject to Subpart OOO, Standards of Performance for New Stationary Sources.

*Northcentral Regional Office, Air Quality Program, 200
Pine Street, Williamsport, PA 17701, (717) 327-3637.*

53-301-001: Charles Cole Memorial Hospital (R. R. 1, Box 205, Coudersport, PA 16915-9762) for the operation of an infectious waste incinerator in Eulalia Township, **Potter County**.

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

OP-11-00390: Johnstown America Corporation (17 Johns Street, Johnstown, PA 15901) for the operation of its rail car manufacturing facility at its Shell Plant in West Taylor Township, **Cambria County**.

OP-65-00602: Derry Construction Co., Inc. (R. D. 5, Box 34, Latrobe, PA 15650) for the operation of an asphalt paving material manufacturing plant at its Torrance Plant in Derry Township, **Westmoreland County**.

OP-65-00594: Fatur's Market, Inc. (207 Athena Drive, Delmont, PA 15626) for the operation of a super-market incinerator at its Foodland Market in Delmont, **Westmoreland County**.

OP-11-00051: Quaker Sales Corporation (P. O. Box 880, Johnstown, PA 15907) for the operation of a batch asphalt plant at the Pennac Asphalt Site in West Taylor Township, **Cambria County**.

OP-03-00187: Rosebud Mining Company (R. D. 9, Box 279A, Kittanning, PA 16201) for the operation of its Bostonia Coal Preparation Plant in Perry Township, **Armstrong County**.

OP-03-00088: Paul Bradigan & Sons, Inc. (P. O. Box 995, South Water Street, Kittanning, PA 16201) for the operation of a petroleum wholesaling terminal in Manor Township, **Armstrong County**.

OP-65-00597: Westinghouse Electric Corporation (1310 Beulah Road, Pittsburgh, PA 15235) for the operation of testing laboratories at its Science and Technical Center in Hempfield Township, **Westmoreland County**.

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

PA-25-955A: Foam Fabricator Inc. (6550 W. 26th St., Erie, PA 16506) for the operation of polystyrene fabrication in Fairview Township, **Erie County**.

43-399-016: GE Transportation Systems (1503 West Main St. Ext., Grove City, PA 16127) for the operation of diesel engine test cells and diesel engine turbocharger test in Grove City, **Mercer County**.

Notice of Intent to Revise Municipal Solid Waste (MSW) Landfill Operating Permit

Under section 111(d) of the 1990 Clean Air Act Amendments, the United States Environmental Protection Agency (EPA) promulgated Emission Guidelines (EG) for existing MSW landfills to control the emission of landfill gases. (See 61 FR 9905, March 12, 1996). A MSW landfill is considered an existing MSW landfill if the facility began construction, modification or reconstruction before May 30, 1991; or received waste on or after November 8, 1987, or has additional capacity available for the future deposition of waste control of landfill gases from existing landfills using best demonstrated technology.

The Commonwealth's State Plan for implementing the EG was submitted to the EPA on July 1, 1997. In accordance with the 111(d) plan, the Department of Environmental Protection (Department) will enforce the requirements of the EG through the issuance of Federally Enforceable State Operating Permits (FESOPS) to designated MSW landfills. Therefore, in accordance with the plan, the operating permit issued to the landfills identified, will be revised to incorporate the requirements of the

EG. This revised permit will serve as the enforcement mechanism for the EG requirements.

Copies of the proposed permit amendments and other relevant information are available for public inspection and additional information may be obtained by contacting the Regional Office.

Interested persons may submit written comments, suggestions or objections concerning the proposed permit amendments 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 persons 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.

Northcentral Regional Office: Air Quality Program, 208 West 3rd Street, Williamsport, PA 17701, Attn: Richard Maxwell, (717) 327-3637.

41-322-001: Lycoming County Resource Management Services (R. D. 2, Box 587, Montgomery, PA 17752). The Lycoming County Landfill located in Brady Township, **Lycoming County**, has been identified as an emitter of nonmethane organic compounds at a level equal to or exceeding the EG threshold.

18-322-003: Clinton County Solid Waste Authority (P. O. Box 209, McElhattan, PA 17748). The Wayne Township Landfill located in Wayne Township, **Clinton County**, has been identified as an existing municipal solid waste landfill with a design capacity in excess of the EG capacity threshold but as an emitter of nonmethane organic compounds at a level less than the EG threshold. This determination is based upon air contaminant emission information submitted by the Clinton County Solid Waste Authority.

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 (relating to operating permit requirements) and G (relating to Title V Operating Permits).

Copies of the Title V application, proposed permit and other relevant information are available for public inspection and additional information may be obtained by contacting 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 persons 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.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, Attn: Michael Safko, (717) 826-2531.

40-00014: Stroehmann Bakeries, Inc. (Valmont Facility, Kiwanis Boulevard, West Hazleton, PA 18201) in Hazleton Township, **Luzerne County**. The facility's major sources of emissions include the bread and roll ovens which primarily emit volatile organic compounds (VOCs).

54-00004: Gilberton Power Company (John Rich Memorial Power Station, P. O. Box 7, Frackville, PA 17931) in West Mahanoy Township, **Schuylkill County**. The facility's major sources of emissions include the two circulating fluidized bed boilers which primarily emit sulfur oxides (SO_x), nitrogen oxides (NO_x) and carbon monoxide (CO).

40-00002: Transcontinental Gas Pipe Line Corporation (Bear Creek Station 15, P. O. Box 1396, Houston, TX 77251) in Buck Township, **Luzerne County**. The facility's major sources of emissions include the five compressor engines and one turbine which primarily emit nitrogen oxide (NO_x), carbon monoxide (CO) and volatile organic compounds (VOCs).

40-00028: Eldorado Properties Corporation (Dupont Terminal, 3020 Columbia Avenue, Lancaster, PA 17603) in Pittston Township, **Luzerne County**. The facility's major source of emissions include 22 storage tanks and one loading rack which primarily emit volatile organic compounds (VOCs).

39-00007: Synthetic Thread Co., Inc. (825 Twelfth Avenue, Bethlehem, PA 18016-1277) in the City of Bethlehem, **Lehigh County**. The facility's major sources of emissions include seven bonding machines which primarily emit volatile organic compounds (VOCs).

PLAN APPROVALS

Plan Approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-46-0053: Superior Metal Products Co., Inc. (116 Berks Street, Pottstown, PA 19464) for a spray paint line in Pottstown Borough, **Montgomery County**.

PA-09-0048: Haines & Kibblehouse, Inc. (Skunk Hollow Road, P. O. Box 1, Chalfont, PA 18914) for the construction of a crushing plant in Hilltown Township, **Bucks County**.

PA-46-0078: BKL, Inc. (King of Prussia, PA 19046) for the construction of a two screen printing press/two coating in Upper Merion Township, **Montgomery County**.

PA-46-0046: Uniform Tubes, Inc. (200 West Seventh Avenue, Colledgeville, PA 19426) for the modification of a vapor degreaser in Trappe Borough, **Montgomery County**.

PA-09-0024A: Waste Management of PA, Inc. (200 Bordertown Road, Tullytown, PA 19007) for a permitted landfill in Tullytown Borough, **Bucks County**.

09-302-078: Bucks County Community College (Swamp Road, Newtown, PA 18940) for the modification of two boilers in Newtown Township, **Bucks County**.

09-313-074B: Solkatronic Chemicals, Inc. (351 Philadelphia Ave., Morrisville, PA 19067) for a specialty gas plant in Falls Township, **Bucks County**.

PA-46-0011: Lukens Steel Company (Conshohocken Road, Conshohocken, PA 19428) for the construction of a scale from plate leveling in Plymouth Township, **Montgomery County**.

PA-23-0063: Department of Corrections (4th & Morton Sts., Chester, PA 19013) for the construction of boiler/generators in City of Chester, **Delaware County**.

PA-46-0060: PA Department of Public Welfare (1001 East Sterigere Street, Norristown, PA 19401) for the installation of a #2 Fuel Oil Fired Boilers in Norristown Borough, **Montgomery County**.

AQ-SE-0004: New Hope Crushed Stone (6970 Phillips Mill Road, New Hope, PA 18938) for the construction of a portable stone crushing plant in Solebury Township, **Bucks County**.

PA-09-0052: Giles & Ransome, Inc. (200 Rittenhouse Circle South, Bristol, PA 19007) for the construction of a spray paint booth in Bristol Township, **Bucks County**.

PA-46-0057: Hale Products, Inc. (433 Washington Street, Conshohocken, PA 19428) for the installation of a Kloster Sand Heater in Conshohocken Borough, **Montgomery County**.

46-301-259B: East Norriton-Plymouth Whitpain JSA (200 Ross Street, Norristown, PA 19401) for a sludge incinerator in Plymouth Township, **Montgomery County**.

09-313-008A: Rhone-Poulenc, Inc. (2300 S. Pennsylvania Avenue, Morrisville, PA 19067) for the installation of a scrubber in Falls Township, **Bucks County**.

15-309-016A: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) for a SCR System #1 in Tredeffrin Township, **Chester County**.

23-313-025A: General Chemical Corporation (6300 Philadelphia Pike, Claymont, DE 19703) for the modification of a HF Scrubber in Marcus Hook Borough, **Delaware County**.

23-313-003C: Esschem, Inc. (4000 Columbia Avenue, Linwood, PA 19061) for a methacrylate based polymer process in Lower Chichester Township, **Delaware County**.

PA-15-0027A: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) for the installation of a drum dryer dust collector in Tredeffrin Township, **Chester County**.

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

39-302-157: Macintosh Linen & Uniform Rental Inc. (1202 W. Allen St., Allentown, PA 18102) for the construction of a natural gas fired boiler in Allentown, **Lehigh County**.

39-302-158: Macintosh Linen & Uniform Rental Inc. (1202 W. Allen St., Allentown, PA 18102) for the construction of a natural gas fired boiler in Allentown, **Lehigh County**.

40-399-038A: Harris Semiconductor Inc. (125 Crestwood Road, Mountaintop, PA 18707) for the modification of the Fab 8 manufacturing line in Wright Township, **Luzerne County**.

48-323-004G: S & L Plastics Inc. (2860 Bath Pike, Nazareth, PA 18064) for the construction of a burn off oven with air pollution control by a secondary burner in Upper Nazareth Township, **Northampton County**.

Southcentral Regional Office, Air Quality Program, One Ararat Blvd., Harrisburg, PA 17110, (717) 657-4587.

29-303-002C: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) for the modification of bituminous concrete batch plant in Bethel Township, **Fulton County**.

36-308-068B: J. Walter Miller Co. (411—427 E. Chestnut Street, Lancaster, PA 17602) for the installation of an air cleaning device on the automatic molding line located in Lancaster Township, **Lancaster County**.

36-308-085: J. Walter Miller Co. (411—427 E. Chestnut Street, Lancaster, PA 17602) for the modification of the foundry sand system located in Lancaster Township, **Lancaster County**.

36-310-075: D. M. Stoltzfus & Son, Inc. (Talmage Quarry, Snake Hill & Quarry Roads, Talmage, PA 17580) for the construction of a portable rock crushing plant in Upper Leacock Township, **Lancaster County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

36-320-014D: R. R. Donnelley & Sons Co. (1375 Harrisburg Pike, Lancaster, PA 17601) for the construction of a heat set offset lithographic printing press and thermal oxidizer in Lancaster City, **Lancaster County**.

06-1007L: Carpenter Technology Corp. (P. O. Box 14622, Reading, PA 19612-4662) for five small combustion units in Reading, **Berks County**.

06-1007N: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) for a reheat furnace and two small combustion units in Reading, **Berks County**.

06-319-077C: General Battery Corp. (P. O. Box 13995, Reading, PA 19612-3995) for two lead pots controlled by a wet scrubber in Laureldale, **Berks County**. The sources are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

21-02026A: Carlisle Syntec, Inc. (P. O. Box 7000, Carlisle, PA 17013) for the installation of a natural gas-fired IC engine/air compressor unit in Carlisle, **Cumberland County**.

36-05067A: C & D Technologies, Inc. (82 East Main Street, Leola, PA 17540) for modification of the existing lead-acid battery manufacturing operation in Upper Leacock Township, **Lancaster County**. The operation is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

59-304-008A: Ward Manufacturing, Inc., ACP Division (P. O. Box 9, Blossburg, PA 16912-0009) for the construction of an iron castings annealing furnace in Lawrence Township, **Tioga County**.

41-305-004F: Keystone Filler and Manufacturing Company (P. O. Box 120, Muncy, PA 17756) for the construction and installation of air cleaning devices on various pieces of carbon products processing equipment in Muncy Creek Township, **Lycoming County**.

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

PA-11-423A: Johnstown Wire Technologies (124 Laurel Avenue, Johnstown, PA 15906) for the installation of an automatic cleaning house at its facility located in Johnstown, **Cambria County**.

PA-63-570A: RAS Industries (12 Eighty Four Drive, Eighty Four, PA 15330) for an architectural molding manufacturing operation at its facility located in Speers Borough, **Washington County**.

PA-63-649D: Polycom Huntsman (55 Galiffa Drive, Donora, PA 15033) for the installation of baghouses and electrostatic precipitators for the thermoplastic compounding at its Donora Plant No. 1 located in Donegal Township, **Washington County**.

PA-03-209A: Buffalo Limestone (R. D. 1, Box 55C, Kittanning, PA 16201) for the construction of a portable limestone crushing plant at its Stitt Mine located in Kittanning Township, **Armstrong County**.

PA-04-059A: Koppel Steel Corporation (P. O. Box 750, Beaver Falls, PA 15010) for the construction of a melt shop at its facility located in Koppel Borough, **Beaver County**.

PA-30-121A: Coal Recovery Company LLC (150 West Jefferson, Suite 1700, Detroit, MI 48226) for the construction of a secondary coal recovery facility at the Robena Mine Complex located in Monongahela Township, **Greene County**.

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

25-313-025E: Mallinckrodt Chemical, Calsicat Division (1707 Gaskell Ave., Erie, PA 16503) for the construction of a new box dryer controlled by an existing scrubber (Permit #25-313-025D) in Erie, **Erie County**.

PA-33-143B: John R. Zenzi, Jr. (P. O. Box 287, Anita, PA 15711) for construction of a coal processing facility (240,000 tons/year), in Cloe, Bell Township, **Jefferson County**.

33-399-009B: Huntington Foam Merger Corporation (P. O. Box 248, Brockway, PA 15824) for the construction of two polystyrene molding presses (total 420 lbs parts/hr) and an expanding unit (1,700 lbs/hr) in Brockway, **Jefferson County**.

Keystone Powdered Metal Company (P. O. Box 424, Lewis Run, PA 16738-0424) for the following sources in Lewis Run, **McKean County**.

PA-42-184D: Keystone Powdered Metal Company (P. O. Box 424, Lewis Run, PA 16738-0424) for the construction of a powdered metal part heat treating furnace (7,000 lb/run) in Lewis Run, **McKean County**.

PA-42-184B: Keystone Powdered Metal Company (P. O. Box 424, Lewis Run, PA 16738-0424) for the construction of a powdered metal part heat treating furnace (7,000 lb/run) in Lewis Run, **McKean County**.

PA-42-184C: Keystone Powdered Metal Company (P. O. Box 424, Lewis Run, PA 16738-0424) for the construction of a powdered metal part tempering furnace (7,000 lb/run) with electrostatic precipitator control in Lewis Run, **McKean County**.

PA-42-184A: Keystone Powdered Metal Company (P. O. Box 424, Lewis Run, PA 16738-0424) for the construction of a powdered metal part tempering furnace

(7,000 lb/run) with electrostatic precipitator control in Lewis Run, **McKean County**.

PA-10-285A: Waste Management Disposal Services of Pennsylvania, Inc., Northwest Sanitary Landfill (1426 West Sunbury Road, West Sunbury, PA 15683) for the construction and operation of a realignment of Cell 4-A1 to accommodate additional municipal waste disposal in Clay Township, **Butler County**.

PA-10-288A: Bear Metallurgical Company (679 East Butler Road, Butler, PA 16002) for the construction of a ferroalloy coproduct (slag) production facility (43,800 tons/year) with baghouse control in Summit Township, **Butler County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Plan Approval applications received 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.

PA-23-0001B: Sun Company, Inc. (R&M) (Delaware Ave. & Green St., Marcus Hook, PA 19061) for the approval of Facility NOx/VOC RACT located in Marcus Hook Borough, **Delaware County**.

Operating Permit applications received 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-23-0035: Community Light and Sound Inc. (333 East Fifth Street, Chester, PA 19013) for the approval of synthetic minor VOC/NOx facility in the City of Chester, **Delaware County**.

OP-46-0118: Ursinus College (P. O. Box 1000, Collegeville, PA 19426) for the approval of synthetic minor NOx facility in Collegeville Borough, **Montgomery County**.

OP-46-0054A: Abington Memorial Hospital (1200 Old York Road, Abington, PA 19001) for the approval of Facility VOC/NOx RACT in Abington Township, **Montgomery County**.

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

45-0002A: Rock-Tenn Company (Paper Mill Road, Delaware Water Gap, PA 18327) for an amendment to RACT permit #45-0002 by adding a condition for monitoring and reporting of fuel used in the boilers. There is no increase of NOx emissions resulting from this amendment. The facility is located in Delaware Water Gap Borough, **Monroe County**.

OP-39-0001: Lucent Technologies Inc. (555 Union Boulevard, Allentown, PA 18103) on November 25, 1997, for modification to their VOC/NOx RACT located in the City of Allentown, **Lehigh County**.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-5485.

E45-346. Encroachment. **Dennis T. Anschau**, R. R. 2, Box 148-A, Kunkletown, PA 18058. To construct and maintain a private low-flow bridge spanning bank to bank having a span of 10 feet and an underclearance of 2.3 feet across Chapple Creek (CWF). The project is located along Silver Spring Road, approximately 1,300 feet northwest of the intersection of T365 and T560 (Kunkletown, PA Quadrangle N: 22.6 inches; W: 14.2 inches) in Eldred Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

E48-267. Encroachment. **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018. To construct and maintain a riprap lined trapezoidal outfall channel having a bottom width of 6 feet, a depth of 2 feet, and 2 H:1V side slopes in the floodway of Saucon Creek (CWS) for the purpose of conveying sewage overflow directly to Saucon Creek. The project is located on the south side of Saucon Creek, just east of S. R. 2014 (Shimersville Road) (Hellertown, PA Quadrangle N: 21.4 inches; W: 11.7 inches) in the City of Bethlehem, **Northampton County** (Philadelphia District, Army Corps of Engineers).

E54-243. Encroachment. **Robert A. and Florence E. Arner**, R. R. 2, Box 216, New Ringgold, PA 17960. To place fill in 0.3 acre of PEM wetlands for the construction of a commercial garage. This project is located along the north side of Pine Hill Road (T-995), approximately 1 mile east of S. R. 309 (New Tripoli, PA Quadrangle N: 20.7 inches; W: 15.3 inches) in West Penn Township, **Schuyl-**

kill County. The applicant is proposing to provide 0.6 acre of replacement wetlands (Philadelphia District, Army Corps of Engineers).

E54-244. Encroachment. **Guilford Mills, Inc.**, Penn Dye Street, P. O. Box 248, Pine Grove, PA 17963. To construct and maintain two commercial building additions having dimensions of 86 feet × 38 feet constructed on piers and 52 feet × 31 feet constructed at ground elevation in the floodway of Swatara and Wideawake Creeks. This project is located at the Guilford Mills Complex located on the east side of S. R. 125 at Penn Dye Streets (Pine Grove, PA Quadrangle N: 10.5 inches; W: 2.0 inches) in Pine Grove Borough, **Schuylkill County** (Baltimore District, Army Corps of Engineers).

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

E06-506. Encroachment. **Charles Cole**, 3240 Buck Run, Bryn Athyn, PA 19009. To replace the deck on and maintain an existing bridge across Pine Creek and to construct two driveway crossings of wetlands impacting 0.32 acre of wetlands adjacent to Pine Creek at a point along Pine Creek Road (Hamburg, PA Quadrangle N: 22.2 inches; W: 3.9 inches) in Albany Township, **Berks County**. The applicant proposes to construct 0.32 acre of replacement wetlands.

E22-379. Encroachment. **Milton Hershey School**, Lawrence Davenport, Founders Hall, P. O. Box 830, Hershey, PA 17033. To restore approximately 2,950 feet of stream channel to near its original location to excavate an instream pond (Town Center Pond) to dredge and restore the banks of Founders Pond and to construct a foot bridge over Town Center Pond in the channel of a tributary to Spring Creek at a point upstream of Route 322 (Hershey, PA Quadrangle N: 4.0 inches; W: 16.7 inches) in Derry Township, **Dauphin County**.

E36-645. Encroachment. **Levi Beiler**, 183 Hershey Church Road, Kinzers, PA 17535. To remove the existing structure, construct and maintain a dual reinforced concrete box culvert, each cell having a clear span of 12-feet, with an underclearance of 4-feet and 4.5-feet across Umbles Run for access to a new farm house. Driveway crossing is located on the west side of Hershey Church Road (T-778), about 1,000 feet south of its intersection with SR 340 (New Holland, PA Quadrangle N: 6.25 inches; W: 7.0 inches) in Salisbury Township, **Lancaster County**.

E67-615. Encroachment. **YMCA of York**, Elmer Fromm, 90 North Newberry Street, York, PA 17401. To place fill in 0.22 acre of wetlands for the purpose of constructing a parking facility associated with a proposed swimming pool building located south of New Freedom Road (SR 3007) approximately 0.1 mile west of SR 3001 (Glen Rock, PA Quadrangle N: 0 inch; W: 8.1 inches) in Shrewsbury Township, **York County**. The applicant proposes to construct 0.22 acre of replacement wetlands.

Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E08-331. Encroachment. **Corry Sickler**, R. R. 6, Box 6040, Towanda, PA 18840. To place and maintain fill in 0.15 acre of a 1.0 acre palustrine emergent/scrub-shrub wetland for the purpose of constructing a commercial business. The development encompassed 3.6 acres of undeveloped land. The site is located approximately 0.5 mile west of the SR 006/SR 0187 intersection, just south

of SR 006 (Towanda, PA Quadrangle N: 4 inches; W: 4.5 inches) in Wysox Township, **Bradford County**.

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

E02-1010-A1. Encroachment. **The Lane Construction Corporation**, 965 East Main Street, Meriden, CT 06450-6006. To reissue and amend Permit No. E02-1010 to construct and maintain an 800-foot long barge docking facility consisting of embedded barges and maintain fill in 0.29 acre of wetland (PFO) in and along the right bank of the Allegheny River (WWF), to perform slope restoration along the right bank of Riddle Run (WWF) from its confluence with the Allegheny River upstream approximately 300 feet, for the purpose of unloading gravel. The project is located near River Mile 17.0 (New Kensington West, PA Quadrangle N: 7.0 inches; W: 3.0 inches) in Springdale Borough, **Allegheny County**. The applicant proposes to meet the wetland replacement obligation by contributing to the Wetland Replacement Fund.

E63-444. Encroachment. **Victor Dosse**, Box 57, Venetia, PA 15367. To place and maintain fill in approximately 0.77 acre of wetlands (PEM/PSS) and to construct approximately 0.9 acre of wetlands (PSS) for the proposed development of Nottingham Parcel 6 consisting of a 30 lot residential subdivision. The project is located along Arrowhead Lane (Hackett Quadrangle N: 20.9 inches; W: 12.5 inches) in Nottingham Township, **Washington County**.

E02-1214. Encroachment. **County of Allegheny, Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2747. To rehabilitate and maintain the existing Homestead High-Level Bridge across the Monongahela River (WWF) located approximately 6,800 feet upstream from the Glenwood Bridge (Pittsburgh East, PA Quadrangle N: 6.5 inches; W: 6.1 inches) Homestead Borough and City of Pittsburgh, **Allegheny County**.

E65-683. Encroachment. **Wayne Vargo**, 2621 Patrice Lane, Murrysville, PA 15668. To place and maintain fill in 0.23 acre of wetlands (PEM) for the purpose of constructing a commercial office building. The wetlands are located within the Turtle Creek watershed and along SR 0022, 1,000 feet west of its intersection with SR 4041 (Murrysville, PA Quadrangle N: 8.5 inches; W: 5.0 inches) in Murrysville Borough, **Westmoreland County**. The applicant proposes to meet the wetland replacement obligation by contributing to the Wetland Replacement Fund.

Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-273. Encroachment. **Seven Fields Development Co.**, 2200 Garden Drive, Suite 200, Mars, PA 16046-7846. To construct and maintain a 12-foot 7-inch-wide by 5-foot 2-inch-high by 75-foot-long reinforced concrete box culvert and to place fill in 0.28 acre of wetland area as part of the Northridge Drive extension project in the Seven Fields Development. This project will also include the creation of at least 0.28 acre of replacement wetland. This project will extend Northridge Drive across a tributary to Kaufman Run (WWF). The project is located within Seven Fields Development on Northridge Drive approximately 1,700 feet northwest of the intersection of Franklin Road and Mars Road in the Village of Hendersonville (Mars, PA Quadrangle N: 12.3 inches; W: 9.1 inches) located in Seven Fields Borough, **Butler 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, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA67-011C0. Environmental Assessment. **G.C.W. Properties, Inc.** (96 South George Street, York, PA 17403). To construct and maintain a non-jurisdictional dam across a tributary to Indian Run (WWF) impacting a de minimus area of wetlands (PEM) equal to 0.02 acre for the purpose of stormwater management at the proposed Grandview Heights subdivision located approximately 1,500 feet southwest of the intersection of Grandview Road and Beck Mill Road (Hanover, PA Quadrangle N: 3.2 inches; W: 15.9 inches) in Penn Township, **York County**.

Southeast Regional Office, Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

EA09-004SE, EA46-001SE. Encroachment. **PA DOT**, 200 Radnor Chester Rd., St. Davids, PA 19087. Commonwealth of Pennsylvania Department of Transportation is requesting 401 water quality certification to construct and maintain a limited access expressway beginning at a point just south of S. R. 63 (Ambler, PA USGS Quadrangle, N: 16.5 inches; W: 17.2 inches) and ending at an interchange with S. R. 611 (Doylestown, PA USGS Quadrangle, N: 7.9 inches; W: 1.9 inches). This expressway will run roughly parallel to a portion (Section 700) of the existing U. S. Rte. 202. This project will involve the construction and maintenance of the following:

- 11 new bridge structures with approximately 1,875 linear feet of impacts to watercourses.
- 9 new culvert stream crossings with approximately 1,735 linear feet of impacts to watercourses.
- 6 extensions of existing culvert structures with approximately 190 linear feet of impacts to watercourses.

The project will also impact a reported 14.9 acres of wetlands. The impacted water resources are located within the West Branch Neshaminy Creek (WWF, MF), Mill Creek (TSF, MF), Little Neshaminy Creek (WWF, MF) and Neshaminy Creek (TSF, MF) watersheds. The expressway will be located through sections of the Townships of Montgomery, Lower Gwynedd and Upper Gwynedd, **Montgomery County**, and within the Boroughs of Chalfont and New Britain, and the Townships of Doylestown, New Britain and Warrington in **Bucks 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).

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

NPDES Permit No. PA0057312. Sewerage. **Daniel and Joan Ball**, 2057 Buck Run Road, Quakertown, PA 18951 is authorized to discharge from a facility located in East Rockhill Township, **Bucks County** into unnamed tributary to Tohickon Creek.

NPDES Permit No. PA0057304. Industrial waste. **J.O.T. Fuel Inc.**, 982 Easton Road, Horsham, PA 19044 is authorized to discharge from a facility located in Horsham Township, **Montgomery County** into unnamed tributary to Little Neshaminy Creek.

NPDES Permit No. PA0057282. Sewage. **Jonathan and Susan Pope**, 795 West Strasburg Road, West Chester, PA 19380 is authorized to discharge from a facility located in East Bradford Township, **Chester County** into unnamed tributary to Taylor Run.

NPDES Permit No. PA0055620. Sewage. **David A. Whinfrey**, 60 Chapel Hill Road, Media, PA 19063 is authorized to discharge from a facility located in Upper Providence Township, **Delaware County** into unnamed tributary of Ridley Creek.

NPDES Permit No. PA0051306. Sewage. **CGL Acquisitions/Camp Green Lane**, 272 Camp Green Lane Road, Green Lane, PA 18054 is authorized to discharge from a facility located in Salford Township, **Montgomery County** into Ridge Valley Creek.

NPDES Permit No. PA0054658. Sewage. **New Hanover Township Authority**, 2943 N. Charlotte Street, Gilbertsville, PA 19525 is authorized to discharge from a facility located in New Hanover Township, **Montgomery County** into unnamed tributary to Swamp Creek.

NPDES Permit No. PA0055484. Sewage. **Herbert and Elizabeth Keating**, 68 Bullock Road, Chadds Ford, PA 19317 is authorized to discharge from a facility located in Birmingham Township, **Delaware County** into unnamed tributary to the Brandywine Creek.

NPDES Permit No. PA0021172, Amendment No. 2. Sewage. **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976 is autho-

rized to discharge from a facility located in Doylestown Borough, **Bucks County** into Crooks Run Tributary to Neshaminy Creek.

4695422, Amendment No. 1. Sewerage. Charles H. Long, 679 West Ridge Pike, Royersford, PA 19468. Modification to replace dual septic tank design with a Norweco 960 dual Bio-Kinetic treatment unit to serve Long Residence located in Limerick Township, **Montgomery County**.

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

NPDES Permit No. PA-0062936. Industrial waste. **Lehighon Water Authority**, P. O. Box 29, Lehighon, PA 18235 is authorized to discharge from a facility (Lehighon Water Treatment Plant) located in Franklin Township, **Carbon County** to Long Run.

NPDES Permit No. PA-0060747. Industrial waste. **Ametek-Westchester Plastics Div.**, Route 54, P. O. Box 9, Nesquehoning, PA 18240 is authorized to discharge from a facility located in Mauch Chunk Township, **Carbon County** to Nesquehoning Creek.

NPDES Permit No. PA-0062243. Sewerage. **Borough of Nesquehoning**, Borough Council, 127 West Catawissa Street, Nesquehoning, PA 18240 is authorized to discharge from a facility located in the Borough of Nesquehoning, **Carbon County** to Nesquehoning Creek.

NPDES Permit No. PA-0061841. Industrial waste. **Pennsylvania American Water Co.**, 20 East Union Street, Wilkes-Barre, PA 18701 is authorized to discharge from a facility (Brownell Filter Plant) located in Carbondale Township, **Lackawanna County** to Racket Brook.

NPDES Permit No. PA-0036081. Sewerage. **Wynne-wood Sewer Corporation**, P. O. Box 704, Pottstown, PA 19464 is authorized to discharge from a facility located in North Whitehall Township, **Lehigh County** to the Lehigh River.

NPDES Permit No. PA-0062553. Industrial waste. **Pennsylvania American Water Co.**, 20 East Union Street, Wilkes-Barre, PA 18701-1397 is authorized to discharge from a facility (Crystal Lake Water Treatment Plant) located in Fairview Township, **Luzerne County** to the Big Wapwallopen Creek.

NPDES Permit No. PA-0010987. Sewerage. **Department of the Army, Tobyhanna Army Depot**, SDSTO-EM-N, Tobyhanna, PA 18466-5086 is authorized to discharge from a facility located in Coolbaugh Township, **Monroe County** to Hummler Run.

NPDES Permit No. PA-0032859. Sewerage. **Commonwealth of Pennsylvania, Department of Transportation**, Bureau of Design, 555 Walnut Street, Harrisburg, PA 17101-1900 is authorized to discharge from a facility (Rest Area No. 41 on I-80) located in Pocono Township, **Monroe County** to an Unnamed Tributary to Pocono Creek.

NPDES Permit No. PA-0063746. Industrial waste. **Unocal Corporation**, 2300 Burrington Road, Suite 500, Hoffman Estate, IL 60195 is authorized to discharge from a facility located in Stroud Township, **Monroe County** to Pocono Creek.

NPDES Permit No. PA-0051691. Industrial waste. **Pharmachem Corporation**, 719 Stefko Boulevard, P. O. Box 1035, Bethlehem, PA 18108 is authorized to dis-

charge from a facility located in the City of Bethlehem, **Northampton County** to an unnamed tributary to the Lehigh Canal.

NPDES Permit No. PA-0053911. Sewerage. **East Bangor Municipal Authority**, P. O. Box 539, East Bangor, PA 18013 is authorized to discharge from a facility located in East Bangor Borough, **Northampton County** to Brushy Meadow Creek.

NPDES Permit No. PA-0051632. Industrial waste. **City of Easton**, Route 611, North Delaware Drive, Easton, PA 18042 is authorized to discharge from a facility (City of Easton Water Treatment Plant) located in the City of Easton, **Northampton County** to the Delaware River.

NPDES Permit No. PA-0027693. Sewerage. **Minersville Sewer Authority**, 2 East Sunbury Street, Minersville, PA 17954 is authorized to discharge from a facility located in Branch Township, **Schuylkill County** to the West Branch of the Schuylkill River.

NPDES Permit No. PA-0046272. Sewerage. **Porter Tower Joint Municipal Authority**, 326 East Grand Avenue, Tower City, PA 17980 is authorized to discharge from a facility located in Porter Township, **Schuylkill County** to Wisconisco Creek.

NPDES Permit No. PA-0062758. Industrial waste. **Municipal Authority of the Borough of Shenandoah**, 26—28 West Lloyd Street, Shenandoah, PA 17976-1648 is authorized to discharge from a facility located in West Mahanoy Township, **Schuylkill County** to Lost Creek.

NPDES Permit No. PA-0043206. Sewerage. **Trail's End Camp, RRSC, Inc.**, 1714 Wantagh Avenue, Wantagh, NY 11793 is authorized to discharge from a facility located in Berlin Township, **Wayne County** to an Unnamed Tributary to Beach Lake.

Northcentral Regional Office, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

NPDES Permit No. PA0113107. Sewerage. **Columbia County Commissioners**, Court House, Bloomsburg, PA 17815. Permittee granted renewal of NPDES permit to discharge treated domestic wastewater. Facility is located at Briar Creek Township, **Columbia County**.

NPDES Permit No. PA0028665. Sewerage. **Jersey Shore Borough**, P. O. Box 526, Jersey Shore, PA 17740. Issuance of renewal permit for Jersey Shore Borough to discharge treated wastewater. Facility located at Jersey Shore Borough, **Lycoming County**.

NPDES Permit No. PA0024759. Sewerage. **Curwensville Municipal Authority**, 900 Susquehanna Avenue, Curwensville, PA 16833-1532. Issuance of renewal permit to discharge treated wastewater to the West Branch of the Susquehanna River. Facility located at Curwensville Borough, **Clearfield County**.

NPDES Permit No. PA0209139-A1. Sewerage Amendment. **Tri Lateral Investment Corporation**, R. D. 5, Box 344, Muncy, PA 17756. Amendment to permit was necessary to match the discharge flow to the sewage treatment plant capacity that was constructed at this site. The limits in this NPDES permit amendment have been adjusted accordingly based on this flow reduction. Facility location is Muncy Creek Township, **Lycoming County**.

WQM Permit No. 0897402. Sewerage. **South Waverly Municipal Authority**, 379 Pennsylvania Avenue, South Waverly, PA 18840. Connection of the wastewater collection systems of Sayre Borough and Athens

Township by South Waverly Borough's wastewater to Valley Joint Municipal Authority's has been issued. The facility location is South Waverly Borough, **Bradford County**.

WQM Permit No. 6097403. Sewerage. **Kelly Township Municipal Authority**, 299 River Road, Lewisburg, PA 17837. Issuance of permit to applicant for the construction and maintenance of Buffalo Creek Pump Station 2. Facility located at Kelly Township, **Union County**.

WQM Permit No. 5998401. Sewerage. **Jonathan D. Quinn**, R. D. 1, Box 765, Westfield, PA 16950. Permit issued for construction of a single residence sewer system. Facility located at Westfield Township, **Tioga County**.

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

NPDES Permit No. PA0014311. Industrial waste, **Republic Engineered Steels, Inc.**, 2633 8th Street NE,

P. O. Box 24700, Canton, OH 44701-4700 is authorized to discharge from a facility located at Beaver Falls Cold Finished Bar Plant, Beaver Falls, **Beaver County** to Walnut Bottom Run (Outfalls 001, 006, 007, 008, 010) and Beaver Falls Storm Sewer System (Outfalls 002, 003, 004, 005, 009, 011).

NPDES Permit No. PA0217689. Industrial waste, **The Municipal Authority of the Borough of West View**, 210 Perry Highway, Pittsburgh, PA 15229 is authorized to discharge from a facility located at Joseph A. Berkley Water Treatment Plant, Neville Township, **Allegheny County** to Ohio River (009-014) and the Back Channel (001-008) of the Ohio River.

NPDES Permit No. PA0021768, Amendment No. 1. Sewage, **Borough of Somerset**, 1043 South Center Avenue, Somerset, PA 15501.

This notice reflects changes from the notice published in the August 24, 1996 *Pennsylvania Bulletin*.

Parameter	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron (mg/l)	2.2	4.4	5.5

NPDES Permit No. PA0021768, Amendment No. 1. Sewage, **Borough of Somerset**, 1043 South Center Avenue, Somerset, PA 15501 is authorized to discharge from a facility located at Main Sewage Treatment Plant, Somerset Township, **Somerset County**.

NPDES Permit No. PA0039721, Amendment No. 1. Sewage, **Rostraver Township Sewage Authority**, P. O. Box 976, R. R. 4, Port Royal Rd., Belle Vernon, PA 15012 is authorized to discharge from a facility located at Rehoboth Valley Industrial District STP, Rostraver Township, **Westmoreland County**.

NPDES Permit No. PA0094838. Sewage, **John C. Bishop**, R. R. 3, Box 17A, Hickory Hollow Rd., Somerset, PA 15501 is authorized to discharge from a facility located at Bishops Mobile Home Court No. 1 STP, Somerset Township, **Somerset County** to West Branch Coxes Creek.

NPDES Permit No. PA0111201. Sewage, **Carrolltown Borough Municipal Authority**, P. O. Box 37, Carrolltown, PA 15722 is authorized to discharge from a facility located at Carrolltown Borough STP, Carrolltown Borough, **Cambria County** to Little Chest Creek.

NPDES Permit No. PA0217743. Sewage, **Summit Hospitality Group Services, Inc., Days Inn at Donegal**, Route 31, Donegal, PA 15628 is authorized to discharge from a facility located at Days Inn at Donegal Sewage Treatment Plant, Donegal Township, **Westmoreland County** to Unnamed Tributary of Minnow Run.

Permit No. 0297410. Sewerage, **Township of Richland**, 4011 Dickey Road, Gibsonia, PA 15044. Construction of sewer line extension located in the Township of Richland, **Allegheny County** to serve the Chessrown Sewer Line Extension.

Permit No. 0471410, Amendment No. 1. Sewerage, **Knob Vue Estates, Inc.**, 40 Metz Hill Road, Freedom, PA 15042. Approval for use of the existing aerobic sludge digester located in the Township of New Sewickley Township, **Beaver County**.

Permit No. 0497406. Sewerage, **Victoria E. Pagani, Anita Pagani**, 267 West High St., E. Palestine, OH 44413. Construction of a single residence sewage treatment plant located in the Township of South Beaver, **Beaver County** to serve the Pagani Single Residence Sewage Treatment Plant.

Permit No. 2697403. Sewerage, **Angelo B. Poli**, 93 Belmeade Terrace, Uniontown, PA 15401. Construction of sewage treatment facilities located in the Township of North Union, **Fayette County** to serve the Bennington Place Subdivision.

Permit No. 5697403. Sewerage, **David E. Hummel**, 1116 Broderick Street, Berlin, PA 15530. Construction of a single residence sewage treatment plant located in the Township of Brothers Valley, **Somerset County** to serve the Hummel Residence.

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

NPDES Permit No. PA0210714. Sewage, **Mark D. and Wendy J. Watt**, R. D. 2, Reynoldsville, PA 15851 is authorized to discharge from a facility located in Winslow Township, **Jefferson County** to Unnamed Tributary to Fehley Run.

NPDES Permit No. PA0041840. Sewage. **Preston Trucking Company, Inc.**, 151 Easton Boulevard, Preston, MD 21655 is authorized to discharge from a facility located in Falls Creek Borough, **Jefferson County** to Falls Creek.

NPDES Permit No. PA0210811. Sewage. **Hyland Mobile Home Park**, Box 526, New Bedford, PA 16140 is authorized to discharge from a facility located in Pulaski Township, **Lawrence County** to an unnamed tributary to Deer Creek.

NPDES Permit No. PA0000701. Industrial waste and sewage. **PFV Enterprises, Inc.**, 123 North Franklin Street, Titusville, PA 16354 is authorized to discharge

from a facility located in Oil Creek Township, **Venango County** to an unnamed tributary to Pine Creek.

NPDES Permit No. PA0100277. Sewage. **North and South Shenango Joint Municipal Authority**, 3397 Dam Road, Jamestown, PA 16134 is authorized to discharge from a facility located in South Shenango Township, **Crawford County** to the Shenango River.

NPDES Permit No. PA0222461. Sewage. **Sheetz, Inc.**, 5700 Sixth Avenue, Altoona, PA 16501 is authorized to discharge from a facility located in Slippery Rock Township, **Lawrence County** to an unnamed tributary to Big Run.

WQM Permit No. 2597410. Sewage. **Erie Sewer Authority**, 120 W. 10th Street, Erie, PA 16501-1461. This project is for the expansion of the Erie Wastewater Treatment Plant, including a proposed overflow retention facility in the City of Erie, **Erie County**.

WQM Permit No. 3397402. Sewage. **Sheetz, Inc.**, 5700 Sixth Avenue, Altoona, PA 16501. This project is for the development and construction of a convenience store and small flow treatment facility in Slippery Rock Township, **Lawrence County**.

INDIVIDUAL PERMITS (PAS)

The following approvals for coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by an aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101310	Jan Jurrisen 4 Captains Way Kittery Point, MN 03905	Carbon Co. Penn Forest Twp.	Drakes Creek
PAS10Q130	Gloria S. Herber P. O. Box 213 327 Star Rd. Fogelsville, PA 18051	Lehigh Co. U. Macungie Twp.	Little Lehigh Crk.
PAS10Q145	Upper Macungie Twp. 8330 Schantz Road Breinigsville, PA 18031	Lehigh Co. U. Macungie Twp.	Tributary to Iron Run
PAS10U076	Robert Ciccone P. O. Box 86 Bath, PA 18014-0086	Northampton Co. East Allen Twp.	Monocacy Creek

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

PAS-10-M097. Individual NPDES. **Greencastle Associates, LP**, 2700 Water Street, York, PA 17403-9036. To implement an erosion and sedimentation control plan for a shopping center called Greencastle Crossing on 25 acres in Antrim Township, **Franklin County**. The project is located just east of Interchange #3 of I-81 along the northside of PA 16 (Greencastle, PA Quadrangle N: 6.8 inches; W: 11.8 inches). Drainage will be to an unnamed tributary to Muddy Run.

