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# PENNSYLVANIA BULLETIN

Volume 29  
Saturday, February 6, 1999 • Harrisburg, Pa.  
Number 6  
Pages 637—798

See Part II page 795 for the  
Department of Labor and Industry's  
Range of Fees Charged by Utilization  
Review Organizations and Peer Review  
Organizations for Services Performed  
Under the Worker's Compensation Act

## Part I

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Department of Banking  
Department of Conservation and Natural  
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Department of Education  
Department of Environmental Protection  
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Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Examiners of Nursing Home  
Administrators  
State Employees' Retirement Board  
Turnpike Commission

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

**No. 291, February 1999**

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**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE [207 PA. CODE CH. 21]

Internal Operating Procedures of the Court of Judicial Discipline; Doc. No. 1 JD 94

#### Order

*Per Curiam*

And Now, this 26th day of January, 1999, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted an amendment to Section 208 of the Internal Operating Procedures, as more specifically hereinafter set forth, *It Is Hereby Ordered:*

That Section 208 of the Internal Operating Procedures shall become effective immediately.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART IV. COURT OF JUDICIAL DISCIPLINE

##### ARTICLE IV. INTERNAL OPERATING PROCEDURES

##### CHAPTER 21. INTERNAL OPERATING PROCEDURES FORMAL COMPLAINTS

#### § 208. Disposition of Objections to Findings of Fact and Conclusions of Law.

Upon receipt of objections to the Court's Findings of Fact and Conclusions of Law, the Court Administrator shall forward such objections to the members of the Court. The President Judge shall obtain responses of the members to the objections as to whether the objections have or lack merit and whether **the filing of briefs and/or** oral argument is warranted. When a majority of the Court concludes **[that the objections lack merit and]** that no **briefs or** argument is **[necessary] warranted**, the President Judge shall cause to be issued an Order disposing of the objections. If a majority of the Court concludes **[that the objections have merit or]** that **the filing of briefs and/or** oral argument is **[necessary] warranted**, the President Judge shall set a date for **the filing of briefs and/or** oral argument and thereafter cause to be drafted an order affirming the Court's Findings and Conclusions or addressing the revisions warranted by a majority of the Court, as the case may be.

[Pa.B. Doc. No. 99-183. Filed for public inspection February 5, 1999, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL [231 PA. CODE CH. 1910]

[Correction]

#### Amendment of the Rules Relating to the Support Guidelines; No. 306 Doc. No. 5

An error occurred in Rule 1910.16-4 to the Support Guidelines at 28 Pa.B. 6162, 6174 (December 19, 1998).

The correct version of the Rule appears as follows, with ellipses referring to the existing text of the Rule.

#### Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

(a) The following formula shall be used to calculate the obligor's share of the basic guideline child support, spousal support and/or alimony pendente lite obligation:

\* \* \* \* \*

#### PART III. ADDITIONAL EXPENSES (See Rule 1910.16-6)

10. a. Obligor's share of child care expenses \_\_\_\_\_

\* \* \* \* \*

c. Less obligee's share of the health insurance premium if obligor is paying the premium (\_\_\_\_\_)

d. Obligor's share of unreimbursed medical expenses \_\_\_\_\_

e. Other additional expenses \_\_\_\_\_

f. Total Additional Expenses \_\_\_\_\_

11. OBLIGOR'S TOTAL SUPPORT OBLIGATION (Add line 8 (or 9(d) if applicable) and line 10f) \_\_\_\_\_

#### PART IV. SPOUSAL SUPPORT OR APL

With Dependent Children

12. Obligor's Monthly Net Income (Line 4) \_\_\_\_\_

13. Less Obligee's Monthly Net Income (Line 4) (\_\_\_\_\_)

14. Difference \_\_\_\_\_

15. Less Obligor's Total Child Support Obligation (Line 11) (\_\_\_\_\_)

16. Difference \_\_\_\_\_

17. Multiply by 30% × .30 \_\_\_\_\_

18. AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL \_\_\_\_\_

Without Dependent Children

19. Obligor's Monthly Net Income (Line 4) \_\_\_\_\_

20. Less Obligees Monthly Net Income (Line 4) ( \_\_\_\_\_ )

21. Difference \_\_\_\_\_

22. Multiply by 40% × \_\_\_\_\_ .40

\* \* \* \* \*

[Pa.B. Doc. No. 98-2058. Filed for public inspection December 18, 1998, 9:00 a.m.]

\_\_\_\_\_

# PROPOSED RULEMAKING

## DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

### Proposed Amendments to the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on proposed amendments to its Ground Water Protected Area Regulations for Southeastern Pennsylvania with respect to the establishment of numerical groundwater withdrawal limits for 62 subbasins which are entirely or partially within the Ground Water Protected Area. Limits, based upon baseflow frequency analyses, were initially specified for the 14 subbasins in the Neshaminy Creek Basin. Limits for the remaining 62 subbasins are based upon additional baseflow frequency analyses provided by the United States Geological Survey in 1998. Although the limits within the Neshaminy Creek Basin remain unchanged, the withdrawal limits for the entire protected area are presented in this notice.

#### *Dates*

The public hearing will be held on Tuesday, March 9, 1999, beginning at 1 p.m. and continuing until 5 p.m., as long as there are people present wishing to testify. The hearing will resume at 7 p.m. and continue until 9 p.m., as long as there are people present wishing to testify.

The deadline for inclusion of written comments in the hearing record will be announced at the hearing. Persons wishing to testify at the hearing are requested to register with the Secretary in advance of the hearing.

#### *Addresses*

Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628. The public hearings will be held in the Hearing Room of the Pennsylvania Department of Environmental Protection's Southeastern Regional Office at 555 E. North Lane, Lee Park Suite 6010, Conshohocken, PA.

#### *For Further Information Contact*

Copies of the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania may be obtained by contacting Susan M. Weisman, Commission Secretary, at (609) 883-9500 ext. 203.

#### *Supplementary Information*

#### *Background and Rationale*

The Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania were adopted in 1980 to prevent depletion of groundwater, protect the interests and rights of lawful users of the same water source, and balance and reconcile alternative and conflicting uses of limited water resources in the area. Lowered water tables resulting from withdrawals in excess of recharge rates have led to reduction of flows in some perennial streams in the region and have dried up some stream reaches which previously flowed all year. Such

reductions in base flow interfere with instream and downstream water uses, adversely affect fisheries and aquatic life, and threaten to reduce the capacity of streams in the region to assimilate pollutants.

On January 28, 1998, the Commission adopted amendments to the Ground Water Protected Area Regulations which established a two-tiered system of withdrawal limits. The first tier serves as a warning that a subbasin is "potentially stressed." In potentially stressed subbasins, applicants for new or expanded groundwater withdrawals are required to implement one or more programs to mitigate adverse impacts of additional groundwater withdrawals. Acceptable programs include: conjunctive use of groundwater and surface water; expanded water conservation; control of groundwater infiltration to the receiving sewer systems; and artificial recharge and spray irrigation. The second tier serves as the maximum withdrawal limit. The Commission seeks to prevent groundwater withdrawals from exceeding the maximum withdrawal limit.

The regulations also provide incentives for holders of existing DRBC docket and protected area permits to implement the above-cited conjunctive use and conservation programs to mitigate the adverse impacts of their groundwater withdrawals. If docket or permit holders successfully implement one or both programs, the Commission could extend the docket or permit duration for up to 10 years.

The regulations also specify administrative criteria for issuing and review of dockets and permits as well as protocol for updating and revising withdrawal limits to provide additional protection for streams designated by the Commonwealth of Pennsylvania as "high quality" or "exceptional value," or to correspond with any integrated resources plans adopted by municipalities for subbasins.

The groundwater study which provided the basis for the withdrawal limits for the subbasins in the Neshaminy Creek Basin was prepared by the United States Geological Survey in cooperation with the Commission and is entitled "Water-Use Analysis Program for the Neshaminy Creek Basin, Bucks and Montgomery Counties, Pennsylvania." The United States Geological Survey was contracted by the Commission to prepare a similar study to investigate the withdrawal limits for the remaining subbasins in the protected area. The results of both studies are recorded on CD-ROM which is available from the Commission. Specific software, the Access database and ArcView from ESRI are required to view the CD-ROM. To review the CD-ROM at the Commission's offices, please contact Judith Strong, at (609) 883-9500 ext. 263 for an appointment. To order the CD-ROM at a cost of \$10, please contact Carolyn Hartman at (609) 883-9500 ext. 249. To review the CD-ROM at locations within the protected area, please contact Susan M. Weisman at (609) 883-9500 ext. 203.

The subject of the hearing will be as follows:

Amendment to the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania Relating to the Establishment of Numerical Ground Water Withdrawal Limits for Subbasins in the Protected Area.

It is proposed to:

1. Amend the Ground Water Protected Area Regulations for Southeastern Pennsylvania as follows: Subsection 6.i.(3) is hereby revised to read as follows:

(3) The potentially stressed levels and withdrawal limits for all delineated basins and subbasins are set forth below:

<i>Neshaminy Creek Basin</i>		
<i>Subbasin</i>	<i>Potentially Stressed (mg/y)*</i>	<i>Withdrawal Limit (mg/y)</i>
West Branch Neshaminy Creek Basin	1,054	1,405
Pine Run Basin	596	795
North Branch Neshaminy Creek	853	1,131
Doylestown Subbasin Neshaminy Creek	710	946
Warwick Subbasin Neshaminy Creek	889	1,185
Warrington Subbasin Little Neshaminy Creek	505	673
Park Creek Basin	582	776
Warminster Subbasin Little Neshaminy Creek	1,016	1,355
Mill Creek Basin	1,174	1,565
Northampton Subbasin Neshaminy Creek	596	794
Newtown Creek	298	397
Core Creek Basin	494	658
Ironworks Creek Basin	326	434
Lower Section Subbasin Neshaminy Creek	3,026	4,034

  

<i>Schuylkill River Basin</i>		
<i>Subbasin</i>	<i>Potentially Stressed (mg/y)</i>	<i>Withdrawal Limit (mg/y)</i>
Hay Creek	974	1,299
Lower Reach Manatawny-Ironstone Creek	1,811	2,414
Pigeon Creek	611	815
Schuylkill-Crow Creek	1,157	1,543
Schuylkill-Mingo Creek	671	895
Schuylkill-Plymouth-Mill Creeks	4,446	5,929
Schuylkill-Sixpenny Creek	1,490	1,987
Schuylkill-Sprogels Run	1,091	1,455
Schuylkill-Stony Creek	687	916
Schuylkill-Trout Creek	1,082	1,443
Stony Creek	1,242	1,655
Valley Creek	1,865	2,486

  