PAS-10-Y066. Individual NPDES. **Bailey Springs Joint Venture**, P. O. Box 179, Felton, PA 17322. To implement an erosion and sedimentation control plan for the Bailey Springs Development consisting of a community center, 93 townhouse units and a convenience center on 47 acres in Hopewell Township and Stewartstown Borough, **York County**. The project is located along the south side of Hill Street (S. R. 0851) (Stewartstown, PA Quadrangle N: 8.0 inches; W: 13.7 inches). Drainage will be to a tributary of Ebaughs Creek.

PAS-10-Y070. Individual NPDES. **PP&L Inc.**, Two North Ninth Street, Allentown, PA 18101-1179. To implement an erosion and sedimentation control plan for the Brunner Island Steam Electric Station (SES) construction activities: (1) a 21-acre soil borrow area; (2) a wetlands mitigation area; (3) closure of ash basins No. 4, 5 and 7; (4) a mill rejects disposal area at Ash Basin No. 5; (5) Wago Road work; (6) a York Haven by-pass road; and (7) a proposed Manchester/Mount Wolf by-pass road on a total of 270 ± acres in East Manchester and Newberry Townships, and York Haven Borough, **York County**. The projects are located on Brunner Island and around surrounding areas (York Haven, PA Quadrangle N: 15.1 inches; W: 7.5 inches). Drainage will be to the Susquehanna River.

PAS-10-5119. Individual NPDES. **Perry Meadows Farm Partnership**, P. O. Box 187, Myerstown, PA 17067. To implement an erosion and sedimentation control plan for the construction of agricultural buildings and related facilities on 70 acres in Jackson Township, **Perry County**. The project is located on the north side of Fowlers Hollow Road (S. R. 3004) 2.7 miles west of S. R. 3006 (Blain, PA Quadrangle N: 10.4 inches; W: 4.7 inches). Drainage will be to Shermans Creek.

PAS-10-H071. Individual NPDES. **R. S. Mowery & Sons**, 625 Hamilton Street, Carlisle, PA 17013. To implement an erosion and sedimentation control plan for the construction of a commercial and residential development called Bent Creek on 193 acres in Silver Spring Township, **Cumberland County**. The project is located along the east side of PA 114 about a mile north of the Silver Spring Commons (Shopping Center) (Wertzville, PA Quadrangle N: 2.7 inches; W: 4.8 inches). Drainage will be to Conodoguinet Creek.

PAS-10-I030. Individual NPDES. **Jacob's Creek, Inc.**, 1106 Cocoa Avenue, Hershey, PA 17033. To implement an erosion and sedimentation control plan for the construction of the Jacob's Creek residential subdivision on 49.9 acres in Derry Township, **Dauphin County**. The project is located along McCorkel Road approximately 800

feet east of Church Road (Hershey, PA Quadrangle N: 0.3 inch; W: 2.2 inches). Drainage will be to Spring Creek.

PAS-10-O066. Individual NPDES. **High Associates, Ltd.**, 1853 William Penn Way, P. O. Box 10008, Lancaster, PA 17605-0008. To implement an erosion and sedimentation control plan for the construction of an industrial center on 153 acres in East Cocalico Township, **Lancaster County**. The project is located along east side of South Muddy Creek Road at intersection of Lausch Road (Terre Hill, PA Quadrangle N: 15.6 inches; W: 11.0 inches). Drainage will be to Little Muddy Creek.

Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101714	DEP Bureau Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	Clearfield County Huston Twp.	Bark Camp Run
PAS102102	DEP Bureau of Abandoned Mine Reclamation 2 Public Sq., 5th Fl. Wilkes-Barre, PA 18711	Columbia Co. Conyngham Twp. Schuylkill Co. Ashland Borough	Unt. Big Mine Run

INDIVIDUAL PERMITS

(PAR)

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

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

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

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

List of NPDES and/or other General Permit Type

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

<i>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>
Erie Co. Edinboro Borough	PAR10K028-R	Dennis L. Porto 122 Erie St. Edinboro, PA 16412	Edinboro Lake	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie Co. Borough of Edinboro and Washington Twp.	PAR10K050-R	Ogden Manufacturing Co. US Route 6N Edinboro, PA 16412	Edinboro Lake	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie Co. Harborcreek Twp.	PAR10K069-R	Jerry E. Cass 4268 Backus Rd. Erie, PA 16510	UNT to Mile Crk.	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie Co. Millcreek Twp.	PAR10K070-R	Walter R. Bender, Jr. 3952 West 12th St. Erie, PA 16505	UNT to Walnut Crk.	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie Co. Cranesville Borough and various townships	PAR10K077-R	MFS Network Technologies	Various Streams	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Montour Co. Valley Twp.	PAR104717	James A. Blue R. R. 3 Danville, PA 17821	Mausers Crk.	Montour CCD 112 C Woodbine Lane Danville, PA 17821
Allegheny Co. Springdale Borough	PAR10A002R	Lane Construction Corp. 935 East Main St. Meriden, CT 06450-6004	Allegheny River	Allegheny County CD (412) 241-7645
Allegheny Co. Moon Twp.	PAR10A018R	Scalley's Golf Center Hookstown Grade Rd. Coraopolis, PA 15108	Trout Run	Allegheny County CD (412) 241-7645
Allegheny Co. McCandless Twp.	PAR10A035R	Ashley Hills Associates P. O. Box 11067 Pittsburgh, PA 15237	Rinaman Run	Allegheny County CD (412) 241-7645
Allegheny Co. Franklin Park Borough	PAR10A036R	Michael Carmody 2620 Nicholson Rd. Sewickley, PA 15143	Pine Crk.	Allegheny County CD (412) 241-7645
Allegheny Co. North Fayette Twp.	PAR10A041R	A.R.N. Associates 5541 Walnut St. Pittsburgh, PA 15232	UNT Montour Run	Allegheny County CD (412) 241-7645
Allegheny Co. Collier Twp.	PAR10A147R	Barrington Manor, Inc. P. O. Box 11067 Pittsburgh, PA 15237	UNT Robinson Run	Allegheny County CD (412) 241-7645

<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>
Allegheny Co. North Versailles Twp.	PAR10A159R	Chambers Development Company 600 Thomas Street Ext. Monroeville, PA 15146	Turtle Crk.	Allegheny County CD (412) 241-7645
Allegheny Co. Franklin Park Borough	PAR10A161R	Franklin Park Borough 2428 Rochester Rd. Sewickley, PA 15143	Fish Run	Allegheny County CD (412) 241-7645
Allegheny Co. City of Pittsburgh	PAR10A183R	Jewish Association on Aging 6301 Forbes Ave. Pittsburgh, PA 15217-1716	Monongahela River	Allegheny County CD (412) 241-7645
Allegheny Co. Franklin Park Borough	PAR10A189R	125 Brown Road Assoc. 2418 Traci Drive Pittsburgh, PA 15237-1600	Big Sewickley Crk.	Allegheny County CD (412) 241-7645
Armstrong Co. Gilpin Twp. Rayburn Twp. Bethel Twp. Boggs Twp. Madison Twp. Manorville Twp. Kittanning Borough	PAR10B003R	PennDOT P. O. Box 429 Indiana, PA 15701-0429	Allegheny River	Armstrong County CD (412) 548-3425
Beaver Co. Center Twp.	PAR100209R	Mark J. Better for Krisanna Woods 20th and Sheffield Aliquippa, PA 15001	UNT Elkhorn Run	Beaver County CD (412) 774-7090
Beaver Co. Franklin Twp.	PAR100213R	Walter Dickson and Larry Dolter Pine Hill Professional Bldg. R. D. 3, Box 8550 Ellwood City, PA 16117	UNT Connequenessing Crk.	Beaver County CD (412) 774-7090
Beaver Co. Center Twp.	PAR100217R	C. J. Better 1150 Brodhead Rd. Monaca, PA 15601	UNT Shafer's Run	Beaver County CD (412) 774-7090
Beaver Co. Economy Borough	PAR100220R	Leo Kalengher for J's Development Assoc., Inc. 184 Wallrose Heights Rd. Baden, PA 15005	Cooney Hollow Run	Beaver County CD (412) 774-7090
Beaver Co. Chippewa Twp.	PAR100225R	Glenn and Lara Lee Diehl 174 Hickory Dr. Beaver Falls, PA 15010	UNT Brady Run	Beaver County CD (412) 774-7090
Beaver Co. Baden Borough	PAR100237-1-R	Aldi, Inc. Hinckley-Division 1319 West 130th St. Brunswick, OH 44212-0844	Ohio River	Beaver County CD (412) 774-7090
Beaver Co. Midland Borough	PAR100241	J&L Specialty, Inc. 1200 Midland Ave. Midland, PA 15059 M. A. Gipko 1500 West Main St. Louisville, OH 44641	Ohio River	Beaver County CD (412) 774-7090
Beaver Co. Chippewa Twp.	PAR100243	Spiro Pappan Byzantine, Inc. 1198 Mulberry St. W. Bridgewater, PA 15009	UNT Wallace Run North Branch Brady Run	Beaver County CD (412) 774-7090
Cambria Co. Ebensburg Borough Cambria Twp.	PAR101040	Wal Mart Plaza ASC Development, Inc. Manor Complex 564 Forbes Ave. Suite 700 Pittsburgh, PA 15219	UNT Blacklick Crk.	Cambria County CD (814) 472-2120

<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>
Fayette Co. Menallen Twp.	PAR10L032R	DEP Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	Redstone Crk.	SW Regional Office (412) 442-4315
Indiana Co. White Twp.	PAR103137	PA Dept. of General Services Bureau of Engineering & Agriculture 18th and Herr St. Harrisburg, PA 17120	UNT McKee Run	Indiana County CD (412) 463-7702
Indiana Co. Burrell Twp.	PAR103138	Senate Coal Mine, Inc. One Energy Place Suite 5100 Latrobe, PA 15650	Two Lick Crk.	Indiana County CD (412) 463-7702
Somerset Co. Shade Twp.	PAR106117-1-R	W. W. Coal Company, Inc. 1588 Shade Church Rd. Central City, PA 15926	UNT Miller Run	Somerset County CD (814) 445-4652
Somerset Co. Boswell Borough	PAR106118R	Penultimate Corporation 1510 Darkshade Drive Windber, PA 15963	UNT Quemahoning Crk.	Somerset County CD (814) 445-4652
Washington Co. Union Twp.	PAS10W100	Equitrans, L. P. 3500 Park Lane Pittsburgh, PA 15275-1124	UNT Peters Crk.	Washington County CD (412) 228-6774
Carbon Co. Franklin Twp.	PAR101303-R	Green Forest Estates c/o William Moyer 3103 Sodl Lane Whitehall, PA 18052	Pohopoco Crk.	Carbon CD (610) 377-4894
Carbon Co. Franklin Twp.	PAR101304-R	Scenic View Estates c/o Martin Shafer 1166 Redhill Rd. Lehighton, PA 18235	Barry Run	Carbon CD (610) 377-4894
Carbon Co. Franklin Twp.	PAR101307-R	Snyder's Christmas Tree Hill Estates David Snyder 3222 Interchange Rd. Lehighton, PA 18235	Pohopoco Crk.	Carbon CD (610) 377-4894
Carbon Co. Low. Towamensing Twp.	PAR101306-R	Blue Ridge C. C. Wetland Restoration Robert Gombos, Pres. 37 Washington St. Wilkes-Barre, PA 18701	Fireline Crk.	Carbon CD (610) 377-4894
Carbon Co. Towamensing Twp.	PAR101309-R	Laurel Ridge c/o Greg Sander R. R. 3, Box 170 Oriole Drive Palmerton, PA 18071	Pohopoco Crk.	Carbon CD (610) 377-4894
Carbon Co. Franklin Twp.	PAR101310-R	Williams 3-Lot Subdivision David Williams 1794 Long Run Rd. Lehighton, PA 18235	Long Run Crk.	Carbon CD (610) 377-4894
Carbon Co. Nesquehoning Boro.	PAR101311-R	Nesquehoning Boro Athletic Field Comp. Ron Tirpak 350 N. Pine St. Summit Hill, PA 18250	Nesquehoning Crk.	Carbon CD (610) 377-4894
Carbon Co. Nesquehoning Boro.	PAR101308-R	Redner's Warehouse Market Timothy Harrison 20 Erford Rd. Lemoyne, PA 17043	Nesquehoning Crk.	Carbon CD (610) 377-4894

<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>
Carbon Co. Towamensing Twp.	PAR101316	Longenbach Pheasant Hill Acres Franklin Longenbach P. O. Box 307 Brodheads ville, PA 18322	Pohopoco Crk.	Carbon CD (610) 377-4894
Cumberland Twp. Adams Co.	PAR-10-0040-R	Camelot Square Limited Part. 125 Tiffany Lane Gettysburg, PA 17325	Willoghby Run	Adams County CCD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Marion Twp. Berks Co.	PAR-10-C188	Dutch Valley Food Dist. Inc. Larry Martin P. O. Box 465 Myerstown, PA 17067	UNT Little Swatara Crk.	Berks CCD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Muhlenberg Twp. Berks Co.	PAR-10-C199	Clover Farms Dairy Land Dev. John Rothenberger 131 Grant Ave. Reading, PA 19605	Schuylkill River	Berks CCD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Manheim Twp. Lancaster Co.	PAR-10-O-007-R	Four Star Associates 897-C Mount Joy Road Mount Joy, PA 17552	UNT Bachman Run	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Twp. Lancaster Co.	PAR-10-O-008-R	Earl M. Hurst P. O. Box 788 Brownstown, PA 17508	Kurtz Run	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Twp. Lancaster Co.	PAR-10-O-010-R	Willis R. Lefever 135 Durlach Hill Rd. Stevens, PA 17578	Little Conestoga Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Conestoga Twp. Lancaster Co.	PAR-10-O-016-R	Stephen Fisher/Michale Connelly 421 Bridge Valley Rd. Pequea, PA 17565	UNT Conestoga River	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Manor Twp. Lancaster Co.	PAR-10-O-039-R	Oak Ridge 500 Delp Rd. Lancaster, PA 17601	UNT West Branch Little Conestoga Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Conestoga Twp. Lancaster Co.	PAR-10-O-040-R	Richard Abbiati 175 Grandview Lane Mahwah, NJ 17430	UNT Susquehanna River	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Twp. Lancaster Co.	PAR-10-O-080-R	JA-LYN Developers 148 Brick Church Rd. Leola, PA 17540	UNT Conoy Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Pequea Twp. Lancaster Co.	PAR-10-O-086-R	E. Marvin Herr 133 Sprecher Rd. Willow Street, PA 17584	UNT Conestoga River	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361

<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>
East Lampeter Twp. Lancaster Co.	PAR-10-O-088-R	Waterford Partners, Inc. 315 Garden Park Circle Lancaster, PA 17601	Conestoga River	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Manor Twp. Lancaster Co.	PAR-10-O-104-R	Murry Cos/Sherwal Inc. 1899 Lititz Pike Lancaster, PA 17601	UNT Little Conestoga Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Twp. Lancaster Co.	PAR-10-O-105-R	Hogan Development III 1271 Lititz Pike Lancaster, PA 17601	UNT Mill Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Twp. Lancaster Co.	PAR-10-O-110-R	Randall L. Hess 1271 Lititz Pike Lancaster, PA 17601	Mill Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Twp. Lancaster Co.	PAR-10-O-116-R	Hogan, Lepore, & Hogan 1271 Lititz Pike Lancaster, PA 17601	UNT Little Conestoga Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Twp. Lancaster Co.	PAR-10-O-125-R	Gralan, Inc. 315 Garden Park Circle Lancaster, PA 17601	UNT Little Conestoga Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Lancaster City Lancaster Co.	PAR-10-O-133-R	R. R. Donnelly & Sons Inc. 216 Greenfield Rd. Lancaster, PA 17601-5885	UNT Conestoga River	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Adamstown Borough Lancaster Co.	PAR-10-O-135-R	Edward D. Stouidt P. O. Box 784, Rt. 272 Adamstown, PA 19501	Stony Run	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Cocalico Twp. Lancaster Co.	PAR-10-O-147-R	Mr. and Mrs. Lon Brumbaach 85 North Ridge Rd. Reinholds, PA 17569	Little Cocalico Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Twp. Lancaster Co.	PAR-10-O-168-R	Hydrokirbi Agri P. O. Box 6277 500 Running Pum Lancaster, PA 17607	Brubaker Run	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Twp. Lancaster Co.	PAR-10-O-172-R	Village Square Developers 1547 Oregon Pike Lancaster, PA 17603	UNT Susquehanna River	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Cocalico Twp. Lancaster Co.	PAR-10-O-176-R	Longleaf Corporation 1 East Main St. Box 245 Strasburg, PA 17579	Little Muddy Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361

<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>
Earl Twp. Lancaster Co.	PAR-10-O-177-R	Bruce Shopf 23 Runway Ave. New Holland, PA 17557	UNT Mill Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Twp. Lancaster Co.	PAR-10-O-186-R	George Desmond 1085 Manheim Pike Lancaster, PA 17601	Mill Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Twp. Lancaster Co.	PAR-10-O-191-R	George Desmond 1085 Manheim Pike Lancaster, PA 17601	UNT Big Spring Run	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Township Lancaster Co.	PAR-10-O-199-R	CGE Associates Carl E. Esbenshade 2756 Knob Hill Drive Clemmons, NC 27012	UNT Donegal Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Lancaster City Lancaster Co.	PAR-10-O-205-R	Packaging Corp of America 1530 Fruitville Pike Lancaster, PA 17601	UNT Conestoga Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Twp. Lancaster Co.	PAR-10-209-R	Frederick W. Stuedler Jr. 7335 River Rd. Conestoga, PA 17516	Mill Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Manor Twp. Lancaster Co.	PAR-10-O-215-R	Tuck-A-Way Associates Inc. 1085 Manheim Pike Lancaster, PA 17601	Little Conestoga Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
New Holland Borough Lancaster Co.	PAR-10-219-R	Larry R. Weaver 641 Spruce St. New Holland, PA 17557	UNT Conestoga River	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Earl Twp. Lancaster Co.	PAR-10-O-221-R	Fairmont Rest Home, Inc. 232 Cats Back Rd. Ephrata, PA 17522	Conestoga River	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Rapho Twp. Lancaster Co.	PAR-10-O-230-R	Shrom Associates 2938 Columbia Ave. Suite 1201 Lancaster, PA 17603	Rife Run	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Twp. Lancaster Co.	PAR-10-O-285-R	East Lampeter Township 2205 Old Philadelphia Pike Lancaster, PA 17601	Mill Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Franklin Twp. Adams Co.	PAR-10-0059	Ray and Mary Grimes P. O. Box 38 McKnightstown, PA 17343	Marsh Crk.	Adams County CCD 57 North Fifth St. Gettysburg, PA 17325 (717) 334-0636

<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>
Upper Chichester Twp. Delaware Co.	PAR10-J028-R	Clack Properties, Inc. P. O. Box 239 Concordville, PA 19331	Spring Run	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
City of Chester Delaware Co.	PAR10-J040-R	Department of General Services 18th and Herr Street Harrisburg, PA 17110	Delaware River	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Marple Twp. Delaware Co.	PAR10-J075-R	Township of Marple Springfield and Sproul Rds. Broomall, PA	Langford Run	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Providence Twp. Delaware Co.	PAR10-J081	SNLP Building C Office 27 Wallingford Avenue Wallingford, PA 19086	Ridley Crk.	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Radner Twp. Delaware Co.	PAR10-J089-R	Radnor Township School District 135 South Wayne Ave. Wayne, PA 19087	Hardings Run	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131

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>
Centre Co. Snow Shoe Twp.	PAR214815	BMI France P. O. Box 276 895 Clarence Rd. Snow Shoe, PA 16874	Little Sandy Beech Crk. Bald Eigel CWF	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Northumberland Co. City of Sunbury	PAR224830	Jeld-Wen Inc.—d/b/a Door Craft of PA P. O. Box 1329 3393 Lakeport Blvd. Klamath Falls, OR 97601		Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
North East Twp. Erie Co.	PAR708301	NorCon Power Partners, LP 302 South 36th St., Suite 400 Omaha, NE 68131	Unnamed Tributary to Sixteen Mile Crk.	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Meadville City Crawford Co.	PAR208342	James R. Stimpson Secretary/Treasurer Channellock, Inc. 1306 South Main St. P. O. Box 519 Meadville, PA 16335	French Crk. (Via Municipal Storm Sewer)	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

<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>
Vernon Twp. Crawford Co.	PAR208343	James R. Stimpson Secretary/Treasurer Channelock, Inc. 1306 South Main St. P. O. Box 519 Meadville, PA 16335	French Crk. (Via Municipal Storm Sewer)	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Millcreek Twp. Erie Co.	PAR208330	Snap-tite, Inc. 2930 West 22nd St. Erie, PA 16506-2302	Storm Sewers to Lake Erie Inner Harbor via West Branch Cascade Crk.	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Harmony Borough Butler Co.	PAR148301	Paragon Trade Brands, Inc. Ziegler St. Harmony, PA 16037	Connoquenessing Crk.	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

General Permit Type—PAG 4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Montour Co. Boro of Danville	PAG088402	Borough of Danville 235 Mill St. Danville, PA 17821		Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Tioga Co. Westfield Twp.	PAG044980	Jonathan D. Quinn R. D. 1, Box 765 Westfield, PA 16950	Unnamed tributary to Crance Brook	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Beaver Co. South Beaver Twp.	PAG046140	Victor E. Pagani c/o Anita Pagani 267 West High St. East Palestine, OH 44413	Unnamed tributary to North Fork of Little Beaver Crk.	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset Co. Brothersvalley Twp.	PAG046139	David E. Hummel 1116 Broderick St. Berlin, PA 15530	Miller Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG 5

<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>
Allegheny Co. Carnegie Borough	PAG056109	Guttman Oil Company 200 Speers St. Belle Vernon, PA 151012	Chartiers Crk.	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG 8

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Philadelphia Co. City of Philadelphia	PAG080004	City of Philadelphia Water Dept. 1101 Market St. Philadelphia, PA 19107	None	Southeast Region Water Management Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130

General Permit Type—PAG 9

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
North East Boro Erie Co.	PAG088301	North East Borough 58 East Main St. North East, PA 16428	None	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

SAFE DRINKING WATER

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

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

Permit No. 1597509. Public water supply. **Stone Barn Rentals**, Harold E. Thomfonde, 100 Stone Barn Drive, Kennett Square, PA 19348. A permit has been issued to Stone Barn Rentals granting permission to modify the existing water supply system. Modification includes the installation of disinfection and distribution storage facilities. West Marlborough Township, **Chester County**.

Type of Facility. Public Water Supply

Consulting Engineer. American Commonwealth Management Services, 402 Boot Road, Downingtown, PA 19335.

Permit to Construct Issued. January 5, 1998.

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

A. M. A. The Department issued an operating permit to **Consumers Pennsylvania Water Company** (Roaring Creek Division, 204 East Sunbury Street, Shamokin, PA 17872; City of Shamokin, **Northumberland County**) for the Trevorton Pump Station.

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

Permit No. 1197505. Public water supply. **Gallitzin Water Authority**, 702 Jackson Street, Gallitzin, PA 16641.

Type of Facility. Sodium bicarbonate for corrosion control and potassium permanganate for iron and manganese treatment.

Permit to Construct Issued. January 13, 1998.

Permit No. 3297502. Public water supply. **Nowrytown Water Association**, R. D. 3, Box 278, Saltsburg, PA 15681.

Type of Facility. Operation of the Village of Nowrytown.

Permit to Operate Issued. January 13, 1998.

Permit No. 0297503. Public water supply. **Borough of Brackenridge**, 1000 Brackenridge Avenue, Brackenridge, PA 15014.

Type of Facility. 1.0 mg water storage tank.

Permit to Construct Issued. January 13, 1998.

Northwest Regional Office, Regional Manager, 230 Chestnut Street, Meadville, PA (814) 332-6899.

Permit No. 1097504. Public water supply. **Mars Borough**, Box 395, Mars, PA 16046 has been issued a permit for proposed treatment changes at the Banks Water Treatment Plant. This will include replacement of well pumps, construction of a backwash holding tank, a clearwell and install an adsorption clarifier in Adams Township, **Butler County**.

Type of Facility. Community Water Supply.

Consulting Engineer. Scott Hoffman, KLH Engineers, 5173 Campbells Run Road, Pittsburgh, PA 15205.

Permit to Construct Issued. January 13, 1998.

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

The Department has received the following final reports:

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

AutoNation USA Corp., Plymouth Township, **Montgomery County**. Edward L. Balsavage, P. E., Earth Engineering, Inc., 5010 Ritter Rd., Suite 116, Mechanicsburg, PA 17055, has submitted a Final Report concerning remediation of groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet background standards.

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

Arco Chemical Company, Beaver Valley Plant (phthalic anhydride area), Potter Township, **Beaver County**. Thomas J. Walsh, Arco Chemical Company, 3801 West Chester Pike, Newtown Square, PA 19073-2387 has submitted a Final Report addressing soil contaminated with heavy metals. The report is intended to document remediation of the site to meet the Statewide health standard.

SOLID AND HAZARDOUS WASTE

HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits renewed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate hazardous waste storage and treatment facility.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. PAD981110570. Horsehead Resource Development Company, Inc., 300 Frankfort Road, Monaca, PA 15061. Operation of a hazardous waste storage and treatment facility in Potter Township, **Beaver County**. Permit renewed for a period of 3 years by the Regional Office on January 13, 1998.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 300983. Gem Chem, Inc. (53 North Cedar Street, P. O. Box 384, Lititz, PA 17543). Application for residual waste processing facility repermitting of a site in Lititz Borough, **Lancaster County**. Permit issued in the Regional Office January 12, 1998 and will expire January 11, 2008.

AIR POLLUTION

OPERATING PERMITS

General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

09-323-005GP: Fres-Co System USA, Inc. (3005 State Road, Telford, PA 18969) issued November 30, 1997, for Burn-Off Oven in West Rockhill Township, **Bucks County**.

15-312-032GP: Sun Pipe Line Company (1801 Market Street, Philadelphia, PA 19103) issued December 16, 1997, for storage tank for volatile organic liquid No. 4 in West Brandywine Township, **Chester County**.

23-302-135GP: Westinghouse Electric Corporation (11 Stanwix Street, Rm. 1559, Pittsburgh, PA 15222) issued December 2, 1997, for two small combustion units in Tincum Township, **Delaware County**.

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

09-320-042: Scanforms, Inc. (181 Rittenhouse Circle, Bristol, PA 19007) issued November 21, 1997, for one heatset web lithographic press in Bristol Township, **Bucks County**.

15-302-084: Nycomed R and D, Inc. (466 Devon Park Drive, Wayne, PA 19087) issued November 21, 1997, for two gas boiler and diesel generator in Tredyffrin Township, **Chester County**.

46-301-252A: T-Thermal Company (900 Brook Road, Conshohocken, PA 19428) issued November 21, 1997, for two incinerators in Plymouth Township, **Montgomery County**.

23-315-008: Kimberly-Clark Corporation (Front and Avenue of the States, Chester, PA 19013) issued November 25, 1997, for No. 17 paper machine-dryer in Chester Township, **Delaware County**.

46-318-038: Moyco Technologies, Inc. (200 Commerce Drive, Montgomeryville, PA 18936) issued December 5, 1997, for surface coating facility in Montgomeryville Township, **Montgomery County**.

46-302-201: North Penn School District (401 East Hancock Street, Lansdale, PA 19446) issued January 15, 1998, for operation of a heating boiler in Towamencin Township, **Montgomery County**.

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

33-313-008. Penngraph, Inc. (R. D. 1, Box 227, Brookville, PA 15825) issued for carbon baking furnaces and incinerator in Brookville, **Jefferson County**.

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

09-302-078: Bucks County Community College (Swamp Road, Newtown, PA 18940) issued December 29, 1997, for minor modification to Condition number 7 for Boilers in Newtown Township, **Bucks County**.

23-302-128: Upper Darby School District (8201 North Lansdowne Avenue, Upper Darby, PA 19082) issued December 8, 1997, for Condition 8 for three Boilers in Upper Darby Township, **Delaware County**.

23-302-135GP: Westinghouse Electric Corporation (11 Stanwix Street, Room 1559, Pittsburgh, PA 15222) issued December 16, 1997, for typographic error in Tincum Township, **Delaware County**.

15-313-050A: Cauldron Process Chemistry (383 Phoenixville Pike, Malvern, PA 19355) issued October 3, 1997, to denote change of ownership from Zynaxis Cell Science, Inc. in Charlestown Township, **Chester 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-15-0026: American Inks and Coating Corp. (P. O. Box 803, Valley Forge, PA 19482) issued November 5, 1997, for the construction of specialty clear coat manufacturing process in Schuylkill Township, **Chester County**.

09-320-013C: H & N Packaging, Inc. (202 Oak Avenue, Chalfont, PA 18914) issued November 12, 1997, for the installation of flexographic printing press in Chalfont Borough, **Bucks County**.

PA-46-0130: Atarasi Coating, Inc. (86 Oxbow Circle, Chalfont, PA 18914) issued November 18, 1997, for the construction of plastic surface coating line in Upper Dublin, **Montgomery County**.

PA-09-0072: Frantz Lithographic Services, Inc. (1505 Ford Road, Bensalem, PA 19020) issued November 21, 1997, for the installation of three lithographic presses in Bensalem Township, **Bucks County**.

09-320-050: Superpac, Inc. (P. O. Box 189, Southampton, PA 18966) issued November 26, 1997, for the construction of flexographic printing press in Upper Southampton Township, **Bucks County**.

PA-15-0016C: Worthington Steel Company (45 N. Morehall Road, Malvern, PA 19355) issued November 26, 1997, for the modification of zinc cleaning and plating line in East Whiteland Township, **Chester County**.

PA-09-0021: MRI Flexible Packaging (P. O. Box 128, 122 Penns Trail, Newtown, PA 18940) issued November 26, 1997, for the construction of flexographic press no. 6 in Newtown Township, **Bucks County**.

46-318-051: Wesco Manufacturing Company (P. O. Box 47, 1250 Welsh Road, Lansdale, PA 19446) December 3, 1997, for the installation of paint spray Booth A in Montgomery Township, **Montgomery County**.

PA-09-0020: Naval Air Warfare Center—Aircraft Division (P. O. Box 5152, Warminster, PA 18974) issued December 4, 1997, for the installation of Boiler No. 2 in Warminster Township, **Bucks County**.

09-399-045: Bucks County Water and Sewer Authority (1275 Almshouse Road, Warrington, PA 18976) issued December 12, 1997, for the installation of wet scrubber at Green Street WWTP in Doylestown Borough, **Bucks County**.

46-307-008A: Freedom Alloys, Inc. (445 Hill Road, Douglassville, PA 19518) issued December 16, 1997, for the installation of electrical inductotherm furnace in Royersford Borough, **Montgomery County**.

15-301-086: Pet Memorial Services Corporation (P. O. Box 343, Fogelsville, PA 18051) issued December 16, 1997, for the construction of three animal crematoriums in West Goshen Township, **Chester County**.

PA-09-0007: G.R.O.W.S., Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) issued December 23, 1997, for the installation of one enclosed flare in Falls Township, **Bucks County**.

PA-23-0063: PA Department of Corrections SCI Chester (2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001) issued December 19, 1997, for the installation of three boilers and three diesel generators in City of Chester, **Delaware County**.

09-320-051: Superpac, Inc. (P. O. Box 189, Southampton, PA 18966) issued December 26, 1997, for the modification of CI-9 Flexographic Printing Press in Upper Southampton Township, **Bucks County**.

46-313-139A: Cabot Performance Materials (P. O. Box 1608, County Line Road, Boyertown, PA 19512) issued January 8, 1998, for the installation of cyclone in (Bldg. 087) in Douglass Township, **Montgomery County**.

09-318-076: Legendary Cars, Inc. (2065 Bunnell Road, Warrington, PA 18976) issued January 8, 1998, for the construction of a spray booth in Warrington Township, **Bucks County**.

PA-46-0124: Montgomery Chemical, Inc. (901 Conshohocken Road, Conshohocken, PA 19428) issued January 8, 1998, for the construction of chemical manufacturing plant in Plymouth Township, **Montgomery County**.

PA-46-0046: Uniform Tubes, Inc. (P. O. Box 992, Collegeville, PA 19426) issued January 9, 1998, for the modification of Vapor Degreaser No. 3 in Trappe Borough, **Montgomery County**.

Northwest Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

35-308-016B: GNB Batteries, Inc. (P. O. Box 177, Dunmore, PA 18512) issued December 18, 1997, for the modification of four lead oxide reactors with air pollution control by five baghouses in Dunmore Borough, **Lackawanna County**.

39-399-044: Ransom Industries, Inc. (101 N. Church St., Macungie, PA 18062) issued December 29, 1997, for the modification of three pipe reaming stations with air pollution control by three baghouses in Macungie Borough, **Lehigh County**.

48-306-010A: Pennsylvania Power & Light Co. (2 North 9th Street, Allentown, PA 18101) issued December 19, 1997, for the modification of the 3A auxiliary boiler in Lower Mt. Bethel Township, **Northampton County**.

54-310-016G: Linde Enterprises Inc. (R. R. 1, Golf Hill Road, Honesdale, PA 18431) issued December 19, 1997, for the construction of a portable stone crushing plant in Cass Township, **Schuylkill County**.

Southcentral Regional Office, Air Quality Program, One Ararat Blvd., Harrisburg, PA 17110, (717) 657-4587.

06-5036A: EAFCO, Inc. (Spring & Schaeffer Sts., Boyertown, PA 19512) issued January 12, 1998, for the modification of the sand system controlled a fabric collector at their Boyertown Plant in Boyertown, **Berks County**.

36-310-027E: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) issued January 12, 1998, for the operation of the stone crushing plant in East Cocalico Township, **Lancaster County**.

38-318-030B: Supreme Mid-Atlantic Corp. (P. O. Box 779, Jonestown, PA 17038) issued on January 14, 1998, for the installation of the line no. 5 paint area at their Plant No. 2 in Swatara Township, **Lebanon County**.

05-2001A: Cannondale Corp. (R. D. 7, Friendship Road, Bedford, PA 15522) issued on December 23, 1997, for the operation of a bicycle frame/wheelchair coating line in Bedford Township, **Bedford County**.

67-399-021: American Ash Recycling Corp. of Pennsylvania (6622 Southpoint Drive South, Suite 310, Jacksonville, FL 32216) issued on December 24, 1997, for the construction of a municipal waste combustor ash recycling facility controlled by a fabric collector in West Manchester Township, **York County**.

67-317-016A: UTZ Quality Foods, Inc. (900 High Street, Hanover, PA 17331) issued on January 5, 1998, for the installation of a potato chip fryer equipped with heat exchanger controlled by a mist eliminator and a masa fryer controlled by a mist eliminator in Hanover Borough, **York County**.

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

41-305-004E: Keystone Filler & Manufacturing Company (214 Railroad Street, Muncy, PA 17756) issued December 8, 1997, for the construction of carbon product, and the like, processing equipment and the installation of air cleaning devices (various fabric and cartridge collectors) on carbon product, and the like, processing equipment in Muncy Creek Township, **Lycoming County**.

8-316-001B: Masonite Corporation (P. O. Box 311, Towanda, PA 18848) issued December 9, 1997, for the

installation of an air cleaning device (a centrifugal scrubber) on a wood fiber filter (die form filter) area in Wysox Township, **Bradford County**.

12-399-004C: Pennsylvania Sintered Metals, Inc. d/b/a BrownCo Powder Products (P. O. Box 308, Emporium, PA 15834) issued December 16, 1997, for the construction of a powdered metal parts sintering furnace and associated air cleaning device (an in-stack afterburner) in Emporium Borough, **Cameron County**.

60-318-009C: New Columbia Joist Company (P. O. Box 31, New Columbia, PA 17856) issued December 22, 1997, for the construction of a structural steel (bridging) surface coating operation in White Deer Township, **Union County**.

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

PA-25-095B: Lord Corp. (Erie) (1635 W. 12th St., Erie, PA 16514) issued December 22, 1997, for the construction of an adhesive spray machine in Erie, **Erie County**.

Plan Approval 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.

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

04-000-033: Nova Chemicals, Inc. (400 Frankfort Road, Monaca, PA 15061) for the construction of a thermoplastic resin manufacturing operation at its Beaver Valley Plant in Potter Township, **Beaver County**.

26-305-034: Matt Canestrone Contracting, Inc. (P. O. Box 234, Belle Vernon, PA 15012) for coal loading, unloading and stockpiling at its LaBelle Site in Luzerne Township, **Fayette County**.

26-310-011B: Commercial Stone Co., Inc. (2200 Springfield Pike, Connellsville, PA 15425) for the construction of a portable stone crusher at its Springfield Pike Quarry in Connellsville Township, **Fayette County**.

26-310-018: Davison Sand & Gravel Company (400 Industrial Blvd., New Kensington, PA 15068) for the construction of a limestone crushing plant at its Connellsville II Quarry in Bullsken Township, **Fayette County**.

26-313-013: Welland Chemical, Inc. (P. O. Box 26, Mill Street, Newell, PA 15466) for the operation of the nitric acid plant at its facility in Newell Borough, **Fayette County**.

32-000-129: CNG Transmission Corporation (625 Liberty Avenue, Pittsburgh, PA 15222) for the installation of engines at its Rochester Mills Station in East Mahoning Township, **Indiana County**.

56-307-001F: FirstMiss Steel, Inc. (Box 509, Hollsopple, PA 15935) for the operation of a baghouse for the oxygen converter at its Stony Creek Plant in Quemahoning Township, **Somerset County**.

63-307-023A: Lukens Steel Company (P. O. Box 494, Washington, PA 15301) for the operation of a baghouse for electric arc furnaces at its Houston Plant in Houston Borough, **Washington County**.

65-305-048: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15229) for the operation of a baghouse, desulfurization unit and coke oven gas flare for the coke oven battery in Monessen, **Westmoreland County**.

65-305-049: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15229) for the operation of a benzene emission control system and an ammonia still for the coke by-products recovery plant in Monessen, **Westmoreland County**.

65-307-054B: Teledyne, Inc. (P. O. Box 151, Latrobe, PA 15650) for the construction of a baghouse for the EAF oxygen lance and AOD vessel at the Teledyne Allvac Plant in Derry Township, **Westmoreland County**.

65-307-076: Allegheny Ludlum Steel Corp. (100 River Road, Brackenridge, PA 15014) for the installation of the #91 Anneal & Pickle Line located in Vandergrift Borough, **Westmoreland County**.

65-309-074A: American Video Glass Company (777 Technology Drive, Mt. Pleasant, PA 15666) for the construction of a color television glass manufacturing plant located in Mt. Pleasant Township, **Westmoreland County**.

65-310-013A: Davison Sand & Gravel Company (400 Industrial Blvd., New Kensington, PA 15068) for the installation of a baghouse and a wet dust suppression system for a limestone crushing plant at its Whitney Quarry located in Unity Township, **Westmoreland County**.

PA-56-263A: Penn Coal, Inc. (214 College Park Plaza, Johnstown, PA 15904) for the construction of a coal screening operation at its Sarah Mine in Jenner Township, **Somerset County**.

PA-63-101A: Maple Creek Mining, Inc. (981 Route 917, Bentleyville, PA 15314) for the operation of a coal storage area at its coal preparation plant in New Eagle Borough, **Washington County**.

65-304-039: Derry Construction Company, Inc. (R. D. 5, Box 34, Latrobe, PA 15650) for the construction of a sand removal and screening operation in Latrobe Borough, **Westmoreland County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Operating Permits issued 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-46-0052: Pottstown Memorial Medical Center (1600 East High Street, Pottstown, PA 19464) issued November 18, 1997, for synthetic minor facility NOx in Pottstown Borough, **Montgomery County**.

OP-46-0057: Hale Products, Inc. (700 Spring Mill Avenue, Conshohocken, PA 19428) issued November 21, 1997, for facility Major VOC and Minor NOx in Conshohocken Borough, **Montgomery County**.

OP-46-0045A: PECO Energy Company (300 Front Street, West Conshohocken, PA 19428) issued December 4, 1997, for facility NOx in West Conshohocken Borough, **Montgomery County**.

OP-09-0033: JG Furniture Group, Inc. (114 South Front Street, P. O. Box 9002, Quakertown, PA 18951) issued December 12, 1997, for facility VOC in Quakertown Borough, **Bucks County**.

OP-46-0040: National Label Company (2025 Joshua Road, Lafayette Hill, PA 19444) issued December 17, 1997, for facility VOC in Whitemarsh Township, **Montgomery County**.

OP-46-0006: Allegro Microsystems W. G. Inc. (3900 Welsh Road, Willow Grove, PA 19090) issued December 19, 1997, for facility NOx and VOC in Upper Moreland Township, **Montgomery County**.

OP-09-0007: G.R.O.W.S., Inc. (1121 Bordentown Road, Morrisville, PA 19067) issued December 19, 1997 for facility NOx and VOC in Falls Township, **Bucks County**.

OP-09-0077: PECO Energy Company (3901 North Delaware Avenue, Philadelphia, PA 19137) issued December 19, 1997, for facility VOC and NOx in Falls Township, **Bucks County**.

OP-46-0080: Lower Merion School District (301 East Montgomery Avenue, Ardmore, PA 19003) issued January 8, 1998, for facility Synthetic Minor NOx in Lower Merion Township, **Montgomery County**.

OP-09-0041: Atlantic Greenhouse, Inc. (P. O. Box 428, Pipersville, PA 18947) issued January 8, 1998, for facility Presumptive NOx RACT in Plumstead Township, **Bucks County**.

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

65-000-860: Fansteel Hydro Carbide (P. O. Box 363, Latrobe, PA 15650) issued November 26, 1997, for the operation of NOx/VOC sources at its Latrobe Plant located in Unity Township, **Westmoreland County**.

04-000-446: AES Beaver Valley Partners, Inc. (394 Frankfort Road, Monaca, PA 15061) issued November 7, 1997, for the operation of NOx/VOC sources at its Beaver Valley Cogeneration Plant located in Potter Township, **Beaver County**.

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 127.450 for Reasonable Available Control Technology.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

OP-46-0026: Global Packaging, Inc. (209 Brower Avenue, Oaks, PA 19456) issued December 24, 1997, for Condition 5A in Upper Providence Township, **Montgomery County**.

OP-15-0016: The Worthington Steel Company (45 N. Morehall Road, Malvern, PA 19355) issued January 8, 1998, for Conditions 3C, 9 and 11 in East Whiteland, **Chester County**.

OP-09-0007: G.R.O.W.S., Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) issued December 31, 1997, for incorporation of terms and conditions of EPA's Emission Guidelines in Falls Township, **Bucks County**.

OP-09-0021: MRI Flexible Packaging (122 Penns Trail, P. O. Box 128, Newtown, PA 18940) issued January 8, 1998, for revised conditions in Newtown Township, **Bucks County**.

OP-46-0005: Merck & Company, Inc. (P. O. Box 4, WP-20-208, West Point, PA 19486) issued December 10, 1997, for revised conditions in Upper Gwynedd, **Montgomery County**.

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, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 1 (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.)

Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.

E40-464. Encroachment. **Borough of Shickshinny**, 35 West Union Street, Shickshinny, PA 18655. To construct and maintain a flood protection project in and along a 400-foot reach of Shickshinny Creek, consisting of a trapezoidal channel with 24- to 36-inch grouted riprap sides having 1.5:1 slopes, an earthen levee along the left bank and a concrete floodwall along the right bank. The purpose of the project is to reduce the frequency of flooding in the vicinity of this channel reach. The project is located immediately downstream of the S. R. 0011 bridge, along East Vine Street (Shickshinny, PA Quadrangle N: 4.9 inches; W: 3.4 inches), in the Borough of Shickshinny, **Luzerne County**.

E45-326. Encroachment. **Merilyn Chicco**, 1 Forge Road, East Stroudsburg, PA 18301. To maintain a private low-flow road crossing of a tributary to Stony Run, consisting of a 36-inch smooth-lined corrugated plastic pipe. The project is located on the north side of Snow Hill Road (S. R. 1010), approximately 1 mile west of the intersection of S. R. 1010 and S. R. 1005 (Skytop, PA Quadrangle N: 6.8 inches; W: 10.0 inches), in Price Township, **Monroe County**.

E45-333. Encroachment. **Monroe County**, Administrative Center, 1 Quaker Plaza, Stroudsburg, PA 18360. To remove the existing structure and to construct and maintain a concrete spread box beam bridge having two spans of 48 feet and an underclearance of approximately 8 feet across McMichael Creek. A de minimis area of wetlands less than or equal to 0.05 acre will also be permanently filled during the construction of the northern bridge abutment. The bridge is known as Monroe County Bridge No. 7 and is located along Township Road T414 (Beaver Valley Road) just south of S. R. 0209 (Saylorsburg, PA Quadrangle N: 15.4 inches; W: 3.9 inches) in Hamilton Township, **Monroe County**.

E48-258. Encroachment. **Muhlenberg Realty Corporation**, 2545 Schoenersville Road, Bethlehem, PA 18017-7834. To construct and maintain approximately 1,230 l. f. of channel change in a tributary to Monocacy Creek consisting of a cable concrete, trapezoidal channel with an 8-foot bottom width. A 10-foot long extension of a 65-inch × 40-inch CMP arch culvert under S. R. 3017 is also proposed along with nine stormwater outfall structures as described on the attached list. This work is associated with the proposed roadway widening and improvements to Township Road T431 (Macada Road) and S. R. 3017 (Schoenersville Road) for the M.R.C. Subdivision located 1,000 feet east of the intersection of S. R. 0022 and S. R. 3017 (Catasauqua, PA Quadrangle N: 4.4 inches; W: 4.4 inches) in Hanover Township, **Northampton County**.

Northcentral Region, Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E08-328. Encroachment. **South Waverly Sewer Authority**, c/o Richard Douglas Secretary, 379 Pennsylvania Ave., South Waverly, PA 18840. To construct, operate and maintain an 8-inch diameter sanitary sewer line within the floodplain of Dry Brook and a 2.5 inch diameter sanitary sewer line beneath Dry Brook for the conveyance of municipal wastewater. The proposed work shall consist of constructing 1) 1,700 linear feet of 8-inch diameter gravity flow sanitary sewer; and 2) 100 linear feet of 2.5-inch diameter pressure flow sanitary sewer. The project is located along the western right of way of SR 0220 at the intersection of Court and Loder Sts. (Sayre, PA Quadrangle N: 22.6 inches; W: 6.1 inches) in South Waverly Borough, **Bradford County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E14-310. Encroachment. **DCNR, Bureau of Forestry**, P. O. Box 8451, Harrisburg, PA 17105. To remove the existing structure and to construct and maintain a prestressed concrete simple span bridge with a span of approximately 35 feet across Little Fishing Creek located on Greens Valley Road, 2.5 miles north of the Spring Township Boundary Line (Mingoville, PA Quadrangle N: 5.62 inches; W: 2.25 inches) in Walker Township, **Centre County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E49-213. Encroachment. **Northwestern Academy**, 620 Germantown Pike, Lafayette, PA 19444. To construct and maintain twin 10-foot by 8-foot culverts with their associated wingwalls and riprap protection in Quaker Run which is located approximately 1,200 feet south of the SR 0061 bridge over Quaker Run (Mount Carmel, PA Quadrangle N: 6.6 inches; W: 16.7 inches) in Coal Township, **Northumberland County**. This permit was issued under section 105.13(e) Small Projects.

E53-303. Encroachment. **DCNR, Bureau of Facility Design**, P. O. Box 8451, Harrisburg, PA 17705-8451. To construct, operate and maintain a suspension footbridge across Lyman Run. The bridge shall be constructed with a span of 50 feet, a maximum underclearance of 5 feet and a maximum width of 6 feet that is located along the southern right-of-way of Lyman Run Road approximately 1.5 miles west of the intersection of Rock Road and Lyman Run Road (Cherry Springs, PA Quadrangle N: 17.5 inches; W: 5.0 inches) in West Branch Township, **Potter County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E55-150. Encroachment. **Boonie & Son, Inc.**, 28 West Specht St., McClure, PA 17841-0227. To construct and maintain four 48-inch ADS plastic smooth lined culverts with a length of 40 feet in Kern Run located 100 feet north of the SR 0522 bridge over Kern Run (Beavertown, PA Quadrangle N: 0 inch; W: 7.7 inches) in the Borough of Beavertown, **Snyder County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E55-152. Encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a 48 inch by 76 inch by 56 linear foot reinforced concrete pipe depressed 1 foot into the substrate in a tributary Middle Creek underneath SR 3008 about 0.75 mile east of Paxtonville (Middleburg, PA Quadrangle N: 4.5 inches; W: 9.5 inches) in Franklin Township, **Snyder County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E57-079. Encroachment. **Paul Heise, Dept. of Transportation**, Eng. Dist. 3-0, P. O. Box 218, Montoursville, PA 17754. Remove an existing structure and to construct, operate and maintain a single cell box culvert that will carry SR 1009, Segment-Offset 0200/0000 across Wolf Run. The work shall consist of installing a reinforced concrete box culvert that will have an underclearance of 5.5 feet, a clear normal span of 20 feet and skewed 70 degrees left ahead. The project is located on the eastern right of way of SR 0087 approximately 800 feet east of the intersection of SR 0087 and SR 1009 (Colley, PA Quadrangle N: 7.1 inches; W: 4.2 inches) in Colley Township, **Sullivan County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E59-348. Encroachment. **Mansfield University**, 110 Brook Maintenance Bldg., Mansfield, PA 16933. To remove the existing structure and to construct and maintain a 4 foot by 8 foot by 40 foot long concrete box culvert, widen and riprap approximately 425 feet of trapezoidal channel which varies in width between 7-foot—8 foot and height between 4 foot—5 foot and to riprap 266 feet of existing trapezoidal channel. The drainage channel is located in an unnamed tributary to the Tioga River adjacent to Clinton Ave. approximately 0.5 mile southeast of the intersection of SR 6 and 5 (Mansfield, PA Quadrangle N: 9.2 inches; W: 9.6 inches) in Mansfield Borough, **Tioga County**.

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

E03-366. Encroachment. **Department of Transportation**, P. O. Box 429, Route 286 South, Indiana, PA 15701. To remove the existing Ford City Bridge and to construct and maintain a three-span, steel plate girder bridge

having spans of 320 feet, 415 feet and 320 feet and a minimum underclearance of 47 feet across Allegheny River (WWF); to construct and maintain temporary cofferdams during construction. The project is located on S. R. 128, Section 013 (Kittanning, PA Quadrangle N: 2.1 inches; W: 6.3 inches) in Ford City Borough, Manor and North Buffalo Townships, **Armstrong County**.

DAM SAFETY

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D22-096. Dam. **Jacob's Creek, LTD.** (1106 Cocoa Avenue, Hershey, PA 17033). To construct, operate and maintain a stormwater detention dam located at the Jacob's Creek residential development in Derry Township, **Dauphin County**.

ENVIRONMENTAL ASSESSMENT

Northcentral Regional Office, Regional Water Management Program Manager, 208 W. Third St., Williamsport, PA 17701, (717) 327-3574.

EA19001NC. Environmental Assessment. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790. To reclaim a 65 acre abandoned mine site which will include backfilling strip pits and creating a 6.2 acre wetland. The area is located within the Big Run Watershed, which is classified as CWF in Ch. 93, Water Quality Standards. The center of the project is located approximately 0.5 mile north of the village of Locustdale (Ashland, PA Quadrangle N: 6.0 inches; W: 16.5 inches) in Conyngham Township, **Columbia County**.

SPECIAL NOTICES

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL)

Conewago Creek

The Department of Environmental Protection is holding a public meeting on Tuesday, February 24, 1998, beginning at 7 p.m. at the Londonderry Township Municipal Building, 783 S. Geyer Church Road, Middletown to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of section 303(d) of the Clean Water Act. The Conewago Creek (Stream Code 9243) was listed on Pennsylvania's 1996 Section 303(d) List because water quality standards for dissolved oxygen, and ammonia nitrogen to support the designated uses of trout stocking are not expected to be met even after technology-based controls required by law are installed. This TMDL establishes the following allowable pollutant loading for the unnamed tributary to the Conewago Creek from its headwaters to its confluence with the main stem Conewago Creek, in Londonderry Township, Dauphin County:

<i>Pollutant</i>	<i>TMDL = (Total Maximum Daily Load)</i>	<i>WLA + (Wasteload Allocation —by source)</i>	<i>LA + (Nonpoint Source Allocation)</i>	<i>MOS (Margin of Safety)</i>
Ammonia Nitrogen	1.52 lbs/day	1.46 lbs/day	0 lb/day	0.06 lb/day

Point Source Discharges Affected

Department of Environmental Protection has determined that Cedar Manor Mobile Home Park NPDES Permit Number PA0080721 is the only significant contributor of ammonia nitrogen to the unnamed tributary under critical conditions (the 7 day—10 year low flow). Nonpoint source contributions for ammonia nitrogen is negligible at critical low flow conditions.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Roger Musselman, Water Management Program, PA DEP Southcentral Region, One Ararat Boulevard, Harrisburg, PA 17110, (717) 541-7996. Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (voice users).

Written comments will be accepted at the above address and must be postmarked by March 2, 1998. Persons who plan to make a presentation at the public meeting, should notify DEP no later than 4 p.m. on February 20, 1998. The Department of Environmental Protection will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Brush Creek Basin

The Department of Environmental Protection is holding a public meeting on February 25, 1998 beginning at 1 p.m. at the Meadville Regional Office of the Department of Environmental Protection. Brush Creek was listed on Pennsylvania's 1996 Section 303(d) List because water quality standards for CBOD and Dissolved Oxygen needed to support the designated use of the warm water fishery are not expected to be met even after technology-based controls required by law are installed. This TMDL establishes the following allowable pollutant loadings for Brush Creek from the Municipal Sewer and Water Authority of Cranberry Township discharge downstream for 5.5 miles. Brush Creek is a tributary to Connoquenessing Creek in Cranberry Township, Butler County:

<i>Pollutant</i>	<i>TMDL = (Total Maximum Daily Load)</i>	<i>WLA + (Wasteload Allocation —by source)</i>	<i>LA + (Load Allocation)</i>	<i>MOS (Margin of Safety)</i>
CBOD	512.3	375.3	7.64	131.4
Dissolved Oxygen	190.9	187.7	0	3.2

DEP has determined that the Municipal Sewer and Water Authority of Cranberry Township is the only significant contributor of these pollutants to the affected segment in Brush Creek under critical conditions. Nonpoint source contributions for the D. O. goal violation are negligible at critical low flow conditions.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Patrick G. Williams, P. E., Chief, Permits Section, PA DEP Northwest Field Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942. Persons with a disability may use the AT&T Relay Service by calling 1(800) 654-5984 (TDD) or 1 (800) 654-5988 (voice users).

Written comments will be accepted at the above address and must be postmarked by March 2, 1998. Persons who plan to make a presentation at the public meeting, should notify DEP no later than 4 p.m. on February 20, 1998. Department of Environmental Protection will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

French Creek Basin

The Department of Environmental Protection is holding a public meeting on February 25, 1998 beginning at 10 a.m. at the Meadville Regional Office of the Department of Environmental Protection. French Creek was listed on Pennsylvania's 1996 Section 303(d) List because water quality standards for ammonia nitrogen and phosphorus needed to support the designated use of the warm water fishery are not expected to be met even after technology-based controls required by law are installed. This TMDL establishes the following allowable pollutant loadings for French Creek from the City of Meadville downstream for 3.5 miles, a tributary to the Allegheny River, in West Mead and Vernon Townships, Crawford County:

<i>Pollutant</i>	<i>TMDL = (Total Maximum Daily Load)</i>	<i>WLA + (Wasteload Allocation —by source)</i>	<i>LA + (Load Allocation)</i>	<i>MOS (Margin of Safety)</i>
NH3-N	663.8	578	67.8	18
Phosphorus	162.4	121.7	40.7	*

* MOS is implicit in determination of water quality criteria, but is unquantifiable.

DEP has determined that Meadville Area Sewer Authority, NPDES PA0026271 is the only significant contributor of these pollutants to the affected segment in French Creek under critical conditions.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Patrick G. Williams, P. E., Chief, Permits Section, PA DEP Northwest Field Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942. Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD) or 1 (800) 654-5988 (voice users).

Written comments will be accepted at the above address and must be postmarked by March 2, 1998. Persons who plan to make a presentation at the public meeting, should notify DEP no later than 4 p.m. on February 20, 1998. Department of Environmental Protection will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 98-178. Filed for public inspection January 30, 1998, 9:00 a.m.]

Availability of Interim Policy—Concentrated Animal Feeding Operations (CAFOs)

The Department of Environmental Protection announces the availability of an Interim Policy for Concentrated Animal Feeding Operations (CAFOs). The Federal National Pollutant Discharge Elimination System (NPDES) regulations, 40 CFR 122.23, require states to issue NPDES permits for CAFOs. A draft CAFO strategy for Pennsylvania will be published in the near future for public comment. Upon consideration of the comments received, DEP will finalize and initiate steps to implement the strategy. This process is expected to be completed within about 12 months, except amendments to state regulations in support of the strategy may take somewhat longer. Until the strategy is finalized and supporting regulations and permits are in place, DEP has established administrative procedures to coordinate an interim program for newly proposed CAFOs.

This interim policy applies to all proposed CAFOs that require the construction of manure storage or animal housing facilities and will have either (1) more than 1,000 animal equivalent units (AEUs), or (2) more than 300 AEUs and the operation is a concentrated animal operation (CAO). The Nutrient Management Act (3 P. S. § 1701 *et seq.*) defines AEU as 1,000 pounds of live weight, and a CAO as an operation where the animal density exceeds two AEUs per acre on an annualized basis. The Department will coordinate with County Conservation Districts to help operators know if they are covered by the interim policy.

The interim policy may be obtained from Ratilal Patel, Division of Wastewater Management, Bureau of Water Quality Protection, 11th Floor, Rachel Carson State Office Building, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-8184 (express mail: Rachel Carson State Office Building, 11th Floor, 400 Market Street, Harrisburg, PA 17101-2301. Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (voice users) and request that the call be relayed. The interim policy is also available electronically through the DEP Web site (<http://www.dep.state.pa.us>).

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-179. Filed for public inspection January 30, 1998, 9:00 a.m.]

Proposed General Permit for Short Term Construction Projects; BMR-GP-103

In compliance with the provisions of section 26(b) of the Noncoal Surface Mining Conservation and Reclamation Act (Noncoal SMCRA) (52 P. S. § 3326(b)); section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20)

and 25 Pa. Code §§ 77.801—77.807 Noncoal Regulations, the Department of Environmental Protection (Department) by this notice proposes to issue a general permit for Short Term Construction Projects (BMR-GP-103).

Description

This general permit is proposed for use by eligible persons for the extraction of noncoal minerals to supply fill material for a specific construction project. The noncoal minerals extracted under this general permit must be used solely on the construction project identified in the registration process and cannot be used or sold for any other purpose. The duration of the mineral extraction may not exceed 1 year unless a 3-month extension can be justified and approved by the Department. The maximum area that a project may affect under this general permit is 5 acres (2.02 hectares).

The issuance of this general permit shall only be valid for licensed mine operators that have submitted an administratively complete and acceptable registration application which has been approved in writing by the Department.

The Department may amend, deny, revoke or suspend an authorization to use this general permit for any project which the Department determines is likely to have an adverse effect on public health, safety, welfare or the environment, or otherwise would not be adequately regulated by the provisions of this general permit.

Registration to Use the General Permit

Persons seeking authorization to operate under this general permit will be required to file an administratively complete and acceptable registration application. The Department will provide the applicant with written notification within 30 days of receipt of an application of approval/disapproval, request for additional information or bond request. The applicant will be required to notify the municipality in which the activities will be located by registered mail that they intend to conduct activities under the general permit. The Department will notify the municipality of its decision to approve or disapprove a registration application.

Persons authorized to operate under this general permit will use erosion and control practices, reclamation practices and revegetation standards described in the general permit.

A bond will be required at the rate of \$1,000 per acre.

This general permit is being proposed under the authority of 25 Pa. Code §§ 77.801—77.807 which will be published as final rulemaking in the *Pennsylvania Bulletin* on January 31, 1998.

Persons wishing to comment on the proposed general permit are invited to obtain a copy of the proposed general permit from the Department and to submit a written statement to: Department of Environmental Pro-

tection, Bureau of Mining and Reclamation, Permits Division, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 783-8845.

Comments must be received by April 1, 1998. Comments received within this 60-day period will be considered in the formulation of the final language of the general permit. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Comments will not be accepted by facsimile. Following the close of the comment period, the Department will make a final determination regarding the proposed general permit. Notice of this determination and the final language of the general permit will be published in the *Pennsylvania Bulletin*.

**General Permit for Short-Term
Construction Projects
BMR-GP-103**

1. *Authorization*—The Department of Environmental Protection hereby authorizes, by general permit, subject to the terms, conditions, and criteria set forth as follows, the extraction of noncoal minerals from a site to supply fill material for a construction project. The material must be used solely on the construction project specified during the registration, and cannot be sold or otherwise used on areas not associated with the specified construction project. The total area to be affected by the noncoal mining activities cannot exceed 5 acres (2.02 hectares). The duration of the mineral extraction cannot exceed 1 year. No blasting activities may take place on the permit. The activities conducted under this general permit are not likely to adversely affect public or private water supplies or encounter the regional groundwater table.

2. *Standards*—This General Permit sets forth the standards to comply with Subchapters C, D, G, H and I of 25 Pa. Code Chapter 77. To the extent that the provisions of these subchapters are not addressed in this General Permit, the requirements of the Noncoal Surface Mining Conservation and Reclamation Act and 25 Pa. Code Chapter 77 apply.

3. *Effective Time Period*—The authorization to use this general permit for the extraction of noncoal minerals from a site to supply fill material for a construction project shall expire 1 year after the surface mining activities have commenced. The time period can be extended up to 3 months if the operator can demonstrate that the additional mining is necessary to complete the construction project and it is not likely that the mining activity will adversely affect public or private water supplies or encounter the regional groundwater table. Even if 1 year has not elapsed, the authorization to mine material under this general permit will terminate once the construction project identified in the registration form reaches a stage where it no longer requires fill from the mining activity.

4. *Fees*—There is no fee required for obtaining authorization under this general permit.

5. *Registration and Approval/Disapproval to Use General Permit*—Prior to beginning surface mining activities under this general permit, the operator shall submit the registration form along with the required documentation to the appropriate District Mining Office. The District Mining Office will provide written notification concerning the approval/disapproval or a request for additional information or bond request within 30 days of receipt of an application. The surface mining activities shall be conducted in accordance with this general permit and the Department's approval of the registration/application.

6. *Public Notice*—The requirements under 25 Pa. Code § 77.121 (relating to public notices of filing permit applications) are waived for sites operating under this general permit. The operator must notify by registered mail the city, borough, incorporated town or township in which the activities are located that they intend to register the site under this general permit. The Department will notify the city, borough, incorporated town or township of its decision to approve or disapprove the registration/application.

7. *Documentation of Use*—The registration form/application must contain documentation that the noncoal minerals extracted under this general permit will be used on a construction site. This documentation can take the form of either a bid form or a copy of the executed contract. Where a bid form is submitted as part of the registration form/application and the registration form/application is otherwise approvable, the Department shall approve the registration conditioned upon the operator submitting a copy of the executed contract prior to the initiation of surface mining activities.

8. *Limitations*—The material removed under this general permit can only be used at the construction project identified on the registration form and for which the authorization was approved. The material cannot go to any other construction project, or be taken to a processing or storage area to be used on any other project. The removal of material shall cease once the designated construction project no longer requires fill or on the expiration date of the authorization, whichever is the earlier date.

9. *Contract Miners*—A person other than the applicant, including an independent subcontractor, may operate on the site provided they comply with the approved general permit authorization and are approved by the Department prior to engaging in surface mining operations. The contract miner will be approved if they have demonstrated compliance with 25 Pa. Code § 77.126(6)–(9) (relating to criteria for permit approval or denial). The person is jointly and severally liable with the permittee for any violations of the act that the permittee is charged with and in which the person participates.

10. *Enforcement*—The permittee's failure to comply with the laws of the Commonwealth and the rules and regulations of the Department regarding noncoal surface mining activities, or failure to comply with the terms and conditions of this permit, may result in an enforcement action, in permit termination, suspension, revocation and reissuance, or modification. Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under the Acts under which this permit is issued or any other applicable provisions of law. When an operator is having difficulty complying with the general permit, the Department may suspend the authorization to operate and require the operator to obtain an individual permit.

11. *Bonding Requirements*—The amount of the bond shall be \$1,000 per acre to be affected, with a \$1,000 minimum bond to be posted on a site. The bond must be submitted to the Department and approved prior to the approval to conduct mining activities under this general permit.

12. *Erosion and Sedimentation Controls*—The activities conducted under this general permit must comply with 25 Pa. Code Chapter 102. If one of the following suggested

erosion and sedimentation control measures is to be used, the registration form need not contain an erosion and sedimentation control plan. If control measures other than the ones listed are to be used, an erosion and sedimentation control plan must be submitted with the registration.

For sites where the contributory drainage area is less than 5 acres (2.02 hectares) and where the area has a gentle to moderate slope, the operator may use sediment traps and collection ditches, hay bales or filter fabric fences. The sediment traps will be constructed to provide 2,000 cubic feet of storage capacity for every acre (139.75 cubic meters/hectare) of contributory drainage area. Another acceptable method of erosion and sedimentation control is the use of pit sumps. The mineral extraction is conducted in such a manner so that all surface water runoff is contained within the pit. The pit floor is sloped away from the highway to the pit sump.

For sites where the slopes are steep, and the surface water runoff cannot be contained within the pit, the operator shall construct sediment ponds and use collection ditches to convey the runoff to the sediment ponds. The sediment ponds will be sized to provide 7,000 cubic feet of storage for every acre (489.46 cubic meters/hectare) of contributory drainage area.

13. *Processing of Material*—The only processing allowed on sites covered by this general permit will be wet sand and gravel screening operations and dry sand and gravel operations processing of less than 150 tons per hour (147 metric tons/hour) of unconsolidated materials. The processing of material must be approved as a part of the registration.

14. *Reclamation*—In general, the requirements of 25 Pa. Code § 77.595 (relating to concurrent reclamation) are not applicable to operations authorized by this general permit. The Department reserves the right to require concurrent reclamation as provided for in § 77.595 (relating to concurrent reclamation) at a particular operation authorized under this general permit. If the applicant intends to use the reclamation plan described and one of the seed mixtures specified in the registration form a separate reclamation plan is not required. If the applicant intends to use alternative reclamation procedures or seed mixtures, the registration application must contain a reclamation and/or revegetation plan.

Sites must be reclaimed so that no slopes will exceed 35 degrees and the site will have positive drainage and will not pond water. No excavation of material can occur within 25 feet (7.26 meters) of the property line unless approved by the Department. A minimum of 12 inches (0.30 meters) of topsoil, or subsoil if the topsoil is less than 12 inches (0.30 meters), shall be saved and redistributed evenly across the site as required under 25 Pa. Code §§ 77.512—77.514 (relating to removal, storage, and redistribution). Lime and fertilizer will be applied in accordance with a soil test. The site will be seeded and mulch (hay or straw) will be applied at a minimum rate of 2 1/2 to 3 tons/acre (6.05—7.41 metric tons/hectare). Revegetation shall be completed no later than the end of the first growing season, as defined under 25 Pa. Code § 77.612 (relating to timing), after the mineral extraction and regrading is completed.

15. *Bond Release*—The operator will notify the affected landowner of the request for bond release by certified letter. A copy of the certified letter and return receipt must be included with the request for bond release. The

affected landowner will have 30 days to notify the Department of any concerns they have about the reclamation.

Sites revegetated with grasses will be monitored for at least 1 year from the date of initial planting. Sites revegetated with trees will be monitored for two growing seasons (Spring and Fall). The bond posted for the site will be released after the monitoring period has elapsed and the revegetation has met the requirements of 25 Pa. Code § 77.618 (relating to standards for successful revegetation). The monitoring period for sites revegetated with grasses will be for at least 1 year from the date of initial planting. Sites revegetated with trees will be monitored for 2 growing seasons (Spring and Fall).

16. No condition of this general permit shall release the permittee from any responsibility or requirement under other applicable Federal or Pennsylvania statutes or regulations or local ordinances.

17. *Conditions for Operation under the General Permit*—

a. Any modifications to erosion and sedimentation control facilities necessary to meet the terms and conditions of this permit require prior written approval.

b. The permittee shall conduct all surface mining activities as described in the approved registration of the mining activities under the general permit and all supporting documents which are incorporated herein by reference. Where there is a conflict between the application and the supporting documentation and the terms and conditions of this permit, the terms and conditions of this permit shall supersede any conflicting provisions of the application and supporting documents or revisions to the application.

c. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access and to inspect all areas on which surface mining activities are being or will be conducted. The authorization and consent shall include consent to collect samples, to take photographs, to perform measurements, surveys, and other tests, to inspect any monitoring equipment, to inspect the methods of operation, and to inspect and/or copy documents required by the Department to be maintained.

d. The issuance of this authorization to conduct surface mining activities under a general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-180. Filed for public inspection January 30, 1998, 9:00 a.m.]

Proposed Revision to the State Implementation Plan for Ozone Meeting the Requirements of the Alternative Ozone Attainment Demonstration Policy (Phase I and II); Public Hearing

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat,

and also can cause damage to important food crops, forests and wildlife. The Commonwealth of Pennsylvania is seeking public comment on two plans required by the Clean Air Act to reduce ozone concentrations in the Philadelphia ozone nonattainment area (Bucks, Chester, Delaware, Montgomery and Philadelphia counties). Together, these plans meet the requirements for reducing volatile organic compounds (or equivalent) by 3% per year from 1996 through 2005 and demonstrating that the area will meet the health-based ozone standard.

States may meet these requirements in two phases. The Phase I plan documents reductions from 1996 through 1999 and commits to adopt additional necessary controls. The Phase II plan documents subsequent reductions, describes current air quality monitoring and provides air quality modeling information for the attainment demonstration. It also describes Pennsylvania's efforts to reduce transport of pollution from outside its borders. The Department of Environmental Protection (Department) proposes to submit these documents to the Federal Environmental Protection Agency to revise the Pennsylvania State Implementation Plan (SIP) for ozone.

The Department will hold a public hearing to receive comments on both of the proposed SIP revisions. The public hearing will be held at 1 p.m. on March 2, 1998 at the Department of Environmental Protection's office at 555 North Lane, Conshohocken, PA.

Persons wishing to present testimony at the hearing should contact Vickie Walters at (717) 787-9495 or at P. O. Box 8468, Harrisburg, PA 17105 to reserve a time to present testimony. If you do not reserve a time to testify, you will be able to testify after pre-registered witnesses. Each witness must keep oral testimony to 10 minutes. Please submit three written copies of the oral testimony at the hearing. Each organization should designate one witness to present testimony on its behalf.

Persons interested in submitting written comments should send the comments to J. Wick Havens, Chief, Division of Air Resource Management, P. O. Box 8468, Harrisburg, PA 17105-8468. Written comments on Phase I must be received by the close of business, April 10, 1998. Written comments on Phase II must be received by the close of business, March 9, 1998. Copies of the proposed revision may be obtained from J. Wick Havens at the above address or by telephone at (717) 787-4310 (e-mail: Havens.Wick@A1.dep.state.pa.us). This proposal is also available on the DEP Web site at <http://www.dep.state.pa.us> (choose Public Participation Center/Proposals Open for Comment).

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 J. Wick Havens at the above address or telephone number, or for TDD users, the AT&T Relay Service at 1 (800) 654-5984 to discuss how the Department can best accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-181. Filed for public inspection January 30, 1998, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following projects:

Project No. DGS 182-12—Flood Control Project, Hazel Dyke between State Drive Bridge and Lincoln Avenue Bridge, City of Lebanon, Lebanon County, PA. Construction Cost: \$1,200,000. The scope of work includes, but is not limited to, reinforced concrete channel on Hazel Dyke beginning at State Drive and continue downstream to tie into existing channel at Lincoln Avenue (500 feet).

Project No. DGS 403-72—Utility/Infrastructure Renovations, Cheyney University, Delaware County, PA. Construction Cost: \$5,161,882. The scope of work includes, but is not limited to, renovation/retrofit of electrical distribution systems including primary and secondary distribution and transfer switch replacement, service selection switch replacement, sub-metering, distribution panel replacements, disconnect and breaker replacement. Also included are renovations/retrofit of the steam, condensate, water, water storage, distribution and sewer systems. In addition, restoration/retrofit of heat dissipation, elimination and recovery systems.

Project No. DGS 509-29—Reconstruction or Replacement of Boilers to Meet Emissions Requirements and Upgrade Steam Distribution System, Norristown State Hospital, Norristown, Montgomery County, PA. Construction Cost: \$3,270,000. The scope of work includes, but is not limited to, renovation of Boiler Plant to meet EPA and DEP standards. Project also includes upgrading feed water system, water treatment system and electrical system; replacement of steam/condensate lines, valves and renovation of Boiler Plant Structure. Life cycle cost analysis to be done for alternative fuel use and/or major retrofit for emission control.

Project No. DGS 552-28—Installation of Integrated and Updated Fire Alarm System for Entire Facility, Polk Center, Polk, Venango County, PA. Construction Cost: \$1,200,000. The scope of work includes, but is not limited to, upgrade of existing fire alarm system to meet NFPA Code, including alarm devices, smoke and heat detectors, wiring, duct detectors, fire doors and sprinkler systems.

Project No. DGS 655-8—Conversion of Theatre into a Performing Arts Center, Warner Theatre, Erie, Erie County, PA. Construction Cost: \$8,250,000. The scope of work includes, but is not limited to, restoration of the auditorium and lobby; replace deteriorated building systems, including HVAC, electrical and plumbing; bring building into ADA compliance, including elevator; expand stage, stage support areas and theatrical equipment systems; provide dressing room facilities; modification of fire protection system and exterior envelope.

Project No. DGS 999-6—Development, Phase II, Commonwealth Conservation Center, Harrisburg, Dauphin County, PA. Construction Cost: \$1,040,000. The scope of work includes, but is not limited to, renovation of the mechanical, electrical and other support systems which includes new HVAC system, exhaust systems, fume hoods, plumbing, electrical, fire and security and ADA compliance. The Center is a specialized laboratory which treats historical and archaeological artifacts that require very specialized environmental conditions (temperature/

humidity). (See Special Note under Requirements and Information section regarding Design Expertise.)

Project No. DGS 1103-60—Sports Center Expansion, University of Pittsburgh, Bradford Campus, Bradford, McKean County, PA. Construction Cost: \$5,833,000. The scope of work includes, but is not limited to, an approximately 60,000 GSF addition to allow for expansion of academic/administrative programs including health, physical and recreational education, intramural recreation and intercollegiate athletics. Interior renovation of existing building (23,000 GSF) appropriate for academic/administrative/related ancillary programs including ADA and energy efficient HVAC and electrical systems. The addition shall be connected/compatible with University data/video/voice systems. Also, site work including parking lots, basketball courts, soccer-intramural-softball-baseball fields, site and field lighting. (See Special Note under Requirements and Information section regarding Design Expertise.)

Project No. DGS 1570-6—Expansion of Support Facilities, State Correctional Institution, Greensburg, Westmoreland County, PA. Construction Cost: \$3,458,000. The scope of work includes, but is not limited to, construction of an approximately 15,000 sq. ft. gymnasium including weight/exercise room, visiting team locker room, office space and restrooms for staff and inmates. Existing gymnasium converted into two floors; first floor will be inmate dining and second floor for offices and a chapel. Existing inmate dining area to be used for expanded food preparation area and staff dining. Interior court yard to be enclosed and used as additional treatment rooms, in-patient area and offices.

Requirements and Information

Special Note

Firms applying for **Project No. DGS 999-6** must show experience in designing environmental systems for museums and for conservation laboratories. The firm should also have experience in dealing with the specialized needs of laboratory facilities (scientific labs, conservation labs or hospitals).

Firms applying for **Project No. DGS 1103-60** shall have demonstrated experience in the design of university athletic and recreation facilities of similar scope.

Note—Project Program

A Project Program, prepared by the Using Agency, for the above advertised projects may be available and can be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125, (717) 783-8468.

Instructions for Filing Application

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Revised 1994 Form 150, not more than 1 year old as of the deadline date stated in paragraph (d) as follows, must be filed with the Department of General Services for the requesting professional firm and the designated key consultants listed on the requesting professional firm's application (Form 150-S). All signatures on Form 150 must be original signatures. Consultants listed on the requesting professional firm's application (Form 150-S) shall be deemed to be designated key consultants. If these documents are not on file with the Department, the requesting professional firm must submit them with firm's application (Form 150-S). A photocopy of Form 150 without an original signature of a

principal of the firm is not acceptable. Revised 1994 Form 150, Architect/Engineer Questionnaire, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125, (717) 783-8468.

(b) The requesting professional firm shall obtain from each consultant listed in the requesting professional firm's application (Form 150-S) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-S) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-S) for the specific project. All signatures on letters of certification must be original signatures.

(c) The requesting professional firm must submit six signed copies of Revised 1994 Form 150-S, Specific Project Form, for each project herein advertised in which the firm is interested and qualified to perform. All signatures on Form 150-S must be original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three projects described in Question 14, Page 5 of the application (Form 150-S). The requesting professional firm or Joint Venture members must be the Professional of Record for the projects described in Question 14, Page 5 of the application (Form 150-S). It is not acceptable to list work performed by key consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the Professional of Record. Renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-S). The pages of each copy of revised 1994 Form 150-S must be stapled with photographs and consultant's letters of certification followed by photocopies of licenses of registered professionals included as the last section of the application. Do not bind the application (Form 150-S) in any way to any other documentation. Do not bind the application (Form 150-S) in a binder of any type. Revised 1994 Form 150-S may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. (717) 783-8468.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Thursday, February 19, 1998, and addressed to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the current 1994 forms. Outdated forms are not acceptable.

(e) The Selections Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

Additional services—indoor air quality assessment program and hazardous materials

The Professional firm selected to design a project will be expected to perform and administer, when required by

the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The professional agrees to comply with the terms of the Agreement and specifically as it relates to the Professional Liability Insurance and the General Liability Insurance Requirements.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed State work, and will consider Joint Ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under the act of July 22, 1975 (P. L. 75, No. 45).

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-182. Filed for public inspection January 30, 1998, 9:00 a.m.]

DEPARTMENT OF HEALTH

Laboratories Approved to Determine Urine Controlled Substance Content Under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department. These laboratories are also approved and designated for purposes of the Vehicle Code (75 Pa.C.S. §§ 1547 and 3755) (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), the Fish and Boat Code (30 Pa.C.S. § 5125) (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code (34 Pa.C.S. § 2502) (relating to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following

the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC". Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500. Persons with a disability may also submit questions to Dr. Shoemaker in alternative formats, such as audiotape, braille or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, audiotape, braille), should contact M. Jeffery Shoemaker so that the necessary arrangements may be made.