<i>French and Pickering Creek Subbasins</i>		
<i>Subbasin</i>	<i>Potentially Stressed (mg/y)</i>	<i>Withdrawal Limit (mg/y)</i>
Lower Reach French Creek	634	845
Lower Reach Pickering Creek	1,716	2,288
Middle Reach French Creek	1,608	2,145
South Branch French Creek	1,044	1,393
Upper Reach French Creek	1,295	1,726
Upper Reach Pickering Creek	1,358	1,811

  

<i>Perkiomen and Skippack Creek Subbasins</i>		
<i>Subbasin</i>	<i>Potentially Stressed (mg/y)</i>	<i>Withdrawal Limit (mg/y)</i>
East Branch Perkiomen-Indian Creeks	633	844
East Branch Perkiomen-Mill Creeks	720	961
East Branch Perkiomen-Morris Run	1,214	1,619
Hosensack-Indian Creeks	1,257	1,676
Lower Reach Skippack Creek	1,069	1,426
Perkiomen-Deep Creeks	1,047	1,396
Perkiomen-Lodal Creeks	1,200	1,600
Perkiomen-Macoby Creek	1,252	1,669
Swamp-Middle Creeks	1,423	1,898
Swamp-Minister Creeks	547	730
Swamp-Scioto Creeks	746	994
Towamencin Creek	466	622
Unami-Licking Creeks	992	1,322
Unami-Ridge Valley Creeks	1,068	1,424
Upper Reach Perkiomen Creek	1,223	1,631
Upper Reach Skippack Creek	813	1,084
West Branch Perkiomen Creek	1,566	2,088

*Delaware River Basin*

<i>Subbasin</i>	<i>Potentially Stressed (mgy)</i>	<i>Withdrawal Limit (mgy)</i>
Jericho Creek	421	562
Mill Creek	1,600	2,134
Paunacussing Creek	513	684
Pidcock Creek	563	751
Upper Reach Cobbs Creek	871	1,161
Upper Reach Crum Creek	1,290	1,721
Upper Reach Darby Creek	1,625	2,167
Upper Reach East Branch Chester Creek	1,865	2,487
Upper Reach Frankford Creek	1,414	1,886
Upper Reach Poquessing Creek	1,008	1,344
Upper Reach Ridley Creek	1,707	2,275

*Tohickon Subbasin*

<i>Subbasin</i>	<i>Potentially Stressed (mgy)</i>	<i>Withdrawal Limit (mgy)</i>
Tohickon-Beaver-Morgan Creeks	1,156	1,541
Tohickon-Deep Run	956	1,274
Tohickon-Geddes-Cabin Runs	602	803
Tohickon-Lake Nockamixon	556	741
Tohickon-Three Mile Run	726	968

*Pennypack and Wissahickon Subbasins*

<i>Subbasin</i>	<i>Potentially Stressed (mgy)</i>	<i>Withdrawal Limit (mgy)</i>
Lower Reach Wissahickon Creek	2,750	3,666
Upper Reach Wissahickon Creek	1,302	1,736
Middle Reach Pennypack Creek	1,295	1,727
Upper Reach Pennypack Creek	1,358	1,811

*Brandywine Creek Subbasin*

<i>Subbasin</i>	<i>Potentially Stressed (mgy)</i>	<i>Withdrawal Limit (mgy)</i>
East Branch Brandywine-Taylor Run	1,054	1,405
Middle Reach Brandywine Creek	823	1,098
Upper Reach Brandywine Creek	1,614	2,153
West Branch Brandywine-Beaver Run	2,110	2,813
West Branch Brandywine-Broad Run	2,380	3,173
West Valley Creek	1,673	2,231

*Lehigh Subbasin*

<i>Subbasin</i>	<i>Potentially Stressed (mgy)</i>	<i>Withdrawal Limit (mgy)</i>
Upper Reach Saucon Creek	946	1,262

Subject to public notice and hearing, this section may be updated or revised based upon new and evolving information on hydrology and streamflow and groundwater monitoring or in accordance with (2).

\*mgy means million gallons per year

2. This regulation shall be effective immediately.

Delaware River Basin Compact, 75 Stat. 688.

SUSAN M. WEISMAN,  
*Secretary*

**Fiscal Note:** 68-39. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART V. DELAWARE RIVER BASIN COMMISSION  
CHAPTER 901. GENERAL PROVISIONS**

**§ 901.5. Groundwater protection area, Southeastern Pennsylvania**

The Basin Regulations, Groundwater Protection, Southeastern Pennsylvania, as set forth at 18 CFR Part 430 ([ 1998 ] 1999), are hereby incorporated by reference and made part of this title.

[Pa.B. Doc. No. 99-184. Filed for public inspection February 5, 1999, 9:00 a.m.]

# INSURANCE DEPARTMENT

[31 PA. CODE CH. 89]

## Medicare Supplement Insurance Minimum Standards

The Insurance Department (Department) hereby proposes to amend § 89.790 and Appendix E and to add § 89.777a, to read as set forth in Annex A. The Department is publishing these amendments as a proposed rulemaking. The Department proposes the amendments under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412).

### *Purpose*

Chapter 89, Subchapter K (relating to Medicare Supplement Insurance minimum standards), was initially promulgated to establish certain minimum standards for Medicare Supplement Insurance. The Department seeks to modify Subchapter K to allow for the sale of "Medicare Select" products (previously a Federal pilot program) which is intended to expand the health care choices of Medicare eligible insureds. Generally, Medicare Select will allow consumers to purchase Medicare Select products for lower premiums than standard Medicare supplement policies. The major difference between standard Medicare supplement policies and Medicare Select policies is that each Medicare Select issuer will have a network of specific hospitals, and possibly specific doctors, that must be utilized to receive full benefits, except in the case of an emergency. It is similar in concept to preferred provider organizations (PPOs) for accident and health insurance. The addition of Medicare Select products in this Commonwealth will allow consumers an additional choice in selecting a Medicare supplement product and will bring a Nationally marketed product to this Commonwealth. Lastly, the Department has received numerous inquiries and letters of support for Medicare Select from consumers, the insurance industry and providers alike. The Department has also clarified and revised language to improve the readability and understandability of the regulations.

### *Explanation of Regulatory Requirements*

Section 89.777a (relating to Medicare Select policies and certificates) is being added to implement the policy requirements for Medicare Select. The Department is adopting the National Association of Insurance Commissioners' model regulation language. The addition of this product in this Commonwealth will allow greater selection of supplemental products for Medicare eligibles.

Section 89.790(b)(6) (relating to guaranteed issue for eligible persons) has been modified to ensure that this specific guaranteed issue protection applies to all Medicare supplement eligible individuals. This is consistent with the current regulatory requirement that Medicare supplement policies be offered to all eligible individuals when they qualify for coverage.

Appendix E (relating to Medicare supplement refund calculations) is being revised to incorporate minor format changes. These format changes are intended to eliminate confusion and improve understanding.

### *Fiscal Impact*

The Department currently has the capacity to review the new Medicare Select filings in the course of normal business and should experience minimal or no cost increases in reviewing these new products.

The insurance industry will incur minimal additional costs in filing for the approval of the new forms, if they chose to offer Medicare Select products. Most issuers should be able to submit forms either identical, or very similar to, variations approved in other states because this regulation is adopting the NAIC model language.

Consumers could experience additional savings based on greater product availability.

### *Paperwork*

Adoption of these proposed amendments will require additional paperwork in the product development area only if issuers choose to market Medicare Select products. Paperwork requirements should not be burdensome for the Department because the new Medicare Select products can be reviewed during the normal course of business.

### *Persons Regulated*

These proposed amendments apply to all insurance companies who issue Medicare Supplement products in this Commonwealth.

### *Contact Person*

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

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 27, 1999, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to submitting the proposed amendments, 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 that material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the 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 the Department, the Governor and the General Assembly to review these objections before final publication of the amendments.

M. DIANE KOKEN,  
*Insurance Commissioner*

*(Editor's Note:* Section 89.790, proposed to be amended in this document, was added at 29 Pa.B. 172 (January 9, 1999) and will be codified in MTS 292 (March, 1999).)

**Fiscal Note:** 11-193. No fiscal impact; (8) recommends adoption.

## ANNEX A

## TITLE 31. INSURANCE

## PART IV. LIFE INSURANCE

CHAPTER 89. APPROVAL OF LIFE, ACCIDENT  
AND HEALTH INSURANCESubchapter K. MEDICARE SUPPLEMENT  
INSURANCE MINIMUM STANDARDS

## § 89.777a. Medicare Select policies and certificates.

(a) This section applies to Medicare Select policies and certificates, as defined in this section.

(b) A policy or certificate may not be advertised as a Medicare Select policy or certificate unless it meets the requirements of this section.

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

**Complaint**—Dissatisfaction expressed by an individual concerning a Medicare Select issuer or its network providers.

**Grievance**—Dissatisfaction expressed in writing by an individual insured under a Medicare Select policy or certificate concerning the administration, claims practices or provision of services with a Medicare Select issuer or its network providers.

**Medicare Select issuer**—An issuer offering, or seeking to offer, a Medicare Select policy or certificate.

**Medicare Select policy or Medicare Select certificate**—A Medicare supplement policy or certificate, respectively, that contains restricted network provisions.

**Network provider**—A provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare Select policy.

**Restricted network provision**—A provision which conditions the payment of benefits, in whole or in part, on the use of network providers.

**Service area**—The geographic area approved by the Commissioner within which an issuer is authorized to offer a Medicare Select policy.

(d) The Commissioner may authorize an issuer to offer a Medicare Select policy or certificate, under this section and section 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 (42 U.S.C.A. § 1395b-2) if the Commissioner finds that the issuer has satisfied the requirements of this section.

(e) A Medicare Select issuer may not issue a Medicare Select policy or certificate in this State until its plan of operation has been approved by the Commissioner.

(f) A Medicare Select issuer shall file a proposed plan of operation with the Commissioner in a format prescribed by the Commissioner. The plan of operation shall contain at least the following information:

(1) Evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that:

(i) Services can be provided by network providers with reasonable promptness with respect to geographic location, hours of operation and after-hour care. The hours of operation and availability of after-hour care shall reflect the usual practice in the local area. Geographic availability shall reflect the usual travel times within the community.

(ii) The number of network providers in the service area is sufficient, with respect to current and expected policyholders, to either:

(A) Deliver adequately all services that are subject to a restricted network provision.

(B) Make appropriate referrals.

(iii) There are written agreements with network providers describing both parties' specific responsibilities.

(iv) Emergency care is available 24 hours per day and 7 days per week.

(v) In the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting the providers from billing or otherwise seeking reimbursement from or recourse against an individual insured under a Medicare Select policy or certificate. This subparagraph does not apply to supplemental charges or coinsurance amounts as stated in the Medicare Select policy or certificate.