Abington Memorial Hospital-S
1200 Old York Road
Abington, PA 19001
215-576-2350

ACT Lab Services, Inc.-SC
270 Commerce Drive
Fort Washington, PA 19034
215-283-6370

Albert Einstein Medical Center North-SC
5500 Old York Road
Philadelphia, PA 19141
215-456-6100

Allegheny County Department of Labs., Toxicology Section-S
10 County Office Building
Pittsburgh, PA 15219
412-355-6873

Allegheny General Hospital Dept. Lab. Med.-S
320 East North Avenue
Pittsburgh, PA 15212
412-359-3521

Allegheny University Hospital-Center City-S
Broad and Vine Streets, MS 113
Philadelphia, PA 19102
215-448-7154

Allegheny University Hospital-East Falls-S
3300 Henry Avenue
Philadelphia, PA 19129
215-842-6615

Allegheny University Hospital-Graduate-S
1 Graduate Plaza-Pepper Pavilion, 4th Floor
Philadelphia, PA 19146
215-893-2240

Allegheny University Hospital-Parkview-S
1331 East Wyoming Avenue
Philadelphia, PA 19124
215-537-7430

Allegheny University Hospitals-Bucks County Division-S
225 Newtown Road
Warminster, PA 18974
215-441-6700

Allegheny University STAT-TOX-SC
Broad and Vine Streets, 6th Floor MS 431
Philadelphia, PA 19102
215-762-7828

Altoona Hospital-S
620 Howard Avenue
Altoona, PA 16601
814-946-2340

American Medical Laboratories-SC
14225 Newbrook Drive
Chantilly, VA 20153
703-802-6900

Analytic Biochemistries, Inc.-SC
1680-D Loretta Avenue
Feasterville, PA 19053
215-322-9210

Associated Clinical Laboratories-SC
1526 Peach Street
Erie, PA 16501
814-453-6621

Associated Regional & Univ. Path.-SC
500 Chipeta Way
Salt Lake City, UT 84108
800-242-2787

Ayer Clinical Lab-Penn Hospital-S
Eighth and Spruce Streets
Philadelphia, PA 19107
215-829-3541

Bendiner & Schlesinger, Inc.-SC
47 Third Avenue
New York, NY 10003
212-254-2300

Bon Secours-Holy Family Reg. Health-S
2500 Seventh Avenue
Altoona, PA 16602
814-949-4495

Braddock Medical Center-S
412 Holland Avenue
Braddock, PA 15104
412-636-5000

Bradford Hospital-S
116-156 Interstate Parkway
Bradford, PA 16701
814-834-8282

Brandywine Hospital and Trauma Center-S
Route 30 Bypass
Coatesville, PA 19320
610-383-8000

Brownsville General Hospital-S
125 Simpson Road
Brownsville, PA 15417
412-785-7200

Canonsburg General Hospital-S
RD 1, Box 147, Route 519
Canonsburg, PA 15317
412-745-6100

Carlisle Hospital-S
245 Parker Street
Carlisle, PA 17013
717-249-1212

Cedar Crest Emergicenter-S
1101 South Cedar Crest Blvd.
Allentown, PA 18103
610-433-4260

Centre Community Hospital-S
1800 East Park Avenue
State College, PA 16803
814-234-6117

Chambersburg Hospital-S
112 North Seventh Street
Chambersburg, PA 17201
717-267-7152

Charles Cole Memorial Hospital-S
RD 1, Box 205
Coudersport, PA 16915
814-274-9300

Chester County Hospital-S
701 East Marshall Street
West Chester, PA 19380
610-431-5182

Chestnut Hill Hospital-S
8835 Germantown Avenue
Philadelphia, PA 19118
215-248-8630

Children's Hospital of Philadelphia-S
One Children's Center, 34th & Civic Center Blvd.
Philadelphia, PA 19104
215-590-1000

Clarendon Laboratory-SC
1125 Flatbush Avenue
Brooklyn, NY 11226
718-856-4700

Clarion Hospital-S
1 Hospital Drive
Clarion, PA 16214
814-226-9500

Clinical Science Laboratory, Inc.-S
51 Francis Avenue
Mansfield, MA 02048
508-339-6106

Clintox Laboratories-SC
601 Gay Street
Phoenixville, PA 19460
610-933-6550

Community General Osteopathic Hospital-S
4300 Londonderry Road, P.O. Box 3000
Harrisburg, PA 17109
717-657-7214

Community Hospital of Lancaster-S
1100 East Orange Street
Lancaster, PA 17604
717-397-3711

Community Medical Center-S
1822 Mulberry Street
Scranton, PA 18510
717-969-8000

CompuChem Laboratories, Inc.-SC
1904 Alexander Drive
Research Triangle Park, NC 27709
919-549-8263

Conemaugh Valley Memorial Hospital-S
1086 Franklin Street
Johnstown, PA 15905
814-534-9000

Crozer-Chester Medical Center-S
1 Medical Center Blvd.
Upland, PA 19013
610-447-2000

Delaware County Memorial Hospital-S
501 North Lansdowne Avenue
Drexel Hill, PA 19026
610-284-8100

Delaware Valley Medical Center-S
200 Oxford Valley Road
Langhorne, PA 19047
215-949-5275

Department of Pathology & Lab Med-HUP-SC
3400 Spruce Street
Philadelphia, PA 19104
215-662-3435

Divine Providence Hospital-S
1100 Grampian Blvd.
Williamsport, PA 17701
717-326-8167

Doylestown Hospital-S
595 West State Street
Doylestown, PA 18901
215-345-2250

DrugScan, Inc.-SC
1119 Mearns Road, P.O. Box 2969
Warminster, PA 18974
215-674-9310

DrugScan, Inc.-Limerick Division-S
Sanatoga & Evergreen Roads
Sanatoga, PA 19464
610-327-1200

DrugScan, Inc.-Peach Bottom Division-S
1848 Lay Road (Atom Road)
Delta, PA 17314
717-456-3026

Easton Hospital-S
250 South 21st Street
Easton, PA 18042
610-250-4140

Elk County Regional Medical Center-S
94 Hospital Street
Ridgway, PA 15853
814-776-6111

Episcopal Hospital-S
100 East Lehigh Avenue
Philadelphia, PA 19125
215-427-7333

Evangelical Community Hospital-S
1 Hospital Drive
Lewisburg, PA 17837
717-522-2510

Fitness for Duty Center-S
Pennsylvania Power and Light Company
PO Box 467
Berwick, PA 18603
717-542-3336

Forbes Regional Health Center-S
2570 Haymaker Road
Monroeville, PA 15146
412-858-2560

Frankford Hospital-Torresdale Division-S
Knights and Red Lion Roads
Philadelphia, PA 19114
215-612-4000

Frankford Hospital-Frankford Division-S
Frankford Avenue and Wakeling Street
Philadelphia, PA 19124
215-831-2068

Frick Hospital and Community Health Center-S
508 S. Church Street
Mount Pleasant, PA 15666
412-547-1500

Garcia Laboratory-S
2195 Spring Arbor Road
Jackson, MI 49203
517-787-9600

Geisinger Medical Center-SC
North Academy Road
Danville, PA 17822
717-271-6338

Geisinger Wyoming Valley Medical Center-S
1000 E. Mountain Drive
Wilkes-Barre, PA 18711
717-826-7830

Germantown Hospital & Medical Center-S
One Penn Blvd.
Philadelphia, PA 19144
215-951-8800

GHS-City Avenue Hospital-S
4150 City Avenue, Dept. of Pathology
Philadelphia, PA 19131
215-871-1000

Gnaden Huetten Memorial Hospital-S
11th and Hamilton Streets
Lehighon, PA 18235
610-377-1300

Good Samaritan Hospital-S
4th and Walnut Streets, PO Box 1281
Lebanon, PA 17042
717-270-7500

Good Samaritan Regional Medical Center-S
700 East Norwegian Street
Pottsville, PA 17901
717-622-3400

GPU Nuclear Corp., TMI Med. Dept.-S
P.O. Box 480
Middletown, PA 17057
717-948-8189

Harrisburg Hospital-S
South Front Street
Harrisburg, PA 17101
717-782-3131

Hazleton General Hospital-S
East Broad Street
Hazleton, PA 18201
717-454-2441

Health Network Laboratories-SC
2024 Lehigh Street
Allentown, PA 18103
610-402-8150

Health Quest Medical Laboratories, Inc.-S
1503 Sunset Drive, Suite 4
Pottstown, PA 19464
610-327-2520

Holy Redeemer Hospital-S
1648 Huntingdon Pike
Meadowbrook, PA 19046
215-947-3000

Holy Spirit Hospital-SC
503 North 21st Street
Camp Hill, PA 17011
717-763-2206

Horizon Hospital System-Greenville Campus-S
110 North Main Street
Greenville, PA 16125
412-588-2100

Horizon Hospital System-Shenango Campus-S
2200 Memorial Drive
Farrell, PA 16121
412-981-3500

Indiana Hospital Dept. Lab. Med.-S
P.O. Box 788
Indiana, PA 15701
412-357-7166

Jeanes Hospital-S
7600 Central Avenue
Philadelphia, PA 19111
215-728-2347

Jersey Shore Hospital-S
1020 Thompson Street
Jersey Shore, PA 17740
717-398-0100

John F. Kennedy Memorial Hospital-S
Cheltenham and Langdon Streets
Philadelphia, PA 19124
215-831-7203

Kensington Hospital-S
136 West Diamond Street
Philadelphia, PA 19122
215-426-8100

Lab Corp of America Holdings-SC
1447 York Court
Burlington, NC 27216
800-334-5161

Lab Corp of America Holdings-SC
69 First Avenue - PO Box 500
Raritan, NJ 08869
201-526-2400

LabOne, Inc.-SC
8915 Lenexa Drive
Overland Park, KS 66214
913-888-1770

Lancaster General Hospital-S
555 North Duke Street- PO Box 3555
Lancaster, PA 17603
717-299-5511

Lancaster General Hospital-Susquehanna Division-S
306 North Seventh Street
Columbia, PA 17512
717-684-2841

Latrobe Area Hospital-S
West Second Avenue
Latrobe, PA 15650
412-537-1550

Lee Hospital-S
320 Main Street
Johnstown, PA 15901
814-533-0130

Lewistown Hospital-S
Highland Avenue
Lewistown, PA 17044
717-248-5411

Lock Haven Hospital-S
24 Cree Drive
Lock Haven, PA 17745
717-893-5000

Magee Women's Hospital-S
Forbes Avenue and Halket Street
Pittsburgh, PA 15213
412-647-4651

Main Line Clinical Laboratories-Bryn Mawr CP-S
Bryn Mawr Avenue
Bryn Mawr, PA 19010
610-526-3554

Main Line Clinical Laboratories-Lankenau CP-S
100 East Lancaster Avenue
Wynnewood, PA 19096
610-645-2615

Main Line Clinical Laboratories-Paoli Memorial CP-S
255 West Lancaster Avenue
Paoli, PA 19301
610-648-1000

Meadville Medical Center-Liberty Street-S
751 Liberty Street
Meadville, PA 16335
814-336-3121

MedExpress/National Lab Center-SC
3955 Vantech Drive
Memphis, TN 38115
901-795-1515

Medlab Clinical Testing, Inc.-SC
212 Cherry Lane
New Castle, DE 19720
800-633-5221

MedTox Laboratories, Inc.-SC
402 West County Road D
New Brighton, MN 55112
612-636-7466

Mercy Health Lab-Mercy Fitzgerald Hospital-S
Lansdowne Avenue and Bailey Road
Darby, PA 19023
610-237-4175

Mercy Health Lab-Mercy Hospital/Phila.-S
5301 Cedar Avenue
Philadelphia, PA 19143
215-748-9170

Mercy Hospital Laboratory-S
Pride and Locust Streets
Pittsburgh, PA 15219
412-232-7831

Methodist Hospital Div./TJUH, Inc.-S
2301 South Broad Street
Philadelphia, PA 19148
215-952-9059

Miner's Hospital of N. Cambria-S
2205 Crawford Avenue
Spangler, PA 15775
814-948-7171

Monongahela Valley Hospital, Inc.-S
Country Club Road - Route 88
Monongahela, PA 15063
412-258-2000

Montgomery Hospital-S
Powell and Fornance Streets
Norristown, PA 19401
610-270-2173

Nason Hospital-S
Nason Drive
Roaring Spring, PA 16673
814-224-6215

National BioStudios-S
5846 Distribution Drive
Memphis, TN 38141
901-795-1700

National Medical Services, Inc.-SC
3701 Welsh Road
Willow Grove, PA 19090
215-657-4900

Nazareth Hospital-S
2601 Holme Avenue
Philadelphia, PA 19152
215-335-6245

North Penn Hospital-S
100 Med Campus Drive
Lansdale, PA 19446
215-368-2100

Northwest Medical Center-Oil City Campus-S
174 E. Bissell Avenue
Oil City, PA 16301
814-677-1711

Omega Medical Laboratories, Inc.-SC
2001 State Hill Road, Suite 100
Wyomissing, PA 19610
610-378-1900

Penna. Dept. of Health, Bureau of Labs.-SC
P.O. Box 500
Exton, PA 19341-0500
610-363-8500

Pharmchem Laboratories, Inc.-SC
1505-A O'Brien Drive
Menlo Park, CA 94025
415-328-6200

Phoenixville Hospital-S
140 Nutt Road
Phoenixville, PA 19460
610-933-9281

Pittsburgh Criminalistics-SC
1320 5th Avenue
Pittsburgh, PA 15219
412-391-6118

Pocono Medical Center Lab.-S
206 East Brown Street
East Stroudsburg, PA 18301
717-476-3544

Polyclinic Hospital-S
2601 North Third Avenue
Harrisburg, PA 17110
717-782-4141

Pottstown Memorial Medical Center-S
1600 East High Street
Pottstown, PA 19464
610-327-7111

Pottsville Hospital and Warne Clinic-S
420 South Jackson Street
Pottsville, PA 17901
717-621-5262

Premier Research Worldwide-S
124-34 South 15th Street
Philadelphia, PA 19102
215-972-0420

Presbyterian Medical Center of Phila.-S
3400 Spruce Street - Dept. of Pathology
Philadelphia, PA 19104
215-662-3435

Princeton Biomedical Laboratories, Inc.-S
2000-B Hartel Complex
Levittown, PA 19057
215-943-0700

Psychemedics Corporation-SC
5832 Uplander Way
Culver City, CA 90230
800-522-7424

Quest Diagnostics, Inc.-SC
4444 Giddings Road
Auburn Hills, MI 48326
800-444-0106

Quest Diagnostics, Inc.-S
1901 Sulphur Spring Road
Baltimore, MD 21227
301-247-9100

Quest Diagnostics of PA, Inc.-S
900 Business Center Drive
Horsham, PA 19044
215-957-9300

Quest Diagnostics of PA, Inc.-SC
875 Greentree Road, 4 Parkway Center
Pittsburgh, PA 15220
412-920-7600

Quest Diagnostics-SC
7470-A Mission Valley Road
San Diego, CA 92108-4406
800-446-4728

Quest Diagnostics, Inc.-SC
One Malcolm Avenue
Teterboro, NJ 07608
201-288-0900

Quintiles Laboratories, Ltd.-SC
5500 Highlands Parkway, Suite 600
Smyrna, GA 30082
770-434-8492

Reading Hospital & Medical Center-S
6th and Spruce Streets
Reading, PA 19603
610-378-6080

Redwood Toxicology Laboratory-SC
3573 Westwind Boulevard
Santa Rosa, CA 95403
707-577-7958

Robert Packer Hospital-S
200 S. Wilbur Avenue
Sayre, PA 18840
717-888-6666

Roxborough Memorial Hospital-S
5800 Ridge Avenue
Philadelphia, PA 19128
215-483-9900

Sacred Heart Hospital-S
Fourth and Chew Streets
Allentown, PA 18102
610-776-4727

Saint Clair Memorial Hospital-S
1000 Bower Hill Road
Pittsburgh, PA 15243
412-561-4900

Saint Francis Hospital of New Castle-S
1000 South Mercer Street
New Castle, PA 16101
412-658-3511

Saint Joseph Hospital-S
250 College Avenue, P.O. Box 3509
Lancaster, PA 17604
717-291-8022

Saint Mary Hospital-S
Langhorne and Newtown Roads
Langhorne, PA 19047
215-750-2162

Scientific Testing Labs, Inc.-SC
463 Southlake Boulevard
Richmond, VA 23236
800-977-9130

Serenity Hall, Inc.-S
414 West Fifth Street
Erie, PA 16057
814-459-4775

Shadyside Hospital-S
5230 Centre Avenue
Pittsburgh, PA 15232
412-622-2315

Sharon Regional Health System-S
740 East State Street
Sharon, PA 16146
412-983-3911

Sierra Analytical Laboratories-SC
625 East Drinker Street
Dunmore, PA 18512
717-341-2224

Skippack Medical Laboratory-S
3887 Skippack Pike
Skippack, PA 19474
610-584-1669

SmithKline Beecham Clinical Laboratories, Inc.-SC
400 Egypt Road
Norristown, PA 19403
610-631-4200

SmithKline Bio-Science Laboratories-SC
7600 Tyrone Avenue
Van Nuys, CA 91405
818-376-6259

Somerset Hospital-S
225 South Center Avenue
Somerset, PA 15501
814-443-2626

South Hills Health System - Jefferson-S
575 Coal Valley Road
Pittsburgh, PA 15236
412-469-5723

Southern Chester County Medical Center-S
1015 West Baltimore Pike
West Grove, PA 19390
610-869-1080

Specialty Laboratories-S
2211 Michigan Avenue
Santa Monica, CA 90404
310-828-6543

St. Francis Central Hospital-S
1200 Centre Avenue
Pittsburgh, PA 15219
412-562-3060

St. Francis Medical Center-S
400-45th Street
Pittsburgh, PA 15201
412-622-4838

St. Joseph Quality Medical Laboratory-SC
215 North 12th Street, Box 316
Reading, PA 19603
610-378-2200

St. Joseph's Hospital-Div. NPHS-S
16th Street and Girard Avenue
Philadelphia, PA 19130
215-787-9000

St. Margaret's Memorial Hospital-S
815 Freeport Road
Pittsburgh, PA 15215
412-784-4000

St. Mary's Regional Medical Center-S
763 Johnsonburg Road
St. Mary's, PA 15857
814-834-8519

Suburban General Hospital-S
100 South Jackson Avenue
Bellevue, PA 15202
412-734-6000

Suburban General Hospital-S
2701 DeKalb Pike
Norristown, PA 19404
610-278-2075

Taylor Hospital, Div. of CCMC-S
175 E. Chester Pike
Ridley Park, PA 19078
610-595-6450

TechNow-S
2710 Township Line Road
Havertown, PA 19083
610-449-5039

Temple Lower Bucks Hospital-S
501 Bath Road
Bristol, PA 19007
215-785-9200

Temple University Hospital-S
3401 North Broad Street
Philadelphia, PA 19140
215-221-3453

The Medical Center-Beaver, PA, Inc.-S
1000 Dutch Ridge Road
Beaver, PA 15009
412-728-7000

Thomas Jefferson University Hospital-S
125 South 11th Street-204 Pavilion
Philadelphia, PA 19107
215-955-6374

Titusville Area Hospital-S
406 West Oak Street
Titusville, PA 16354
814-827-1851

Toxi-Con-SC
120 Monahan Avenue-Suite 101
Dunmore, PA 18512
717-963-0722

University Hospital-Milton S. Hershey Medical Center-S
500 University Avenue
Hershey, PA 17033
717-531-8353

University of Pittsburgh Medical Center/Beaver Valley-S
2500 Hospital Drive-Pathology Department
Aliquippa, PA 15001
412-857-1238

University of Pittsburgh Medical Center-CLSI-SC
Room 5929 Main Tower/CLSI
200 Lothrop Street
Pittsburgh, PA 15213
412-647-7813

Valley Forge Medical Center and Hospital-S
1033 W. Germantown Pike
Norristown, PA 19403
610-539-8500

Waynesboro Hospital-S
East Main Street
Waynesboro, PA 17268
717-765-3403

The Western Pennsylvania Hospital-S
4800 Friendship Avenue
Pittsburgh, PA 15224
412-578-5779

Western Reserve Care System-SC
North Side Medical Center-500 Gypsy Lane
Youngstown, OH 44504
216-740-3794

Westmoreland Hospital-S
532 W. Pittsburgh Street
Greensburg, PA 15601
412-832-4365

Wilkes-Barre General Hospital-SC
Corner North River and Auburn Streets
Wilkes-Barre, PA 18764
717-829-8111

Williamsport Hospital and Medical Center-S
777 Rural Avenue
Williamsport, PA 17701
717-321-2300

York Hospital-S
1001 South George Street
York, PA 17405
717-771-2696

[Pa.B. Doc. No. 98-183. Filed for public inspection January 30, 1998, 9:00 a.m.]

**Public Hearing and Invitation for Public Comments
on the 1998 Grant Application Under Title II of
the Ryan White Comprehensive AIDS Resources
Emergency Act of 1990**

The Department of Health (Department), Bureau of Communicable Diseases, Division of HIV/AIDS is applying for a grant from the United States Department of

Health and Human Services under Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (Ryan White CARE Act) (42 U.S.C.A. §§ 300ff-21—300ff-30), amended by, the Ryan White CARE Act Amendments of 1996, P. L. 104-146 (110 Stat. 1346). The grant is to be used for improving the quality, availability and organization of health care support services for individuals with HIV disease and the families of those individuals.

In accordance with section 2617(b) of the Ryan White CARE Act (42 U.S.C.A. § 300ff-27(b)), as amended, the Department is conducting a public hearing to solicit comments on how it should utilize the portion of the grant money under Title II that is to be dedicated to specific program areas. Specifically, the Department intends to use funds awarded to it under Title II of the Ryan White CARE Act, as amended, in accordance with two of the five possible program areas specified in that act:

1. *HIV Care Consortia*: To establish and operate, within areas most affected by HIV disease, HIV care consortia designed to provide a comprehensive continuum of care to individuals and families with HIV disease, 42 U.S.C.A. § 300ff-23, as amended; and

2. *Provision of Treatments*: To provide therapeutics (including devices necessary to administer such pharmaceuticals) to treat HIV disease or prevent the serious deterioration of health including treatment of opportunistic infections, 42 U.S.C.A. § 300ff-26, as amended.

The hearing will be held from 10 a.m. to 1 p.m. on Thursday, January 29, 1998, in the conference room, First Floor, 2635 Paxton Street, Harrisburg, PA 17111, and is subject to cancellation without further notice.

In addition, the Department will accept written comments until 4 p.m. on May 1, 1998 on how the portion of the grant money that is to be dedicated to these two specific program areas shall be utilized. These written comments should be sent to the Bureau of Communicable Diseases, Division of HIV/AIDS, at the following address.

For additional information, or to obtain copies of the Department's grant application, contact George Schelzel, Department of Health, Bureau of Communicable Diseases, Division of HIV/AIDS, P.O. Box 90, Harrisburg, PA 17108, (717) 783-0479. Persons with a disability who require an alternate format of the Department's grant application, who desire to comment in an alternate format (for example, large print, audiotape, braille) or who require an auxiliary aid, service or other accommodation to attend the hearing should notify George Schelzel, Bureau of Communicable Diseases, Division of HIV/AIDS, (717) 783-0574; TDD (717) 783-6514.

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-184. Filed for public inspection January 30, 1998, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these persons and firms, or any firm, corporation or partnership in which the persons and firms have an interest, shall be awarded no contract for 3 years after the date listed.

NOTICES

575

	<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
1.	Greene Mechanical Corporation (Fed. ER Tax ID No. 25-1348869) -and- Michael Mesich	253 East First Street P. O. Box 266 Waynesburg, PA 15370	06/29/95
2.	General Mechanical Contractors, Inc. (Fed. ER Tax ID No. 25-1243634), d/b/a General Industries	15 Arentzen Boulevard Charleroi Industrial Park Charleroi, PA 15022	08/16/95
3.	George Sirakos, and Scott Sirakos, d/b/a George Sirakos, Contractor (Fed. ER Tax ID No. 25-1329207) -and/or- George W. Sirakos -and/or- George Sirakos -and/or- Scott Sirakos	2207 West Pike Street Houston, PA 15342 2207 West Pike Street Houston, PA 15342 200 Ross Street Houston, PA 15342 200 Ross Street Houston, PA 15342	08/16/95
4.	Parmenter Excavating (Fed. ER Tax I. D. No. 25-1698794) and Timothy Parmenter -and- P. C. Partnership and Bruce Eaton	6280 Sterretania Road Fairview, PA 16415 -and/or- 10889 Smith Road Northeast, PA 16428 P. O. Box 368 Fairview, PA 16415 -and/or- 12251 Lay Road Edinboro, PA 16412	08/18/95
5.	William Bradney -and- Thomas Andress -and- Robert Kerns	95 Louise Drive Ivyland, PA 18974 43 Upper Stump Road Chalfont, PA 18914 1203 Olms House Road Jamison, PA 18929	08/21/95
6.	The Garnes Group -and- Park Garnes, Sr.	P. O. Box 15135 Harrisburg, PA 17105	11/20/95
7.	Facility Automation Services, Inc. (Fed. ER Tax ID No. 25-1618301) -and- James A. Gabrielse	231 West Pittsburgh St. Greensburg, PA 15601 10816 Highpoint Drive Pittsburgh,	11/20/95
8.	Industrial Building Refinishers, Inc. -and- William A. Tyrka	6845 Linden Circle Macungie, PA 18062	11/20/95
9.	DiLucente Corp. -and- Domenic DiLucente (Fed. ER Tax ID No. 25-1485346)	215 Bessemer Avenue East Pittsburgh, PA 15112	01/19/96

	<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
10.	J. M. Spears & Sons, Inc., and James M. Spears, Sr., a/k/a J. M. Spears, Sr., a/k/a Jim Spears (Fed. ER Tax ID No. 25-1351922)	135 Seneca Drive Butler, PA 16001	03/01/96
11.	Lehigh Tile and Marble Company (Fed. ER Tax ID No. 23-0139045)	1425 Chew Street Allentown, PA 18102	03/01/96
12.	Dixon S. Lightcap, t/a Lightcap Electric (Fed. ER Tax ID No. 25-1005774)	285 Philadelphia St. Indiana, PA 15701	03/05/96
13.	Edward Schench, Jr., t/a Deja Vu Mechanicals	600A Creamery Road Nazareth, PA 18064 -or- Route 2, Box 147 Easton, PA 18042	03/29/96
14.	John C. Fekos, d/b/a John C. Fekos, Painting Contractor (Fed. ER Tax No. 25-1344589)	3057 Texas Avenue Pittsburgh, PA 15216	05/02/96
15.	Yialouris Painting Co., Inc., and Paul Yialouris	P. O. Box 11556 Pittsburgh, PA 15238 -and/or- 7001 Craig Drive Murrysville, PA 15668-9409 -and/or- 461 Dover Drive Pittsburgh, PA 15278 -and/or- 740 Providence Road Pittsburgh, PA 15239	05/31/96
16.	Spadafora Corporation and Paul Spadafora (Fed. ER Tax ID Nos. 25-1644399 -and- 25-1231136)	4073 Route 8 Allison Park, PA 15101	06/05/96
17.	M.D.A. Mechanical Contractors, Inc., and August McRandal (Fed. ER Tax ID. No. 25-1429715)	305 Freeport Road Pittsburgh, PA 15215	06/28/96
18.	Neutron Electric, Inc. (Fed. ER Tax ID. No. 23-2063311)	3011 Edgemont Street Philadelphia, PA 19134	06/28/96
19.	Gary Roccograndi, d/b/a Roccograndi Power Kleen Co. (Fed. ER Tax I. D. No. 23-2407840)	P. O. Box 1823 Kingston, PA 18704	09/30/96
20.	Richard L. Knupp, d/b/a Richard L. Knupp & Associates, a/k/a Rick Knupp Associates	R. D. 1 Stahlstown, PA 15867 -and/or- 200 West Second Street Derry, PA 15627	10/02/96

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
21. Larry E. Patterson d/b/a L. E. Patterson Construction Co. (Fed. ER Tax I. D. No. 23-2329358)	2034 North Fifth Street Harrisburg, PA 17102-1511 -and/or- P. O. Box 5269 Harrisburg, PA 17110-0269	11/26/96
22. Jay Reed, d/b/a Jay Reed Concrete Finishing Company (Fed. ER Tax I. D. No. 25-1247205)	R. D. 1, Box 358A Hopewell, PA 16650	01/08/97
23. Michael R. Olson, t/a Olson Contracting & Constructon Company	18 Conewango Avenue Warren, PA 16365	03/26/97
24. Rindfuss Electric, Inc., and Rick L. Rindfuss (Fed. ER Tax ID No. 25-1590897)	12180 Angling Road Edinboro, PA 16413	08/18/97
25. Boss Insulation & Roofing, Inc., and W. Max Bossert, Jr. (Fed. ER Tax ID Nos. 23-2410800, 23-2079872)	R. D. 3, Box 174B Lewisburg, PA 17837	10/20/97
26. Larry Hager, Peggy Hager, d/b/a P. H. Trucking	7241 West Brady Lane Homasasso, FL 34446	11/20/97
27. Walter Gay, d/b/a Wayne Painting	411 Caldwell Avenue Wilmerding, PA 15148	12/09/97
28. Eltech, Inc. d/b/a Eagle Interiors (Fed. ER Tax ID Nos. 25-1611906, 25-1620224) -and- Eldin W. Fox, Jr. (Fed. ER Tax ID No. 25-1331625) and Brenda K. Fox	P. O. Box 546 Bashford Acres, R. D. 12 Greensburg, PA 15601	01/07/98

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 98-185. Filed for public inspection January 30, 1998, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Winner Take All Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Winner Take All.

2. *Price:* The price of a Pennsylvania Winner Take All instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Winner Take All instant lottery game ticket will contain one play area featuring one "Winning Numbers" area, one "Your Num-

bers" area and one "Bonus Box" area. The play symbols and their captions located in the "Winning Numbers" area and the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVTN), 18 (EGTN), 19 (NINTN) and 20 (TWTY). The play symbols and their captions located in the "Bonus Box" area are: Money Bag Symbol (WINNER), Coin Symbol (NO BONUS), Piggy Bank Symbol (NO BONUS), Wallet Symbol (NO BONUS), Stack of Money Symbol (NO BONUS), Diamond Symbol (NO BONUS), Stack of Coins Symbol (NO BONUS), Crown Symbol (NO BONUS) and Dollar Bill Symbol (NO BONUS).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOUR DOL), \$5.⁰⁰ (FIVE DOL), \$10.⁰⁰ (TEN DOL), \$15\$ (FIFTNDOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN) \$500 (FIVE HUN) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$15, \$20, \$50, \$100, \$500 and \$25,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,080,000 tickets will be printed for the Pennsylvania Winner Take All instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$25,000 (TWYFIVTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$500 (FIVE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets where a Money Bag Symbol (WINNER) play symbol appears in the "Bonus Box" play area and prize play symbols of \$100 (ONE HUN) x 4, \$50\$ (FIFTY), \$20\$ (TWENTY) x 2 and \$10.00 (TEN DOL) appear under the "Your Numbers" play symbols, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets where a Money Bag Symbol (WINNER) play symbol appears in the "Bonus Box" play area and prize play symbols of \$20\$ (TWENTY) x 3, \$10.00 (TEN DOL) x 3 and \$5.00 (FIVE DOL) x 2 appear under the "Your Numbers" play symbols, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets where a Money Bag Symbol (WINNER) play symbol appears in the "Bonus Box" play area and prize play symbols of \$10.00 (TEN DOL) x 2 and \$5.00 (FIVE DOL) x 6 appear under the "Your Numbers" play symbols, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers"

play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets where a Money Bag Symbol (WINNER) play symbol appears in the "Bonus Box" play area and prize play symbols of \$4.00 (FOUR DOL) x 2 and \$2.00 (TWO DOL) x 6 appear under the "Your Numbers" play symbols, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$15\$ (FIFTNDOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(k) Holders of tickets where a Money Bag Symbol (WINNER) play symbol appears in the "Bonus Box" play area and prize play symbols of, \$5.00 (FIVE DOL), \$4.00 (FOUR DOL) and \$1.00 (ONE DOL) x 6 appear under the "Your Numbers" play symbols, on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$10.00 (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5.00 (FIVE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4.00 (FOUR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2.00 (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1.00 (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Match Any Of Your Numbers To Either Of The Winning Numbers, Win Prize Shown. Get A Money Bag in Bonus Box Win All 8 Prizes With Prize(s) Of:

<i>Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,080,000 Tickets</i>
\$1 + \$1	\$2	1:12.50	806,400
\$2	\$2	1:18.75	537,600

Match Any Of Your Numbers To Either Of The Winning Numbers, Win Prize Shown. Get A Money Bag in Bonus Box Win All 8 Prizes With Prize(s) Of:

Prize(s) Of:	Win	Approximate Odds	Approximate No. of Winners Per 10,080,000 Tickets
\$1 x 4	\$4	1:25	403,200
\$2 x 2	\$4	1:50	201,600
\$4	\$4	1:75	134,400
\$2 + \$2 + \$1	\$5	1:150	67,200
\$4 + \$1	\$5	1:250	40,320
\$1 x 3 + \$2	\$5	1:250	40,320
\$5	\$5	1:375	26,880
\$2 x 5	\$10	1:187.50	53,760
\$4 + \$2 + \$1 x 4	\$10	1:750	13,440
\$5 x 2	\$10	1:500	20,160
\$10	\$10	1:750	13,440
\$4 + \$5 + \$1 x 6 (MB)	\$15	1:375	26,880
\$10 + \$5	\$15	1:750	13,440
\$5 x 3	\$15	1:750	13,440
\$15	\$15	1:750	13,440
\$2 x 6 + \$4 x 2 (MB)	\$20	1:375	26,880
\$5 x 4	\$20	1:750	13,440
\$10 + \$10	\$20	1:750	13,440
\$20	\$20	1:1,500	6,720
\$5 x 6 + \$10 x 2 (MB)	\$50	1:1,000	10,080
\$20 + \$20 + \$10	\$50	1:2,000	5,040
\$10 x 5	\$50	1:3,000	3,360
\$50	\$50	1:6,000	1,680
\$20 x 3 + \$5 x 2 + \$10 x 3 (MB)	\$100	1:6,000	1,680
\$50 + \$5 x 4 + \$20 + \$10	\$100	1:12,000	840
\$50 + \$50	\$100	1:12,000	840
\$100	\$100	1:24,000	420
\$100 x 4 + \$50 + \$10 + \$20 x 2 (MB)	\$500	1:30,000	336
\$100 x 5	\$500	1:60,000	168
\$500	\$500	1:120,000	84
\$25,000	\$25,000	1:560,000	18

(MB) = Money Bag with winnings of all 8 prizes

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Winner Take All instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Winner Take All, prize money from winning Pennsylvania Winner Take All instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Winner Take All instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in 61 Pa Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Winner Take All or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-186. Filed for public inspection January 30, 1998, 9:00 a.m.]

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

[Correction]

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

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

<i>County</i>	<i>Adjusted Common Level Ratio Factor</i>
Lycoming	1.33**

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

ROBERT A. JUDGE, Sr.,
Secretary

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

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Bucks County Project Reference No. 08430AG2152

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately nineteen (19) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following projects:

1. S. R. 0413, Section 005, Bucks County

This project involves the widening of Traffic Route 413, New Rodgers Road, including intersection reconstruction from U.S. Route 13 to Ford Road in Bristol Township.

2. S. R. 0513, Section S13, Bucks County

This project involves roadway reconstruction, widening and traffic signal interconnection on Traffic Route 513 from Street Road to Washington Road in Bensalem Township.

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, Department and District experience and supervisory experience.
- c. Specialized experience in bituminous paving, drainage and signalization.
- d. Number of NICET certified inspectors in each payroll classification.
- e. Understanding of Department's requirements, policies and specifications.
- f. Ability to provide two (2) "CDS" operators or persons capable of inputting data into a personal computer (TCIS Classification).

- g. Past performance.

The qualifications and experience required of the firm's inspection staff 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 Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	4 (3)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	11 (7)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	4 (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 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCIS)	\$39.36
(TCI)	\$34.43
(TA)	\$23.67

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:

- a. Two (2) 35MM cameras (one per project)
- b. Four (4) two-way radios/repeater equipment and base unit (maximum number per project)
- c. Safety Vests - high visibility for inspectors - each project.

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	5
TCI	14

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. Andrew Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to Mr. George Koch, District 6-0, at (610) 964-6719.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Armstrong, Butler, Clarion, Indiana and Jefferson Counties
Project Reference No. 08430AG2153**

The Department of Transportation will retain an engineering firm for an Open-end Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 10-0, that is Armstrong, Butler, Clarion, Indiana and Jefferson Counties. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of one million (\$1,000,000) dollars.

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, drainage and the operation of a nuclear gauge.
- c. Number of available inspectors in each payroll classification.
- d. Number of NICET certified inspectors in each payroll classification.
- e. Past performance.
- f. Understanding of Department's requirements, policies, and specifications.
- g. Workload.

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 Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	12 (7)
Transportation Construction Inspector - Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	5 (3)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	15 (9)

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 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCIS)	\$39.36
(TCI-Materials)	\$35.51
(TCI)	\$34.43

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; provide certified CDS operators and licensed nuclear gauge operators 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:

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	15
TCI-M	6
TCI	18

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. Richard Hogg, P.E., District Engineer, District 10-0, Rt. 286, South, P.O. Box 429, Indiana, PA 15701.

Any technical questions concerning the requirements for this project should be directed to Mr. Craig Chelednik, P.E., District 10-0, at (412) 357-2842.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Centre County
Project Reference No. 08430AG2154**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately seventeen (17) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S.R. 0026, Section C05, Centre County, Route 26 Relocation. This project involves the construction of a four lane limited access highway on new alignment approximately three (3) miles in length with ten (10) bridges and one (1) retaining wall.

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, drainage, CDS certified (one TCI) and Bituminous Field Certified (one TCI).
- c. Past Performance.
- d. Understanding of Department's requirements, policies, and specifications.
- e. Number of available inspectors in each payroll classification.
- f. Number of NICET certified inspectors in each payroll classification.
- g. Workload.

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)	2 (2)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (2)
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)	10 (6)
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 High-

way 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 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$44.93
(TCIS)	\$39.36
(TCI-Materials)	\$35.51
(TCI)	\$34.43
(TA)	\$23.67

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 Gauge/License (at point of need when needed)
- 5 Cellular Phones

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	3
TCIS	3
TCI-M	2
TCI	12

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. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P.O. Box 342, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Butler County
Project Reference No. 08430AG2155**

The Department of Transportation will retain an engineering firm for the final design, shop drawing review and construction consultation for the State Route 0008, Section 283 project (Main Street Viaduct) in Butler County. The project will begin at the S.R. 0008, Brugh Avenue, Morton Avenue and South Main Street intersection located just south of the Main Street Viaduct and will continue north of the bridge. The entire project is located in Butler City, Butler County with the project being approximately 655 meters in length.

The project will involve the construction of a major structure (255 meters in length) and 400 meters of approach roadway (with a minimum of four traveled lanes). The selected firm will be required to complete the following final design activities: field survey; reduce, plot and check field survey; geotechnical exploration; joint permit application; draft preliminary geotechnical engineering report; type, size and location plans; foundation submission; final bridge plans; construction CPM scheduling; three retaining wall plans; PUC involvement; utilities; cross-sections; right-of-way plans; final roadway design plans; traffic control plan; traffic signal plan; lighting plan; paving marking and signing plan; waste management plan; public meetings and design partnering meetings. The firm will also perform shop drawing reviews, consultation services and attend partnering meetings during the construction phase of this project.

The design of this project will be developed in metric units. The estimated construction cost of this project is \$13.6 million. The duration of this contract will be sixty (60) months.

Letters of interest will be evaluated with emphasis on the following factors:

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Specialized experience with major structure design.
- c. Technical competence of the firm.
- d. Past record of performance with respect to cost control, work quality, ability to meet schedules, and ability to work with accelerated schedules.
- e. Workload.
- f. Listing of subconsultants.
- g. Location of office to perform the work.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent 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).

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Richard Hogg, P.E., District Engineer, Engineering District 10-0, Rt. 286, South, P.O. Box 429, Indiana, PA 15701.

Any technical questions concerning the requirements for this project should be directed to Mr. Craig A. Chelednik, P.E., District 10-0, at (412) 357-2842.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Centre, Clearfield and Mifflin Counties
Project Reference No. 08430AG2156**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately fifteen (15) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following projects:

- 1. S.R. 0080, Section B22, Centre County
Local Name: I-80 Exit 24 to Clinton County

This project involves preventive maintenance approximately eight (8) miles in length.

- 2. S.R. 0322, Section C01, Clearfield County
Local Name: Rockton Mountain

This project involves preventive maintenance approximately ten (10) miles in length.

- 3. S.R. 0322, Section C04, Mifflin County
Local Name: Reedsville to Lewistown narrows

This project involves preventive maintenance approximately 3.5 and 3.2 miles in length.

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, drainage, CDS certified (3 TCI) and Bituminous Field Certified (3 other TCI).
- c. Past Performance.
- d. Understanding of Department's requirements, policies, and specifications.
- e. Number of available inspectors in each payroll classification.

f. Number of NICET certified inspectors in each payroll classification.

g. Workload.

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 Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	3 (3)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	12 (7)

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 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCIS)	\$39.36
(TCI)	\$34.43

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 (at point of need when needed)

4 Cellular Phones

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	4
TCI	15

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. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P.O. Box 342, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

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 and 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 thirteen (13) 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 thirteenth 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 Intermodal Surface Transportation Efficiency Act of 1991 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 Act 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 were 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.

Each Letter of Interest must include the following information and the information must be packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include 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 must indicate in the body of their transmittal letter 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.

2. Project Organization Chart (one 8 1/2" x 11" page, one side)

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A must include the number of subconsultant personnel and Column B must include the number of prime consultant personnel to be assigned to work on this project reference number. The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantage 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.

4. 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, must 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.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must 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 Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

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 must be first, followed by subconsultant employees, in the same order as shown in Item 6 of 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 must 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 Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

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.

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. 98-187. Filed for public inspection January 30, 1998, 9:00 a.m.]

Retention of Engineering Firms

Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties Project Reference No. 02098AG0001

Notice is hereby given that approximately twenty-five (25) municipalities, in cooperation with the Department of Transportation, Engineering District 2-0, will retain engineering firms to perform one or more of the following tasks concerning municipality owned bridges:

1. Prepare studies and plans for the replacement/rehabilitation of municipality owned bridges.
2. Perform construction inspection and construction support services for municipality owned bridge replacement/rehabilitation projects.

Separate Letters of Interest will be required for Task 1 and Task 2.

The firm(s) selected under Task 1 will be required to conduct final design to include preliminary alignment and accompanying data for Step 9; final alignment; type, size, and location drawings; drainage design; hydrologic and hydraulic report; the Department of Environmental Resources waterway permits; bridge foundation report and soils borings; right-of-way plans; erosion control plans with narrative; maintenance and protection of traffic plans; structure drawings; pavement design; and construction plans, specifications, and estimates. A conventional field survey will be required. All to be done in accordance to current policy.

Upon completion of final design phase, the firm may be required to perform shop drawing review, alternate design review, and general engineering services during construction.

The firm(s) selected under Task 2 will be required to perform construction inspection services for municipality owned bridge replacement projects. The firm(s) may also be required to perform construction consultation services and shop drawing review and approval. The firm(s) will also perform initial NBIS inspection on the new or rehabilitated structure. The firm(s) may be required to hold a pre-bid and/or pre-construction conference, keep records and document the construction work, prepare current and final estimates for payment to the construction contractor, obtain compliance with 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 structure during construction or rehabilitation.

The Letter of Interest for Task 2 should include the resumes of a maximum of five (5) TCIS's and five (5) TCI's. The qualifications and experience required of the firm's inspectors will be established jointly by the Department, and the municipality, and the qualifications of the firm's proposed employees will be reviewed and approved jointly by the Department and the municipality.

Any technical questions concerning the requirements for this project should be directed to Mr. C. David Lynn, P.E., District 2-0, at (814) 765-0581.

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 performing any of the above services are invited to submit two (2) copies of a Letter of Interest (L.O.I.) for each work task they are interested in to: Pennsylvania Department of Transportation, Engineering District 2-0, George M. Khoury, P.E., District Engineer, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

The cover letter should not be more than two (2) pages. Firms will be selected for an individual project or a group of projects. Interested firms should indicate the counties, type of projects, and size of projects in which they are interested. All L.O.I. will be kept on record for use by municipalities selecting consultants for a period of one year from the date of this advertisement. There is no Disadvantaged Business Enterprise (DBE) requirements for this advertisement, but DBE participation may be required on the individual project.

Preference will be given to small firms for this project. A small firm will be considered as a firm of less than 100 people. The total number to include all offices within and outside Pennsylvania. Any small firm that utilizes a sub-consultant that is not considered a small firm will not be given preferential consideration. Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms, and other engineering firms who have not previously performed work for the Department of Transportation.

Each L.O.I. must include in the heading, the firm's legal and fictitious (if applicable) name, the firm's Federal Identification Number and the Project Reference Number indicated in this advertisement. A Standard Form, 254, "Architect-Engineer and Related Services Questionnaire",

not more than two (2) months old as of the date of this advertisement must be submitted for the firm, each party to a joint venture and for each subconsultant the firm is proposing to use and for the performance of professional services regardless of whether the sub-consultant is an individual, or a company. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project", and a two (2) year work load projection graph for the firm and each sub-consultant.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed sub-consultants and the type of work or services they will perform on the project.

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.

The Department currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or 35 per hour or their actual audited remuneration, whichever is less. The Department's limitation will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The following factors, listed in their order of importance, will be considered by the municipalities during their evaluation of the first submitting L.O.I.:

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.
- c. Current workload and capacity of firm to perform the work within the time limitations.
- d. Location of consultant.
- e. Special requirements of the project.
- f. Other factors, if any, specific to the project.

The L.O.I. and required forms should be submitted as soon as possible. Updated information may be submitted if the Engineer desires to present additional information concerning the firm's capabilities.

Various sections of the L.O.I. should be prominently tabbed or identified to ease the analysis of the submission.

The assignment of the above services will be made to one of the firms responding to this notice, but the municipalities and the Department of Transportation reserves the right to reject all L.O.I. submitted, to cancel the solicitations requested under this notice, and/or to re-advertise solicitation for these services.

BRADLEY L. MALLORY
Secretary

[Pa.B. Doc. No. 98-188. Filed for public inspection January 30, 1998, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, January 13, 1998, and took the following actions:

Regulations Approved:

#1840 State Board of Education #6-260: Special Education Services and Programs (amends 22 Pa. Code Chapter 14)

#1841 Department of Education #6-259: Special Education Services and Programs (amends 22 Pa. Code Chapter 342)

#1843 Pennsylvania State Athletic Commission #16-13: HIV Testing Requirements (amends 58 Pa. Code Chapter 21)

#1906 Department of State #16-16: Nonprofit Corporations (amends 19 Pa. Code Chapter 41)

#1873 Department of Revenue #15-349: Cigarette Tax (amends 61 Pa. Code Chapters 71, 72, 73 and 76)

Commissioners Present: Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
January 13, 1998

State Board of Education—Special Education Services and Programs; Doc. No. 6-260

Order

On May 7, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education (State Board). This rulemaking amends 22 Pa. Code Chapter 14. The authority for this regulation is found at sections 13-1372, 2603-B and 2604-B of the Public School Code (24 P. S. §§ 13-1372, 26-2603-B and 26-2604-B). The proposed regulation was published in the May 17, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on December 11, 1997.

The proposal amends provisions which govern operation of special education services and programs for eligible students. It defines Extended School Year (ESY) services and clarifies requirements for students in need of ESY services.

We have reviewed this regulation and find it to be in the public interest. It is necessary to comply with Federal statute and to make programming changes addressed in *Armstrong v. Kline* (476 F.Supp. 583 (1979)). Approximately 3,000 students now receive ESY services. A 10% increase is expected, resulting in an approximate total annual increase in costs of \$590,000 across the State.

Therefore, It is Ordered That:

1. Regulation No. 6-260 from the State Board of Education, as submitted to the Commission on December 11, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
January 13, 1998

Department of Education—Special Education Services and Programs; Doc. No. 6-259

Order

On May 7, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Education (Department). This rulemaking amends 22 Pa. Code Chapter 342. The authority for this regulation is found at section 13-1372 of the Public School Code (24 P. S. § 13-1372) and 22 Pa. Code § 14.3. The proposed regulation was published in the May 17, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on December 11, 1997.