(2) A statement or map providing a clear description of the service area.

(3) A description of the grievance procedure to be utilized.

(4) A description of the quality assurance program, including the following:

(i) The formal organizational structure.

(ii) The written criteria for selection, retention and removal of network providers.

(iii) The procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted.

(5) A list and description, by specialty, of the network providers.

(6) Copies of the written information proposed to be used by the issuer to comply with subsection (j).

(7) Other information requested by the Commissioner.

(g) A Medicare Select issuer shall file:

(1) Proposed changes to the plan of operation, except for changes to the list of network providers, with the Commissioner prior to implementing the changes. Changes shall be considered approved by the Commissioner after 30 days unless specifically disapproved.

(2) An updated list of network providers with the Commissioner at least quarterly, if changes occur.

(h) A Medicare Select policy or certificate may not restrict payment for covered services provided by nonnetwork providers if the following apply:

(1) The services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury or a condition.

(2) It is not reasonable to obtain services through a network provider.

(i) A Medicare Select policy or certificate shall provide payment for full coverage under the policy for covered services that are not available through network providers.

(j) A Medicare Select issuer shall make full and fair disclosure in writing of the provisions, restrictions and limitations of the Medicare Select policy or certificate to each applicant. This disclosure shall include at least the following:

(1) An outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare Select policy or certificate with other:

(i) Medicare supplement policies or certificates offered by the issuer.

(ii) Medicare Select policies or certificates.

(2) A description, including address, phone number and hours of operation, of the network providers, including primary care physicians, specialty physicians, hospitals and other providers.

(3) A description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized.

(4) A description of coverage for emergency and urgently needed care and other out-of-service area coverage.

(5) A description of limitations on referrals to restricted network providers and to other providers.

(6) A description of the policyholder's rights to purchase another Medicare supplement policy or certificate otherwise offered by the issuer.

(7) A description of the Medicare Select issuer's quality assurance program and grievance procedure.

(k) Prior to the sale of a Medicare Select policy or certificate, a Medicare Select issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided under subsection (j) and that the applicant understands the restrictions of the Medicare Select policy or certificate.

(l) A Medicare Select issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. The procedures shall be aimed at mutual agreement for settlement and may include arbitration procedures.

(1) The grievance procedure shall be described in the policy and certificates and in the outline of coverage.

(2) At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a grievance may be registered with the issuer.

(3) Grievances shall be considered in a timely manner and shall be transmitted to appropriate decision-makers who have authority to fully investigate the issue and take corrective action.

(4) If a grievance is found to be valid, corrective action shall be taken promptly.

(5) The concerned parties shall be notified about the results of a grievance.

(6) The issuer shall report by each March 31st to the Commissioner regarding its grievance procedure. The report shall be in a format prescribed by the Commissioner and shall contain the number of grievances filed in the past year and a summary of the subject, nature and resolution of the grievances.

(m) At the time of initial purchase, a Medicare Select issuer shall make available to each applicant for a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer.

(n) For purposes of this section, the following apply.

(1) At the request of an individual insured under a Medicare Select policy or certificate, a Medicare Select issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make the policies or certificates available without requiring evidence of insurability after the Medicare Select policy or certificate has been in force for 6 months.

(2) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this paragraph, a "significant benefit" means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges.

(o) Medicare Select policies and certificates shall provide for continuation of coverage in the event the HHS Secretary determines that Medicare Select policies and certificates issued under this section should be discontinued due to either the failure of the Medicare Select Program to be reauthorized under law or its substantial amendment.

(1) Each Medicare Select issuer shall make available to each individual insured under a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make the policies and certificates available without requiring evidence of insurability.

(2) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this paragraph, a "significant benefit" means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges.

(p) A Medicare Select issuer shall comply with reasonable requests for data made by State or Federal agencies, including the United States De-

partment of Health and Human Services, for the purpose of evaluating the Medicare Select Program.  
 § 89.790. Guaranteed issue for eligible persons.

(6) The individual, upon first becoming eligible for benefits under Part A [ or ] and enrolled in Part B, if eligible, of Medicare [ at age 65 or older ], enrolls in a Medicare+Choice plan under Part C of Medicare, and disenrolls from the plan within 12 months after the effective date of enrollment.

(b) Eligible persons. An eligible person is an individual described in paragraphs (1)—(6):

\* \* \* \* \*  
 \* \* \* \* \*

\* \* \* \* \*

APPENDIX E

MEDICARE SUPPLEMENT REFUND CALCULATION FORM FOR CALENDAR YEAR \_\_\_\_\_

TYPE<sup>1</sup> \_\_\_\_\_ SMSBP<sup>2</sup> \_\_\_\_\_

For the State of \_\_\_\_\_

Company Name \_\_\_\_\_

NAIC Group Code \_\_\_\_\_ NAIC Company Code \_\_\_\_\_

Person Completing This Exhibit \_\_\_\_\_

Title \_\_\_\_\_ Telephone Number \_\_\_\_\_

	<i>(a) Earned Premium<sup>3</sup></i>	<i>(b) Incurred Claims<sup>4</sup></i>
1 Current Year's Experience		
a. Total (all policy years)	_____	_____
b. Current year's issues <sup>5</sup>	_____	_____
c. Net (for reporting purposes = 1a - 1b)	_____	_____
2 Past Years' Experience (All Policy Years)	_____	_____
3 Total Experience (Net Current Year + Past Years' Experience)	_____	_____
4 Refunds Last Year (Excluding Interest)	_____	
5 Previous Since Inception (Excluding Interest)	_____	
6 Refunds Since Inception (Excluding Interest)	_____	
7 Benchmark Ratio Since Inception (SEE WORKSHEET FOR RATIO 1)	_____	
8 Experienced Ratio Since Inception ( <b>Ratio 2</b> )	_____	
<b>Ratio 2 =</b>	Total Actual Incurred Claims (line 3, col b)	<b>[ = Ratio 2 ]</b>
	Total Earned Premium (line 3, col a) - Refunds Since Inception (line 6)	
9 Life Years Exposed Since Inception	_____	
If the Experienced Ratio is less than the Benchmark Ratio, and there are more than 500 life years exposure, then proceed to calculation of refund.		
10 Tolerance Permitted (obtained from credibility table)	_____	
11 Adjustment to Incurred Claims for Credibility ( <b>Ratio 3</b> )	_____	
Ratio 3 = Ratio 2 + Tolerance		
If Ratio 3 is more than benchmark ratio (ratio 1), a refund or credit to premium is not required.		
If Ratio 3 is less than the benchmark ratio, then proceed.		
12 Adjusted Incurred Claims =		
(Total Earned Premiums (line 3, col a) - Refunds Since Inception (line 6)) × Ratio 3 (line 11)		
13 Refund = Total Earned Premiums (line 3, col a) - Refunds Since Inception (line 6) -		
{Adjusted Incurred Claims (line 12)} [ ÷ ] {Benchmark Ratio (Ratio 1) ( <b>line 7</b> )}		

If the amount on line 13 is less than .005 times the annualized premium in force as of December 31 of the reporting year, then no refund is made. Otherwise, the amount on line 13 is to be refunded or credited, and a description of the refund and/or credit against premium to be used must be attached to this form.

Medicare Supplement Credibility Table

<i>Life Years Exposed Since Inception</i>	<i>Tolerance</i>
10,000 +	0.0%
5,000—9,999	5.0%
2,500—4,999	7.5%
1,000—2,499	10.0%
500—999	15.0%
If less than 500, no credibility.	

[ **MEDICARE SUPPLEMENT REFUND CALCULATION FORM FOR CALENDAR YEAR** \_\_\_\_\_  
**TYPE**<sup>1</sup> \_\_\_\_\_ **SMSBP**<sup>2</sup> \_\_\_\_\_

**For the State of** \_\_\_\_\_

**Company Name** \_\_\_\_\_

**NAIC Group Code** \_\_\_\_\_ **NAIC Company Code** \_\_\_\_\_ ]

<sup>1</sup> Individual [ and ], Group, **Individual Medicare Select and Group Medicare Select** only.

<sup>1</sup> "SMSBP" = Standardized Medicare Supplement Benefit Plan—Use "P" for prestandardized plans.

<sup>3</sup> Includes **modal [ model ]** loadings and fees charged.

<sup>4</sup> Excludes Active Life Reserves.

<sup>5</sup> This is to be used as "Issue Year Earned Premium" for Year 1 of next year's "Worksheet for Calculation of Benchmark Ratios."

I certify that the above information and calculations are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
Signature  
 \_\_\_\_\_  
Name-Please Type  
 \_\_\_\_\_  
Title  
 \_\_\_\_\_  
Date

REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR INDIVIDUAL POLICIES FOR CALENDAR YEAR \_\_\_\_\_

TYPE<sup>1</sup> \_\_\_\_\_ SMSBP<sup>2</sup> \_\_\_\_\_

For the State of \_\_\_\_\_

Company Name \_\_\_\_\_

NAIC Group Code \_\_\_\_\_ NAIC Company Code \_\_\_\_\_

Address \_\_\_\_\_

Person Completing This Exhibit \_\_\_\_\_

Title \_\_\_\_\_ Telephone Number \_\_\_\_\_

(a) <sup>3</sup> Year	(b) <sup>4</sup> Earned Premium	(c) Factor	(d) (b) × (c)	(e) Cumulative Loss Ratio	(f) (d) × (e)	(g) Factor	(h) (b) × (g)	(i) Cumulative Loss Ratio	(j) (h) × (i)	(o) <sup>5</sup> PolicyYear Loss Ratio
1		2.770		0.442		0.000		0.000		0.40
2		4.175		0.493		0.000		0.000		0.55
3		4.175		0.493		1.194		0.659		0.65
4		4.175		0.493		2.245		0.669		0.67
5		4.175		0.493		3.170		0.678		0.69
6		<b>[ 1.175 ]</b>		0.493		3.998		0.686		0.71
		<b>4.175</b>								
7		4.175		0.493		4.754		0.695		0.73
8		4.175		0.493		5.445		0.702		0.75
9		4.175		0.493		6.075		0.708		0.76
10		4.175		0.493		6.650		0.713		0.76
11		4.175		0.493		7.176		0.717		0.76
12		4.175		0.493		7.655		0.720		0.77
13		4.175		0.493		8.093		0.723		0.77
14		4.175		0.493		8.493		0.725		0.77
15		4.175		0.493		8.684		0.725		0.77

Total: (k): \_\_\_\_\_ (l): \_\_\_\_\_ (m): \_\_\_\_\_ (n): \_\_\_\_\_

Benchmark Ratio Since Inception (**Ratio 1**):  $(l + n)/(k + m)$ :

<sup>1</sup> Individual [ and ], Group, **Individual Medicare Select and Group Medicare Select** only.