The proposal amends provisions which govern operation of special education services. It authorizes Extended School Year (ESY) services for eligible students who lose behavioral patterns or skills during interruptions in education, making it unlikely that a student will make reasonable progress.

We have reviewed this regulation and find it to be in the public interest. It is necessary to comply with Federal statute and to make programming changes addressed in *Armstrong v. Kline* (476 F.Supp. 583 (1979)). Approximately 3,000 students now receive ESY services. A 10% increase is expected, resulting in an approximate total annual increase in costs of \$590,000 across the State.

Therefore, It Is Ordered That:

1. Regulation No. 6-259 from the Department of Education, as submitted to the Commission on December 11, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
January 13, 1998

State Athletic Commission—HIV Testing Requirements; Doc. No. 16-13

Order

On May 12, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Athletic Commission (SAC). It would amend 58 Pa. Code Chapter 21 relating to licensing requirements for professional boxers and kickboxers (boxers). The authority for this regulation is found in Athletics and Sports (5 P. S. §§ 101—2110). The proposed rulemaking was published in the May 24, 1997 edition of the *Pennsylvania Bulletin*, with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 26, 1997.

Amendments to § 21.8 would require license applications and renewal applications to be accompanied by a

report indicating that the boxer has tested negative for the Human Immunodeficiency Virus (HIV). The required HIV test must be initiated not less than 60 days prior to the date of the boxer's license application to the SAC. Those who fail to meet application requirements or do not furnish a negative test result will not be licensed.

The amendments, which are supported by the regulated community, are designed to protect boxers from possible infection with HIV during a bout. There are approximately 245 bouts per year in Pennsylvania, and about 400 professional boxers and 40 kickboxers are licensed annually. Cost impacts are not significant: free tests for HIV are available through the Department of Health and commercial medical laboratories charge generally between \$25 and \$50 per test. Applicants who test positive (approximately 1.5% of total initial tests) are retested, at a cost of \$34 each.

The House State Government Committee met and voted to approve the final-form regulation on December 10, 1997.

We have reviewed this regulation and find it to be in the public interest. This rulemaking will help to reduce the possibility of transmitting HIV during boxing bouts. The final-form version incorporates a change the Commission suggested in its Comments on the proposed version, which improves the clarity and consistency of the regulation.

Therefore, It Is Ordered That:

1. Regulation No. 16-13 from the State Athletic Commission, as submitted to the Commission on November 26, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
January 13, 1998

Department of State—Nonprofit Corporations; Doc. No. 16-16

Order

On November 26, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of State (Department). This rulemaking amends 19 Pa. Code Chapter 41. The authority for this regulation is found under section 506 of The Administrative Code of 1929 (71 P. S. § 186) and section 133 of the Nonprofit Corporation Law of 1988 (15 Pa.C.S. § 133). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Department seeks to amend Chapter 41 (relating to nonprofit corporations) to repeal subsection 41.4(d) (relating to stated purposes). This subsection states that "A nonprofit corporation may not conduct professional services. Only a professional corporation may render professional services." This subsection is being repealed because it does not accurately reflect Pennsylvania law (15 Pa.C.S. § 530(a)) which allows nonprofit corporations to render professional services.

We have reviewed this regulation and find it to be in the public interest. The repeal of subsection 41.4(d) brings

Chapter 41 into conformity with Pennsylvania statutes.

Therefore, It Is Ordered That:

1. Regulation No. 16-16 from the Department of State, as submitted to the Commission on November 26, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
January 13, 1998

Department of Revenue—Cigarette Tax; Doc. No. 15-349

Order

On July 23, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code Chapters 71, 72, 73 and 76. The authority for this regulation is The Cigarette Sales and Licensing Act (Act 46) (P. L. 250, No. 46). The proposed regulation was published in the August 2, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on December 1, 1997.

The Department is amending their regulations to make them more consistent with Act 46. Act 46 provides for the licensing of cigarette dealers, stamping agents, wholesalers and retailers; created a Cigarette Licensing, Marketing and Control Board; established licensing fees; established authority for the Department to require reporting; and established various sales provisions. The Department is also deleting unnecessary provisions.

The Department states that there are approximately 20,000 existing licensed cigarette stamping agents, wholesalers and retailers who will be required to comply with various provisions of the regulations. The Department projects that minimal accounting costs will be incurred by those affected by the regulation to prepare monthly reports to the Department.

Representative Karl Boyes, Majority Chairperson of the House Finance Committee, submitted a letter dated December 9, 1997, voicing his approval of the final-form regulation as submitted. A similar letter recommending approval was submitted by Senator John N. Wozniak, Democratic Chairperson of the Senate Finance Committee.

We have reviewed this regulation and find it to be in the public interest. The issues raised by the Commission all related to the criteria of clarity. The Department adopted the majority of our recommendations and responded satisfactorily to the rest. The amendments will make the Department's regulations more consistent with Act 46.

Therefore, It Is Ordered That:

1. Regulation No. 15-349 from the Department of Revenue, as submitted to the Commission on December 1, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-189. Filed for public inspection January 30, 1998, 9:00 a.m.]

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-495	State Board of Medicine—Department of State Prosecutorial Functions Repealed	1/14/98
16A-496	State Board of Medicine—Department of State Sympathomimetic Amines	1/14/98
54-51	Pennsylvania Liquor Control Board License Applications: Duties and Rights of Licensees; Transfer, Extension, Surrender and Exchange of Licenses; Promotion; Special Rules of Administrative Practice and Procedure Regarding Matters Before the Office of Administrative Law Judge	1/16/98

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-190. Filed for public inspection January 30, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Edward J. Winkelbauer; Doc. No. SC98-01-009

The Order to Show Cause was issued on January 13, 1998 by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter.

Violation of the following is alleged: sections 633, 633.1 and 639 of The Insurance Department Act of 1921 (40 P. S. §§ 273, 273.1 and 279); section 4 of the act of June 11, 1992 (P. L. 284, No. 48) (40 P. S. § 234); section 5(a)(2) of the Unfair Insurance Practices Act (40 P. S. §§ 1171.4 and 1171.5(a)(2)) (31 Pa. Code §§ 37.46 and 37.47).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with the Administrative Agency Law (2 Pa.C. S. §§ 501—508 and 701—704); General Rules of Administrative Practice and Procedure

(1 Pa. Code §§ 31.1—35.251); Special Rules of Administrative Practice and Procedure (31 Pa. Code §§ 56.1—56.3) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-191. Filed for public inspection January 30, 1998, 9:00 a.m.]

Application for Approval to Acquire HealthAmerica Pennsylvania, Inc., Riverside Health Plan, Inc. and Principal Health Care of Pennsylvania, Inc.

Coventry Health Care, Inc. has filed an application to acquire control of HealthAmerica Pennsylvania, Inc., a domestic for profit Health Maintenance Organization; Riverside Health Plan, Inc., a domestic for profit Health Maintenance Organization and Principal Health Care of Pennsylvania, Inc., a domestic for profit Health Maintenance Organization. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. § 991.1402, et seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-192. Filed for public inspection January 30, 1998, 9:00 a.m.]

Application for Domestic Certificate of Authority; Medigroup Insurance Company

Medigroup Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in this Commonwealth. The filing was made under the requirements set forth under The Insurance Company Law, act of May 17, 1921, P. L. 682, as amended. Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of

the application to which the comment is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-193. Filed for public inspection January 30, 1998, 9:00 a.m.]

Application for Voluntary Dissolution by Pilgrim Insurance Company

Pilgrim Insurance Company, a domestic stock fire insurance company, has submitted an application for approval of the voluntary dissolution of its charter. The filing was made under requirements set forth under the Business Corporation Law of 1988 (15 Pa.C.S. § 1 et. seq.). Persons wishing to comment on the ground of public or private interest concerning the dissolution, are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer; identification of the application to which the comment is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Licensing Specialist, Company Licensing Division, Room 1311 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-194. Filed for public inspection January 30, 1998, 9:00 a.m.]

Rate Filing; Highmark, Inc.; Direct Pay 65 Plus I Prescription Drug Plan Rate Increase; Filing No. 1-65P-98-HBCBS

By Filing No. 1-65P-98-HBCBS, Highmark, Inc., d/b/a/ Highmark Blue Cross Blue Shield, requests approval to increase its Direct Pay 65 Plus I Prescription Drug program rates by 20.0% (\$5.9 million annualized), effective April 1, 1998. This rate increase is expected to affect 44,750 subscribers.

The current monthly rate is \$55. The requested monthly rate effective April 1, 1998, is \$66.

Copies are available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days

after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-195. Filed for public inspection January 30, 1998, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

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

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

Appeal of Gary A. Gougler; file no. 97-193-07240; Tico Insurance Company; doc. no. P98-01-008; February 25, 1998, at 1 p.m.

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

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

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-196. Filed for public inspection January 30, 1998, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Bucks County, Wine & Spirits Shoppe #0934, Warwick Township.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space on Route 263 (York Road) 1 mile north or south

of the intersection of Almshouse Road and York Road in Warwick Township.

Proposals due: February 27, 1998 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

The following Liquor Control Board lease will expire:

Montgomery County Regional Offices I, 4501 Kelly Drive, Philadelphia, PA 19129; and Admin. Law Judge Office, 1080 N. Delaware Avenue, Philadelphia, PA 19125.

Lease Expiration: January 31, 1999

Lease office space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with two offices. First: Approximately 10,000 to 12,500. Second: Approximately 2,500 to 5,500 net useable square feet of new or existing office space in Whitmarsh, Whitpain, Plymouth Townships or East Norriton, Montgomery County. Office space must be near ramps to I-476 and Septa public transportation. Must include adequate free parking and full office services. Both offices can be within the same building.

Proposals due: February 27, 1998 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 98-197. Filed for public inspection January 30, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Department of Transportation; A-00114241

An application has been made to the Pennsylvania Public Utility Commission (Commission), under the Public Utility Code, requesting that the Commission approve the alteration of the crossings by removal of tracks where State Route 2001 crosses, at-grade, the tracks of Consolidated Rail Corporation in the City of Philadelphia, and the allocation of costs and expenses incident thereto.

An Initial Hearing on this matter will be held Tuesday, February 24, 1998 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 interests may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-198. Filed for public inspection January 30, 1998, 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 23, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.*

A-00112962, F. 1, Am-A. L-J-L Trucking, Inc., t/d/b/a Med-Van Transport (1311 Philadelphia Avenue, Barnesboro, Cambria County, PA 15714), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service between points in the borough of Barnesboro, Cambria County, and points within 15 airline miles of the limits of said borough, and from points in the said territory, to points in Pennsylvania, and return; subject to the following conditions: (a) that the service shall be restricted to trips to and from medical facilities, using vans equipped with lifts, ramps and other specialized facilities for passengers in wheelchairs, and (b) that service from points in Indiana County shall be limited to persons who, at the time of transportation, are subscribers to the carrier's ambulance service: *so as to permit* the transportation of persons in paratransit service, between points in the borough of Barnesboro, Cambria County, and points within an airline distance of 50 statute miles of the limits of said borough; subject to the following condition: that the service shall be restricted to trips to and from medical facilities, using vans equipped with lifts, ramps and other specialized facilities for passengers in wheelchairs. *Attorney:* Robert W. Lambert, 1001 Philadelphia Street, Indiana, PA 15701.

A-00113427, F. 1, Am-A. Darleen C. Christy, t/d/b/a DC Cab (1301 Franskstown Road, Johnstown, Cambria County, PA 15902)—persons upon call or demand in the borough of Windber, Somerset County, and within an airline distance of seven (7) statute miles of the limits of said borough: *so as to permit* the transportation of persons upon call or demand in that part of the counties of Cambria and Somerset bounded as follows: beginning at the western county line of the County of Cambria, thence east on U. S. Highway Route 22 to its intersection with State Route 53 at the borough of Cresson, Cambria County, thence south on State Route 53 to its intersection with State Route 160 at the borough of Wilmore, Cambria County, thence continuing south on State Route 160 to its intersection with U. S. Highway Route 30, thence west on U. S. Highway Route 30 to the Somerset County Line, thence north along the Somerset/Cambria County Lines to the point of beginning at U. S. Highway Route 22, Cambria County.

A-00108649, Folder 1, Am-C. Harrisburg Corporate Limousine Service, Inc., t/a Harrisburg Corporate Limousine (5060 Ritter Road, Suite 7, Mechanicsburg, Cumberland County, PA 17055), a corporation of the Commonwealth of Pennsylvania—inter alia—persons in limousine service between points in the counties of Cumberland and Dauphin, and from points in said counties, to points in Pennsylvania, and return; subject to the follow-

ing condition: that no right, power or privilege is granted to provide service to or from points in the township of Derry, the city of Harrisburg, the Harrisburg International Airport in the township of Lower Swatara, all in Dauphin County; *so as to permit* the transportation of persons in limousine service between points in the counties of Adams, York, Dauphin, Lancaster, Lebanon, Perry, Juniata, Franklin and Schuylkill, and from said counties, to points in Pennsylvania, and return. *Attorney:* Kenneth Zielonis, 208 North Third Street, Suite 310, P.O. Box 12090, Harrisburg, PA 17108-2090.

Application of the following for the approval of the transfer of stock as described under each application.

A-00113582, F. 5000. Concord Limousine, Inc. (1020 West Lancaster Avenue, Bryn Mawr, Montgomery County, PA 19103), a corporation of the Commonwealth of Pennsylvania—stock transfer—approval of the transfer of all issued and outstanding stock from Michael Kolchinsky (100 shares), to Roman Barkan (50 shares) and John Lakis (50 shares). *Attorney:* John J. Gallagher, Suite 1100, 1760 Walnut Street, Philadelphia, PA 19103.

Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.

A-00114566. Rockwell Productions, Ltd., t/d/b/a Keystone Quality Services (300 West State Street, Suite 100, Media, Delaware County, PA 19063), a corporation of the Commonwealth of Pennsylvania—brokerage license—to arrange for the transportation of persons and their baggage between points in Pennsylvania. *Attorney:* James W. Patterson, Centre Square West, 1500 Market Street, 38th Floor, Philadelphia, PA 19102-2186.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00108649, Folder 2. Harrisburg Corporate Limousine Service, Inc., t/a Harrisburg Corporate Limousine (5060 Ritter Road, Suite 7, Mechanicsburg, Cumberland County, PA 17055), a corporation of the Commonwealth of Pennsylvania—additional right—persons in group and party service, between points in the counties of Adams, Cumberland, Dauphin, York, Lancaster, Lebanon, Perry, Juniata, Franklin and Schuylkill, and from points in said counties, to points in Pennsylvania, and return; subject to the following condition: that all service will be rendered in luxury mini-buses with limousine-style interiors, mini-buses and mid-size buses with seating capacity not to exceed 28 passengers. *Attorney:* Kenneth Zielonis, 208 North Third Street, Suite 310, P. O. Box 12090, Harrisburg, PA 17108-2090.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00114583. MPS Enterprises, Inc. (3705 West Schoolhouse Lane, Philadelphia, Philadelphia County, PA 19129), a corporation of the Commonwealth of Pennsylvania—(1) household goods in use, between points in the city and county of Philadelphia, and from points in the said city and county to points within 10 miles by the usually traveled highways of the limits of said city and county, and vice versa; and (2) property, except household

goods in use, between points in Pennsylvania; which is to be a transfer of all of the rights authorized Isaac's Relocation Service, Inc., under the certificate issued at A-00110007, subject to the same limitations and conditions. *Attorney:* James W. Patterson, Centre Square West, 1500 Market Street, 38th Floor, Philadelphia, PA 19102-2186.

A-00114584. Delaware Valley Limousine, Inc. (3459 Tilden Street, Philadelphia, Philadelphia County, PA 19129), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the city and county of Philadelphia and the counties of Bucks, Chester, Montgomery and Delaware, and from points in the said city and counties, to points in Pennsylvania; which is to be a transfer of all of the rights authorized to Star Transportation Service, Inc., under the certificate issued at A-00110811, subject to the same limitations and conditions. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

A-00114580. Kenneth C. Lapinski and Diane M. Lapinski, Tenants by Entireties, t/a Falcon Enterprises (101 Orchard Road, New Wilmington, Mercer County, PA 16142)—persons in limousine service, between points in the county of Lawrence, and from points in the said county, to points within an airline distance of 100 statute miles of the limits of the city of New Castle, Lawrence County, and vice versa; which is to be a transfer of all of the right authorized under the certificate at A-00104231, Folder 2 to Frank S. Sfara, Jr., t/a Sfara Sales & Service, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

A-00114581. Water Gap Trolley, Inc. (P. O. Box 159, Delaware Water Gap, Monroe County, PA 18327), a corporation of the Commonwealth of Pennsylvania—(1) groups and parties of persons, and persons on special excursions, tours or sight-seeing trips, between points in the county of Monroe; subject to the following condition: that all vehicles utilized shall have a minimum seating capacity of 20 persons, excluding the driver; (2) groups and parties of persons from points in the county of Monroe, to points in Pennsylvania; subject to the following condition: that motor vehicles used to provide the subject service shall be trackless trolley-type motor vehicles with a seating capacity of not less than 20 and not more than 39 passengers, excluding the driver; which is to be a transfer of all of the rights issued to Vacation Paradise, Inc., under the certificate issued at A-00105253, subject to the same limitations and conditions. *Attorney:* James Fareri, 712 Monroe Street, Stroudsburg, PA 18360.

A-00114567. American Coach, Inc. (1020 West Lancaster Avenue, Bryn Mawr, Montgomery and Delaware Counties, PA 19010), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand in Lower Merion Township, Montgomery County; which is to be a transfer of the right authorized under the certificate issued at A-00108442 to Patrick Gallagher's Sons, Inc., subject to the same limitations and conditions. *Attorney:* John J. Gallagher, Suite 1170, 1760 Market Street, Philadelphia, PA 19103.

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-00114579. E & S Parking & Transportation, Inc. (Pittsburgh International Airport, P. O. Box 12356, Pitts-

burgh, Allegheny County, PA 15231), a corporation of the Commonwealth of Pennsylvania—persons, in group and party service, from points in the county of Allegheny, to other points in Pennsylvania, and return.

A-00114542. Access Transport, Inc. t/a Ambassador Limousine (347 Taft Street, Bristol, Bucks County, PA 19007), a corporation of the Commonwealth of Pennsylvania—persons, in limousine service, between points in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester, and from points in said counties, to points in Pennsylvania, and return.

Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before February 16, 1998.

- A-00114576 Ray J. Neare, Sr.
137 William Street, Pittston, PA 18640
- A-00114575 Rodman O. Eminhizer, t/a Shed World
Route 53, Box 1, Drifting, PA 16834;
Dwight L. Koerber, Jr, P. O. Box 1320,
Clearfield, PA 16830
- A-00114574 William E. Grant, t/a Grant's Hauling
302 Chestnut Street, York, PA 17403;
Neil Slenker, 35 South Duke Street,
York, PA 17401
- A-00114577 John Keim and Gene Keim, Copartners,
t/a Stoney Mountain Trucking R D 1,
Box 69, Tower City, PA 17980; James P.
Diehl, P O Box 1190, Pottsville, PA
17901
- A-00114582 Rutt Custom Cabinetry, LLC 1564
Main Street, Goodville, PA 17528;
Christopher Zettlemoyer, 2132 Market
Street, Ninth Floor, Harrisburg, PA
17101-2132
- A-00114573 Keystone Trucking, Inc. 3271 Iris
Street, Stuart, FL 34997
- A-00114572 Mark E. Singer, t/a Singer Trucking
208 East Howard Avenue, Altoona, PA
16601
- A-00114571 Frank Golab Trucking, Inc. Box 105,
Highway 61, Deer Lake, PA 17961
- A-00114570 M.H. Koppes, Clay Products COM 4491
Blake Road, Seville, OH 44723; William
A. Gray, 2310 Grant Building Pitts-
burgh, Pittsburgh PA 15219-2383
- A-00114595 W.D. Espenshade, Inc. 380 W.
Bainbridge Street, Elizabethtown, PA
17022; Gingrich, Smith, Klingensmith
& Dolan, 222 S. Market Street,
Elizabethtown, PA 17022
- A-00114594 Pine Pallet Express, Inc.
3909 T. R 369, Millersburg, OH, 44654;
Bruce E. Hodge, 28001 Chgrin Boule-
vard, Suite 204, Cleveland, OH, 44122
- A-00114592 Daniel G. Kehoe RR 2, Box 118,
Catawissa, PA 17820

- A-00114591 Timothy R. Mosier
RR 1, Box 42, Sugar Run, PA 18846
- A-00114590 Aileen R. Pickett and Brenda L. Miller,
Copartners, t/a A & B'S P.E.T.S.
18 Mount Lookout, Exeter, PA 18643-
1037
- A-00114587 Crail R. Keller, t/a Crail R. Keller
Hauling 120 Knittle Road, Kutztown,
PA 19530
- A-00114588 Beck L. Todd, t/a Beck Courier Service
55 Wilson Street, Carlisle, PA 17013
- A-00114589 Richard A. Frederick, t/a Frederick
Trucking R D 3, Box 461, Watsonstown,
PA 17777

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. R. Zucco Excavating, Inc.; Doc. No. A-00111453C9701

Motion for Default Order

The Bureau of Transportation and Safety Prosecutory Staff hereby moves that the Commission issue a default order against R. Zucco Excavating, Inc. based on the following:

1. On October 30, 1997, the Bureau of Transportation and Safety Prosecutory Staff instituted a complaint as captioned above alleging that respondent has failed to maintain proper evidence of insurance in violation of the Public Utility Code.
2. The respondent was duly notified that it must file an answer within twenty (20) days of service of the complaint.
3. The complaint and notice were served on respondent on November 12, 1997; and, now, more than twenty (20) days later, no answer has been filed.
4. A copy of this motion and proposed default order was served on respondent by First Class mail on the following date.

WHEREFORE, the Bureau moves that the Commission enter the attached default order against respondent.

Respectfully submitted,

Joseph W. Farrell, Director,
Bureau of Transportation
and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Commissioners Present: John M. Quain, Chairperson;
Robert K. Bloom, Vice-Chairperson; John Hanger;
David W. Rolka; Nora Mead Brownell

Public Meeting held
January 15, 1998

Pennsylvania Public Utility Commission v. R. Zucco Excavating, Inc.; A-00111453C9701; A-00111453

Order

By the Commission:

On October 30, 1997, the Bureau of Transportation and Safety instituted a complaint against R. Zucco Excavating, Inc., alleging failure to maintain proper evidence of current insurance in violation of the Public Utility Code.

The respondent was duly notified that, if an answer was not filed within twenty (20) days of the receipt of the

complaint, the Bureau would request the Commission to enter an order revoking respondent's certificate of public convenience.

The complaint and notice were served on respondent on November 12, 1997; and, to date more than twenty (20) days later, no answer has been filed; *Therefore*,

It Is Ordered:

1. That the allegations in the complaint are deemed to be admitted.
2. That the complaint is sustained.
3. That the certificate of public convenience held by the respondent at Docket No. A-00111453 is hereby revoked.
4. That the respondent cease and desist from providing service previously authorized under the certificate of public convenience.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Dehner Truck Lines, Inc.; Doc. No. A-00111363C9701

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Dehner Truck Lines, Inc., respondent, maintains a principal place of business at 7070 South Pennsylvania Avenue, Morrisville, PA 19067.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00111363.
3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.
4. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.
5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Dehner Truck Lines, Inc. at Docket No. A-00111363, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Joseph W. Farrell, Director,
Bureau of Transportation
and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Joseph W. Farrell

DATE: _____

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to: James J. McNulty, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. H. P. Delivery Service, Inc.; Doc. No. A-00109837C9701

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That H. P. Delivery Service, Inc., respondent, maintains a principal place of business at 7276 Penn Drive, Bath, PA 18014.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00109837.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa. C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by H. P. Delivery Service, Inc. at Docket No. A-00109837, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Joseph W. Farrell, Director,
Bureau of Transportation
and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Joseph W. Farrell

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to: James J. McNulty, Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the

Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-199. Filed for public inspection January 30, 1998, 9:00 a.m.]

**Steam
Without Hearing**

A-130175 F0002. Harrisburg Steam Works, Ltd. Application of Harrisburg Steam Works, Ltd., for authorization of the transfer of Atlantic Thermal Systems, Inc.'s ownership share of the Harrisburg Steam Works to Eastern Power Corporation, Inc.

This Application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before February 17, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Eastern Power Corporation, Inc.

Through: Mary Elizabeth Tighe, Vice President, Regulatory Affairs, 2800 Eisenhower Avenue, Alexandria, VA 22314.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-200. Filed for public inspection January 30, 1998, 9:00 a.m.]

**Water Service
Without Hearing**

A-212370 F0043. Philadelphia Suburban Water Company. Application of Philadelphia Suburban Water Company for approval to begin to offer, render, furnish or supply water service to the public in additional territory in Caln Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before February 17, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Philadelphia Suburban Water Company

Through and By Counsel: Mark J. Kropilak, Esquire,
Vice President and General Counsel, 762 Lancaster Av-
enue, Bryn Mawr, PA 19010.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 98-201. Filed for public inspection January 30, 1998, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

Contract No. 97-021-RM05—Rehabilitation and partial deck replacement of Bridge No. P 0.00, M. P. 359.00, Delaware River Bridge in Bucks County, PA

Bid Opening Date—March 3, 1998, 11 a.m.

Bid Surety—5%.

Plans, Specifications and Contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$30 per set (Do not add State tax) by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A mandatory prebid meeting for the project under the direction of the Engineer is scheduled for February 10, 1998 at 10 a.m. in the Large Board Room of the Turnpike Commission's Eastern Regional Office.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-202. Filed for public inspection January 30, 1998, 9:00 a.m.]

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

Contract No. 83-005-RC84-C—New Stanton Viaduct Replacement Project, Bridge Nos. B-328 and B-483 at M. P. 75.25 to M. P. 75.94 on the PA Turnpike System in Westmoreland Co., PA

Bid Opening Date—March 10, 1998, 11 a.m.

Bid Surety—5%

Plans, Specifications and Contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$55 per set (Do not add State tax) by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA, 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A mandatory prebid meeting is scheduled for 10 a.m., on February 18, 1998, at the Commission's West Regional Office, 2200 North Center Avenue, New Stanton, PA 15672-9602, (412) 925-6500.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-203. Filed for public inspection January 30, 1998, 9:00 a.m.]

Retention of Engineering Firm

Study of the Susquehanna River Bridge Redecking and Widening Reference No. 3-103

The Turnpike Commission (Commission) will retain an engineering firm for the study of the Susquehanna River Bridge redecking and widening, Bridge No. EB-300 at Milepost 245.72.

The study will investigate redecking and widening of the bridge while maintaining four lanes of traffic during construction. The determination of side road and railroad impacts, right-of-way and utility impacts and environmental impacts will be included with the study. The study will also develop a proposed construction staging scheme and construction cost estimate.

Two smaller mainline bridges directly east of Bridge EB-300 will be redecked and widened as part of the Susquehanna River Bridge project and are to be considered with the study. The two bridges are identified as Bridge No. EB-300A, M.P. 246.65 over the Steelton and Highspire Railroad; and Bridge No. EB-301, M.P. 246.76 over State Route 230.

Questions and inquiries concerning this project should be directed to Gary L. Graham, P.E., at (717) 939-9551, Ext. 5990.

Lehigh Valley Reference No. 5-034

The Turnpike Commission (Commission) will retain an engineering firm to perform a detailed inspection of the Lehigh Tunnel (A-50.7) in Lehigh County. Inspection services for the engineering firm for both tubes of the tunnel will include, but are not limited to: structural integrity, drainage, electrical, mechanical, lighting and portal buildings.

The engineering firm will also be responsible for developing a preventative maintenance program to be incorporated into the Commission's existing preventative maintenance

nance and structural database. Inspection of the roadway pavement is not part of this project. An inspection report will be prepared by the engineering firm listing all findings and recommendations.

Direct inquires to James L. Stump, P.E., at (717) 939-9551, Ext. 5540.

General Requirements and Information

Firms interested in performing the above services are invited to submit one copy of the expanded letter of interest to Barry L. Troup, P.E., Assistant Chief Engineer, Pennsylvania Turnpike Commission Administration Building located at the intersection of Eisenhower Boulevard and State Route 283 Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The expanded letters of interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each letter of interest. If the firm has multiple offices, the location of the office performing the work must be identified.

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

The Pennsylvania Turnpike Commission currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's indirect payroll costs (overhead) on design projects to 130% or the consultant's actual audited overhead rate, whichever is less.

The following factors may be considered by the Committee during their evaluation of the firms submitting expanded letters of interest:

(A) Specialized experience and technical competence of firm, including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.

(B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

(C) Expanded letters of interest should include an indication of the prime consultant's and subconsultant's current workload listing all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission, if selected.

(F) Special requirements of the project.

(G) Other factors, if any, specific to the project.

Each firm shall demonstrate in its expanded letter of interest its ability to perform the specific requirements indicated for this project by including a maximum three page report on this subject.

The expanded letters of interest and required forms must be received by 12 p.m., Friday, February 13, 1998. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable expanded letters of interest in response to this advertisement, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical proposals will not be requested for final selection.

The Commission reserves the right to reject all letters of interest submitted, to cancel the solicitation requested under this notice and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-204. Filed for public inspection January 30, 1998, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

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

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

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

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

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

Reader's Guide

Legal Services & Consultation—26

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

8129590 Chemicals and chemical products—226,000 gallons liquid calcium chloride (dust palliative).

Department: Transportation
Location: Honesdale, Wayne County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8084790 Clothing and individual equipment—1,500 dozen gloves, children's size; 2,500 dozen gloves, women's size; 3,000 dozen gloves, men's size.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1348317 Communication equipment—1 Sys to provide an analog Master Clock Sys. The Master Clock Sys must have the ability and equipment necessary to interface with agency's existing IBM Novell 3.11 Computer Network Sys.

Department: PEMA
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8148790 Construction and building materials—1,922 tons bituminous paving course, FB-3 wearing.

Department: Transportation
Location: Pittsburgh, Allegheny County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8234580 Construction, mining, excavating and highway maintenance equipment—4 each latest model falling weight deflectometer test system w/1998 model van-type towing vehicle (0840).

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8234630 Construction, mining, excavating and highway maintenance equipment—300 each latest model spreader, air velocity (2950).

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8209090 Containers, packaging and packing supplies—1 each liquid chloride tank systems.

Department: Transportation
Location: Selinsgrove, Snyder County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1658387 Fire fighting, rescue and safety equipment—4 each slip-on units, for suppression of woodland fires, for use on standard size 3/4 ton and 1 ton 4 x 4 pick-up truck.

Department: Conservation and Natural Resources
Location: Bloomsburg, Columbia County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1552117 Materials handling equipment—1 each narrow aisle reach forklift truck, Model NR035AD.

Department: Corrections
Location: Waymart, Wayne County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1632117 Materials handling equipment—2 units dock leveler, Kelley Dynaload fully automatic dockleveler, FX Series Model No. 7X6-25 or approved equal; 2 units Kelley Trunk Stop Star 1 truck restraining device or approved equal; 2 units Dock Seal DSH 505WP4 or approved equal.

Department: Corrections
Location: Somerset, Somerset County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1645187 Paper and printing—2.5M E-217 CI (11-97) envelope—business reply—brown Kraft 40 lb., 9 x 12 expandable; 10M E-136EX (11-93) envelope, business reply envelope, brown Kraft 40 lb. 10 x 15 expandable.

Department: Revenue
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1646207 Paper and printing—18M SP 4-224 envelopes, evidence, expanding 40 lb. brown manila Kraft size 6" x 11" with full 3" expansion capacity.

Department: State Police
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1654157 Paper and printing—11,000 M (pages) 1998 Commonwealth Telephone Directory.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1671077 Paper and printing—600M H511, 835.5 Participant Agreement (English Version) usable size 8 1/2" x 11".

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

7313960 Paper and printing—2,565 carton paper, cash register roll, printer for IBM P.O.S. Model 4683 and 4684, 50 rolls per carton.

Department: Liquor Control Board
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1622117 Weapons and accessories—18 each Heckler and Koch MP5, Model No. 40A3 (2RB), 40 S & W w/retractable stock and 2 round burst trigger group to include 700594 tactical forearm light (Model 628 w/forearm switch pad, H28 housing, L60 lamp module and DL223AC battery).

Department: Corrections
Location: Camp Hill, Cumberland County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Agricultural Services—02

SP 341697 Services required for vegetation removal per herbicide application on approximately 3,840 acres in various State Forest areas throughout Pennsylvania. Herbicide application to be applied between July 1, 1998 and September 30, 1998. Bid could result in 3 individual contracts.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, State Forest Management, Various areas throughout Pennsylvania
Duration: July 1, 1998 through June 30, 1999
Contact: Cory Gaiski, (717) 783-0760

SP 341698 Services required for mechanical control of competing vegetation on approximately 823 acres of forested areas in various State Forest areas in Franklin, Potter, Somerset, Sullivan, and Westmoreland Counties in Pennsylvania.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, State Forest Management, Various areas of Franklin, Potter, Somerset, Sullivan and Westmoreland Counties, PA
Duration: May 1, 1998 through April 30, 1999
Contact: Cory Gaiski, (717) 783-0760

SP 341699 Services required for aerial fertilization (rotor winged aircraft required) of 147 acres in Potter and Tioga Counties.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, State Forest Management, Various areas of Potter and Tioga Counties, PA
Duration: May 1, 1998—June 30, 1999
Contact: Cory Gaiski, (717) 783-0760

Audio Visual—04

430000-3500 To provide a maintenance service for access control/onsite radio frequency paging system, located at the Department of Transportation's Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104. All requests for bid packages should be faxed to (717) 787-0462.

Department: Transportation
Location: 1101 South Front Street, Harrisburg, PA 17104
Duration: 5 years
Contact: Susan Sobotor, (717) 783-3931

SP 373852 Rental of audio, lighting or video equipment on an as-needed basis. Vendor must be within a 15 mile radius of Harrisburg. Call for specifics on lighting needs.

Department: General Services
Location: Commonwealth Media Services, 333 Market Street, 2nd Floor, Harrisburg, PA 17126-0333
Duration: July 1, 1998—June 30, 1999
Contact: Dennis Brown, (717) 787-9823

SP 373853 Vendor to provide engineering support in repair, design and operation of Commonwealth Media Services hardware on an as-needed basis, depending upon vendor availability. Engineer must be FCC licensed. Work includes microwave feeds and miscellaneous repair of broadcast television and radio equipment, including but not limited to 1" recorders, Beta SP VCRs, Digital Betacam VCRs, audio and video switchers, and any other engineering services as necessary.

Department: General Services
Location: Commonwealth Media Services, 333 Market Street, 2nd Floor, Harrisburg, PA 17126-0333
Duration: July 1, 1998—June 30, 1999
Contact: Dennis Brown, (717) 787-9823

Computer Related Services—08

090-WCS Request for Proposal: The Office of the Chancellor, State System of Higher Education, wishes to secure the services of a contractor to provide actuarial services for the State System's self-insured workers' compensation program beginning with fiscal years 1998-99 with renewal options through 2005—2006. The Request for Proposal will provide interested vendors with detailed information to prepare and submit proposals to the Office of the Chancellor for consideration. If interested, a copy of the RFP may be obtained by writing to Lou Ann Kauffman, Office of the Chancellor, State System of Higher Education, 2986 North Second Street, Harrisburg, PA 17110. Bids must be submitted by close of business March 13, 1998.

Department: State System of Higher Education
Location: 2986 North Second Street, Harrisburg, PA 17110
Duration: Indeterminate 1997-98
Contact: Lou Ann Kauffman, (717) 780-4160

33-7-003 This software contract will provide for software licenses of Talley Systems Corp.: 180 copies of Net Census and Win Install; 320 copies of Cenergy Suite which includes Centa Meter Net Census and Win Install. This contract will also provide for additional licenses, software support, maintenance and upgrades for a 5 year period. All requests for bid packages must be received by fax (717) 787-7792, attention Donna Leitzel.

Department: Transportation
Location: Harrisburg area
Duration: 5 years
Contact: Becky Young, (717) 787-7602

25-1472947 Clarion University of Pennsylvania, a member of the State System of Higher Education, will be soliciting proposals for the purchase, installation, integration, service, training and maintenance of local and wide area networking equipment within and between campus buildings. LAN connectivity requirements will be met through a combination of Ethernet switching methodologies. Cisco or FORE equipment is preferred; alternate manufacturers accepted but will require an evaluation for quality and compatibility compliance with Clarion University of Pennsylvania needs.

Department: State System of Higher Education
Location: Clarion University, Clarion, PA
Duration: 1 year
Contact: Karen Dupree, Director of Purchasing, (814) 226-2365

RFP-DCPO-97-1 The Commonwealth of PA intends to issue a Request for Proposal (RFP) for the Data Center Project within 60 days. This project will involve the outsourcing of IBM and Unisys mainframe and mid-range computing processes and support for approximately 18 Commonwealth Agencies. All interested service providers who have not previously requested to be mailed the RFP, should contact Donald Wenstrup, (717) 772-8011; fax: (717) 772-8113.

Department: Office of Administration/Office for Info Tech
Location: 1 Technology Park, Harrisburg, PA 17110
Duration: Indeterminate 1997-98
Contact: Donald Wenstrup, (717) 772-8011

Construction and Construction Maintenance—09

2-2-00028 This contract will provide manpower, equipment and incidental guidrail material for installation of approximately 21,000 linear feet of Strong Post and approximately 7,000 linear feet of Weak Post guidrail at various locations throughout Clearfield County. All guidrail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for the end treatment, end anchorage. It will be the contractor's responsibility to pick up the material and deliver it to the work sites. A mandatory prebid meeting (only one day) will be held which will include review of the guidrail locations, and a site will be determined for where the guidrail material will be stored. The Department shall be responsible for the removal of the cable type guide rail and for any grading of shoulder stabilization prior to the placement of the guidrail by the contractor. All requests for bid packages must be received by fax at (814) 765-0681. Attention: Debbie Swank, (814) 765-0524. This contract shall be for a 1-year period with an option of three 1-year renewals. This is for a "Rebid" contract, previous bid opening held November 13, 1997.

Department: Transportation
Location: District 0220, Various locations within Clearfield County, PA
Duration: One year with an option of three 1-year renewals: July 01, 1998 through June 30, 1999
Contact: Debbie Swank, (814) 765-0524

BM-0800-06 The contract will be for the horizontal sawing of bridge parapet walls and wing walls. The walls are constructed of reinforced concrete. The work will be on an as-needed basis in Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties. All requests for bid packages must be received by fax at (717) 772-0975 (Attn: Ray Ebersole) or telephone (717) 787-4735 between 7:30 a.m. and 3:30 p.m., Monday through Friday.

Department: Transportation
Location: Various locations in Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties, PA
Duration: April, 1998 to March 31, 1999 with three 1-year renewals
Contact: Ray E. Ebersole, (717) 787-4735

Contract No. DGS A251-354 Project title: Install Sewer Line. Brief description: Install 976 feet of cast iron sewer. Plumbing 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 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 11, 1998 at 11 a.m.

Department: General Services
Location: PennDOT District 12-0 Office Building, Uniontown, Fayette County, PA
Duration: 75 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. DGS A372-4 (Rebid) Project title: Security Observation Tower. Brief description: Erect a steel frame guard tower on the roof of an existing building. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, February 18, 1998 at 2 p.m., (717) 787-3923.

Department: General Services
Location: State Correctional Institution—Greene, Greene, Greene County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. DGS 413-45 Project title: Renovation of Central Boiler Plant. Brief description: Renovation of central boiler plant involves the provision of pollution control, ash and coal handling renovation for boilers one (1) and two (2). Conversion of Keeler boilers three (3) and four (4) to gas/oil. New No. five (5) gas/oil fired boiler and gas fired emergency generator. Demolition work includes general, heating and electrical construction. General, HVAC and electrical construction. Plans deposit: \$180 per set. Payable to: Gannett Fleming, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Gannett Fleming, Inc., 207 Senate Avenue, Camp Hill, PA 17011-2316, (717) 763-7211. Bid date: Wednesday, February 25, 1998 at 11 a.m. A prebid conference has been scheduled for this project on Wednesday, February 11, 1998 at 10 a.m. at Slippery Rock University, in the Central Heating Plant, Slippery Rock, PA. Contact: James Albert, (717) 763-7211 or Jim Carney, (412) 738-2542. All contractors who have secured plans and specifications are invited and urged to attend.

Department: General Services
Location: Slippery Rock University of Pennsylvania, Slippery Rock, Butler County, PA
Duration: 300 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. DGS 800-207 Project title: Installation of Distribution and Heating Systems for Various Campus Buildings. Brief description: Work includes excavation and backfill, replacement of underground district heating system with new underground insulated conduit piping systems, manhole repairs and replacement and pipe connections into campus buildings. HVAC construction. Plans deposit: \$53 per set. Payable to: Entech Engineering, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Entech Engineering, Inc., 4 South Fourth Street, P.O. Box 32, Reading, PA 19603, (610) 373-6667. Bid date: Wednesday, February 18, 1998 at 2 p.m. Prebid: Wednesday, February 4, 1998 at 10 a.m. at Penn State HBG Campus, Room 104, Educational Activities Building. Contact: Theresa Gray, (610) 373-6667, Ext. 177 or Brett Krause, (610) 373-6667, Ext. 109. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: Pennsylvania State University, Middletown, Dauphin County, PA
Duration: 208 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. DGS A 952-90 Project title: Flagpole Installation. Brief description: Install foundations and secure relocated triple flagpole unit at the Labor and Industry Building and electric power and illumination of flagpoles. General and electrical 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 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 11, 1998 at 2 p.m.

Department: General Services
Location: Labor and Industry Building, 7th and Forester Streets, Harrisburg, Dauphin County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

FM 087397-01 Resurface roadway: The scope of work for this project covers the supplying of all labor, tools, equipment, building materials and appurtenances to resurfacing of existing roadway on sections of Sycamore Drive, Cherry Road, North Circle Drive and Elm Drive. Contractor must visit site.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: March 1, 1998 to June 30, 1998
Contact: Jack W. Heinze, Purchasing Agent III, (717) 772-7435

Rebid FM078297-03 Resurface roadways and parking areas as designated. To receive specifications, submit fax to Beverly O. Epting, Hamburg Center, Hamburg, PA 19526, fax (610) 562-6025.

Department: Public Welfare
Location: Hamburg Center, Hamburg, PA 19526
Duration: February 1, 1998—June 30, 1998
Contact: Beverly O. Epting, Purchasing Agent, (610) 562-6034

Engineering Services—14

02098AG0001 Engineering services on various local municipal bridge projects to be administered by the local municipality. The municipalities are located in Engineering District 2-0, that is Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties.

Department: Transportation
Location: Engineering District 2-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2152 To provide supplementary construction inspection staff for construction inspection and documentation services for the following projects in Bucks County. 1) S. R. 0413, Section 005. 2) S. R. 0513, Section S13.