<sup>2</sup> "SMSBP" = Standardized Medicare Supplement Benefit Plan—Use "P" for prestandardized plans.

<sup>3</sup> Year 1 is the current calendar year—1

Year 2 is the current calendar year—2 (etc.)

(Example: If the current year is 1991, then: Year 1 is 1990; Year 2 is 1989, etc.)

<sup>4</sup> For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.

<sup>5</sup> These loss ratios are not explicitly used in computing the benchmark loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown for informational purposes only.

REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR GROUP POLICIES FOR CALENDAR YEAR \_\_\_\_\_

TYPE<sup>1</sup> \_\_\_\_\_ SMSBP<sup>2</sup> \_\_\_\_\_

For the State of \_\_\_\_\_

Company Name \_\_\_\_\_

NAIC Group Code \_\_\_\_\_ NAIC Company Code \_\_\_\_\_

Address \_\_\_\_\_

Person Completing This Exhibit \_\_\_\_\_

Title \_\_\_\_\_ Telephone Number \_\_\_\_\_

(a) <sup>3</sup> Year	(b) <sup>4</sup> Earned Premium	(c) Factor	(d) (b) × (c)	(e) Cumulative Loss Ratio	(f) (d) × (e)	(g) Factor	(h) (b) × (g)	(i) Cumulative Loss Ratio	(j) (h) × (i)	(o) <sup>5</sup> PolicyYear Loss Ratio
1		2.770		0.507		0.000		0.000		0.46
2		4.175		0.567		0.000		0.000		0.63
3		4.175		0.567		1.194		0.759		0.75
4		4.175		0.567		2.245		0.771		0.77
5		4.175		0.567		3.170		0.782		0.80
6		4.175		0.567		3.998		0.792		0.82
7		4.175		0.567		4.754		0.802		0.84
8		4.175		0.567		6.075		0.818		0.88
10		4.175		0.567		6.650		0.824		0.88
11		4.175		0.567		7.176		0.828		0.88
12		4.175		0.567		7.655		0.831		0.88
13		4.175		0.567		8.093		0.834		0.89
14		4.175		0.567		8.493		0.837		0.89
15		4.175		0.567		8.684		0.838		0.89

Total: (k): \_\_\_\_\_ (l): \_\_\_\_\_ (m): \_\_\_\_\_ (n): \_\_\_\_\_

Benchmark Ratio Since Inception (**Ratio 1**):  $(l + n)/(k + m)$ :

<sup>1</sup> Individual [ and ], Group, **Individual Medicare Select and Group Medicare Select** only.

<sup>2</sup> "SMSBP" = Standardized Medicare Supplement Benefit Plan—Use "P" for prestandardized plans.

<sup>3</sup> Year 1 is the current calendar year—1

Year 2 is the current calendar year—2 (etc.)

(Example: If the current year is 1991, then: Year 1 is 1990; Year 2 is 1989, etc.)

<sup>4</sup> For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.

<sup>5</sup> These loss ratios are not explicitly used in computing the benchmark loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown for informational purposes only.

[Pa.B. Doc. No. 99-185. Filed for public inspection February 5, 1999, 9:00 a.m.]

[31 PA. CODE CH. 62]

**Motor Vehicle Physical Damage Appraisers**

The Insurance Department (Department) hereby proposes to amend §§ 62.1—62.4 to read as set forth in Annex A. The Department is publishing the amendments as a proposed rulemaking. The Department proposes the amendments under the authority of sections 206, 506,

1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); section 320 of The Insurance Department Act of 1921 (40 P. S. § 443); and sections 1—14 of the Motor Vehicle Physical Damage Appraiser Act (63 P. S. §§ 851—863) (act).

*Purpose*

Chapter 62 (relating to motor vehicle physical damage appraisers) was adopted by the Department on December 28, 1973, and amended on May 10, 1974. The regulations

were promulgated to clarify the licensing requirements and occupational standards for physical damage appraisers. The regulations were adopted prior to the enactment of the Regulatory Review Act (71 P. S. §§ 745.1—745.15). Consequently, the regulations were not subject to review by the Independent Regulatory Review Commission (IRRC). The purpose of this proposed rulemaking is to amend Chapter 62 to make it consistent with existing statutory language, to delete those provisions of the regulations which are duplicative of the act and to add additional language which enhances the act and which provides additional protections for consumers of this Commonwealth.

#### *Explanation of Regulatory Requirements*

Significant proposed amendments include the following:

The definition for "motor vehicle" in § 62.1 (relating to definition) has been amended to clarify that the definition does apply to trailers, but does not apply to nonmotorized vehicles such as bicycles or buggies. Definitions for the terms "aftermarket crash part," "nonoriginal equipment manufacturer ("Non-OEM")" and "predamaged condition" have been added to clarify new provisions to the chapter.

Section 62.2 (relating to licensing requirements) is proposed to be amended to include experience and competency standards for appraisers and also describe circumstances under which an application for an appraisers license may be denied, for example, a felony conviction. Similar regulatory standards currently exist for other Department licensees, including agents and brokers. Revisions also include the proposed deletion of subsections (a)—(m) as these are already requirements specified throughout the act, or which have otherwise been incorporated into the remaining provisions.

Section 62.3 (relating to applicable standards for appraisal) is proposed to amend for significant restructure to delete redundant language and include disclosure requirements.

Section 62.3(a)(1) and (2) is being proposed for deletion, as it is duplicative of provisions which are already specified in section 11 of the act (63 P. S. § 861). Section 62.3(a)(3), which prohibits the use of abbreviations or symbols to describe repair work, is being proposed for deletion as it has been an automotive repair industry standard to use abbreviations with definitions and, therefore, this language is found to be unnecessary. Moreover, section 11(b) of the act requires the appraisal be legible.

Section 62.3(b) has been revised to require a written disclosure which contains the following:

- (1) The amount of the appraisal.
- (2) A statement that any excess costs above the appraised amount may be the responsibility of the vehicle owner.
- (3) A statement that there is no requirement to use any specific repair shop. The appraiser may provide the consumer with the names of at least two repair shops able to perform the repair in accordance with the appraisal.
- (4) A description of repairs necessary to return the vehicle to its predamaged condition, including, but not necessarily limited to, labor involved, cost of all parts, necessary painting or refinishing, and all sublet work to be done. If there is a dispute regarding the cost of repairs to an insured's vehicle, the insured or the insurer may seek resolution through the invocation of the appraisal

clause provision or other similar provision which provides a process for dispute resolution in the policy contract.

(5) specification of incidental charges including towing, protective care, custody, storage, battery and tire replacement.

(6) Specification of applicable sales tax payable on the total dollar amount of the appraisal.

(7) The date, if any, after which an insurer will not be responsible for any related towing services or storage charges and after which the charges will be the responsibility of the consumer.

(8) The location where the listed parts are available in a condition equivalent to, or better than, the condition of the replaced parts prior to the accident.

(9) If the appraisal includes Non-OEM aftermarket crash parts, a statement that the appraisal has been prepared based on the use of aftermarket crash parts supplied by a source other than the manufacturer of the motor vehicle, and that if the use of an aftermarket crash part voids the warranty on the original part, the aftermarket crash part shall have a warranty equal to or better than the warranty on the original part.

Generally, the purpose of the disclosure requirement is to remove any uncertainty for consumers of this Commonwealth and fully apprise them of their rights and responsibilities under the act. In particular, the consumer is expressly advised that there is no requirement to use any specific repair shop. However, the disclosure also assists consumers by permitting the appraiser to provide the names of repair shops able to perform the repairs in accordance with the appraisal.

Section 62.3(c) is being proposed for deletion in its entirety as it is duplicative of provisions already specified in section 11 of the act, or which have otherwise been made part of the disclosure requirements.

Section 62.3(d) now appears as § 62.3(c) and, with the exception of minor changes for clarity and structure, remains unchanged.

Section 62.3(e) now appears as § 62.3(d) and, with the exception of minor changes for clarity and structure, remains unchanged.

Section 62.3(f) now appears as § 62.3(e) and, in addition to minor changes for clarity and structure, has been modified to delete reference to specific guide sources (for example, Red Book, NADA Book). Rather, the Commissioner will now publish annually in the *Pennsylvania Bulletin* a listing of all approved guide sources.

Section 62.3(g) now appears as § 62.3(f) and is proposed for amendment to delete provisions which are redundant, and to make the remaining provisions consistent with the act. Subsection (g)(1)—(5) is proposed for deletion as it is duplicative of provisions specified in section 11(f)(1)—(5) of the act. Subsections (g)(6) and (7) is proposed for deletion as it is duplicative of provisions specified in section 11(g)(1) and (2) of the act. Subsection (g)(8) and (9) (relating, in part, to prohibitions against appraisers recommending or referring customers to specified shops) is proposed for amendment so that it more appropriately conform to section 11(d) of the act, which only specifies that an appraiser may not "require" that repairs be made in any specified shop. The prohibition against an appraiser requiring the use of a specified shop has now been made part of the disclosure requirement in § 62.3(b)(1). The remainder of § 62.3(g)(9) has been renumbered as § 62.3(f)(1) to reflect the correct sequence

as a result of the deletion of subsection (g)(1)—(9). Subsection (g)(10) has been renumbered as § 62.3(f)(2) and reflects only minor changes for structure and clarity. Subsection (g)(11), (12)(i) and the first sentence of (12)(ii) is proposed for deletion as it is duplicative of provisions specified in section 11(b) and (c) of the act. The remaining portion of subsection (g)(12)(ii) has now been renumbered as § 62.3(f)(3) and reflects only minor changes in language. Subsection (g)(12)(iii) is being deleted as it has been replaced with the disclosure requirement in § 62.3(b)(9). Subsection (g)(13) is being proposed for deletion as it is duplicative of section 11(e) of the act. Finally, § 62.3(g)(14) is proposed for deletion as it is found to serve no purpose and does not otherwise enhance the provisions of the act.

Section 62.3(g) has been added to notify appraisers that penalties for violations of the act and its regulations are set forth in the act.

Section 62.4 (relating to sanctions for violations) is being proposed for deletion in its entirety as it is duplicative of sections 5—7 and 9 of the act (63 P. S. §§ 855—857 and 859).

*External Comments*

The Pennsylvania Collision Trade Guild, the Automotive Service Association of Pennsylvania and Insurance Federation of Pennsylvania were contacted regarding issues arising out of the existing regulations. The responses received were reviewed and taken into consideration during the review of these regulations.

*Fiscal Impact*

The proposed amendments will have no impact on costs associated with the Department's licensing of physical damage appraisers. The proposed amendments may impose some additional costs on physical damage appraisers and insurers associated with revising existing appraisal forms and procedures to incorporate the proposed disclosure requirements. The proposed amendments have no impact on costs to political subdivisions. There are no costs to the general public associated with this proposed amendments.