Department: Transportation
Location: Engineering District 6-0
Duration: Sixteen (16) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2153 Open-end contract for Construction Inspection services on various projects in Engineering District 10-0 which includes Armstrong, Butler, Clarion, Indiana and Jefferson Counties.

Department: Transportation
Location: Engineering District 10-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2154 Construction inspection and documentation services for S. R. 0026, Section C05, Centre County.

Department: Transportation
Location: Engineering District 2-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2155 Final design and services during construction for S. R. 0008, Section 283, Butler County.

Department: Transportation
Location: Engineering District 10-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2156 Construction inspection and documentation services for S. R. 0080, Section B22, S. R. 0322, Section C01, and S. R. 0322, Section C04, Centre County.

Department: Transportation
Location: Engineering District 2-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

OSM 63(6633)201.1 Abandoned Mine Reclamation, King's Creek involves grading an estimated 188 L. F. of 18" diameter pipe, and 20 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$13 million for Pennsylvania's 1996 AML Grant.

Department: Environmental Protection
Location: Hanover, Washington County, PA
Duration: 210 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

Financial and Insurance Consulting—17

024-502-010 PIDA is soliciting proposals from CPA firms interested in providing financial consulting services to PIDA, which provides low-interest, long-term, mortgage loans to nonprofit industrial development agencies for the construction of industrial development projects.

Department: Pennsylvania Industrial Development Authority
Location: Within 25 miles of PIDA's Harrisburg Office
Duration: Five years
Contact: Gerald W. Kapp, Jr., (717) 787-6245

Food—19

LBP-97-045 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: April 1, 1998 through June 30, 1998
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

LBP-97-046 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: April 1, 1998 through June 30, 1998
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

M-869 Meat and meat products; poultry and poultry products; fish; cheeses. Quantities may be obtained from facility upon request. Deliveries to be made only at request of facility.

Department: Labor and Industry
Location: Hiram G. Andrews Center, FOB Shipping Platform, 727 Goucher Street, Johnstown, PA 15905
Duration: April, May, June, 1998
Contact: C. A. Sloan, Purchasing Agent, (814) 255-8228

SO-136 Dry beans: various types—baby limas, blackeyed peas, pinto beans and other related items as required not on State contract. Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Quarterly bids/monthly bids—monthly deliveries. Bid proposal on file agency prior to solicitation.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-137 Miscellaneous frozen foods: Contract shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time each month, or more often if deemed necessary by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-138 Bakery supplies: Contract shall cover the months of July 1998 through June 1999 with issuance of bid proposal on an annual (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-139 Bread and related products: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposal made on a semiannual (or more frequent) basis. Delivery of the products specified shall be made as needed and requested by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-140 Dairy and related products: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a semiannual (or more frequent) basis. Delivery of the products specified shall be made approximately 1 or 2 days per week, or more often if deemed necessary by the institution. Listing of specific commodities and estimated quantities shall be obtained by contacting the institutional contact person. Separate solicitations shall be made for commodities classified as controlled and uncontrolled by the Pennsylvania Milk Marketing Board.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-141 Cheese products: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time each month, or more often if deemed necessary by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-142 Margarine: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a semiannual (or more frequent) basis. Delivery of the products specified shall be made as needed and requested by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-143 Poultry and poultry products: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time each month, or more often if deemed necessary by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-144 Fresh fruits and vegetables: Contracts shall be for the months of July 1998 through June 1999 with issuance of bid proposals made on a monthly (or more frequent) basis. Delivery of the products specified shall be made one or two times every week or more often if deemed necessary by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-145 Fish and seafood: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time each month, or more often if deemed necessary by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-146 Meat and meat products: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time each month or more often if deemed necessary by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-147 Miscellaneous products: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Canned sauces and related items as required. Bid as needed. Items to consist of some of the following: waffles, pizza shells, salad dressings, tacos, taco seasoning, baking powder, baking soda, yeast, various extracts, sauces including pizza sauce. Juices, cereal, noodles, soup bases and bouillon, gelatins, edible oils and fats, condiments and related items if not on Statewide contract. Bid proposal on file with agency prior to solicitation.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-148 Flour: Contracts shall cover the months of July 1998 through June 1999. Various—Baker's hard wheat high gluten, all-purpose, whole wheat, cake blend, etc. 100 lb. bags. To be bid as required—monthly deliveries. Bid proposal on file with agency prior to solicitation.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-149 Shell eggs: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time every 2 weeks or more often if deemed necessary by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

SO-150 Frozen egg products: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time each month, or more often if deemed necessary by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 to June 30, 1999
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

Fuel Related Services—20

00671-000-97-TANK Underground Storage Tank Removal. Removal and closure of one, approximately 250 gallon underground gasoline storage tank from the PHMC Old Economy Village property, Ambridge, PA. The project will include the installation of clean fill materials and soil to fill the volume previously occupied by the removed tank. The impacted areas of the project shall be finish graded and planted with grass or other specified ground cover. A prebid meeting will be held at the site's visitor center on Friday, February 13, 1998 at 10:30 a.m. For directions, contact the site at (412) 266-4500. All interested bidders should submit a request for the purchase of the bid package in writing, along with a \$25 check (nonrefundable) made payable to PHMC and mailed to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026. Attention: Judi Yingling. Bids are due on Thursday, March 5, 1998 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Old Economy Village, 14th and Church Streets, Ambridge, PA 15003
Duration: May 1, 1998 to August 30, 1998
Contact: Judi Yingling or Jim Caufield, RA, (717) 772-2401

00696-000-97-TANK Underground Storage Tank Removal. Removal and closure of one, approximately 500 gallon underground gasoline storage tank from the PHMC Anthracite Heritage Museum property, Scranton, PA. The project will include the installation of clean fill materials and soil to fill the volume previously occupied by the removed tank. The impacted areas of the project shall be finish graded and planted with grass or other specified ground cover. A prebid meeting will be held at the site's visitor center on Wednesday, February 18, 1998 at 10:30 a.m. For directions, contact the site at (717) 963-4804. All interested bidders should submit a request for the purchase of the bid package in writing, along with a \$25 check (nonrefundable) made payable to PHMC and mailed to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026. Attention: Judi Yingling. Bids are due on Thursday, March 5, 1998 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Anthracite Heritage Museum, R. D. 1, Bald Mountain Road, Scranton, PA 18504
Duration: May 1, 1998 to August 30, 1998
Contact: Judi Yingling or Jim Caufield, RA, (717) 772-2401

00700-000-97-TANK Underground Storage Tank Removal. Removal and closure of one, approximately 225 gallon underground kerosene storage tank from the PHMC Landis Valley Museum property, Lancaster, PA. The project will include the installation of clean fill materials and soil to infill the volume previously occupied by the removed tank. The impacted areas of the project shall be finish graded and planted with grass or other specified ground cover. A prebid meeting will be held at the site's visitor center on Thursday, February 20, 1998 at 10:30 a.m. For directions, contact the site at (717) 569-0401. All interested bidders should submit a request for the purchase of the bid package in writing, along with a \$25 check (nonrefundable) made payable to PHMC and mailed to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling. Bids are due on Thursday, March 5, 1998 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Landis Valley Museum, 2451 Kissel Hill Road, Lancaster, PA 17601
Duration: May 1, 1998 to August 30, 1998
Contact: Judi Yingling or Jim Caufield, RA, (717) 772-2401

Contract No. FDC-007-382 Removal and disposal of a 2,000 gallon and a 5,000 gallon gasoline tank, and a 2,000 gallon diesel tank. Provide and install 1—2,000 gallon dual compartment tank (1,000 gallon gasoline/1,000 gallon diesel); additional soil/water tests and contaminated soil disposal. All work is at Penn Nursery.

Department: Conservation and Natural Resources
Location: Potter Township, Centre County, PA
Duration: 90 days
Contact: Construction Management Section, (717) 787-5055

Janitorial Services—23

23-6003029 Provide janitorial service after regular working hours for five office buildings located at Pleasant Gap, Centre County, PA; two buildings located at the Bellefonte Fish Culture Station, Bellefonte, Centre County, PA; and one building located at the Benner Spring Research Station, State College, Centre County, PA. Interested parties are required to visit all sites and inspect present conditions prior to submitting a bid.

Department: Fish and Boat Commission
Location: Pleasant Gap, Bellefonte, and State College, Centre County, PA
Duration: July 1, 1998 through June 30, 2000
Contact: Kathi Tibbott, Purchasing Agent, (814) 359-5131

25-1472947 Clarion University of Pennsylvania, a member of the State System of Higher Education will be soliciting proposals for daily janitorial services. New contracts will have to be in place for the start of the new fiscal year, July 1, 1998. RFB or RFP will be issued in February/March.

Department: State System of Higher Education
Location: Clarion University, Clarion, PA
Duration: 5 years
Contact: Terry Pierucci, Purchasing Specialist, (814) 226-2233

Laundry/Dry Cleaning—25

25-1472947 Clarion University of Pennsylvania, a member of the State System of Higher Education, will be soliciting proposals for laundry services. New contracts will have to be in place for the start of the new fiscal year, July 1, 1998. RFB or RFP will be issued February/March.

Department: State System of Higher Education
Location: Clarion University, Clarion, PA
Duration: 5 years
Contact: Terry Pierucci, Purchasing Specialist, (814) 226-2233

Medical Services—29

DL-98-4300 The contractor shall provide dental laboratory services to the inmate population at the State Correctional Institution Greene for dental prosthesis requirements.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: July 01, 1998—June 30, 2000
Contact: Carol A. Teegarden, (412) 852-5515

SP-583 Licensed physical therapy consultant—average of 40 hours per week not to exceed 52 weeks/year.

Department: Military and Veterans Affairs
Location: Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, PA 16648
Duration: July 01, 1998 through June 30, 1999
Contact: Becky Clapper, Purchasing Agent, (814) 696-5210

Property Maintenance—33

0890 Overhead door maintenance. Preventative maintenance on overhead doors for PA Department of Transportation, Perry County 0890. Specifications and bid packages must be requested by fax at (717) 582-7669 (Attn: Mitzi Nace) or telephone (717) 582-2191 from 7 a.m. to 3 p.m., Monday through Friday.

Department: Transportation
Location: Department of Transportation 0890, Perry County, 421 W. Main Street, New Bloomfield, PA 17068
Duration: July 1, 1998 to June 30, 2001
Contact: Randy Tressler, (717) 582-2191

00677-003-97-AS-3 Replacement of Jams and Thresholds—Bake and Brew House. Provide contract services for the replacement of jams and thresholds at the Bake and Brew House at Pennsbury Manor located in Morrisville, PA in Bucks County. A mandatory prebid meeting will be held on February 20, 1998 at 3 p.m. at the Pennsbury Manor Visitor Center for all firms interested in submitting bids for the project. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, contact the site at (215) 946-0400. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Friday, March 6, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Pennsbury Manor, 400 Pennsbury Memorial Lane, Morrisville, PA 19067
Duration: May 1, 1998 to August 30, 1998
Contact: Judi Yingling or Galen Brown, (717) 772-2401

00696-000-97-AS-1 Repave Parking Lots and Access Roads. Repave parking lots which have deteriorated to the point of being a public danger and an embarrassing eyesore. A prebid meeting and sign in will be held on February 25, 1998 at 10 a.m. at the Anthracite Heritage Museum Visitor Center, for all firms interested in submitting bids for the project. For directions, contact the site at (717) 963-4804. All interested bidders should submit a request for the purchase of the bid package in writing, along with a \$25 check (nonrefundable) made payable to PHMC and mailed to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling. Bids are due on Wednesday, March 11, 1998 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Anthracite Heritage Museum, R. D. 1, Bald Mountain Road, McDade, Scranton, PA 18504
Duration: May 1, 1998 to August 30, 1998
Contact: Judi Yingling or Kent Steinbrunner, (717) 772-2401

00707-000-97-AS-55 Fire and Security Renovations. Renovations to the fire and security system at Hope Lodge, located in Fort Washington, PA in Montgomery County. A prebid meeting and sign in will be held on February 19, 1998 at 1 p.m. at the Hope Lodge, for all firms interested in submitting bids for the project. For directions, contact the site at (215) 646-1595. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Monday, March 9, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Hope Lodge, 553 Bethlehem Pike, Fort Washington, PA 19034
Duration: May 1, 1998 to August 30, 1998
Contact: Judi Yingling or Galen Brown, (717) 772-2401

02398-000-97-AS-55 Fire and Security Renovations. Renovations to the fire and security system at Graeme Park, Horsham, PA in Montgomery County. A prebid meeting and sign in will be held on February 19, 1998 at 10 a.m. at the Graeme Park, for all firms interested in submitting bids for the project. For directions, contact the site at (215) 343-0956. All interested bidders should submit a request for a bid package in writing to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Monday, March 9, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Graeme Park, 859 County Line Road, Horsham, PA 19044
Duration: May 1, 1998 to August 30, 1998
Contact: Judi Yingling or Galen Brown, (717) 772-2401

03958-000-97-AS-55 Fire and Security Renovations. Renovations to the fire and security system at the site. Work includes the repair and replacement of three sets of doors at the Fort Pitt Museum. The main glazed metal doors are to be repaired, weatherized and made fully operational. Power assisted openers are to be installed on two of the main doors. The doors at the exhibit hall and the staff entrance are to be replaced. A prebid meeting and sign in will be held on February 18, 1998 at 9:30 a.m. at the Pennsbury Manor Visitor Center, for all firms interested in submitting bids for the project. For directions, contact the site at (412) 281-9285. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Tuesday, March 10, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Fort Pitt Museum, 101 Commonwealth Place, Point State Park, Pittsburgh, PA 16501-1804
Duration: May 1, 1998 to August 30, 1998
Contact: Judi Yingling or John Callan, RA, (717) 772-2401

CL-462 Clarion University is soliciting bids for renovations to toilet and shower rooms on the second, third and fourth floors of Becht Hall, a dormitory on the main campus. Contracts will be awarded for general, HVAC, plumbing and electrical construction. Prebid meeting: February 26, 1998 at 8 a.m. in McEntire Maintenance Building on the Clarion Campus. Bids due: 1:30 p.m., March 17, 1998; Bids open: 10 a.m., March 18, 1998 in Room 214, Carrier Hall. Bid package deposit: \$15, nonrefundable, by check made payable to Clarion University to attention of contact person, 218 Carrier Hall, Clarion, PA 16214.

Department: State System of Higher Education
Location: Clarion University, Clarion, Clarion County, PA
Duration: 120 days from Notice to Proceed
Contact: Judy McAninch, Contract Manager, (814) 226-2240

FM088297-03 FM Project—Replace Areas of Resilient Flooring (Building 1—Sixth Floor Corridor). Remove all sheet flooring in areas to be replaced with new tile. Existing base to remain. Provide new resilient tile, edging and reducers in accordance with manufacturer's recommendations. The work covered consists of furnishing all labor, equipment and appliances necessary to complete all demolition required for the project. The work covered consists in furnishing all labor, materials, equipment and appliances and in performing all operations in connection with the installation of resilient flooring, complete. The work generally consists of: a) cleaning of existing base as specified; b) cleaning and leveling concrete floor using leveling underlayment; c) replacement of sheet flooring; d) providing protective edging at exposed edges of floor tile; and e) providing reduction strip between floor tile and other finishes varying in height. Specifications and additional terms and conditions may be obtained by contacting the Center.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: Ninety (90) days after receiving approved contract
Contact: Cathy J. Tarquino, Purchasing Agent, (717) 749-4030

IN-762.1 Window Replacement Gordon Hall. Window replacement Gordon Hall consisting of removing existing windows, drapes, blinds, and the like, to furnish and install new windows, aluminum panels, glass, screens, and the like. Notice to Contractors may be requested from IUP. Phone: (412) 357-2289, Fax: (412) 357-6480, Internet: <http://www.iup.edu/phyfac>.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

00677-002-97-AS-1 Interim Painting On The Exterior Of The Manor House. Provide contract services for preparation and interim painting of the Manor House at Pennsbury Manor, Morrisville, PA, Bucks County. A mandatory prebid meeting and sign in will be held on February 20, 1998 at 1 p.m. at the Pennsbury Manor Visitor Center, for all firms interested in submitting bids for the project. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, contact the site at (215) 946-0400. All interested bidders should submit a request for the purchase of the bid package in writing, along with a \$25 check (nonrefundable) made payable to PHMC and mailed to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi Yingling. Bids are due on Friday, March 6, 1998 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Pennsbury Manor, 400 Pennsbury Memorial Lane, Morrisville, PA 19067
Duration: May 1, 1998 to August 30, 1998
Contact: Judi Yingling or Galen Brown, (717) 772-2401

00677-002-97-AS-2 Carpentry Repairs and Window Glass Replacement—Manor House. Provide contract services for carpentry repairs and window glass replacement at the Manor House at Pennsbury Manor, Morrisville, PA in Bucks County. A mandatory prebid and sign in will be held on February 20, 1998 at 2 p.m. at the Pennsbury Manor Visitor Center for all firms interested in submitting bids for the project. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, contact the site at (215) 946-0400. All interested bidders should submit a request for the purchase of the bid package in writing, along with a \$25 check (nonrefundable) made payable to PHMC and mailed to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi Yingling. Bids are due on Friday, March 6, 1998 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Pennsbury Manor, 400 Pennsbury Memorial Lane, Morrisville, PA 19067
Duration: May 1, 1998 to August 30, 1998
Contact: Judi Yingling or Galen Brown, (717) 772-2401

Real Estate Services—35

47A Public Auction State Owned Property. February 21, 1998 at 12 noon. The Allentown State Farm will be sold in 2 parcels. Parcel 1—270 ± acres of farm land including 3 houses, 4 barns. Parcel 2—128± acres of farm land including a dairy complex. Contact Lloyd Colegrove at (717) 772-0538.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17105
Duration: Indeterminate 1997-98
Contact: Lloyd Colegrove, (717) 772-0538

Project No. 97-11 Replacement of Bucks County Maintenance Facility (Pennsylvania Department of Transportation). The objective of this project is to replace the Bucks County Maintenance Facility presently located at 229 North Broad Street, Doylestown, PA, with one which will function equal or better to the current facility, with as little additional costs to the agency as possible. Detailed requirements and an RFP are available upon request. Fax requests to Mary Sharp at (717) 783-7971.

Department: Transportation
Location: Bureau of Office Services, 8th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900
Duration: Indeterminate 1997-98
Contact: Mary Sharp, (717) 787-2491

Sanitation—36

0890 Refuse Removal. Roll-off containers, 40 cubic yards for PA Department of Transportation, Perry County, 0890. Specifications and bid packages must be requested by fax at (717) 582-7669 (Attn: Mitzi Nace) or telephone (717) 582-2191 from 7 a.m. to 3 p.m., Monday through Friday.

Department: Transportation
Location: PA Department of Transportation 0890, Perry County, 421 W. Main Street, New Bloomfield, PA 17068
Duration: July 1, 1998 to June 30, 2001
Contact: Randy Tressler, (717) 582-2191

2-2-00029 This service shall consist of the collection of refuse and trash from four stockpiles located within Clearfield County. Locations are: Rockton (S. R. 0322, Seg. 0290), DuBois (S. R. 0255, Seg. 0050), Woodland (S. R. 1010, Seg. 0050) and Kylertown (S. R. 0053, Seg. 0730). All four of these locations are easily accessible from I-80. One 6-yard dumpster and personnel shall be provided by the contractor at each one of the locations listed above to meet the collection schedule of twice a month. Contractor shall provide proper disposal at landfill or facilities approved by the Department of Environmental Protection. This is a 1-year contract. By mutual consent of the Commonwealth and the contractor, this contract shall be renewable for four 1-year renewals.

Department: Transportation
Location: District 0220, four stockpile locations within Clearfield County as listed above
Duration: April 01, 1998 through March 31, 1999
Contact: Debbie Swank, (814) 765-0524

25-1472947 Clarion University of Pennsylvania, a member of the State System of Higher Education, will be soliciting proposals for daily refuse removal services. New contracts will have to be in place for the start of the new fiscal year, July 1, 1998. RFB or RFP will be issued February/March.

Department: State System of Higher Education
Location: Clarion University, Clarion, Clarion County, PA
Duration: 5 years
Contact: Terry Pierucci, Purchasing Specialist, (814) 226-2233

G-399 The contractor will provide the removal of trash at the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Frackville, PA. Interested vendors to request bid package, in writing, to the Institution's Purchasing Agent. Requests may be faxed to (717) 621-3096.

Department: Corrections
Location: State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932
Duration: July 1, 1998 to June 30, 2001
Contact: Ann M. Gavala, Purchasing Agent, (717) 773-2158

H-105 Removal and recycling of food waste. Contractor will provide services for the removal and recycling of food wastes from the State Correctional Institution at Coal Township.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: Three (3) years
Contact: Nancy A. Lasko, Purchasing Agent, (717) 644-7890, Ext. 142

Security Services and Equipment—37

000-98-AS-50 Maintenance on Fire System FY/98-99. Maintain fire and security system in good working order and performance for 3 years. Work is to include: quarterly tests and inspections, repair and/or replacement of damaged, worn out or improperly functioning system components, 24-hour response to reports of problems with system, training of staff in use of systems and documentation of changes made to system. A prebid meeting and sign in will be held on February 19, 1998 at 11 a.m. at the Erie Maritime Museum, for all firms interested in submitting bids for the project. For directions, contact the site at (814) 871-4596. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Tuesday, March 10, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Erie Maritime Museum, 150 East Front Street, Suite 1, Erie, PA 16507
Duration: July 1, 1998 to June 30, 2001
Contact: Judi Yingling or John Callan, RA, (717) 772-2401

00000-000-98-AS-50E Monitoring Fire and Security—Eastern Sites—FY/98-99. Provide 24-hour monitoring and all associated services for installed fire system and security system, to give notification to the appropriate emergency facility and alert predetermined staff in the event of a system alarm. (See following list of sites). Anthracite Heritage Museum, R. R. 1, Bald Mountain Road, Scranton, PA 18504; Museum of Anthracite Mining, 17th and Pine Streets, Ashland, PA 17921; Brandywine Battlefield, Box 202, Chadds Ford, PA 19317; Daniel Boone Homestead, 400 Daniel Boone Road, Birdsboro, PA 19508; Ephrata Cloister, 632 West Main Street, Ephrata, PA 17522; Graeme Park, 859 County Line Road, Horsham, PA 19044; Hope Lodge/Mather Mill, 533 Bethlehem Pike, Fort Washington, PA 19034; Landis Valley Museum, 2451 Kissel Hill Road, Lancaster, PA 17601; Morton Homestead, 100 Lincoln Avenue, Prospect Park, PA 19076; Pennsbury Manor, 400 Pennsbury Memorial Road, Morrisville, PA 19067; Railroad Museum of PA, P. O. Box 15, Strasburg, PA 17579. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Wednesday, March 11, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Various Eastern Sites of PA
Duration: July 1, 1998 to June 30, 2001
Contact: Judi Yingling or Galen Brown, (717) 772-2401

00000-000-98-AS-50W Monitoring Fire and Security—Western Sites FY/98-99. Provide 24 hour monitoring and all associated services for installed fire system and security system, to give notification to the appropriate emergency facility and alert predetermined staff in the event of a system alarm. (See following list of sites). Bushy Run Battlefield, P. O. Box 468, Harrisburg City, PA 15636-8163; Drake Well Museum, R. D. 3, Box 7, Titusville, PA 16354-8902; Fort Pitt Museum, 101 Commonwealth Place, Pittsburgh, PA 15222; PA Lumber Museum, Box K, Galeton, PA 16922; PA Military Museum, P. O. Box 160A, Boalsburg, PA 16827; Old Economy Village, 14th and Church Streets, Ambridge, PA 15003; Erie Maritime Museum, 150 East Front Street, Suite 1, Erie, PA 16507. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Tuesday, March 11, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Various Western Sites of PA
Duration: July 1, 1998 to June 30, 2001
Contact: Judi Yingling or Galen Brown, (717) 772-2401

00674-000-98-AS-50 Maintain Fire and Security System FY/98-99. Provide contract services for the maintenance and repair of the installed fire and security system. A prebid meeting will be held on February 18, 1998 at 11 a.m. at the Visitor Center, Daniel Boone Homestead. For directions, contact the site at (215) 582-4900. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Thursday, March 5, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Daniel Boone Homestead, 400 Daniel Boone Homestead, Birdsboro, PA 19508
Duration: July 1, 1998 to June 30, 2001
Contact: Judi Yingling or Galen Brown, (717) 772-2401

00681-000-97-AS-55 Fire and Security Renovations. Renovations to the fire and security system at the site. A prebid meeting and sign in will be held on February 17, 1998 at 11 a.m. at the PA Military Museum Visitor Center, for all firms interested in submitting bids for the project. For directions, contact the site at (814) 466-6263. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Wednesday, March 11, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Pennsylvania Military Museum, P. O. Box 160A, Boalsburg, PA 16827
Duration: May 1, 1998 to August 30, 1998
Contact: Judi Yingling or Kent Steinbrunner, (717) 772-2401

00696-000-97-AS-55 Fire and Security Renovations. Renovations to the fire and security system at the site. A prebid meeting and sign in will be held on February 24, 1998 at 3 p.m. at the Anthracite Heritage Museum, Visitor Center, for all firms interested in submitting bids for the project. For directions, contact the site at (717) 963-4804. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Wednesday, March 11, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Anthracite Heritage Museum, R. D. 1, Bald Mountain Road, Scranton, PA 18504
Duration: May 1, 1998 to August 30, 1998
Contact: Judi Yingling or Kent Steinbrunner, (717) 772-2401

00703-000-98-AS-50 Maintain Fire and Security FY/98-99. Provide labor, tools, testing equipment, superintendence and all associated services to maintain during the term of the contract at the premises described herein, the subscriber-owned fire and security systems. Make periodic inspections, provide services as requested by the subscriber, make repairs, replacements and adjustments for the full and proper system operation and maintain the system in good working order, in accord with the best methods and conditions of the trades, and these specifications. Provide emergency services and purchase equipment strictly in accord with these specifications. A prebid meeting and sign in will be held on February 24, 1998 at 11 a.m. at the Eckley Miner's Village, Visitor Center, for all firms interested in submitting bids for the project. For directions, contact the site at (717) 636-2070. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Wednesday, March 11, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Eckley Miners Village, Rural Route 2, Box 236, Weatherly, PA 18255
Duration: July 1, 1998 to June 30, 2001
Contact: Judi Yingling or Kent Steinbrunner, (717) 772-2401

00716-000-98-AS-53 Maintain Installed Fire and Security System—FY/98-99. Contract services to maintain installed fire and security system at the PA Lumber Museum. Under the stated contract annual payment shall be to provide labor, tools, testing equipment superintendence and all. A prebid meeting and sign in will be held on February 18, 1998 at 10 a.m. at the PA Lumber Museum Visitor Center, for all firms interested in submitting bids for the project. For directions, contact the site at (814) 435-2652. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Wednesday, March 11, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Pennsylvania Lumber Museum, Box K, Galeton, PA 16922
Duration: July 1, 1998 to June 30, 2001
Contact: Judi Yingling or Kent Steinbrunner, (717) 772-2401

00718-000-98-AS-50 Fire and Security Maintenance FY/98-99. Provide 3 years of maintenance and repair services for the fire detection systems at Somerset Historical Center. Work includes regularly scheduled inspections, cleaning, replacement of damaged, worn out or improperly functioning system components, 24-hour response to reported problems, training of PHMC staff and documentation of changes made to the system. Maintain security system in working order for 2 years, beginning in 1999. A prebid meeting and sign in will be held on February 20, 1998 at 9 a.m. at the Somerset Historical Center, Visitor Center, for all firms interested in submitting bids for the project. For directions, contact the site at (814) 445-6077. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Tuesday, March 10, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Somerset Historical Center, R. D. 2, Box 238, Somerset, PA 15501
Duration: July 1, 1998 to June 30, 2001
Contact: Judi Yingling or John Callan, RA, (717) 772-2401

00723-000-98-AS-50 Fire and Security Maintenance FY/98-99. Maintain fire and security system in good working order and performance for 3 years. Work is to include: quarterly tests and inspections, repair and/or replacement of damaged, worn out or improperly functioning system components, 24-hour response to reports of problems with system, training of staff in use of systems and documentation of changes made to system. A prebid meeting and sign in will be held on February 18, 1998 at 1 p.m. at the Bushy Run Battlefield, for all firms interested in submitting bids for the project. For directions, contact the site at (412) 527-5584. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Tuesday, March 10, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Bushy Run Battlefield, Bushy Run Road, Jeannette, PA 15644
Duration: July 1, 1998 to June 30, 2001
Contact: Judi Yingling or John Callan, RA, (717) 772-2401

99999-000-98-AS-53 Maintain Installed Fire Suppression System FY/98-99. Provide labor, tools, testing equipment, superintendence and all associated services to maintain during the term of the contract at the premises described herein, the subscriber-owned Halon Suppression Systems. Make periodic inspections, provide services as requested by the subscriber, make repairs, replacements and adjustments for the full and proper system operation and maintain the system in good working order, in accord with the best methods and conditions of the trades, and these specifications. Provide emergency services and purchase equipment strictly in accord with these specifications. A prebid meeting will be held on February 17, 1998 at 10:30 a.m. at the Commonwealth Conservation Center for all firms interested in submitting bids for the project. For directions, contact the site at (717) 787-2292. All interested bidders should submit a request for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Wednesday, March 4, 1998 at 10 a.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Commonwealth Conservation Center, 908 Market Street, Harrisburg, PA 17108-1026
Duration: July 1, 1998 to June 30, 2001
Contact: Judi Yingling or Galen Brown, (717) 772-2401

Miscellaneous—39

9558 Contractor to provide chaplaincy service for inmates of the Protestant faith at the State Correctional Institution, Muncy.

Department: Corrections
Location: State Correctional Institution, Route 405, P. O. Box 180, Muncy, PA 17756
Duration: July 1, 1998 through June 30, 2001
Contact: W. Voekler, Purchasing Agent, (717) 546-3171

9559 Contractor to provide chaplaincy service for inmates of the Muslim faith at the State Correctional Institution, Muncy.

Department: Corrections
Location: State Correctional Institution, Route 405, P. O. Box 180, Muncy, PA 17756
Duration: July 1, 1998 through June 30, 2001
Contact: W. Voekler, Purchasing Agent, (717) 546-3171

7930-0000-380 12,000 gallons of sodium hypochlorite (Common name: Commercial/industrial strength liquid bleach 12-1/2%). Bulk deliveries to be weekly—average delivery to be 500 gallons.

Department: Conservation and Natural Resources
Location: State Parks, Codorus State Park, 1066 Blooming Grove Road, Hanover, PA 17331-9545
Duration: Deliveries to begin on or around May 15th and terminate on or around December 31, 1998
Contact: Gene R. Grifo, (717) 637-2816

Service Purchase Contract No. 342941 Move a 28 foot square building from an existing area in Tyler State Park to the park office in Tyler State Park—a distance of 2.0 miles. Project also includes masonry work to build the foundation.

Department: Conservation and Natural Resources
Location: Tyler State Park, 101 Swamp Road, Newtown, Bucks County, PA 18940-1151
Duration: June 30, 1998
Contact: Regional Park Office, (215) 453-5016

ESU405-P406 ESU is seeking proposals on ESU405-P406 feasibility and design stormwater management plan/pedestrian safety project. To request RFP package, fax to: Ann Zaffuto, (717) 422-3777. Issue date is January 30, 1998—Closing date is February 20, 1998. For special accommodations and/or questions call Ann Zaffuto at (717) 422-3595. All responsible firms within 150 miles (including MBE/WBE) are invited to participate.

Department: State System of Higher Education
Location: East Stroudsburg University, East Stroudsburg, PA 18301-2999
Duration: 24 months
Contact: Ann Zaffuto, (717) 422-3595

Key 1260 Furnish a completely mobile, trailer mounted sewage sludge bagging unit.

Department: Conservation and Natural Resources
Location: State Parks Region No. 3, Shawnee State Park, R. R. 2, Box 142B, Schellsburg, PA 15559
Duration: Completion time—120 days after Notice to Proceed
Contact: James L. Ross, (814) 733-9123

LH-SER-047 Contractor to provide cremation and disposition of remains to the inmate population of the State Correctional Institution at Laurel Highlands. This is to include removal of remains from institution, hospital or county morgue or other facility, securing the necessary permits and certificates and all necessary material, such as body bags, ashes container, and the like, and transportation of remains. Contractor's principal place of business for funeral home services must be within a 65 mile radius of the State Correctional Institution Laurel Highlands. Bid on file at institution.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: July 1, 1998 to June 30, 2000
Contact: Carole Kolesko, Purchasing Agent I, (814) 445-6501

SPC 357012 This contract will provide for the pick-up and proper disposal of road-killed deer carcasses on specific highways within the Commonwealth of Pennsylvania. Contractors will be invited to submit bids on specific counties within the Commonwealth. To obtain information and a bid package, submit your company name, contact person, address, phone number and fax number by fax to (717) 783-7971.

Department: Transportation
Location: PennDOT/Bureau of Office Services; 67 Counties throughout Pennsylvania
Duration: Up to 5 years
Contact: Greg Hastings, (717) 783-8914

[Pa.B. Doc. No. 98-205. Filed for public inspection January 30, 1998, 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 #	Awarded On	To	In the Amount Of
1289157-01	01/20/98	Allentown Caging Equipment	129,885.00
1297117-01	01/20/98	Berman Leather Co.	33,465.00
1314387-01	01/20/98	Walsh Equip- ment, Inc.	46,922.00
1457117-01	01/20/98	Ragold Corpo- ration	158,750.00

Requisition or Contract #	Awarded On	To	In the Amount Of
1508117-01	01/20/98	Ragold Corpo- ration	41,475.00
8970840-01	01/20/98	Walsh Equip- ment, Inc.	29,850.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-206. Filed for public inspection January 30, 1998, 9:00 a.m.]

NOTICES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Revisions to Schedule of Prices and Charges for State Recreation Areas

A. Summary

In accordance with section 313 of the Conservation and Natural Resources Act (71 P. S. § 1340.313) the Department of Conservation and Natural Resources (DCNR or Department) proposed a schedule of prices for State Park activities, uses, and privileges and published the schedule in the *Pennsylvania Bulletin* on November 22, 1997 for a 30-day comment period. In accordance with 17 Pa. Code § 11.164 (relating to fees) the Department establishes the price schedule as contained in Section D.

D. Price Schedule

<i>Price Title</i>	<i>Unit</i>	<i>Resident</i>	<i>Non-resident</i>
Modern Cabins			
Cabin-A—Sleep 10/12—Week	Per Week	390.57	464.15
Friday—Saturday	Per Night	98.11	116.04
Sunday—Thursday	Per Night	58.49	69.81
Cabin-A—Sleep 7/9—Week	Per Week	371.69	445.28
Friday—Saturday	Per Night	93.39	111.32
Sunday—Thursday	Per Night	55.66	66.98
Cabin-A—Sleep 6—Week	Per Week	298.11	359.43
Friday—Saturday	Per Night	74.52	89.62
Sunday—Thursday	Per Night	44.34	53.77
Rustic Cabins			
Cabin-C—Sleep 2/3—Week	Per Week	119.81	143.39
Friday—Saturday	Per Night	30.18	35.84
Sunday—Thursday	Per Night	17.92	21.69
Cabin-C—Sleep 4/5—Week	Per Week	162.26	192.45
Friday—Saturday	Per Night	40.56	48.11
Sunday—Thursday	Per Night	24.52	29.24
Cabin-C—Sleep 6/7—Week	Per Week	200.94	239.62
Friday—Saturday	Per Night	50.00	60.37
Sunday—Thursday	Per Night	30.18	35.84
Cabin-C—Sleep 8/9—Week	Per Week	239.62	290.65
Friday—Saturday	Per Night	60.37	72.64
Sunday—Thursday	Per Night	35.84	43.39
Cabin-C—Sleep 10/11—Week	Per Week	282.08	340.65
Friday—Saturday	Per Night	70.75	84.90
Sunday—Thursday	Per Night	42.45	50.94
Rustic Cabins S. B. Elliott			
Cabin-C—Sleep 4/5—S. B. Elliott—Week	Per Week	86.79	105.66
Friday—Saturday	Per Night	21.69	26.41
Sunday—Thursday	Per Night	13.20	16.04
Cabin-C—Sleep 6/7—S. B. Elliott—Week	Per Week	113.20	135.85
Friday—Saturday	Per Night	28.30	33.96
Sunday—Thursday	Per Night	16.98	20.75

DCNR Secretary John C. Oliver approved the revisions to the price schedule on January 20, 1998.

B. Contact Person

For further information, the DCNR's contact person is Roger Fickes, Director, Bureau of State Parks, Rachel Carson State Office Building, P. O. Box 8551, Harrisburg, PA 17105-8551, (717) 787-6640. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

C. Effective Date

The revised price schedule will be effective on January 31, 1998, after publication as a notice in the *Pennsylvania Bulletin*.

JOHN C. OLIVER,
Secretary

<i>Price Title</i>	<i>Unit</i>	<i>Resident</i>	<i>Non-resident</i>
Cabin-C—Sleep 8/9—S. B. Elliott—Week	Per Week	139.62	169.81
Friday—Saturday	Per Night	34.90	42.45
Sunday—Thursday	Per Night	20.75	25.47
Camping			
Camping Class A—Without Electricity	Per Week	72.00	84.00
Friday—Saturday	Per Night	14.00	16.00
Sunday—Thursday	Per Night	11.00	13.00
Camping Class A—With Electricity > 30 amp	Per Week	90.00	102.00
Friday—Saturday	Per Night	17.00	19.00
Sunday—Thursday	Per Night	14.00	16.00
Camping Class A—With Electricity <=30 amp	Per Week	84.00	96.00
Friday—Saturday	Per Night	16.00	18.00
Sunday—Thursday	Per Night	13.00	15.00
Camping Class B—Without Electricity	Per Week	58.00	70.00
Friday—Saturday	Per Night	11.00	13.00
Sunday—Thursday	Per Night	9.00	11.00
Camping Class B—With Electricity > 30 amp	Per Week	76.00	88.00
Friday—Saturday	Per Night	14.00	16.00
Sunday—Thursday	Per Night	12.00	14.00
Camping Class B—With Electricity <= 30 amp	Per Week	70.00	82.00
Friday—Saturday	Per Night	13.00	15.00
Sunday—Thursday	Per Night	11.00	13.00
Camping Shelter Provided			
Camping Class C Sleep 2 Hut	Per Week	116.00	134.00
Friday—Saturday	Per Night	20.00	23.00
Sunday—Thursday	Per Night	19.00	22.00
Camping Class C Sleep 4 Hut	Per Week	126.00	152.00
Friday—Saturday	Per Night	23.00	26.00
Sunday—Thursday	Per Night	20.00	25.00
Camping Class C Walled Tent >200 sq. ft.	Per Week	168.00	194.00
Friday—Saturday	Per Night	32.00	35.00
Sunday—Thursday	Per Night	26.00	31.00
Camping Class C Walled Tent =<200 sq. ft.	Per Week	152.00	178.00
Friday—Saturday	Per Night	28.00	31.00
Sunday—Thursday	Per Night	24.00	29.00
Camping Class C Yurt	Per Week	172.00	204.00
Friday—Saturday	Per Night	35.00	38.00
Sunday—Thursday	Per Night	26.00	31.00
Camping Miscellaneous			
Camping Backpack Laurel Ridge and Oil Creek	Per Site Per Night Per Person	3.00	4.00
Camping Backpack Laurel Ridge and Oil Creek	Maximum Per Night Per Group	11.00	13.00
Camping Extra Vehicle	Per Night	3.00	3.00
Camping Reduction (Class A and Class B Family) Campground Sites only) For Senior Citizens and/or Persons With Disabilities	Per Night	3.00	3.00
Camping Reduction (Class A and Class B Family Campground Sites only) For Senior Citizens and/or Persons With Disabilities	Per Week	18.00	18.00
Camping Unit Storage	Per Day	2.50	2.50
Camping Unit Storage	Per Week	8.00	9.00
Camping Equestrian	Per Night	15.00	19.00
Camper Dump Station	Per Use for Non Registered Campers	8.00	9.00

NOTICES

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<i>Price Title</i>	<i>Unit</i>	<i>Resident</i>	<i>Non-resident</i>
Group Tenting and Group Camps			
Class A Group Tent Area	Capacity <=20 Per Night	25.00	35.00
	Capacity 21 to 40 Per Night	35.00	45.00
	Capacity 41 to 60 Per Night	45.00	55.00
	Capacity 61 to 100 Per Night	55.00	65.00
	Capacity 101 and Over Per Night	100.00	120.00
	Sleeping Trailer In Group Area	5.00	5.00
	Per Night in addition to area charge		
Class B Group Tent Area	Capacity <=20 Per Night	20.00	30.00
	Capacity 21 to 40 Per Night	30.00	40.00
	Capacity 41 to 60 Per Night	40.00	50.00
	Capacity 61 to 100 Per Night	50.00	60.00
	Capacity 101 and Over Per Night	90.00	100.00
	Sleeping Trailer in Group Area Per Night in addition to area charge	5.00	5.00
Organized Group Camps Capacity <=50 Persons	Per Night Minimum Without Utilities	62.00	97.00
Organized Group Camps Capacity 51 to 125 Persons	Per Night Minimum Without Utilities	77.00	118.00
Organized Group Camps Capacity 126 Persons and Greater	Per Night Minimum Without Utilities	92.00	138.00
Marina Costs Neshaminy			
Cost Per Foot of Boat	Per Season Starting in 1998	50.00	100.00
Cost Per Foot of Boat	Per Day	0.50	1.00
Marina Costs Presque Isle			
Cost Per Foot of Stall	Per Day With Utilities	0.55	1.10
Cost Per Foot of Stall	Per Season Without Utilities	33.00	66.00
Cost Per Foot of Stall	Per Day Without Utilities	0.45	0.90
Cost Per Foot of Stall	Per Season With Utilities	37.00	74.00
Cost For Bascomb	Per Season	315.00	630.00
Cost For Cradle Summer Storage	Per Season	35.00	70.00
Cost For Travel Lift	Per Lift Per Foot of Boat	4.00	8.00
Winter Boat Storage Per Foot of Boat Includes Lift	Per Season	14.00	28.00
Marina Costs M. K. Goddard			
"A" Docks	Per Foot of Boat Per Season	17.00	25.00
"B" Docks	Per Foot of Boat Per Season	15.00	23.00
"C" Docks	Per Foot of Boat Per Season	10.00	18.00
Marina Costs Moraine			
Fingerless Dock	Per Foot of Boat Per Season	21.00	28.00
Regular Finger Dock	Per Foot of Boat Per Season	23.00	30.00
Large Finger Dock	Per Foot of Boat Per Season	26.00	33.00
Off Shore Mooring	Per Foot of Boat Per Season	16.00	23.00
Dry Mooring	Per Season	130.00	150.00
Rack Spaces	Per Season	58.00	70.00
Regular Winter Storage	Per Season	130.00	150.00
Rack Winter Storage	Per Season	58.00	70.00
Dock Space	Per Foot of Boat Per Day	0.45	0.65
Offshore Mooring	Per Foot of Boat Per Day	0.20	0.40
All Other State Park Marinas			
Cost Per Foot	Per Season	19.00	30.00
Daily Transient	Per Foot Per Day \$5.00 Minimum	0.30	0.50
Daily Transient Nockamixon 16 Feet and Greater	Per Foot Per Day \$5.00 Minimum	0.45	0.75
Daily Transient Dry Storage	Per Day \$5.00 Minimum	2.00	3.00
Daily Transient Winter Storage	Per Day \$5.00 Minimum	2.00	3.00
Mooring Offshore Pymatuning	Per Season	65.00	65.00

<i>Price Title</i>	<i>Unit</i>	<i>Resident</i>	<i>Non-resident</i>
Other Boating			
All Marina Waiting Lists	Per List	10.00	10.00
Mooring <=7' Shoreline	Per Season	35.00 to 85.00	40.00 to 105.00
Mooring <=7' Shoreline	Per Day \$5.00 Minimum	2.00	3.00
Mooring >7' Shoreline	Per Season	70.00 to 155.00	80.00 to 205.00
Mooring >7' Shoreline	Per Day \$5.00 Minimum	4.00	5.00
Boat Docks—Private	Per Season	40.00	50.00
Boat Launching Permit	Per Season	10.00	15.00
Boat Launching Permit	Per Two Seasons	18.00	28.00
Boat Winter Storage	Per Season	110.00	120.00
Boating Canoe Racks	Per Season	50.00	55.00
Boating Dry Storage	Per Season	110.00	115.00
Boating Whitewater	Per Reservation	2.50	2.50
Boating Whitewater	Season Pass	15.00	15.00
Miscellaneous			
Abandoned Property	Base Charge	30.00	30.00
Abandoned Property	Per Day Above Base	5.00	5.00
Firewood Permit	Per Cord	10.00	10.00
Non Overnight Shower Unmetered	Per Person	2.00	2.00
Non Overnight Shower Metered	Per Person	0.50	0.50
Meeting Room/Classroom	Per Day	51.00 to 179.00	56.00 to 205.00
Picnic Pavilions and Groves			
Pavilion-A With Electric	Min. + \$10./500 sq. ft. per day	51.00	72.00
Pavilion-B No Electric	Min. + \$10./500 sq. ft. per day	46.00	62.00
Discount for pavilion rentals	Monday to Friday—Summer holi- days excluded	20.00	20.00
Picnic Groves	Min. + \$15. for Every 10 Tables Above the Initial 10 Tables	36.00	51.00
State Operated Swimming Pools			
Swimming Pools Park Operated	User Per Day	1.75 to 3.75	2.00 to 3.75
Swimming Pools Park Operated	Senior Citizen	1.50 to 2.75	1.50 to 2.75
Swimming Pools Park Operated	After 4 PM Daily	1.00 to 2.25	1.00 to 2.25
Swimming Pools Park Operated	Children Under 38" Free	0.00	0.00
Swimming Pools Park Operated	Book Of 20 Tickets	25.00 to 35.00	25.00 to 40.00
Swimming Pools Park Operated	Season Pass Adult	40.00 to 50.00	45.00 to 55.00
Swimming Pools Park Operated	Season Pass Under 12 Years Old	20.00 to 30.00	25.00 to 35.00
Swimming Pools Park Operated	Season Pass Senior Citizen	30.00 to 35.00	30.00 to 45.00
Swimming Pools Park Operated	Yearly Family Pass	120.00 to 135.00	135.00 to 150.00
Swimming Pools Park Operated	Group 15 Or More People	1.50 to 2.25	1.50 to 2.25
Swimming Pools Park Operated	Park Camper Or Cabin Occupant W/Receipt	1.00 to 2.50	1.00 to 2.50
Swimming Pools Park Operated	Non-Swimming Adult Free	0.00	0.00

[Pa.B. Doc. No. 98-207. Filed for public inspection January 30, 1998, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 77]

Noncoal Mining

The Environmental Quality Board (Board) by this order amends Chapter 77 (relating to noncoal mining). The amendments are the result of the Department of Environmental Protection's (Department) Regulatory Basics Initiative to review and revise regulations which impose disproportionate economic costs, which are obsolete or redundant, which are prescriptive or technology specific and which lack clarity.