*Paperwork*

The proposed amendments impose no additional paperwork requirements on the Department or the general public. Physical damage appraisers and insurers will have to revise existing appraisal forms to include the proposed disclosure requirements.

*Persons Regulated*

The proposed amendments apply to all physical damage appraisers licensed to do business in this Commonwealth.

*Contact Person*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of these proposed amendments to IRRC and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to submitting the proposed amendments, 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 that material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the 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 the Department, the Governor and the General Assembly to review these objections before final publication of the amendments.

M. DIANE KOKEN,  
*Insurance Commissioner*

**Fiscal Note:** 11-149. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 31. INSURANCE**

**PART II. AUTOMOBILE INSURANCE**

**CHAPTER 62. MOTOR VEHICLE PHYSICAL DAMAGE APPRAISERS**

**§ 62.1. Definitions.**

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

\* \* \* \* \*

**Aftermarket crash part**—A replacement for any of the nonmechanical sheet metal or plastic parts that generally constitute the exterior of the motor vehicle, including inner and outer panels.

**Appraisal**—A written monetary determination of damage incurred [ by ] to a motor vehicle when the making of such a determination is assigned in order [ to fix the value of insurance claims ] to return the vehicle to its condition prior to the damage in question. Appraisals [ shall ] include [ a determination whether ] determinations made by the insurer, its employees, its agents or related entities or [ made by another individual ] individuals or [ entity otherwise ] entities assigned to make a determination.

\* \* \* \* \*

**Motor vehicle**—Any motorized device, including a trailer attached thereto, in, upon or by which a person or property is or may be transported or drawn upon a public highway.

**Nonoriginal equipment manufacturer ("Non-OEM") aftermarket crash part**—An aftermarket crash part not made for or by the manufacturer of the motor vehicle.

**Predamaged condition**—The condition of the motor vehicle just prior to the damage in question incurred.

**§ 62.2. Licensing requirements.**

(a) [ A person may not directly or indirectly act or hold himself out as an appraiser unless the person has first secured a license from the Commissioner in accordance with the provisions of the act and this chapter.

(b) The fee to be paid to the Commissioner by an applicant for an appraiser's license shall be \$10 at the time the application is made and \$10 annually for the renewal thereof. In the event of failure to pass the examination, the fee of \$10 will not be returnable.

(c) Each appraiser, while engaged in appraisal duties, shall carry the license issued to him by the Department and shall display it, upon request, to an owner whose vehicle is being inspected, to the repair shop representative involved or to any authorized representative of the Department.

(d) Except as otherwise provided in the act and this chapter, a person may not be granted an appraiser's license unless he shall first establish his qualifications therefor and takes and passes an examination for appraisers.

(e) An applicant for the examination shall be at least 18 years of age; shall be a resident of this Commonwealth, or a resident of another state or country which permits residents of this Commonwealth to act as appraisers in state or country; shall be trustworthy.

(f) In order to qualify for the examination, an applicant shall establish his competency to fulfill the responsibility of being an appraiser. This may be done by showing either a minimum of 6 months continuous experience at an occupation directly involving the estimation of physical damage to motor vehicles, such as a body repairman; or by providing written documentation of successful completion of special education or training related to appraising motor vehicle physical damage and acceptable to the Commissioner as assuring minimum standards of competency.

(g) Applications for an examination as appraiser shall be made to the Commissioner upon forms prescribed and furnished by him and shall be accompanied by the proper fee. Information required on forms must be completed or the application will not be processed.

(h) The examination for licensure which shall be given under the supervision of the Commissioner shall consist of a written examination that shall include the act of appraising one or more damaged motor vehicles and shall be supplemented by an oral examination. At the discretion of the Commissioner an oral examination in lieu of the aforesaid written examination may be given but only for reason of an applicant's physical handicap. An oral examination shall include the act of appraising one or more damaged motor vehicles.

(i) Examinations shall be given at reasonable times and places within the Commonwealth. An applicant who fails to pass the examination is not eligible to retake an examination for 30 days from the date of failure.

(j) Upon proper application and the payment of a fee of \$10 a person who has been employed or engaged for a period of not less than 2 years prior to the submission of the application in the appraising of physical damages to motor vehicles and is currently so engaged shall be licensed without examination as an appraiser if the application is made on or before July 1, 1973, and the applicant

possesses the qualifications required of applicants as provided in section 3 of the Act (63 P. S. § 853) and subsections (d)—(i).

(k) An appraiser's license shall expire annually at midnight of June 30th next following the date of issuance.

(l) Subject to the right of the Commissioner to suspend, revoke or refuse to renew an appraiser's license, the license may be renewed for another annual period commencing the first day of July and expiring at midnight of June 30th next following by filing with the Commissioner on or before the expiration date a written request, by or on behalf of the licensee, for the renewal, accompanied by payment of the renewal fee.

(m) If the request and fee for renewal of the license is filed with the Commissioner prior to the expiration of the existing license, the licensee may continue to act under the license, unless sooner revoked or suspended, until the issuance of renewal license or until the expiration of 5 days after the Commissioner has refused to renew the license and has mailed notice of the refusal to the licensee. Any request for renewal not so filed until after the day of expiration may be considered by the Commissioner as an application for a new license. ]

In addition to the requirements in sections 3, 4, 8 and 11 of the act, to qualify to take the examination required for appraisers, an applicant shall establish competency to fulfill the responsibility of being an appraiser.

(1) Competency may be demonstrated by providing written documentation of one of the following:

(i) A minimum of 6 months continuous experience within the last 3 years at an occupation, such as body repair, that directly involves the estimation of physical damage to motor vehicles.

(ii) Successful completion of education or training related to appraising motor vehicle physical damage taken within the last 3 years.

(2) The applicant shall provide additional information experience, education or training to the Commissioner or a designee upon request.

(b) An application for licensing may be denied for any of the following:

(1) The applicant has provided incorrect, misleading or incomplete answers to interrogatories on forms incidental to the application for a license.

(2) The applicant has been denied a license by the Department or has had an existing license revoked, suspended or not renewed by an insurance regulatory authority in another state, territory or possession of the United States, or in the District of Columbia, or the Canadian provinces.

(3) The applicant does not possess the professional competence and trustworthiness required to engage in conducting motor vehicle appraisals. This determination will be made by the Department.

(4) A showing that, within 5 years prior to applying for a license under the act, an applicant has pleaded guilty, entered a plea of nolo contendere or has been found guilty of a felony in a court of competent jurisdiction, or has pleaded guilty, en-

tered a plea of nolo contendere, or been found guilty of criminal conduct which relates to the applicant's suitability to conduct motor vehicle appraisals. If applicable, applicants shall also comply with the insurance-related provisions in sections 320 and 603(a) of the Violent Crime Control and Law Enforcement Act of 1994 (18 U.S.C.A. §§ 1033 and 1034).

(i) Examples of criminal violations which the Department may consider related to the applicant's suitability to engage in the business of an appraiser include unlawful practices, embezzlement, obtaining money under false pretenses, conspiracy to defraud, bribery or corrupt influence, perjury or false swearing, unlicensed activity or a criminal offense involving moral turpitude or harm to another.

(ii) Examples of violations or incidents which the Department will not consider related to the applicant's suitability to engage in the business of an appraiser are all summary offenses, records of arrests if there is no conviction of a crime based on the arrest, convictions which have been annulled or expunged or convictions for which the applicant has received a pardon from the Governor.

(5) The applicant has unpaid and overdue amounts, including, fees and civil penalties, owing to the Department.

#### § 62.3. Applicable standards for appraisal.

(a) The appraisal [ statement ] shall [ adhere to the following form: ] be signed by the appraiser before the appraisal is submitted to the insurer, the consumer or another involved party.

[ (1) An appraisal shall state the name of the insurance company, the insurance file number, the number of the appraiser's license and the proper identification number of the vehicle being inspected.

(2) An appraisal shall be signed by the appraiser before the appraisal is submitted to the insurer, the consumer or any other involved party.

(3) An appraisal may not make use of abbreviations or symbols to describe work to be done or parts to be repaired or replaced unless an explanation of the abbreviations and symbols is included. ]

(b) [ The appraisal statement ] In addition to the requirements in the act, the appraisal shall contain a written disclosure which includes the following:

(1) The dollar amount of the appraisal.

(2) A statement that excess costs above the appraised amount may be the responsibility of the vehicle owner.

(3) A statement that there is no requirement to use any specific repair shop. The appraiser may provide the consumer with the names of at least two repair shops able to perform the repair in accordance with the appraisal.

[ Items ] (4) A description of repairs necessary to return the vehicle to its predamaged condition [ prior to the damage in question ], including [ , but not necessarily limited to ] labor involved [ ; ], cost of all parts, necessary painting or refinishing, and all sublet

work to be done. [ Furthermore, there shall be a specification of charges relating to towing, protective care, custody, storage, depreciation, including but not limited to new battery and tire replacement, applicable sales tax payable on the total dollar amount of the appraisal, and all other matters incidental to repair of the incurred damage. ] If there is a dispute regarding the cost of repairs to an insured's vehicle, the insured or the insurer may seek resolution through the invocation of the appraisal clause provision or other similar provision which provides a process for dispute resolution in the policy contract.

[ (2) A clear indication of the cost or dollar amount value of all specified items.

(3) A clear indication of unrelated or old damage.

(4) If there is a date after which an insurer will not be responsible for a related towing services or storage charges, or both, and after which the charges will be the responsibility of the consumer, the appraisal shall clearly indicate that date. ]

(5) Incidental charges including towing, protective care, custody, storage, battery and tire replacement.

(6) Applicable Sales Tax payable on the total dollar amount of the appraisal.

(7) The date, if any, after which an insurer will not be responsible for related towing services or storage charges and after which the charges will be the responsibility of the consumer.

(8) The location where the listed parts are available in a condition equivalent to, or better than, the condition of the replaced parts prior to the accident.

(9) If the appraisal includes Non-OEM aftermarket crash parts, a statement that the appraisal has been prepared based on the use of aftermarket crash parts supplied by a source other than the manufacturer of the motor vehicle, and that if the use of an aftermarket crash part voids the warranty on the original part, the aftermarket crash part shall have a warranty equal to or better than the warranty on the original part.

(c) [ In the specification of new or used parts, the following standards shall be used for the appraisal statement:

(1) The operational safety of the motor vehicle shall be paramount especially when the parts involved pertain to the drive train, steering gear, suspension units, brake system or tires.