This order was adopted by the Board at its meeting of October 21, 1997.

A. Effective Date

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

B. Contact Persons

For further information contact Roderick A. Fletcher, P. E., Director, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, 5th fl., Harrisburg, PA 17105-8461 (717) 787-5301, or Marc Roda, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464 (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This rulemaking is available electronically through the Department's Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

These amendments are adopted under the rulemaking authority of the following acts: section 11(a) of the Noncoal Surface Mining Conservation and Reclamation Act (Noncoal SMCRA) (52 P. S. § 3311(a)); section 5(b) of The Clean Streams Law (35 P. S. § 691.5(b)); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) which authorizes the Board to adopt regulations necessary for the Department to perform its work.

D. Background and Summary

In August 1995, the Department announced the Regulatory Basics Initiative to revise regulations which impose disproportionate economic costs, which are obsolete or redundant, which are prescriptive or technology specific, and which lack clarity. In 1996, Governor Ridge issued Executive Order 1996-1 which directed executive agencies to conduct a similar review of existing regulations. Under these initiatives the Department solicited public input through a notice in the *Pennsylvania Bulletin* and the Department's Web site (<http://www.dep.state.pa.us>). The final amendments in this package are the result of suggestions from the public and the Department's own review of its regulations. Additionally, the Department has inserted, where appropriate, equivalent measures in standard international metric units.

A summary of the revisions to specific sections of the regulations is presented as follows:

§ 77.1. Definitions.

A definition for "general permit" has been added to this section.

§ 77.51 License requirement.

Section 77.51(b)(2) and (d) have been revised to cite section 5(e) of the Noncoal SMCRA which contains the insurance requirements for an operator's license.

§ 77.53 Suspension and revocation.

A cross reference has been corrected.

§ 77.54 Fees.

New language acknowledges that Noncoal SMCRA may establish alternate fees.

§ 77.108 Permit for small noncoal operations.

This section has undergone substantive changes. Small noncoal permits issued under this section are now individual permits rather than general permits. The yearly production limit has been raised from 2,000 tons (1,814 metric tons) per operator to 10,000 tons (9,070 metric tons) per site. As a result, individuals holding a large noncoal operator's license can make use of a small permit for a site producing no more than 10,000 tons (9,070 metric tons) a year.

A number of provisions have been added to ensure that the environment as well as the public's safety is protected. The maximum permit size is limited to 5 acres (2.02 hectares). No more than 1 acre of land can be affected and remain unreclaimed unless the Department approves an alternate plan for concurrent reclamation. Any blasting activity will be subject to the same standards applicable to larger noncoal mining operations. Additionally, these permits will be reviewed in accordance with the criteria applicable to larger operations.

Finally, operators are not required to publish in a local newspaper notices of applications for a permit or a bond release. The Department will continue to publish notices of decisions on applications and bond releases in the *Pennsylvania Bulletin*. The newspaper publication is unnecessary due to the minimal impacts associated with this mining activity. In addition, given the small bond amounts, the cost of requiring publication in newspapers of applications for bond release will make obtaining the bond release meaningless.

§ 77.109. Noncoal exploration activities.

The amendments to this section establish a simpler authorization process and less prescriptive performance standards. Amendments clarify when the Department might request other information the Department deems relevant to assure compliance with the environmental acts and establish a specific time period for regrading and revegetation after reclamation of the exploration site is completed.

§ 77.110. Permit waiver—oil and gas well site development.

The requirements of this section are obsolete and have been replaced with a reference to section 603.1 of the Oil and Gas Act (58 P. S. § 601.603).

§ 77.126. Criteria for permit approval or denial.

The language of this section has been modified for clarity, and to add a requirement that the Department find in writing that a permit application meets the

criteria for approval. A requirement that the application must demonstrate that the proposed mining activity will not threaten the existence of endangered or threatened species as determined by Federal and State law has been added. This requirement reflects the Department's current practice of not issuing a permit if a proposed mining activity threatens an endangered species.

§ 77.128. Permit terms.

The reasons for which the Department may grant an extension of time for commencement of mining activities are expanded to include conditions which are beyond the control of the permittee.

§ 77.142. Public notice of permit revision.

This section is revised to identify the specific types of permit revisions which are required to have public notice and, to be consistent with the requirements for surface mining, require public notice for the addition of mineral processing to underground mining activities.

§ 77.144. Transfer of permit.

The amendments replace a general requirement with a reference to specific regulatory requirements.

§ 77.164. Personal injury and property damage insurance information.

Section 77.164 has been revised to cite the specific section of the Noncoal SMCRA which contains the insurance requirements for an operator's license.

§ 77.165. Proof of publication.

This amendment allows the applicant to submit a copy of the weekly newspaper advertisements to the Department as proof of publication.

§ 77.204. Period of liability.

A general reference to Noncoal SMCRA and other environmental acts has been replaced with language from section 9(j) of the Noncoal SMCRA (52 P. S. § 3319(j)) which allows the Department to release a bond in whole or in part if the Department is satisfied that the reclamation covered by the bonds and required by Noncoal SMCRA has been accomplished.

§ 77.205. Bond adjustments.

A new provision requires the Department to notify the permittee, the surety and any person who has a property interest in a collateral bond of any proposed adjustment to the bond. The new requirement also provides the permittee with an opportunity for an informal conference to discuss the bond adjustment prior to any adjustment taking place.

§ 77.231. Terms and conditions for liability insurance.

Section 5(e) of the Noncoal SMCRA which contains the terms and conditions for liability insurance is now referenced by this section.

§ 77.241. Scope.

As amended, this section allows general permits to establish alternate procedures, criteria and schedules for bond release.

§ 77.242. Procedures for seeking release of bond.

The change to this section allows a longer period in which a permittee may submit proof of publication of bond release. In addition, the Department will consider an application for bond release to be incomplete if the proof of public notice is not received within 60 days of the filing of the application.

§ 77.243. Criteria and schedule for release of bond.

A vague standard for initial bond release is replaced by a reference to Chapter 102 (relating to erosion control) which deals with erosion control.

§ 77.401. Responsibilities.

This amendment allows the Department to waive any requirements for information on environmental resources for specific categories of mining if the information is not needed to evaluate potential impacts on the public and environment.

§ 77.403. Description of hydrology and geology—general requirements.

This section has been revised to require an applicant to submit the amount of information necessary to enable the Department to evaluate the impacts for the type of operation being proposed. This amendment also limits the authority of the Department to require modeling or other predictive techniques in a permit application to situations where the proposed mining activity has the potential to adversely impact water supplies, wetlands or waters of this Commonwealth and their affiliated uses.

§ 77.456. Reclamation information.

This amendment requires the timetable for reclamation activities to meet the requirements of § 77.595 (relating to concurrent reclamation).

§ 77.461. Dams, ponds, embankments and impoundments.

This section is revised to require submittal of information for assessing the design and hydrologic impact of a proposed structure only if the information is requested by the Department.

§ 77.502. Signs and markers.

The amendment to this section requires erection of the sign identifying the mining operation within 60 days of permit issuance.

§ 77.503. Casing and sealing of drilled holes.

Subsection (d) dealing with barriers around oil and gas wells is removed because the identical language is found in § 77.504 (relating to distance limitations and areas designated as unsuitable for mining). The phrase "Prevent to the maximum extent possible" has been replaced with "Minimize" with regard to disturbances to the hydrologic balance.

§ 77.504. Distance limitations and areas designated as unsuitable for mining.

A new subsection (e) provides that waivers to allow surface mining activities within 300 feet (91.44 meters) of an occupied dwelling or commercial or institutional building be knowingly made and be effective against subsequent purchases of the dwelling or building.

§ 77.527. Sedimentation controls.

This amendment allows for sediment controls other than ponds as long as the alternate controls prevent accelerated erosion and sedimentation.

§ 77.562. Preblasting surveys.

The revisions to this section replace a confusing and unenforceable standard for an exemption from the requirement to provide preblasting surveys with precise ground vibration levels in a graph. The amendments also

describe how the operator must monitor blasting for compliance with the graph and prohibit additional blasting, if vibration levels exceed the levels in the graph and preblasting surveys have not been offered.

§ 77.564. Surface blasting requirements.

The amended section clearly states that the maximum ground vibration limit does not apply at a structure owned by the permittee.

§ 77.572. Permit line setback.

This section has been rewritten to eliminate confusing language dealing with the distance of 25 feet (7.62 meters) that a highwall must be set back from the boundary of the permitted and bonded area.

§ 77.594. Final slopes.

This section is revised to allow the Department to require underwater safety benches in unconsolidated materials to be sloped at less than 35° from the horizontal if needed for safe exit from the impoundment.

§ 77.595. Concurrent reclamation.

The amendments to this section define more clearly what is required for concurrent reclamation.

Subchapter J. General permits.

This new subchapter authorizes the Department to develop general permits for categories of noncoal mining where the Department determines that the operations within that category are similar in nature and can be adequately regulated utilizing standard specifications and conditions. It describes the nature of a general permit and that the general permit is a substitute for individual permits. Subchapter J establishes the minimum contents of a general permit, the procedures for issuing a general permit and the requirements for operators wishing to register under the general permit. Finally, persons who operate under the general permit are required to maintain a mining operator's license and comply with the terms and conditions of the permit, the regulations and applicable laws.

E. Summary of Comments and Responses on the Proposed Rulemaking

The proposed rulemaking was published at 27 Pa.B. 875 (February 15, 1997). The public comment period expired on April 16, 1997. Public hearings on the proposed rulemaking were held on March 25, 1997, and March 31, 1997.

This document addresses comments received by the Board during the public comment period and from the Independent Regulatory Review Commission (IRRC). Written comments were received from nine commentators and IRRC. A detailed description of comments, along with responses, is contained in the Department's Comment and Response Document which is available from the Bureau of Mining and Reclamation at the address shown in Section B of this Preamble. A summary of the comments and responses on the proposed rulemaking is presented as follows.

§ 77.51. License requirement.

One commentator stated that § 77.51(b)(2) and (d) contain the language "when required by the act" and recommends the specific sections of the act be cited or the Board include the specific requirement in the regulation. The Board agrees that the language is vague and has revised § 77.51(b)(2) and (d) to cite section 5(e) of the act.

§ 77.102. Compliance with existing permits.

One commentator is opposed to the language of proposed § 77.102 granting the Department authority to require modification to existing approved and permitted mining and reclamation plans. The commentator stated that the current conditions of the existing permits provide the language and authority for the Department to assure reclamation will be completed. The Board agrees with the comment that the current conditions in permits issued prior to March 17, 1990, provide the language and authority for the Department to assure reclamation will be concurrent and completed. The Department has the authority under the Noncoal SMCRA and the permit conditions to adjust the bond requirements on overburden storage which could be used for concurrent reclamation. The Board has withdrawn the proposed amendments to § 77.102.

One commentator recommended that all quarries be reclaimed and that Federal and State funds be made available for municipalities to reclaim abandoned quarries. The Board agrees with the commentator that quarries should be reclaimed. Reclamation is required for all quarry areas affected since the effective date of the Noncoal SMCRA (January 1, 1972). However, there is no mechanism to provide State or Federal funding to municipalities to reclaim abandoned quarries.

Other commentators suggested that the proposed language be modified or that a cross section reference be made to applicable concurrent reclamation requirements. Another commentator stated that the proposed language might cause premature closing of some mining operations. With the withdrawal of the proposed amendment, other revisions will not be necessary.

§ 77.108. Permit for small noncoal operations.

Five commentators questioned the proposed increase in yearly tonnage for small noncoal operations from 2,000 tons per year per operator to 10,000 tons per year per site. One commentator states that the entities likely to make use of the increased tonnage limits will be new to the mining business, have limited knowledge or experience and may have a negative impact on the environment. Other commentators state that an increase in yearly tonnage limits will result in a larger cumulative environmental impact and could cause significant fish and wildlife impacts. Another commentator recommended the same level of environmental assessment and protection for threatened and endangered species and waters of this Commonwealth and their affiliated uses as presently provided for operations producing more than 2,000 tons per year.

In addition, concerns were expressed that the Department should explain why more stringent permit requirements are no longer needed for operations between 2,000 tons per year and 10,000 tons per year, specifically hydrology and geology descriptions, groundwater and surface water information, operational information, maps and plans required in Subchapters G and H (relating to information on environmental resources; and requirements for operation and reclamation plan). One commentator claimed that the Department had not provided an explanation on how it determined that waiving permit requirements under section 26(a) of the Noncoal SMCRA (52 P. S. § 3326(a)) will have an insignificant affect upon safety and protection of life, health, property and the environment. Proposed § 77.108(f) provided exemptions from newspaper notice for small noncoal permits and bond releases. The commentator recommended that the

Department provide newspaper notice or provide documentation of insignificant effects on safety, and the like.

The Board disagrees with the commentators that raising the tonnage limit for small noncoal operations from 2,000 tons (1,814 metric tons) per year to 10,000 tons (9,070 metric tons) per year will have a significant impact on safety and protection of life, health, property and the environment.

Noncoal operators which normally produce 10,000 tons (9,070 metric tons) per year or less are usually mining

shale, flagstone, topsoil or sand and gravel. These operations typically do not pump or encounter groundwater. In most cases the noncoal mineral is for local use.

Adverse environmental impacts, including significant impacts on fish and wildlife, will not occur due to the increased tonnage. The area excavated to remove 10,000 tons (9,070 metric tons) of material is very small. A typical shale operation with a 10 foot (3.05 meters) highwall will only need to excavate 0.27 acres (0.11 hectare) to remove 10,000 tons (9,070 metric tons). (See Table 1.)

Table 1
Tonnage vs. Area Affected (Excavation Area)*

Production Per Year		5 Foot (1.52 meters) Highwall		10 Foot (3.05 Meters) Highwall		20 Foot (6.10 Meters) Highwall	
Tons	(Metric Tons)	Acres	(hectare)	Acres	(hectare)	Acres	(hectare)
2,000	(1,814)	0.11	(0.04)	0.05	(0.02)	0.03	(0.01)
5,000	(4,535)	0.27	(0.11)	0.14	(0.06)	0.07	(0.03)
10,000	(9,970)	0.54	(0.22)	0.27	(0.11)	0.14	(0.16)

*Based on shale with a specific gravity of 2.72. Most other minerals mined in this Commonwealth will have a specific gravity within 10% of shale.

Under § 77.108(e)(4) reclamation must be conducted concurrently with mining operations on a one-for-one basis—1 acre (0.41 hectare) reclaimed for 1 acre (0.41 hectare) affected, unless the operator demonstrates, to the Department's satisfaction, an acceptable alternative for achieving concurrent reclamation. The majority of small noncoal operations which have been permitted since this regulation was adopted (March 17, 1990) have been limited to only 1 acre (0.41 hectare) of unreclaimed area at any time. It would take almost 2 years of excavation, with a 5 foot (1.52 meters) highwall, or approximately 3 1/2 years of excavation, with a 10 foot (3.05 meters) highwall, to produce a 1 acre excavation. The increase in tonnage from 2,000 tons (1,814 metric tons) to 10,000 tons (9,070 metric tons) per year will not increase the typical size of the area of earth disturbance for a small noncoal operation. The operation, in most situations, will only result in the mining operation being developed and reclaimed at a quicker pace. Thus the excavated and unreclaimed area of a small noncoal operation at any given time should not increase and thus not result in any increased impact to life, health, property or the environment from the rise in the tonnage figure.

The Board has retained the proposed 10,000 tons (9,070 metric tons) per year limit for small noncoal operations in § 77.108 for final rulemaking. The Board has added other provisions to limit the potential for increased impacts on the public and the environment. The language in § 77.108(e)(4) has been modified to make it clear that no more than 1 acre (0.41 hectare) of mineral extraction area may be unreclaimed unless an acceptable plan for concurrent reclamation is demonstrated. To contain the overall size of these operations, a new § 77.108(j) is added to limit the maximum permit acreage to 5 acres (2.02 hectare). In addition, subsection (e)(11) has been revised to require all blasting activity to conform to the same standards applicable to larger noncoal sites. These permits will also be reviewed in accordance with the criteria applicable to larger operations, including an assessment of potential impacts on threatened and endangered species.

As explained previously, the Department believes that there will be no significant effect on safety and the protection of life, health, property and the environment due to the increased tonnage limit. Therefore, the Department feels that there is no need to require public notice in a newspaper.

§ 77.109. Noncoal exploration activities.

The commentators recommend that § 77.109(b)(2) be revised to insert the word "approximate" before "...locations of drill holes, exploratory pits, trenches, and excavations" since it is not possible to project the exact location of each activity and that the area is already defined on the map. The Board agrees with the commentators that the word "approximate" should be inserted in § 77.109(b)(2). This section has been revised.

One commentator suggested that the requirement for the purpose of testing in proposed § 77.109(b)(5) be deleted since testing is necessary to determine the economic suitability of the material and needs no justification or explanation. The Board disagrees with the commentator regarding the need to identify the testing methods in § 77.109(b)(5). Different test methods require different amounts of material; therefore, the Department needs to know the test method so that it may determine the size of the exploration area and excavations which will be needed. The proposed language of § 77.109(b)(5) has been retained.

Two commentators suggested that the requirement to "avoid" disturbance of wetland areas be replaced by "minimize" disturbance of wetland areas in § 77.109(g)(3). The Board disagrees with the commentators regarding § 77.109(g)(3). The replacement of "Avoid" with "Minimize" would allow disturbance of wetlands which cannot be accomplished without a permit under Chapter 105 (relating to dam safety and waterway management). The phrase "Avoid disturbance of wetland areas" has been retained for final rulemaking.

One commentator recommended that the language of § 77.109(b)(7) which allows exploration by drilling methods to proceed 10 days after the information is submitted

to the Department, unless otherwise notified by the Department be deleted and more appropriately be included in § 77.109(c). The commentator also recommended that § 77.109(h) provide a specific time period requirement for revegetation. The Board agrees with the commentator that the requirements of § 77.109(b)(7) more appropriately belong in subsection (c). The appropriate language has been transferred. The Board also agrees with the commentator that § 77.109(h) should provide a specific time period for revegetation. This section has been revised to require regrading within 30 days after completion of exploration and to require revegetation within the first planting season after exploration is completed.

§ 77.110. Permit waiver—oil and gas well site development

One commentator recognized that the proposed language for § 77.110 clarifies that activities regulated by the Oil and Gas Act are not regulated as surface mining activities. The Board appreciates the commentator's support on the proposed language. The proposed language has been retained.

§ 77.164. Personal injury and property damage insurance information

One commentator stated that the proposed language "when required by the act" in § 77.164 is vague and recommends that the specific sections of the Noncoal SMCRA be cited. The Board agrees and has revised § 77.164 to cite section 5(e) of the Noncoal SMCRA.

§ 77.194. Requirement to file a certification of liability insurance

One commentator stated that the maximum yearly tonnage limit in § 77.194 should be made consistent with other tonnage limits elsewhere in the final-form regulations. They believed that the failure to make a tonnage change to § 77.194 was most likely an oversight. The failure to amend this section was not due to an oversight. The requirement to file a certification of liability insurance for operators who extract more than 2,000 tons (1,814 metric tons) of marketable minerals yearly is set by section 5(e) of the Noncoal SMCRA and cannot be changed by regulation.

§ 77.231. Terms and conditions for liability insurance

One commentator stated that the proposed language "when required by the act" in § 77.231(a) is vague and that the specific sections of the act be cited. The Board agrees and has revised § 77.231(a) to cite section 5(e) of the Noncoal SMCRA.

§ 77.403. Description of hydrology and geology—general requirements.

Three commentators suggested that proposed § 77.403(b) be modified to include "potential to adversely impact waters of this Commonwealth and their affiliated uses" and to protect wetlands. One commentator also recommended that the phrase "to the extent necessary for the type of noncoal operation for the Department to evaluate the impacts of the operation" in § 77.403(a) is not clear as to whether the "extent necessary" is relative to the type of noncoal operation or the amount of information required for the description of the geology and hydrology. The Board agrees with the commentators regarding the scope of the Department's authority to require modeling under § 77.403(b). This section has been revised to require modeling if needed to evaluate adverse impacts on waters of this Commonwealth and their affiliated uses, including wetlands. The Board

agrees and has revised § 77.403(a) to make it clear that the phrase "to the extent necessary" refers to the amount of information necessary to enable the Department to evaluate the impacts of the type of operation.

§ 77.456. Reclamation information

One commentator suggested that the current language of § 77.456 adequately addresses the issue of reclamation timetables for proposed mining operations. With reference to the introductory language of § 77.456, the Board agrees that the current language is adequate. The Board has retained the original introductory language of § 77.456. Nevertheless, the Board believes that the timetable requirements of § 77.456(l) should cross reference § 77.595 in order to make it clear that the operator is to plan for reclamation concurrent with the progress of the proposed operation to the greatest extent possible.

§ 77.504. Distance limitations and areas designated as unsuitable for mining.

One commentator suggested that language should be added stating that sites permitted and bonded prior to these amendments are exempt from subsequent distance limitations of § 77.504(a) established as unsuitable for mining. The Department assumes that the commentator is referring to setback distances for noncoal surface mining other than pit areas permitted and bonded prior to the enactment of the Noncoal SMCRA. Section 11(c) of the Noncoal SMCRA establishes distance limitations where surface mining activities are prohibited. The Noncoal SMCRA does not provide a broad exemption for surface mining operations which were permitted and bonded prior to the effective date of the Noncoal SMCRA. However, there are provisions under section 11(e) of the Noncoal SMCRA whereby the Department may, on a case-by-case basis, grant a waiver to operate within the distance limitations. Section 77.504(a) reflects these standards and cannot go beyond them.

§ 77.562. Preblasting surveys

Two commentators suggested that the following language be added to § 77.562(b): "If no blasting has taken place within 1-calendar year since the original or subsequent renotifications of the blasting schedule to the public and residents within 1,000 feet, the operator will offer preblast surveys at least 30 days before the resumption of blasting." The commentator felt that the word resumption needed a definitive timetable. The term "resumption of blasting" as used in the proposed regulation, does not refer to blasting when the operation has no need to conduct blasting for an expanded period of time. It was intended to refer to operations when blasting has been ceased by the Department because the operator did not conduct preblast surveys based on anticipated blasting levels, and subsequently has exceeded those levels. Section 77.562(b) has been rewritten to clearly tie the resumption of the blasting to the requirements of § 77.562(a)(3)(i). The language proposed by the commentators does not address the intent of this section.

§ 77.803. Nature of a general permit; substitution for individual applications and permits.

One commentator recommended that § 77.803 be modified to reflect that not all general permits will require registration by substituting the phrase "is authorized to operate under" for "may only use". The Board agrees that the phrase "is authorized to operate under" is more appropriate and has revised § 77.803(c) accordingly. Upon further reflection the Department has concluded that registration is a necessary tool for implementation of a general permit. Registration will, at a minimum, provide

the Department with basic information (such as, applicant, location, and qualifications). In addition the Department will be able to verify compliance with section 8 of the Noncoal SMCRA (32 P. S. § 3308) which requires an operator to demonstrate compliance with the Noncoal SMCRA and the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a).

§ 77.804. Contents of general permits.

One commentator recommended that § 77.804 state that each general permit will specify whether registration is required and when public notice in a newspaper will be required. The commentator also recommended that a time frame be included within which the Department will provide notification of applicant approval when registration is required. The commentator also questioned how the applicant will be notified of approval. The Board agrees that a time period for notification is appropriate and has revised § 77.804(6) to require written notice as to whether the registration has been approved.

The Board agrees that each general permit specify requirements, if any, for public notice. Section 77.804(8) has been modified accordingly. Registration requirements are addressed in the revisions to § 77.806.

§ 77.806. Registration requirements.

One commentator stated that proposed § 77.806(e) prohibits activities under a general permit until "notice of Department approval of registration" while other general permit programs administrated by the Department only require the applicant to register by providing specific information to the Department. The commentator also noted that the type of "notice of Department approval" is not specified nor is there a specific time for the Department to act on a request for registration.

The Board disagrees with the commentator that notice of approval of registration should not be required. The Department believes that notification is necessary to afford the Department the opportunity to ensure that the applicant is qualified to operate under the general permit and to allow for a compliance check. There are other Department General Permits which also require review and approval of registration (such as, NPDES General Permits).

Another commentator recommended that the word "applications" replace "requests" in § 77.806(c) to clarify registration requirements. The commentator also recommended that § 77.806(d), which deals primarily with initial requests for registration, would be more appropriate as a new § 77.807 titled "Change of Ownership" with proposed § 77.807 renumbered as § 77.808. The Board agrees with the commentator that § 77.806(d) is the only subsection that deals with a revision of an approved activity and would be more appropriate as a separate section. Section 77.806(d) has been deleted and the language restated as a new § 77.807 entitled "change of ownership." Section 77.807 (relating to compliance with permit conditions, regulations and laws) has been renumbered as § 77.808.

Subchapter J. General Permits—General Comment

One commentator opposed the implementation of this subchapter unless more specific limitations are imposed under general permits. These may include length of permit, maximum tonnage allowed, area of disturbance, bond rates, reclamation requirements and blasting. The commentator is concerned that the proposed wording will constitute a double standard between operators who are operating under a small or large noncoal permit and

those who would operate under a general permit. The Board disagrees with the commentator regarding specifics on limitations. The types of limitations suggested by the commentator will be addressed, when appropriate, within proposed individual general permits. When a general permit would apply to activities currently covered by an existing permit there is nothing in the regulations which would preclude the operator from obtaining a registration under the general permit.

F. Benefits, Costs and Compliance

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

Benefits

These amendments revise noncoal mining regulations which impose disproportionate economic costs, regulations which are obsolete or are redundant, regulations which are prescriptive or technology specific, and regulations which lack clarity. The noncoal mining industry, the Department and the public will benefit from these amendments.

Benefits to the general public cannot be quantified. They include more timely reclamation of highwalls which eliminates potential safety hazards and better documentation of Department decisions to issue permits through the requirement for the Department to provide written findings.

The benefits to the regulated community will primarily be a savings in permitting costs as follows:

	Site/yr.	Savings/ site	Savings
—Less prescriptive permit application requirements based on type of operation	20	\$2,000	\$40,000
—General Permit compared to large noncoal permit application	10	\$4,000	\$40,000
—Large noncoal operation obtaining small noncoal permits	10	\$3,000	\$30,000

The Department will benefit by a savings through a reduction in the time and effort to review permit applications as follows:

—Reduced review times with general permits:

10 large	110 hrs.	\$15/hr.	\$16,500	\$16,500
5 small	5 hrs.	\$15/hr.	\$1,500	\$1,500

—Review of hydrology/geology information based on reduced level of detail for certain types of noncoal operations.

—Large noncoal operations obtaining small noncoal permits.

Compliance Costs

The amendments will impose no additional compliance costs on the regulated community.

Compliance Assistance Plan

Since noncoal mining regulations are an established program in this Commonwealth, compliance assistance will be limited to an effort to inform the industry of the specific changes in the program. This can be accomplished by mailing fact sheets directly to mine operators. If necessary, regional roundtable meetings with the industry will be arranged.

Paperwork Requirements

The amendments will result in decreased paperwork for the regulated community and the Department.

G. *Sunset Review*

These amendments will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the amendments effectively fulfill the goals for which they were intended.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 4, 1997, the Department submitted a copy of the proposed rulemaking to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments, as well as other documentation.

In preparing these final-form regulations, the Department has considered the comments received from IRRC and the public. These comments are addressed in the comment and response document and Section E of this Preamble. The Committees did not provide comments on the proposed rulemaking.

These final-form regulations were deemed approved by the House and Senate Environmental Resources and Energy Committees on November 25, 1997. IRRC met on December 4, 1997, and approved the final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

I. *Findings of the Board*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These amendments do not enlarge the purpose of the proposal published at 27 Pa.B. 875.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

J. *Order of the Board*

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 77, are amended by amending §§ 77.1, 77.51, 77.53, 77.54, 77.108—77.110, 77.126, 77.128, 77.142, 77.144, 77.164, 77.165, 77.204, 77.205, 77.231, 77.241—77.243, 77.401, 77.403, 77.456, 77.461, 77.502—77.504, 77.527, 77.562, 77.564, 77.572, 77.594 and 77.595 and by adding §§ 77.801—77.807 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(*Editor's note:* The proposal to amend § 77.102 (relating to compliance with existing permits), included in the proposal at 27 Pa.B. 875, has been withdrawn by the Board.)

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and

the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

JAMES M. SEIF,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 6878 (December 27, 1997).)

Fiscal Note: Fiscal Note 7-303 remains valid for the final adoption of the subject regulations.

Annex A
TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE I. LAND RESOURCES
CHAPTER 77. NONCOAL MINING
Subchapter A. GENERAL PROVISIONS

§ 77.1. Definitions.

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

* * * * *

General permit—A permit that is used for any category of noncoal surface mining activities authorized by the act if the Department determines that the activities in the category are similar in nature and can be adequately regulated utilizing standardized specifications and conditions. A general permit shall specify the design, operating and monitoring requirements necessary to adequately protect life, health, property and the environment and under which the surface mining activities may be conducted.

* * * * *

Subchapter B. SURFACE MINING OPERATOR'S LICENSE

§ 77.51. License requirement.

(a) *Operator's license required.* A person who conducts noncoal surface mining as an operator within this Commonwealth shall first obtain a noncoal surface mining operator's license from the Department.

(b) *Noncoal surface mining operator's license application.* Application for license shall be made in writing on forms prepared and furnished by the Department and contain information pertaining to:

- (1) Identification of ownership.
- (2) Public liability insurance when required by section 5(e) of the act (52 P. S. § 3305(e)).
- (3) Compliance information.

(c) *Identification of ownership.* The application shall indicate whether the applicant is a corporation, partner-

ship, single proprietorship, association or other business entity. For business entities other than single proprietorships, the application shall contain the following information if applicable:

(1) The name and address of the applicant, including partners, associates, officers, parent or subsidiary corporations.

(2) The names under which an applicant listed in paragraph (1) previously operated a mining operation in this Commonwealth within 5 years preceding the date of application.

(d) *Public liability insurance.* When required by section 5(e) of the act, the applicant shall provide a certificate of insurance for the term of the license covering surface mining activities of the applicant in this Commonwealth under § 77.231 (relating to terms and conditions for liability insurance).

(e) *Refusal to issue or renew license.* The Department will not issue a noncoal surface mining operator's license or renew or amend a license if it finds, after investigation and an opportunity for informal hearing, that a person, partner, associate, officer, parent corporation or subsidiary corporation has been subject to a bond forfeiture under the act and environmental acts or has failed to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree under the act and environmental acts. The Department will not renew a license for an operator who uses the provisions for payment in lieu of bond unless the operator submits his annual payment with the license renewal application. A person who opposes the Department's decision on issuance or renewal of a license has the burden of proof.

(f) *License renewal requirements.*

(1) A person licensed as a noncoal surface mining operator shall renew the license annually according to the schedule established by the Department.

(2) Notice of license renewal and filing of an application for license renewal shall conform to the following:

(i) The Department will notify the licensee in writing at least 60 days prior to the expiration of the current license to renew the license. The applicant shall be responsible for filing a license renewal application prior to the expiration of the current license.

(ii) If the Department does not intend to renew a license, the Department will notify the licensee, a minimum of 60 days prior to expiration of the license. This section does not prevent the Department from not renewing the license for violations occurring or continuing within this 60-day period if the Department provides an opportunity for an informal hearing.

§ 77.53. Suspension and revocation.

(a) The Department may suspend or revoke a license for a reason listed in § 77.51(e) (relating to license requirement).

(b) If the Department intends to revoke or suspend a license, it will provide an opportunity for an informal hearing before suspending or revoking the license. The Department will notify the licensee of its intent to revoke or suspend a license and of the opportunity for an informal hearing at least 15 days prior to revoking or suspending the license unless the Department determines that a shorter period is in the public interest.

§ 77.54. Fees.

Unless otherwise established by the act, the following license fees apply:

(1) The initial and annual license renewal fee for persons mining 2,000 tons (1,814 metric tons) or less of marketable noncoal minerals is \$50.

(2) The initial application fee for persons mining more than 2,000 marketable tons of noncoal minerals per year is \$500, and the annual renewal license fee is \$300.

**Subchapter C. PERMITS AND PERMIT APPLICATIONS
GENERAL**

§ 77.108. Permit for small noncoal operations.

(a) A person who intends to conduct noncoal surface mining activities from which the total weight of mineral mined per year is less than 10,000 tons (9,070 metric tons), prior to conducting the activities, shall apply in writing for a small noncoal permit on forms furnished by the Department.

(b) In lieu of the application requirements of this subchapter and Subchapters G and H (relating to information on environmental resources; and requirements for operation and reclamation plan), an application for a small noncoal permit shall include the following:

* * * * *

(3) Information and documents required by § 77.163 (relating to right of entry).

* * * * *

(9) A United States Geological Survey topographical map or aerial photograph approved by the Department with the proposed permit area outlined.

* * * * *

(11) A notarized statement signed by the applicant stating that the yearly production from the proposed mining activity will not exceed 10,000 tons (9,070 metric tons).

(12) Other information the Department deems relevant.

* * * * *

(d) A person operating under this section shall comply with Subchapter B (relating to surface mining operator's license).

(e) In lieu of the requirements of Subchapter I (relating to environmental protection performance standards), this permit has the following conditions:

* * * * *

(3) The operating face of a bench may not exceed a height of 25 feet (7.62 meters). Multiple benching shall be developed as necessary.

(4) Reclamation shall be conducted concurrently with mining operations on a one for one basis—1 acre (0.41 hectare) reclaimed for each 1 acre (0.41 hectare) of area affected, with no more than 1 acre (0.41 hectare) of mineral extraction area unreclaimed at any time, unless the operator demonstrates, to the Department's satisfaction, acceptable alternate concurrent reclamation.

* * * * *

(7) The permittee shall identify this operation during its lifetime by constructing and maintaining a weather resistant sign with a minimum size of 2 feet by 3 feet

(60.96 centimeters by 91.44 centimeters) to be located immediately adjacent to the closest public highway, from which it shall be clearly visible, at the junction of that public highway with the access road to the operation. The sign shall be painted with a light background and show, in a contrasting color, the name of the permittee and the permit number under which the operation is being conducted. The letters and numbers shall be a minimum height of 1 1/2 inches (3.81 centimeters).

(8) Topsoil, as needed for reclamation, shall be conserved onsite for replacement on affected areas upon completion of mining and prior to revegetation. Topsoil in excess of that needed for reclamation, as demonstrated by the applicant, may be removed from the site.

(9) The permittee shall comply with the distance requirements of § 77.504 (relating to distance limitations and areas designated as unsuitable for mining).

(10) The permittee shall comply with other conditions the Department may require to assure compliance with the act and this title.

(11) Blasting shall conform to the requirements of §§ 77.561—77.565 (relating to use of explosives). If the blasting is conducted at a scale distance of 70 or greater, the blasting does not have to be seismographed and the permittee does not have to comply with § 77.562 and (relating to preblasting surveys and public notice of blasting schedule). Scale distance (D_s) shall be determined by the formula $W = (D/D_s)^2$ where W equals the maximum weight of explosives, in pounds, to be detonated in any 8 millisecond period or greater and D equals the distance, in feet, from the blast to the nearest dwelling, school, church, commercial or institutional building.

(f) The Department will publish its decision on a small noncoal permit application and a final bond release in the *Pennsylvania Bulletin*. Permit applications and bond releases under this section are exempt from the newspaper public notice requirements of section 10(a) of the act (52 P. S. § 3310(a)).

(g) It is unlawful for a person who has obtained a small noncoal surface mining permit to mine more than 10,000 tons (9,070 metric tons) in a 1-year period from a permit issued under this section.

(h) A person operating under a small noncoal permit shall submit a bond in accordance with the bond rates established by the Department. The minimum bond for a small noncoal permit is \$1,000.

(i) Bond release shall be based on the reclamation requirements under this section in lieu of §§ 77.241—77.243 (relating to release of bonds).

(j) The maximum permit area is 5 acres (2.02 hectares) for areas authorized for mining under this section.

(k) Small noncoal mining permits or general permit authorizations issued prior to January 31, 1998, remain valid if all mining activities remain within the area covered by the permit as of January 31, 1998, and if the total weight of mineral mined per year does not exceed 2,000 tons (1,814 metric tons).

(l) The Department may by agreement delegate to a conservation district one or more of its regulatory functions under the act for surface mining operators licensed to mine less than 2,000 tons (1,814 metric tons) of marketable minerals per year. A conservation district acting under a delegation agreement has the same powers

and duties otherwise vested in the Department to implement the act to the extent delegated by agreement.

(m) An application for a small noncoal permit shall be reviewed, approved or denied in accordance with § 77.126(a)(1)—(8) and (10) (relating to criteria for permit approval or denial).

§ 77.109. Noncoal exploration activities.

(a) A person who intends to conduct noncoal exploration outside an existing permit shall file with the Department a written notice of intention to explore for each exploration area at least 10 days prior to the start of exploration activities on forms provided by the Department.

(b) The notice shall include:

(1) The name, address and telephone number of the person seeking to explore.

(2) A map, at a scale of 1:24,000, of the exploration area showing the extent of the exploration area and approximate locations of drill holes, exploratory pits, trenches and excavations.

(3) A statement of the period of intended exploration.

(4) The method of exploration and types of equipment to be used.

(5) The purpose of testing.

(6) The amount of mineral needed for testing (if exploration is by test pit, trench or excavation).

(c) Exploration by drilling methods may proceed 10 days after the notice of intent to explore form is submitted to the Department unless notified otherwise by the Department to provide other information to assure compliance with the environmental acts (for example—the location of access roads) or if the area is located within the distance limitations of § 77.504 (relating to distance limitations and areas designated unsuitable for mining).

(d) The Department will, except as otherwise provided in § 77.124 (relating to public availability of information in permit applications), place the notices on public file and make them available for public inspection and copying during regular office hours at the established fee.

(e) A person who intends to conduct noncoal exploration operations in which noncoal minerals will be removed shall, prior to conducting the exploration, obtain a permit under this chapter. Prior to removal of minerals, the Department may waive the requirement for the permit to enable the testing and analysis of noncoal properties.

(f) A person who conducts noncoal exploration activities will observe the distance limitations under § 77.504 (relating to distance limitations and areas designated unsuitable for mining).