(2) If used parts are specified in the appraisal, the appraiser shall have certain knowledge of one or more relatively convenient locations where the particular used parts are actually and reasonably available in usable condition equivalent to or better than the condition of the damaged parts prior to the accident. The appraiser shall specify the locations where such used parts are in fact available.

(d) ] (c) In the appraisal of salvage value, the following [ standards ] standard shall be used:

(1) If the salvage value of the vehicle being appraised is known or could reasonably be [ found out ] deter-

mined, the appraiser shall **[inform]** advise the consumer **in writing** of the salvage value and additional charges for towing services or storage chargeable against the motor vehicle as of the date of the appraisal.

(2) **[For a]** If the salvage value is listed, the appraiser shall **[inform]** advise the consumer **in writing** of the name and address of **each** salvage **[buyer]** bidder, and the amount and expiration date of each salvage bid known.

(3) If the ownership and possession of the damaged motor vehicle is not retained by the owner or **[his]** the owner's representative, this subsection dealing with salvage value **[need not be complied with]** is inapplicable.

**[e]** The following standards shall be used regarding the betterment of the vehicle:

(1) **[d]** An appraisal for the repair of the motor vehicle **[will]** shall be made in the amount necessary to return the motor vehicle to its **[same condition just prior to the damage in question being incurred]**.

(2) **[predamaged condition]**. If the consumer **[is insistent upon]** requests the use of **[new]** parts **[rather than repair]** other than those listed on the appraisal, or otherwise wishes to repair the motor vehicle to a condition better than that existing prior to the damage incurred, the appraisal need only specify the cost of repairing the vehicle to its **predamaged condition [just prior to the time the damage was incurred]**.

**[f]** The following standards shall be used to determine replacement value under policy provisions covering the total loss of a motor vehicle including an uncovered motor vehicle:

(1) If the costs of repair of a motor vehicle exceed its appraised value, less salvage value or the motor vehicle cannot be satisfactorily or reasonably repaired to its condition just prior to the damage in question being incurred, the appraised value of the loss shall be the replacement value of the motor vehicle.

(2) The replacement value of a motor vehicle shall be calculated by use of the one of the following methods: ]

(e) The appraised value of the loss shall be the replacement value of the motor vehicle if the cost of repairing a motor vehicle exceeds its appraised value less salvage value, or the motor vehicle cannot be satisfactorily or reasonably repaired to its condition just prior to the damage in question being incurred.

(1) Under this subsection, replacement value under the policy provisions covering the total loss of a motor vehicle including an unrecovered motor vehicle shall be determined by one of the following methods:

(i) *Guide source method.* The appraiser shall calculate the average of two figures reflecting the retail book value of a vehicle of like kind and condition, as **[stated in the corrected edition of the Red Book (National Market Reports, Inc., Circulation Department, 300 West Adams Street, Chicago, Illinois 60606, telephone (800) 671-9907), the NADA Book (Subscription Department, P. O. Box 7800, Costa Mesa, California**

**92628, telephone (800) 622-6232), or any similar source of information]** provided by guide sources approved by the Commissioner. A listing of approved guide sources shall be published once a year in the *Pennsylvania Bulletin*. The appraised value shall be adjusted for equipment and mileage, less the cost of repair of damage which preexisted the accident in question. **[There may be no]** No other deductions may be taken except for salvage and then only if the owner elects to retain the vehicle.

(ii) *Actual cost method.* The appraiser shall determine the actual cost of purchase of an available motor vehicle of like kind and quality in condition similar to or better than the motor vehicle being appraised just prior to the damage in question being incurred. **The appraiser shall specify, in writing, the location of the vehicle of like kind and quality.**

**[3]** **(2)** If the motor vehicle is listed in **[any]** at least two **[of the sources authorized by paragraph (2)(i), including older car publications]** guide sources approved by the Commissioner, the replacement value shall be calculated by the guide source method or by the actual cost method, as described in paragraph **[(2)] (1)(i) and (ii)**. If the actual cost method is used, and the owner of the damaged vehicle shows that the replacement vehicle is not of the same kind and quality, both calculations referenced in this paragraph shall be made, and the higher of the values obtained shall be offered in settlement.

**[4]** **(3)** If the motor vehicle is not listed in **[any]** at least two of the sources authorized by paragraph **[(2)] (1)(i), [including older car publications,]** or if the vehicle differs materially from the average vehicle because of factors not considered in the guide sources, for example, antique or classic cars, vehicles no longer manufactured and unique vehicles, the replacement value shall be calculated by the actual cost method or by the dealer quotation method, as described in paragraph **[(2)] (1)(i) and (ii)**. If the dealer quotation method is used, both calculations referenced in this paragraph shall be made, and the higher of the values obtained shall be offered in settlement.

**[5]** **(4)** \*\*\*

**[6]** **(5)** The licensed appraiser's **[Total Loss Evaluation Report]** total loss evaluation report shall contain the names and addresses of those persons from whom quotations were secured, the date secured, and whether or not a similar vehicle was available.

**[7]** **(6)** The licensed appraiser's file shall show the method used to determine the **[more accurate]** replacement value in a given locality.

**(8) A** **(7)** The appraiser is responsible for ensuring that a copy of the total loss evaluation **[sheet]** report be **[given]** sent within 5 working days to the consumer by the appraiser **[or by the insurer within 5 working days]** after the appraisal is completed. If **[an offer of settlement]** a settlement offer is **[made]** extended before the consumer receives the total loss evaluation **[sheet]** report, the consumer shall be **[verbally]** advised of the total loss evaluation report's contents **[thereof]** and of **[his]** the consumer's right to receive a copy within 5 days after its completion.

[ (g) The general standards of behavior of an appraiser ] (f) In addition to the requirements in section 11 of the act (63 P. S. § 861), an appraiser shall [ include the following ]:

(1) [ Conduct to inspire public confidence by fair and honorable dealings.

(2) Appraisals of damaged property done without prejudice against, or favoritism toward, any party involved.

(3) Disregard of attempts of others to influence his judgment in the interest of the parties involved.

(4) Preparation of an independent appraisal of damage.

(5) Inspection of a vehicle within 6 working days of assignment to the appraiser unless intervening circumstances (for example catastrophe, death, and failure of the parties to cooperate) render the inspection impossible.

(6) An appraiser may not receive directly or indirectly a gratuity or other consideration in connection with his appraisal services from a person except his employer or, if self-employed, his customer.

(7) An appraiser may not traffic in automobile salvage if the salvage is obtained as a result of appraisal services rendered by him for his own benefit.

(8) An appraiser or his employer may not recommend or require that repairs be made at a particular place or by a particular individual.

(9) An appraiser may not have ] Not have a direct or indirect conflict of interest in the making of an appraisal. This chapter and the act, and this section in particular, shall be strictly interpreted to protect the interest of the consumer and place the burden upon the appraiser to [ fully ] eliminate conflict of interest in the making of an appraisal. [ Unless as otherwise specified in this chapter or act, a licensed appraiser may not attempt to directly or indirectly coerce, persuade, induce or advise the consumer that appraised motor vehicle physical damage must be, should be or could be repaired at a particular location or by a particular individual or business.

(10) Before an appraiser authorizes ] (2) Obtain the consent of the consumer before authorizing the removal of a motor vehicle from one location to another[, the consent of the consumer shall be obtained ].

(i) The [ need for ] consent of the consumer may not be necessary for initial removal of the motor vehicle from the scene of an accident.

(ii) An appraiser authorizing removal of a motor vehicle to a salvage yard shall inform the [ salvor ] salvager in writing that possession is merely for safe-keeping purposes and that the [ salvor ] salvager does not have an ownership right to the motor vehicle, its parts or accessories, until a certificate of title is received indicating that ownership has been transferred.

[ (11) Personal inspection of damaged property by the appraiser is required as follows:

(i) An appraiser may not secure or use repair estimates that have been obtained by the use of photographs, telephone calls or in a manner other than personal inspection.

(ii) If a damaged motor vehicle is in the custody of a repair shop, an appraiser may not take photographs of the damaged motor vehicle until after a legible copy of his appraisal is left with the repair shop although the appraisal may contain certain open items.

(12) The responsibility of the appraiser shall include delivery and explanation of the appraisal as follows:

(i) The appraiser shall provide a legible copy of the appraisal to the consumer

(ii) At the request of an involved party or as is otherwise necessary, the appraiser shall leave a copy of the appraisal with the selected repair shop. The appraiser shall discuss ]

(3) Discuss the appraisal with [ the selected ] an authorized representative of the repair shop [ owner its authorized representative ] which shop is selected by the consumer or any other [ parties ] party as is reasonably necessary to [ insure ] demonstrate that the actual costs of repairs are adequately covered in the appraisal.

[ (iii) Upon the unsolicited request of the consumer, an appraiser shall provide names and addresses of auto body shops, garages or repair shops within a reasonable distance of where the motor vehicle is located and where work will be done in accord with the written appraisal.

(13) An appraiser shall promptly reinspect damaged vehicles prior to the repairs in question: when supplementary allowances are requested by repair shops or when the amount or extent of damages is in dispute, or both.

(14) A provision of the act or this chapter may not be construed as intended to prohibit or limit the subsequent appraisal or reappraisal of damage by different licensed appraisers, if such is desired by any of the involved parties. ]

(g) The penalties for violating the act and its regulations thereunder are set forth in sections 5, 6, 7 and 9 of the act.

§ 62.4. [ Sanctions for violation ] (Reserved).

[ (a) The Commissioner may deny initial issuance of, suspend, revoke or refuse to renew any appraiser's license for any cause specified in the act, or this chapter, or for any of the following causes:

(1) For any cause for which issuance of the license could have been refused had it been existent and been known to the Commissioner.

(2) If the licensee willfully violates, or fails to comply with or knowingly participates in the violation of or failure to comply with the act, or this chapter or another rule or regulation promulgated thereunder.

(3) If the licensee has obtained or attempted to obtain a license through willful misrepresentation or fraud, or has failed to pass any examination required under this act.

(4) If the licensee has, with intent to deceive, materially misrepresented the terms or effect of an insurance contract; or has engaged or is about to engage in a fraudulent transaction.

(5) If the licensee has been convicted, by final judgment, of a felony.

(6) If in the conduct of his affairs under the license, the licensee has shown himself to be, and is so deemed by the Commissioner, incompetent or untrustworthy, or a source of injury and loss to the public.

(b) Every order suspending a license shall specify the period during which suspension will be effective, which may in no event exceed 12 months.

(c) The holder of any license which has been revoked or suspended shall immediately surrender the license to the Commissioner at his request.

(d) The Commissioner may not reinstate the license or relicense a licensee or former licensee whose license has been suspended, revoked or renewal refused while the cause for the suspension, revocation or refusal of the license persists.

(e) Except as otherwise provided in the act, actions of the Commissioner shall be taken subject to the right of notice, hearing and adjudication, and the right to appeal therefrom as provided by law.