(g) Exploration activities shall be conducted to accomplish the following:

(1) To minimize environmental impacts on roadways and vegetation.

(2) To provide erosion controls for excavated areas, including access roads, in accordance with Chapter 102 (relating to erosion control).

(3) To avoid disturbance of wetland areas.

(h) The areas affected by the noncoal exploration shall be graded to approximate original contour when possible or restored to a slope not to exceed 35° unless approved by the Department under § 77.594(2)(v) (relating to final

slopes) within 30 days after completion of exploration, and will contain no depressions which will impound water. Drill holes shall be sealed under § 77.503 (relating to casing and sealing of drilled holes). The affected areas shall be revegetated within the first planting season after completion of exploration.

(i) Noncoal exploration activities shall be subject to the applicable inspection and enforcement provisions of the Department, and Subchapters E and F (relating to civil penalties for noncoal mining activities; and enforcement and inspection).

(j) Information will be made available to the public as follows.

(1) Except as provided in paragraph (2), information submitted to the Department under this section will be made available for public inspection and copying at the appropriate district mining office.

(2) Information which pertains only to the analysis of the chemical and physical properties of the mineral (except information regarding the mineral or elemental content that is potentially toxic to the environment) will be kept confidential and will not be made a matter of public record.

§ 77.110. Permit waiver—oil and gas well site development.

This chapter does not apply to a borrow area where minerals are extracted solely for the purpose of oil and gas well development, including access road construction, if the owner or operator of the well meets section 603.1 of the Oil and Gas Act (58 P. S. § 601.603).

REVIEW, PUBLIC PARTICIPATION, ITEMS AND CONDITIONS OF PERMIT APPLICATIONS

§ 77.126. Criteria for permit approval or denial.

(a) A permit, permit renewal or revised permit application will not be approved, unless the application affirmatively demonstrates and the Department finds in writing, on the basis of the information in the application or from information otherwise available, that the following apply:

(1) The permit application is accurate and complete and that the requirements of the act, the environmental acts and this chapter have been complied with.

(2) The applicant has demonstrated that the noncoal mining activities can be reasonably accomplished as required by the act and this chapter under the operation and reclamation plan contained in the application.

(3) The applicant has demonstrated that there is no presumptive evidence of potential pollution of the waters of this Commonwealth.

(4) The proposed permit area, as defined in § 77.1 (relating to definitions) for surface mining activities—unless the requirements of § 77.504 (relating to distance limitations and areas designated as unsuitable for mining) are demonstrated—is:

(i) Not within 100 feet (30.48 meters) of the outside right-of-way line of a public highway.

(ii) Not within 300 feet (91.44 meters) of an occupied dwelling house or commercial or industrial building unless released by the owner thereof.

(iii) Not within 100 feet (30.48 meters) of the bank of a perennial or intermittent stream.

(iv) Not within 300 feet (91.44 meters) of a public building, school or community or institutional building.

(v) Not within 100 feet (30.48 meters) of a cemetery.

(vi) Not within 300 feet (91.44 meters) of a public park.

(vii) Not within 125 feet (38.1 meters) of an oil or gas well.

(viii) Not within an area designated as unsuitable for noncoal surface mining activities under § 77.504.

(5) Prior to approval of the bond under Subchapter D (relating to bonding and insurance requirements), a right of entry has been obtained if required by law, from the landowners for the initial incremental bond phase parcel for land to be affected by the surface mining activities under § 77.163 (relating to right of entry).

(6) The applicant or related party, as indicated by past or continuing violations, has not shown a lack of ability or intention to comply with the act or the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31).

(7) A person other than the applicant, including an independent subcontractor, who is proposed to operate under the permit is listed in the application and is subject to approval by the Department prior to engaging in surface mining operations. The person is jointly and severally liable with the permittee for the violations of the act as the permittee is charged and in which the person participates.

(8) The applicant has submitted proof that a violation related to mining by the applicant or by a related party of one or more of the acts, rules, regulations, permits or licenses of the Department has been corrected or is in the process of being corrected to the satisfaction of the Department, whether or not the violation relates to an adjudicated proceeding, agreement, consent order, or decree, or which resulted in a cease order or civil penalty assessment.

(9) The proposed postmining land use of the permit area meets § 77.462 (relating to postmining land uses and alternative restoration).

(10) The proposed activities would not affect the continued existence of endangered or threatened species or result in the destruction or adverse modification of their known critical habitats as determined under the Endangered Species Act of 1973 (16 U.S.C.A. §§ 1531—1544), the Wild Resource Conservation Act (32 P. S. §§ 5301—5314), 30 Pa.C.S. (relating to the Fish and Boat Code) AND 34 Pa.C.S. (relating to the Game and Wildlife Code).

(11) The applicant has obtained a noncoal license.

(b) No incremental phase approval of the permit will be granted to conduct mining or reclamation operations, or permission to expand mining or reclamation operations within a permit area which has been limited to a portion or phase of the entire area until the applicant:

(1) Has filed with the Department a bond under § 77.193 (relating to requirement to file a bond).

(2) Has met the requirements of subsection (a)(5)—(8).

§ 77.128. Permit terms.

(a) A permit will be issued for the duration of the mining and reclamation operation except for the NPDES permit, which shall be renewed every 5 years.

(b) A permit will terminate if the permittee has not begun the noncoal mining activities covered by the permit within 3 years of the issuance of the permit. The Department may grant reasonable extensions of time for commencement of these activities upon receipt of a

written statement showing that the extensions of time are necessary if litigation precludes the commencement or threatens substantial economic loss to the permittee or if there are conditions beyond the control and without the fault or negligence of the permittee. Requests for extensions shall be submitted to the Department prior to expiration of the permit. If a permit has not been activated within 3 years or the permittee has not been granted an extension, the permittee may apply for a permit renewal.

(c) A permit renewal application shall be filed under § 77.143 (relating to permit renewals).

PERMIT REVIEWS, RENEWALS, REVISIONS AND TRANSFERS

§ 77.142. Public notice of permit revision.

A permit revision request is subject to the notice requirements of § 77.121 (relating to public notices of filing of permit applications) under the following circumstances:

(1) For surface mining activities:

(i) Discharging to a different watershed or a change in water treatment facility design which would result in a change in effluent limits or additional discharge points.

(ii) The change of postmining land use.

(iii) A change in the type of reclamation (for example—approximate original contour, terrace, water impoundment or other alternative reclamation).

(iv) A physical change in the mine configuration. Physical changes include stream diversion structures, new or expanded haul road connections to a public highway, elimination of public highways and increases in approved pit depth.

(v) The addition of blasting to the operation.

(vi) The addition of mineral processing to the mining activity.

(2) For underground mining activities:

(i) Discharging to a different watershed or a change in water treatment facility design which would result in a change in effluent limits or additional discharge points.

(ii) A physical change in the mine configuration. Physical changes include stream diversion structures, new or expanded haul road connections to a public highway, elimination of public highways and new openings.

(iii) A change to the postmining land use.

(iv) The addition of mineral processing to the mining activity.

§ 77.144. Transfer of permit.

(a) A transfer, assignment or sale of the rights granted under a permit may not be made, except as provided in this section.

(b) Permits may be reissued in a new name if there is no change in legal entity.

(c) The Department may allow a permittee to transfer a permit to another operator if the successor operator:

(1) Is entitled to a permit under the environmental acts, the act, regulations adopted thereunder and the terms and conditions of permits issued thereunder.

(2) Assumes liability for reclamation, water pollution, planting and other responsibilities under the law, rules and regulations and the terms and conditions of the permit from the date of original issuance of the permit.

(3) Furnishes the Department with an appropriate bond in the amount specified by the Department under Subchapter D (relating to bonding and insurance requirements).

(4) Submits proof of publication as required by § 77.121 (relating to public notices of filing of permit applications).

(5) Submits additional information to enable the Department to determine that the applicant is able to operate the mine in a manner complying with the environmental acts.

REQUIREMENTS FOR LEGAL, FINANCIAL COMPLIANCE AND RELATED INFORMATION

§ 77.164. Personal injury and property damage insurance information.

An application for noncoal mining activities, when required by section 5(e) of the act (52 P.S. § 3305(e)), shall contain proof of liability insurance under § 77.231 (relating to terms and conditions for liability insurance).

§ 77.165. Proof of publication.

(a) An application shall contain an intent to publish noting that the advertisement requirement of § 77.121(a) (relating to public notices of filing of permit applications) is in the process of being satisfied. Prior to the issuance of the permit, and within 4 weeks after the last date of advertisement, the applicant shall submit a copy of the advertisements as required by § 77.121(a) or the original notarized proof of publication to the Department.

(b) Failure to submit the proof of publication under subsection (a) will result in the application not being complete and the Department will return the application to the applicant to start the process again.

Subchapter D. BONDING AND INSURANCE REQUIREMENTS

AMOUNT AND DURATION OF LIABILITY

§ 77.204. Period of liability.

(a) Liability under bonds posted for a noncoal mining activity shall continue for the duration of the mining activities and its reclamation as provided in the act, this chapter and the conditions of the permit for 5 years after completion of the mining and reclamation of the area, unless released in whole or in part prior thereto if the Department is satisfied that the reclamation covered by the bond has been accomplished as required by the act.

(b) The bond liability of the permittee shall include only those actions which the operator is obliged to take under the permit, including completion of the reclamation plan so that the land will be capable of supporting a postmining land use approved under § 77.653 (relating to postmining land use). Actions of third parties which are beyond the control and influence of the operator and for which the operator is not responsible under the permit need not be covered by the bond.

§ 77.205. Bond adjustments.

(a) The permittee shall deposit additional bond amounts upon notification by the Department if the existing bond does not meet the requirements of this subchapter for any reason, including, but not limited to, mining or operation changes, reclamation changes or changes in the cost of reclamation, restoration or abatement work.

(b) A permittee may request reduction of the required bond amount upon submission of evidence to the Depart-

ment proving that the permittee's method of operation or other circumstances will reduce the maximum estimated cost to the Department to complete the reclamation responsibilities and, therefore, warrants a reduction of the bond amount. The request will not be considered as a request for partial bond release under §§ 77.241—77.243 (relating to release of bonds).

(c) Periodically, after the date on which a bond was required to be submitted under this subchapter, the Department may determine the adequacy of bond amount requirements for mining operations and, if necessary, require additional bond amounts.

(d) The Department will notify the permittee, the surety and any person with a property interest in collateral who has requested notification of any proposed adjustment to the bond amount. The Department will also provide the permittee an opportunity for an informal conference on the proposed adjustment.

FORM, TERMS AND CONDITIONS OF BONDS AND INSURANCE

§ 77.231. Terms and conditions for liability insurance.

(a) A license applicant or licensee, when required by section 5(e) of the act (52 P. S. § 3305(e)), shall submit proof of liability insurance before a license is issued or renewed and before a permit is issued. The proof shall consist of a certificate issued by an insurance company authorized to do business in this Commonwealth, and the certificate may be filed at the time of license application and renewal thereof; or, otherwise annually filed with the Department certifying that the permittee has a public liability insurance policy in force covering the licensee's mining and reclamation operations in this Commonwealth.

(b) The insurance shall provide for personal injury and property damage protection in a total amount determined by the Department on a case by case basis, and adequate to compensate persons injured or property damaged as a result of the permittee's mining and reclamation operations and entitled to compensation under Pennsylvania law.

(c) If explosives are to be used by the permittee and loss, diminution in quantity or quality, contamination or interruption of public or private sources of water is possible as determined by the Department, the liability insurance shall include and the certificate shall provide a rider covering personal injury and property damage from these occurrences. The applicant may provide bond under subsection (i) in lieu of insurance to cover water supply loss, diminution, contamination or interruption.

(d) The insurance shall include a rider requiring that the insurer notify the Department whenever substantive changes are made in the policy, including termination or failure to renew.

(e) Minimum insurance coverage for bodily injury shall be \$300,000 per person and \$500,000 aggregate; and minimum insurance coverage for property damage shall be \$300,000 for each occurrence and \$500,000 aggregate.

(f) The insurance coverage shall be maintained in full force for the duration of the permittee's mining and reclamation operation. The licensee shall submit annually proof of coverage. If a licensee fails to maintain the insurance, the Department will issue a notice of violation to the licensee requiring the licensee to submit proof of insurance coverage.

(g) Separate certificates of insurance may be submitted for general liability, blasting coverage and water loss coverage if the licensee is shown as the insured and not listed separately on the certificate as an additional insured.

(h) The certificate holder shall be solely the Department.

(i) Bond may be provided in lieu of liability insurance to cover replacements or restoration of water supplies as required under § 77.533 (relating to water rights and replacement).

(1) If the Department determines that the mining operation may affect a public or private water supply, the Department may require bond or additional insurance sufficient to replace the water supplies which could be affected as required under section 11(g) of the act (52 P. S. § 3311(g)).

(2) The bond shall be submitted on a form provided by the Department, and meet the requirements of this chapter.

RELEASE OF BONDS

§ 77.241. Scope.

Sections 77.242 and 77.243 (relating to procedures for seeking release of bond; and criteria and schedule for release of bond) set forth the procedures and criteria for release of bonds for mining and reclamation operations, unless otherwise specified by the terms and conditions of this chapter or by a general permit issued under this chapter.

§ 77.242. Procedures for seeking release of bond.

(a) *Release of bond.* The permittee may file an application with the Department for release of all or part of the bond liability applicable to a permit or designated phase of a permit area after reclamation, restoration and abatement work in a reclamation stage, as defined in § 77.243 (relating to criteria and schedule for release of bond), has been completed on the permit area or designated phase of a permit area, subject to the following conditions:

(1) Applications may be filed only at times or seasons that allow the Department to properly evaluate the reclamation operations reported to have been completed.

(2) Within 60 days after filing the application for release, the permittee shall submit proof of publication of the advertisement required by subsection (b). The proof of publication shall be considered part of the bond release application. If the proof of publication is not received within 60 days after filing the application for release of bond, the application will be considered incomplete and the Department may return the application with no further action.

(b) *Newspaper advertisement of application.* At the time of filing an application under this section, the permittee shall advertise the filing of the application in a newspaper of general circulation in the locality of the permit area. The advertisement shall:

(1) Be placed in the newspaper at least once a week for 4 consecutive weeks.

(2) Show the name of the permittee, including the number and date of issuance or renewal of the permit.

(3) Identify the location and the number of acres of the lands subject to the application.

(4) State the total amount of bond in effect for the permit area and the amount for which release is sought.

(5) Summarize the reclamation completed.

(c) *Surface landowners.* The application for bond release shall include copies of letters to the affected surface landowners notifying the surface landowners of the request for bond release.

(d) *Objections to proposed bond release.* Written objections to the proposed bond release and requests for a public hearing or an informal conference may be filed with the Department, by persons having an interest that is or may be adversely affected, within 30 days following the last advertisement of the filing of the application.

(e) *Inspection of reclamation work.* The Department will inspect and evaluate the reclamation work involved within 30 days after receiving a completed application for bond release, or as soon thereafter as possible.

(f) *Public hearing.* The Department will schedule a public hearing or informal conference if written objections are filed and a public hearing or informal conference is requested. The public hearing or informal conference shall be held in the locality of the permit area for which bond release is sought.

(1) Notice of a public hearing or informal conference shall be published in a newspaper of general circulation in the locality of the public hearing or informal conference, at least 2 weeks before the date of the public hearing or conference.

(2) The public hearing or informal conference will be held within 30 days from the date of the notice.

(3) An electronic or stenographic record may be made of the public hearing or informal conference and the record maintained for access by the parties, until final release of the bond, if requested in advance by a party in the public hearing or informal conference.

(g) *Review by Department.* Department review and decision will be as follows:

(1) The Department will consider, during inspection, evaluation and public hearing or informal conference decisions:

(i) Whether the permittee has met the criteria for release of the bond under § 77.243.

(ii) Whether the permittee has satisfactorily completed the requirements of the reclamation plan, or relevant portions thereof, and complied with the requirements of the act, this chapter and the conditions of the permit.

(iii) Whether pollution of surface and subsurface water is occurring or the continuance of present pollution, and the estimated cost of abating pollution.

(2) If a public hearing or informal conference has not been held under subsection (e), the Department will notify the permittee in writing of its decision to release or not to release all or part of the bond.

(3) If there has been a public hearing or informal conference held, the notification of the decision shall be made to the permittee, and other interested parties, within 30 days after conclusion of the public hearing or informal conference.

(4) The notice of the decision will state the reasons for the decision, recommend corrective actions necessary to secure the release and notify the permittee and interested parties of the right to file an appeal to the decision with the EHB an appeal shall be filed with the EHB under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and Chapter 1021 (relating to practice and procedures).

§ 77.243. Criteria and schedule for release of bond.

(a) A bond release or release from payment in lieu of a bond applicable to a permit area or designated phase of a permit area shall be released as follows:

(1) Up to 90% of the total amount of bond attributable to that portion of reclamation completed shall be released upon completion and approval by the Department for Reclamation Stage I.

(2) The balance shall be released for the entire permit area or designated phase of permit upon Department approval of Reclamation Stage II liability period.

(b) For the purposes of this section the following apply:

(1) Reclamation Stage I shall be deemed to have been completed when:

(i) The permittee completes backfilling, regrading and drainage control in accordance with the approved reclamation plan.

(ii) Topsoil has been replaced and revegetation has been established in accordance with the approved reclamation plan and the standards for the success of revegetation are met.

(iii) The lands have been stabilized to prevent accelerated erosion and sedimentation under Chapter 102 (relating to erosion control).

(iv) The permittee has successfully completed mining and reclamation operations in accordance with the approved reclamation plan, so that the land is capable of supporting postmining land use approved under § 77.653 (relating to postmining land use).

(v) The permittee has achieved compliance with the requirements of the environmental acts, this chapter and the conditions of the permits.

(2) Reclamation Stage II shall be deemed to be complete when the applicable liability period under § 77.204 (relating to period of liability) has expired.

(c) The Department will not release a bond amount deposited, or reduce the payment in lieu of bond if the release would reduce the total remaining amount of bond to an amount which would be insufficient for the Department to complete reclamation and to take measures that may be necessary to prevent adverse effects upon the environment or public health, safety or welfare under the environmental acts, the act, this chapter, the terms and conditions of the permits and orders of the Department.

(d) The publication of a Reclamation Stage I bond release request will be considered a request for final bond release for the purpose of public notice.

(e) The release of a bond by the Department does not constitute a waiver or release of other liability provided in law, nor does it abridge or alter rights of action or remedies of persons or municipalities existing in equity, or under criminal and civil common or statutory law.

Subchapter G. INFORMATION ON ENVIRONMENTAL RESOURCES

§ 77.401. Responsibilities.

A permit application shall contain a description of the existing premining resources within the proposed permit and adjacent area that may be affected by the proposed surface mining activities. The description shall include the information required in this subchapter. The Department may waive, wholly or in part, the requirements of this subchapter for any category of surface mining opera-

tion, if the Department determines that the requirement is not needed to evaluate impacts on public health and safety and the environment.

§ 77.403. Description of hydrology and geology—general requirements.

(a) To the extent necessary for the Department to evaluate the impacts of the type of noncoal operation, an application shall contain a description, under this section and §§ 77.404—77.407, of the geology, hydrology and water quality and quantity of surface waters and groundwaters within the general area, and water which will flow into or receive discharges of water from the general area. The information may be gathered from appropriate government agencies, if available.

(b) The use of modeling or other predictive techniques may be required by the Department as part of the permit application if the proposed mining activity has the potential to adversely impact water supplies, wetlands or waters of this Commonwealth and their affiliated uses.

Subchapter H. REQUIREMENTS FOR OPERATION AND RECLAMATION PLAN

§ 77.456. Reclamation information.

An application shall contain a plan for the reclamation of lands within the proposed permit area the following information:

(1) A timetable describing the steps to be taken in the reclamation plan and their relative sequence to each other to meet the requirements of § 77.595 (relating to concurrent reclamation).

(2) An estimate of the cost of reclamation of the proposed operation to be covered by a bond under Subchapter D (relating to bonding and insurance requirements), with supporting calculations for the estimates, under § 77.202 (relating to determination of bond amount).

(3) A plan for backfilling, soil stabilization, compacting and grading, or alternate land use with contour maps or cross sections that show the anticipated final surface configuration of the proposed permit area.

(4) A plan for removal, storage and redistribution of topsoil, subsoil and other material to meet the requirements of §§ 77.511—77.515 (relating to topsoil).

(5) A plan for revegetation as required in §§ 77.611—77.618 (relating to revegetation), including descriptions of the following:

- (i) The schedule of revegetation.
- (ii) The species and amounts per acre of seeds and seedlings to be used.
- (iii) The method to be used in planting and seeding.
- (iv) The mulching techniques, if required by the Department.
- (v) The irrigation, if appropriate, and pest and disease control measures, if any.
- (vi) The techniques proposed to be used to determine the success of revegetation as required in § 77.618 (relating to standards for successful revegetation).

(vii) A soil testing plan for determining nutrients and soil amendments as required by § 77.515 (relating to nutrients and soil amendments).

(6) A description of measures to be employed to ensure that debris, acid-forming and toxic-forming materials, and materials constituting a fire hazard are disposed of under

§ 77.596 (relating to covering coal and acid-forming and toxic-forming materials), and a description of the contingency plans which have been developed to preclude sustained combustion of the materials.

(7) A description, including appropriate cross sections and maps, of the measures to be used to plug, case or managed exploration holes, other bore holes, wells and other openings within the proposed permit area, under § 77.503 (relating to casing and sealing of drilled holes).

(8) When applicable, a description, including appropriate cross sections and maps of the measures to be used to close each underground mine opening under § 77.655 (relating to closing of underground openings).

§ 77.461. Dams, ponds, embankments and impoundments.

(a) An application shall contain a general plan and a design plan in the detail required by the Department for each temporary and permanent dam, pond, embankment or impoundment within the proposed permit area.

(b) The general plan shall contain the following:

(1) A description, map and cross section of the structure and its location.

(2) Preliminary hydrologic and geologic information required to assess the hydrologic impact of the structure if requested by the Department.

(3) A survey describing the potential effect on the structure from subsidence of the subsurface strata resulting from past underground mining operations if underground mining has occurred.

(c) The design plan for a structure shall:

(1) Be prepared by, or under the direction of, and certified by a registered professional engineer or registered professional land surveyor.

(2) Include design and construction requirements for each structure, including geotechnical information if requested by the Department.

(3) Describe the operation and maintenance requirements for each structure.

(4) Describe the timetable and plans to remove each structure, if appropriate.

(5) Include a stability analysis if the structure is more than 15 feet (4.6 meters) in height as measured from the upstream toe of the embankment to the crest of the emergency spillway or has a storage volume of more than 50 acre feet (61.7 cubic meters).

(d) The design plan of sedimentation ponds shall include the information required by § 77.527 (relating to sedimentation ponds).

Subchapter I. ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

GENERAL

§ 77.502. Signs and markers.

(a) The operator shall identify the operation for the duration of the surface mining activities by posting and maintaining a sign which will be clearly visible at the junction of each haul road and the public highway. The sign shall be constructed of a durable, weather resistant material and shall be of a minimum size of 2 feet by 3 feet (60.96 centimeters by 91.44 centimeters) with a light background and contrasting letters and numbers of a minimum height of 1 1/2 inches (3.81 centimeters) that may be easily seen and read. The sign shall show the

name of the operator conducting the surface mining activities, the telephone number of the operator and the identification number of the current permit authorizing noncoal mining activities. The sign shall be erected within 60 days after permit issuance.

(b) The operator shall erect perimeter markers where required by the Department.

(c) If blasting is conducted as part of the operation, the person who conducts the surface mining activities shall post and maintain signs and markers as required by § 77.564 (relating to surface blasting requirements).

§ 77.503. Casing and sealing of drilled holes.

(a) An exploration hole, other drill or borehole, well or other exposed underground opening—except for holes solely drilled and used for blasting—or other opening exposed during surface mining activities shall be cased, sealed or otherwise managed as approved by the Department if necessary to:

- (1) Prevent acid or other toxic drainage from entering groundwaters or surface waters.
 - (2) Minimize disturbance to the prevailing hydrologic balance.
 - (3) Ensure the safety of people, property, livestock, fish and wildlife, and machinery in the permit and adjacent area.
 - (4) Prevent groundwater and surface water from entering underground mine workings.
- (b) Use of a drilled hole, borehole or monitoring well as a water well shall meet § 77.532 (relating to surface water and groundwater monitoring).

(c) Gas and oil wells shall be sealed in accordance with the Oil and Gas Act (58 P. S. §§ 601.101—601.605).

§ 77.504. Distance limitations and areas designated as unsuitable for mining.

(a) Except as provided in subsection (b), a person may not conduct noncoal surface mining activities, other than borrow pits for highway construction purposes, as follows:

- (1) Within 100 feet (30.48 meters) of the outside line of right-of-way of a public highway.
- (2) Within 300 feet (91.44 meters) of an occupied dwelling house or commercial or industrial building, unless released by the owner thereof.
- (3) Within 300 feet (91.44 meters) of a public building, school, community or institutional building.
- (4) Within 300 feet (91.44 meters) of a public park.
- (5) Within 100 feet (30.48 meters) of a cemetery.
- (6) Within 100 feet (30.48 meters) of the bank of a perennial or intermittent stream.

(b) The Department may allow operators to operate within the distance limitations of subsection (a) if the operator demonstrates:

- (1) *Expansion of pits.* For opening or expansion of pits, that special circumstances warrant operations within the distance limitations, that the environment and the interests of the public and landowners affected thereby will be adequately protected and that there are no feasible or prudent alternatives to opening the pit within the distance limitations. Prior to allowing operations within the distance limitations, the operator shall give public notice of the application in two newspapers of general circulation in the area, once a week for 2 successive weeks, and shall give notice by mail to the municipality in which the

operation is located. If a person files an objection with the Department and requests a public hearing or informal conference in writing within 20 days of the last publication thereof, the Department will conduct a public hearing or informal conference.

(2) *Support areas.* For parts of surface mining activities other than opening or expansion of pits, that special circumstances warrant activities within the distance limitations, that the public health and safety will not be endangered, that the environment and the interests of the public and the landowners affected thereby will be adequately protected and that there are no feasible or prudent alternatives to conducting those aspects of the activity within the distance limitations.

(c) A solid barrier of undisturbed material, 125 feet (38.1 meters) in radius shall be maintained around oil and gas wells unless one of the following apply:

- (1) The well is sealed under the Oil and Gas Act (58 P. S. §§ 601.101—601.605) and regulations thereunder.
- (2) The Department approves, in writing, a lesser distance if the following apply:
 - (i) Access to the well is provided at all times.
 - (ii) The integrity of the well is maintained.
 - (iii) The well operator agrees in writing to the lesser distance.

(d) Areas to be affected within the 100-foot (30.48 meters) stream barrier shall meet the requirements of § 77.523 (relating to water obstructions and encroachments) in addition to subsection (b).

(e) When the surface mining activities would be conducted within 300 feet (91.44 meters) measured horizontally of an occupied dwelling or commercial or industrial building, the applicant shall submit with the application a written waiver from the owner of the dwelling or building, consenting to the activities within a closer distance of the dwelling or building as specified in the waiver. The waiver shall be:

- (1) Knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.
- (2) Effective against subsequent purchasers of the dwelling or building who had actual or constructive knowledge of the existing waiver at the time of purchase. A subsequent purchaser shall be deemed to have constructive knowledge if the waiver was recorded at the office of the recorder of deeds in the county in which the dwelling or building is located or if the surface mining activities have proceeded to within the 300 foot (91.44 meters) limit prior to the date of purchase.

(f) The following areas are designated as unsuitable for all or certain types of noncoal surface mining activities:

(1) The 203-acre tract of land located within Pequea Township, Lancaster County, as described on Lancaster County Tax Assessment Map 15K-8 as lot 7 and recorded in the Lancaster County Office for Recording of Deeds, Deed Book O-80, pages 437-438, except for the subdivision recorded in Subdivision Plan Book J-129, page 49. This tract is unsuitable for all types of surface mining activities.

(2) The land area encompassed by the perimeter of an area extending 50 feet from the known horizontal extent of two cavern areas located in Haines Township, Centre County, described as follows: The rectangular tract of lands beginning at a point 170 feet due East of the

centerline of the entrance to Stover Cave No. 1; thence North 21 degrees West 190 feet to a point; thence South 69 degrees West 440 feet to a point; thence South 21 degrees East 190 feet to a point; thence North 69 degrees East 40 feet to the place of beginning. Containing 2 acres. Said tract of land is located on a tract of land owned by Raymond Decker described in Deed Book 476, page 1099, and a tract of land owned by Eli Hostetler, described in Deed Book 560, page 1068. This tract is unsuitable for all types of noncoal surface mining activities.

§ 77.527. Sedimentation controls.

(a) Surface drainage from the disturbed area, including areas which have been graded, seeded or planted, shall be passed through a sedimentation pond or a series of sedimentation ponds before leaving the permit area. The Department may waive the required use of sedimentation ponds when the person who conducts surface mining activities demonstrates to the satisfaction of the Department that alternate sediment control facilities will prevent accelerated erosion and sedimentation under Chapter 102 (relating to erosion control).

(b) Sedimentation ponds shall be constructed under this section and § 77.531 (relating to dams, ponds, embankments and impoundments—design, construction and maintenance), in appropriate locations before a disturbance of the area to be drained into the pond. Sedimentation ponds may not be located in a perennial stream. The Department will not authorize the location or placement of a sedimentation pond in an intermittent stream unless the requirements of Chapters 93, 102 and 105 (relating to water quality standards; erosion control; and dam safety and waterway management) and § 77.522 are met and approved as part of the postmining land use under §§ 77.530 and 77.653 (relating to impoundments; and postmining land use).

(c) Sedimentation ponds and controls and other treatment facilities shall be maintained until removal of the ponds and facilities is approved by the Department.

(d) Sedimentation ponds shall meet the requirements of Chapters 102 and 105, if applicable, and be designed to meet the effluent requirements of the permit.

USE OF EXPLOSIVES

§ 77.562. Preblasting surveys.

(a) Preblasting surveys will not be required if blasting is designed and conducted below the levels of blasting vibration shown on Figure #1 at the nearest dwelling, school, church, commercial or institutional building neither owned nor leased by the operator. If preblast surveys are not conducted, the operator shall provide a seismograph record including both the particle velocity time-history (wave form) and the particle velocity and vibration frequency levels for each blast.

(1) The vibration frequency shall be displayed and analyzed over the frequency range of 2 Hz through 100 Hz.

(2) The permittee shall obtain Department approval of the analytical method used to determine the predominant frequency before applying this alternative criterion.

(3) If an operator who has not offered preblasting surveys, blasts at a level exceeding the levels of vibration in Figure #1, no additional blasting may be conducted until one of the following applies:

(i) The operator meets the requirements of subsections (b)–(e).

(ii) The operator demonstrates that subsequent blasting will produce vibrations at levels below the levels of blasting vibration shown in Figure #1.

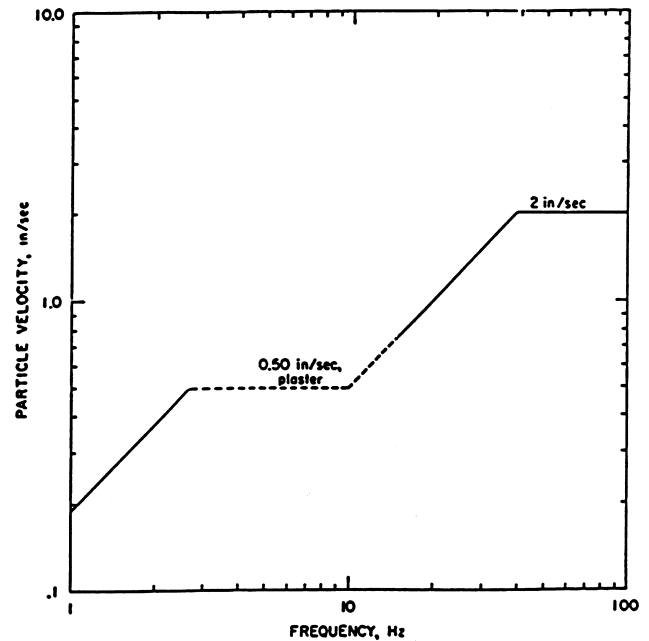


Figure #1.—Levels of blasting vibration using a combination of velocity and frequency.

(b) If the operator intends to conduct blasting at vibration levels exceeding the levels of vibration in figure #1 at the nearest dwelling, school, church, commercial or institutional building neither owned nor leased by the operator, the operator shall offer preblast surveys. At least 30 days before commencement of blasting or resumption of blasting in accordance with § 77.562(a)(3)(i) the operator shall notify, in writing, the residents or owners of dwellings or other structures located within 1,000 feet (304.8 meters) of the area where blasting will occur of their right to request a preblasting survey and how to request a preblasting survey. On the request to the Department or operator by a resident or owner of a dwelling or structure that is located within 1,000 feet (304.8 meters) of the area where blasting will occur, the operator shall promptly conduct a preblasting survey of the dwelling or structure. If a dwelling or structure is renovated or added to subsequent to a preblast survey, then, upon request by the resident or owner to the Department or operator, a survey of the additions and renovations shall be performed by the operator in accordance with this section. The operator shall provide the Department with a copy of the request.

(c) The survey shall determine the condition of the dwelling or structure and document preblasting damage and other physical factors that could reasonably be affected by the blasting. Assessments of structures such as pipes, cables, transmission lines and wells and other water systems shall be limited to surface condition and readily available data. Preblasting conditions of wells and other water systems used for human, animal or agricultural purposes shall be ascertained to the extent possible regarding the quantity and quality of the water.

(d) A written report of the survey shall be prepared and signed by the person who conducted the survey. The report may include recommendations of special conditions or proposed adjustments to the blasting procedure which

should be incorporated into the blasting plan to prevent damage. Copies of the report shall be provided promptly to the person requesting the survey and to the Department.

(e) Required preblasting surveys requested more than 10 days before planned initiation of blasting shall be completed by the operator before the commencement of blasting.

§ 77.564. Surface blasting requirements.

* * * * *

(j) The maximum peak particle velocity limitation of subsection (i) does not apply at a structure owned by the permittee.

(k) When seismographs are not used to monitor peak particle velocity, the maximum weight of explosives to be detonated within any 8 millisecond or greater period may be determined by the formula $W = (d/50)^2$ where W equals the maximum weight of explosives, in pounds, that can be detonated in any 8 millisecond period or greater, and equals the distance, in feet, from the blast to the nearest dwelling, school, church, commercial or institutional building. The development of a modified scale-distance factor may be authorized by the Department on receipt of a written request by the operator, supported by seismographic records of blasting at the minesite. If the peak particle velocity will exceed .5 inch per second with the adjusted scale-distance, § 77.562(d) shall be complied with prior to blasting at the adjusted levels.

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OPERATIONS

§ 77.572. Permit line setback.

(a) Highwalls shall be set back from the boundary of the area covered by a bond under § 77.193 (relating to requirement to file bond). The setback shall be of sufficient width to accomplish the following:

- (1) Prevent possible slumping or failure at or beyond the perimeter of the permit area.
- (2) Allow for the development of final reclamation slopes.
- (b) The minimum setback distance shall be 25 feet (7.62 meters) in consolidated material, in unconsolidated material, the minimum setback distance shall be equal to the height of the exposed unconsolidated material unless otherwise approved by the Department.
- (c) The setback shall be shown on the cross sections.

BACKFILLING AND GRADING

§ 77.594. Final slopes.

Final slopes for reclamation of noncoal surface mines shall conform with the following requirements:

- (1) If there is sufficient overburden material to achieve approximate original contour and no alternative reclamation is approved under § 77.593 (relating to alternatives to contouring):
 - (i) The postmining slopes shall approximate the premining slopes or slopes approved by the Department based on consideration of soil, rock formation, climate or other characteristics of the area.
 - (ii) Final postmining slopes are not required to be uniform but shall approximate the general nature of the premining topography.

(2) If terracing is approved for postmining reclamation, the final overall slope shall be 35° or less unless otherwise approved under subparagraph (v).

(i) If a water impoundment is part of the reclamation, the slope shall extend to 50 feet (15.2 meters) below the post reclamation water level at a maximum slope of 35° to serve as a safety bench for safe exit from the impoundment. The underwater safety bench may be reduced to a lesser depth—a minimum 25-foot (7.6 meters) width shall be maintained in all cases—if the operator demonstrates to the Department's satisfaction that there will be an overflow at a defined elevation or that the seasonal water table fluctuation will not require a 50-foot (15.2 meters) depth. For purposes of safe exit from an impoundment in unconsolidated materials, the Department may require an underwater safety bench be sloped at less than 35° from the horizontal.

(ii) Benches developed below the lower level of the reclamation safety bench are not required to be restored.

(iii) Removal of benches below the safety bench requires approval from the Department in writing under § 77.573 (relating to stability analysis).

(iv) The Department may require a slope of less than 35° if stability concerns require a lesser slope.

(v) A slope greater than 35° may be approved if the operator demonstrates that the slope will not result in a safety or stability hazard and that one of the following exists:

(A) No practical alternative to a lesser slope exists, such as unusual geologic conditions.

(B) The slope area which is greater than 35° is offset by a lesser slope elsewhere at the site resulting in a more beneficial postmining land use as approved by the Department.

§ 77.595. Concurrent reclamation.

(a) Reclamation procedures, including backfilling, grading, topsoil replacement and revegetation of land that is disturbed by noncoal surface mining shall be kept concurrent with the progress of the proposed operation to the greatest extent possible in conformance with §§ 77.456, 77.592—77.594, this section, § 77.596 and the approved reclamation plan.

(b) If site conditions dictate that reclamation cannot begin until mineral extraction is terminated, the reasons for this delay shall be detailed in the reclamation plan required under § 77.456 (relating to reclamation information).

(c) Reclamation shall begin within 30 days of when mineral extraction is terminated, and be completed within the period specified in the approved reclamation plan.

(d) Mineral extraction is considered to be terminated when the permitted extent of the mineral reserves has been extracted.

Subchapter J. GENERAL PERMITS

Sec.	
77.801.	Scope.
77.802.	Authorization for general permits.
77.803.	Nature of a general permit; substitution for individual applications and permits.
77.804.	Contents of general permits.
77.805.	Procedure for issuance.
77.806.	Registration requirements.
77.807.	Compliance with permit conditions, regulations and laws.

§ 77.801. Scope.

This subchapter applies to the issuance of general permits by the Department under section 26(b) of the act (52 P. S. § 3326(b)).

§ 77.802. Authorization for general permits.

Under this subchapter, the Department may issue general permits for any category of noncoal surface mining activities if the Department determines the following:

- (1) The activities in the category are similar in nature.
- (2) The activities in the category can be adequately regulated utilizing standardized specifications and conditions.
- (3) The activities in the category, in the opinion of the Department, are more appropriately regulated under a general permit than under individual permits.

§ 77.803. Nature of a general permit; substitution for individual applications and permits.

(a) When the Department issues a general permit for a specified category of noncoal surface mining activities, persons who intend to conduct a noncoal surface mining activity in accordance with the specifications and conditions of the general permit may do so without obtaining an individual permit.

(b) The general permit sets forth the standardized specifications and conditions for design, operations and monitoring as are necessary to adequately protect life, health, property and the environment. The operator shall comply with the standardized specifications and conditions of the general permit in lieu of the requirements of Subchapters C, D, G, H and I.

(c) A person is authorized to operate under a general permit if the following apply:

- (1) Activities are conducted in accordance with the specifications, terms and conditions of the applicable general permit.
- (2) The operator of the noncoal surface mining activity complies with the registration requirements in the general permits, which have been established under § 77.806 (relating to registration requirements).

(d) The Department may amend, suspend, revoke, reissue or terminate any general permit or any individual registration authorized under this subchapter.

(e) Notwithstanding subsections (a)—(c), the Department may require an operator authorized by a general permit to apply for, and obtain, an individual permit when the operator is not in compliance with the conditions of the general permit.

§ 77.804. Contents of general permits.

A general permit at a minimum shall:

- (1) Describe the category of noncoal surface mining activities authorized by the general permit, including any exceptions to that authorization.
- (2) Specify the areas where the general permit is effective.
- (3) Set forth a set of standardized specifications or plans for the category of noncoal surface mining activities or a reference to specific criteria and requirements adopted by another Federal or State agency which ad-

equately regulate the category or particular aspects of this category.

(4) Set forth conditions governing the erosion controls, operations, reclamation, blasting, inspection and monitoring of the activities covered by the general permit as are necessary to assure compliance with the act and with other laws administered by the Department.

(5) Specify the registration requirements established under § 77.806 (relating to registration requirements).

(6) Specify the time period for the Department to give written notice as to whether the registration application has been approved.

(7) Set forth registration fees, if any, and bond requirements, if any, and procedures for release of bond for the category covered by the general permit.

(8) Indicate whether the applicant will be required to give public notice in a newspaper of the proposed registration.

§ 77.805. Procedure for issuance.

(a) The Department may issue or modify a general permit for a category of noncoal mining activities and in accordance with this section.

(b) At least 30 days prior to issuance of a general permit, the Department will publish notice in the *Pennsylvania Bulletin* of intent to issue a general permit, including the text of the proposed general permit and the locations where standardized plans may be reviewed.

(c) An opportunity shall be provided for interested members of the public and State agencies to provide written comments to the Department on a proposed general permit.

(d) The Department may hold a public hearing on a proposed general permit for the purposes of gathering information and comments.

(e) General permits issued by the Department will be published in the *Pennsylvania Bulletin* at least 30 days prior to the effective date of the permits, as required by section 26(b) of the act (52 P. S. § 3326(b)).

§ 77.806. Registration requirements.

(a) Registration requirements shall be set forth in each general permit.

(b) Registration applications at a minimum shall set forth:

(1) The name, address and surface mining operator's license number of the person responsible for the activities.

(2) The location of the activities.

(3) The name or number of the general permit being utilized for the activities.

(4) Information and documents to satisfy the requirement of § 77.163 (relating to right of entry).

(5) Identification of ownership interests in the property including rights to the minerals.

(6) The names and addresses of the owners of record of surface areas contiguous to any part of the area proposed for authorization to operate under a general permit.

(7) A description of the proposed noncoal surface mining activities that demonstrates that the operation would qualify to operate under the general permit.

(c) An applicant cannot conduct surface mining activities under a general permit until written notice of Department approval of registration.

§ 77.807. Change of ownership.

For an activity requiring registration under this section, an amended registration shall be filed if there is a change of ownership of the entity conducting the surface mining activities.

§ 77.808. Compliance with permit conditions, regulations and laws.

A person who operates under a general permit shall maintain a valid surface mining operator's license and comply with the specifications, terms and conditions of the general permit, applicable law and regulations.

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