(f) The license of an individual found in violation of this chapter or the act may be suspended or revoked by the Commissioner. In addition, a person who violates this chapter or the act may be guilty of a misdemeanor and upon conviction thereof, for each offense, may be sentenced to pay a fine not exceeding \$500, or to undergo imprisonment not exceeding 1 year, or both. ]

[Pa.B. Doc. No. 99-186. Filed for public inspection February 5, 1999, 9:00 a.m.]

## STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

[49 PA. CODE CH. 39]

### Continuing Professional Education

The State Board of Examiners of Nursing Home Administrators (Board) proposes to amend its regulations in §§ 39.1, 39.11, 39.14, 39.41, 39.43, 39.51—39.61 and 39.72, to delete §§ 39.31 and 39.32, 39.42 and 39.62—39.64 and to add §§ 39.44 and 39.65, as set forth in Annex A. The proposed amendments relate to continuing education requirements.

#### A. Effective Date

The proposed amendments would be effective upon publication of the final-form regulations in the *Pennsylvania Bulletin*. The continuing education requirement will apply to the 2001—2003 biennial renewal.

#### B. Statutory Authority

The Board has authority to adopt regulations pertaining to continuing education under section 9(b) of the Nursing Home Administrators License Act (act) (63 P. S. § 1109(b)).

#### C. Background and Purpose

Section 9(b) of the act (63 P. S. § 1109(b)), requires licensees to complete continuing education as a condition of biennial renewal. Current §§ 39.31—39.64 of the Board's regulations establish the parameter of the continuing education requirement. The proposed amendments clarify, update and expand on those provisions.

#### D. Description of Amendments

##### Substantive amendments

##### 1. Program preapproval.

Section 39.41 (relating to provider registration) of the current regulations requires continuing education providers to be preapproved by the Board. Individual programs, however, do not require preapproval under current § 39.52(b). Rather, after the program is offered or completed, licensees file individual applications with the Board, under § 39.64, seeking program approval. If the Board believes that the program satisfies its qualifications, approval will be granted. If the Board does not believe the program satisfies its qualifications, the licensee will not receive any credit and will be required to obtain additional continuing education.

As proposed, the Board's continuing education regulations would be amended to require preapproval of all programs. The Board believes that preapproval will be of assistance to licensees since they would know in advance that the program has been approved and the number of hours granted. In order to assure that the preapproval process would not burden providers, proposed § 39.52(b) would be amended to reduce the program application submission date from 90 days to 60 days. Programs limited to significant changes in State or Federal law or regulations which will be implemented within 60 days of their publications need only be submitted to the Board for approval within 30 days of their presentation.

In addition to reducing the time for seeking program approval, the proposed amendments would also reduce the paperwork requirements on providers. Under proposed § 39.43 (relating to standards for provider approval), prospective providers would no longer need to inform the Board of the provider's area of expertise, the adequacy of the facilities, qualifications, reputation and character of the instructors and appropriateness of the educational materials on the provider applications.

The proposed amendments would also eliminate the restrictions on providers by deleting current § 39.42 which identifies categories of providers.

The proposed amendments would also eliminate the individual program application fee in current section 39.72.

##### 2. Clock hour and reporting requirements.

Proposed § 39.61 consolidates and refines the requirements in current §§ 39.61—39.64. Under proposed subsection (b), licensees may complete the 48 clock hours per biennium in lecture or computer interactive courses approved by the National Association of Boards of Examiners of Long-Term Care Administrators (NAB) or the Board, college or university courses, including distance learning, individual study, serving as an instructor or author of a book, article or continuing education program.

Under the proposed amendments, current § 39.61(b)(2)(i)—(iv), regarding community, professional and health-care activities, would be eliminated. The Board believes that while these activities are worthwhile to the community and the licensee, they do not constitute

education or learning which contributes directly to the professional competence of nursing home administrators

Current §§ 39.61(b)(2)(vi)—(vii), 39.63 and 39.64, regarding home study, individual study, or serving as an instructor or author, would be consolidated into § 39.61(b)(3). Proposed subsection (b)(3)(ii) expands the publication credit for licensees. Under the current regulation, authors may only obtain 3 clock hours per article. Under this provision, up to 12 clock hours may be awarded based on the complexity of the subject matter or work. In exceptional circumstances, where an article is published in a refereed journal, a licensee may be awarded up to 24 clock hours.

Proposed subsection (b)(3)(ii) also expands the credit available for instructors. Under the current regulation, licensees are capped at 3 clock hours. Under the proposed regulation, instructors may earn 1 clock hour for each hour of participation up to 12 clock hours.

Proposed subsections (c) and (e) would set forth the exceptions to the credit hour requirement codifying current Board policy. A licensee who obtains a license after the biennial period begins would only need to complete 24 clock hours, of which 12 must be taken in NAB or Board-approved programs. Under new subsection (e) licensees who cannot meet the continuing education requirement due to illness, emergency or hardship would be able to seek a waiver from the Board.

New subsection (d) clarifies that licensees whose license is suspended would not be exempt from the continuing education requirement. New subsection (f) clarifies that licensees will not receive credit for repeating a program in the same renewal period unless the subject matter has substantially changed during that period.

New § 39.65 would describe the reporting requirements. Licensees would be required to certify that they have met the continuing education requirements on their application for biennial renewal. Documentation, listed in subsection (b), which would evidence completion of the continuing education requirement, would only have to be provided to the Board upon request. Licensees would be responsible for maintaining a copy of the documentation for 4 years. Failure to provide documentation when requested or falsification of the requested information would constitute a violation of the act and could result in disciplinary action.

### 3. Subject matter.

Under the current regulations, licensees must complete their continuing education hours in the subjects listed in §§ 39.7 and 39.14. Current § 39.14 repeats the approved subject areas in both subsections (a) and (b). In the proposed amendments, § 39.14 would be amended to delete the redundant reference in subsection (b). In addition, subsection (b)(2) has been amended to clarify that the appropriate subject areas must be appropriate to long-term care. The reference to § 39.7 has also been deleted in proposed § 39.51(a) as unnecessary.

Current section 39.51(b) would be amended to codify current Board policy that two types of programs, while capable of being in the subject areas listed in § 39.14, are not deemed acceptable to the Board: inservice programs which are not open to any licensee and programs limited to the organization and operation of the employer. The Board believes that these programs are designed to enhance job performance rather than improve clinical competency.

### 4. Provider responsibilities.

New § 39.44 would delineate provider responsibilities ranging from the disclosure obligations prior to presenting a program to verification requirements following the presentation of the program.

#### *Technical amendments*

Section 39.1 would be amended to add definitions of "continuing education certificate," "clock hour," "individual study" and "NAB."

The amendments to § 39.11 would clarify that licensees shall complete 48 clock hours of continuing education during the preceding renewal period as a condition of biennial renewal. In addition, subsection (e) would clarify that licensees whose licenses have expired shall not only submit the required late fee, if they have practiced during the preceding renewal period, or a verification of nonpractice, if they have not practiced during the preceding renewal period, but also shall provide documentation evidencing the satisfactory completion of the continuing education requirement for the preceding biennial period. This requirement is in lieu of the personal hearing previously required in current subsection (f).

Current §§ 39.13 and 39.32 are being deleted as unnecessary or redundant. Relevant subsections have been reinserted where appropriate.

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

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed amendments the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the professions, educational institutions and interested individuals.

#### F. *Fiscal Impact and Paperwork Requirements*

1. Commonwealth—There is no fiscal impact associated with this proposal. Current regulations require the Board to assure compliance with the continuing education requirement before renewing a license. The costs associated with the regulations, including an audit, are borne by the general licensee population through biennial renewal fees which generate revenue for all Board activities. Additional paperwork will be incurred by the Board to amend renewal application forms.

2. Political subdivisions—There will be no adverse fiscal impact or paperwork requirements imposed.

3. Private sector—There will be no adverse fiscal impact or paperwork requirements imposed.

#### G. *Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 27, 1999, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee (Committees). 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 in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Robert G. Cameron, Counsel, State Board of Examiners of Nursing Home Administrators, 116 Pine Street, Post Office Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-623 (Continuing Education), when submitting comments.

ROBERT H. MORROW,  
Chairperson

**Fiscal Note:** 16A-623. No fiscal impact; (8) recommends adoption.

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 39. STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

GENERAL

§ 39.1. Definitions.

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

\* \* \* \* \*

**Continuing education record**—A document issued by the provider to the participant which contains the title of the program, the hours of education and the dates attended or completed.

**Clock hour**—A minimum unit of education consisting of 60 minutes of instruction. Programs longer than 60 minutes will be credited in 30 minute increments.

\* \* \* \* \*

**Individual study**—A continuing education course which does not have an instructor or other interactive learning methodologies and which requires a passing grade on a written examination or workbook.

\* \* \* \* \*

**NAB**—The National Association of Boards of Examiners of Long-Term Care Administrators.

\* \* \* \* \*

§ 39.11. [Registration] Biennial renewal.

(a) [Certificate of registration for nursing home administrators are required to be renewed] Licenses are renewable each biennium, [2 years,] in the even-numbered years.

(b) Applications for [a new certificate of registration shall] renewal will be forwarded [biennially] to each active [registrant] licensee at the licensee's address of record with the Board prior to the expiration [date] of the current [biennium certification of registration] biennial period. [However, if for any reason the renewal application is not received, the licensee is obligated to make inquiry of the Board.]

(c) [Upon making application for a new certificate, the applicant] As a condition of biennial renewal, licensees shall [submit evidence satisfactory to the Board that] complete 48 clock hours of continuing education during the preceding biennial period [immediately preceding the application for registration, he has attended a Board approved continuation education program or course of study of not less than 24 clock hours] as required in § 39.61 (relating to requirements).

(d) Renewal [application forms] applications shall be completed and returned to the Board office accompanied by the required renewal fee. Upon approval of each application, the applicant shall receive a certificate of registration for the current renewal period.

(e) An application for the renewal of a license which has expired shall be accompanied by a late fee, [as determined by the Board in addition to] or a verification of nonpractice, the [prescribed] renewal fee and documentation evidencing the satisfactory completion of the continuing education requirement for the preceding biennial period.

[ (f) The Board may require a personal hearing and representation of satisfactory proof of compliance with section 9(e) of the act (63 P. S. § 1109(e)) before issuing a certificate of registration to a licensee whose certificate of registration has expired for the reasons therein contained. ]

§ 39.14. Approval of programs of study.

(a) A program of study designated to [train] educate and qualify an applicant for licensure as a nursing home administrator [as required by the act and this chapter] offered by an accredited university or college shall be deemed acceptable and approved for the purpose, if the program:

(1) [The program has been] Is registered with the Board.

(2) [The program includes] Includes a minimum of 7 1/2 [contact] clock hours [or their equivalent], in [each of] the following subject areas, appropriate to long-term care:

(i) [General administration] Administration, organization and management [in nursing homes].

\* \* \* \* \*

(iii) The role of government in health policy[, ] and regulation [and reimbursement].

\* \* \* \* \*

(vi) [Third-party] Government and third-party reimbursement.

(vii) Preparing for licensure/certification/accreditation surveys and meeting other regulatory requirements.

\* \* \* \* \*

(ix) The nursing department and [patient] resident care management.

\* \* \* \* \*

(xiii) Dietary department and [patient] resident nutrition.

(xiv) Social services, family and community relationships and [ patient ] resident rights.

\* \* \* \* \*

(b) [ A program of study designed and offered by an association, professional society or organization other than an accredited college or university to meet the requirements and qualifications for biennial registration shall be approved by the Board if:

(1) The program has been registered with the Board. The following general subject areas or their equivalents will be considered by the Board for approval for continuing educational hours:

(i) General administration, organization and management in nursing homes.

(ii) Gerontology, diseases of aging, death and dying.

(iii) The role of government in health policy, regulation and reimbursement.

(iv) Fiscal management, budgeting and accounting.

(v) Personnel management and labor relations.

(vi) Third-party reimbursement.

(vii) Preparing for licensure/certification surveys and meeting other regulatory requirements.

(viii) Understanding regulations, deficiencies, plans of correction and quality assurance.

(ix) The nursing department and patient care management.

(x) Rehabilitation services and special care services.

(xi) Health support services: pharmacy, medical records and diagnostic services.

(xii) Facility support services: building/grounds, housekeeping, laundry and central supply.

(xiii) Dietary department and patient nutrition.

(xiv) Social services, family and community relationships and patient rights.

(xv) Risk management, safety and insurance.

(xvi) Strategic planning, marketing and public relations.

(2) The program of study has been submitted to the Board for approval prior to announcement or publication, at least 2 months prior to the anticipated registration of students.

(c) ] Upon completion of an approved program of study, the sponsors of the program shall issue certificates of attendance or other evidence of attendance satisfactory to the Board.

**CONTINUING EDUCATION FOR NURSING HOME ADMINISTRATORS**

§ 39.31. [ Purpose ] (Reserved).

[ (a) The Board believes the mandate of continuing education for relicensure of nursing home administrators constitutes a major responsibility of the Board in relation to approval of educational programs. The almost overwhelming growth of the health-care field, with a great proportion of this growth affecting the aging population and long-term facilities, demands that those individuals who

assume a leadership role in this area of health-care be knowledgeable in subject matter and skilled in performance. To be effective, this knowledge shall be current and transferable to permit the individual to function in the total sphere of the health-care system.

(b) The Board believes that a formal educational setting which is staffed and equipped to offer health and other related educational programs is the preferred setting to accomplish these objectives and that the pattern established at this time will greatly determine the future course of professionalism of the nursing home administrator. ]

§ 39.32. [ Guidelines ] (Reserved).

[ The following guidelines are to be used to help insure that the educational program is a meaningful, educational experience:

(1) The program should provide a clear statement of its educational objectives.

(2) The program should selectively utilize the faculty format and educational modalities best suited to the topic.

(3) The program should conclude with an evaluation to determine if the educational objectives have been accomplished. ]

**APPROVAL PROCESS—PROVIDERS**

§ 39.41. Provider registration.

[ (a) An agency, organization, institution or center ] Anyone seeking to offer [ an organized ] a program for continuing education [ may apply to the Board as a provider.

(b) Providers seeking Board approval of continuing education programs ] shall [ complete and submit an application ]:

(1) Apply for approval as a provider [ of continuing education. The application shall be submitted to ] on forms provided by the Board [ for approval or rejection.

(c) Statements made in the application shall be sworn to be true and correct to the best of the provider's information, knowledge and belief.

(d) Upon approval of a qualified provider, a provider number will be assigned.

(e) Each provider shall indicate the area of expertise on the provider application form supplied by the Board. Programs will be approved only in that area of expertise. A change in the area of expertise shall be recorded and communicated to the Board within 60 days of that change.

(f) Each approved provider shall request reregistration each biennium and each application for reregistration shall be accompanied by a statement

(g) Applications for initial registration and future reregistration will be sent on request. ]

(2) File the application at least 60 days prior to the first scheduled date of the program.

(3) Register biennially outlining major changes in the information previously submitted.

§ 39.42. [ Provider categories ] (Reserved).

[ Categories of providers shall include:

- (1) Academic institutions properly accredited by regional or Pennsylvania Educational Authorities.
- (2) Health-care or professional organizations.
- (3) Government agencies.
- (4) Private recognized institutions or centers. ]

§ 39.43. Standards for [ providers ] provider approval.

[ (a) Prior to approval each provider ] Prospective providers shall document the following on their applications:

- (1) [ Establish a ] The mechanism measuring the quality of the program being offered.
- (2) [ Establish ] The criteria for selecting and evaluating faculty instructors, subject matter and instructional materials.
- (3) [ Establish ] The criteria for [ the evaluation of ] evaluating each program [ upon completion ] to determine its effectiveness.

[ (b) The provider shall provide adequate facilities and appropriate instructional materials to carry out continuing education programs.

(c) The provider shall ensure that the instructors have suitable qualifications and are of good reputation and character.

(d) After the completion of each program, the provider shall submit to the Board a roster of those persons completing the program.

(e) The provider shall comply with this section, §§ 39.41, 39.42 and 39.51—39.54 as a sponsoring agency for continuing education of nursing home administrators. ]

(4) A clear statement of educational objectives.

(5) The subjects in which proposed programs will be offered.

§ 39.44. Provider responsibilities.

For each program, providers shall:

- (1) Disclose the objectives, content, teaching method and number of clock hours in advance to prospective participants.
- (2) Open each program to licensees.
- (3) Provide adequate physical facilities for the number of anticipated participants and the teaching methods to be used.
- (4) Provide accurate instructional materials.
- (5) Employ qualified instructors who are knowledgeable in the subject matter.
- (6) Evaluate the program through the use of questionnaires of the participants and instructors.
- (7) Issue continuing education records.
- (8) Retain attendance records, written outlines and a summary of evaluations for a 5-year period.

APPROVAL PROCESS—PROGRAMS

§ 39.51. Standards for continuing education programs.

(a) [ The subject material for continuing education shall be within the course subject areas ] A program shall consist of the subjects listed in §[ § 39.7 and ] 39.14(a)(2 (relating to [ subject matter for examinations; and ] approval of programs of study). [ In addition, providers will be limited to present programs within their area of expertise as indicated on the provider application. ]

(b) The [ content, length and instruction of programs to be approved by the Board shall be consistent in quality with the standards deemed acceptable to the Board and shall be of value in developing skills in long-term or related health-care administrations. ] The Board does not deem the following programs acceptable:

[ (c) ] (1) Inservice programs [ will not be approved for continuing education credits.

(d) A number system code for approved programs will be established by the Board.

(e) Each program will do the following:

(1) Be subject to onsite review of the program being presented.

(2) Establish a mechanism measuring the quality of the program.

(3) Establish criteria for selecting and evaluating the faculty.

(4) Establish criteria for evaluation of each program upon completion ] which are not open to licensees.

(2) Programs limited to the organization and operation of the employer.

§ 39.52. [ Application for program approval ] Program registration.

(a) All programs require preapproval.

[ (a) ] (b) [ Each approval provider shall submit a properly documented ] An application for program approval shall be submitted at least [ 90 ] 60 days before the scheduled starting date. The Board may consider an application submitted within 30 days if the program is limited to significant changes in State or Federal law or regulations which will be implemented within 60 days of their publication.

[ (b) With the exception of programs listed under §§ 39.62 and 39.64 (relating to college or university courses; and individual programs) only program applications submitted by approved providers will be considered by the Board. ]

(c) The provider number [ of the program sponsor ] shall appear on the program application.

(d) [ Subject material shall be within the course subject areas as listed in §§ 39.7 and 39.14 (relating to subject matter for examinations; and approval of programs of study).

(e) Disapproval will include a statement setting forth reasons. Applicants may submit new applications within 10 days after receipt of disapproval.

**New applications shall document alterations in program to meet Board requirements. Notification will occur as soon as possible within the Board's capability on action taken on new applications.**

**(f) [ Application ] applicant** for program approval shall **[ contain ] provide** the following information:

(1) **[ Full ] The full name and address of the eligible provider.**

(2) **[ Title ] The title of the program.**

(3) **[ Dates ] The dates and location of the program.**

(4) Faculty names, **[ titles, affiliations and degrees ] and biographical sketches, including curriculum vitae.**

(5) **[ Schedule ] A schedule of program—title of subject, lecturer, time allotted and the like.**

(6) **[ Total ] The total number of [ credit ] clock hours requested.**

(7) **[ Attendance ] An attendance certification method.**

(8) **[ Provider ] A provider number.**

(9) **[ Provider category.**

**(10) ] Objectives.**

**[ (11) Admission requirements. ]**

**[ (12) ] (10) Core subjects.**

**[ (13) Program ] (11) The program coordinator.**

**[ (14) Instruction and evaluation methods. ]**

**[ (g) ] (e) A program number will be issued on approval of program.**

§ 39.53. **[ Issuance of program number; revocation ] Revocation or suspension of approval.**

(a) **[ Once a program has been reviewed and approved by the Board, a program number will be assigned.**

(b) **[ A provider may not indicate in any manner that approval has been granted [ as a provider or for a program unless a provider number or program number ] until notification has been [ issued ] received from the Board.**

**[ (c) ] (b) \* \* \***

§ 39.54. **Review.**

(a) **[ The Continuing Education Committee of the Board will review provider applications and continuing education program applications submitted. The Committee will make recommendations to the Board for approval or rejection of the applications. Reasons for rejection will be communicated in writing. No member of the Committee will participate in the review of an application in which they have a vested interest.**

(b) **[ Approved providers shall be subject to onsite and onsite review of the program being presented by representatives of the Board.**

**[ (c) ] (b) Ongoing review of a provider will be on a selected basis subject to the physical presence of Board members or appointed representatives selected by the Board to evaluate program content, relevancy and acceptability.**

#### **[ CREDIT ] CLOCK HOURS REQUIREMENT**

##### **§ 39.61. Requirements.**

(a) **[ Continuing education consisting of ] A licensee shall complete at least 48 clock hours [ per biennium shall be required for each licensee ] during the preceding biennial period.**

(b) Of the 48 hours required, the following applies:

(1) **[ Twenty-four hours as a minimum ] At least 24 hours shall be [ earned by attendance at educational seminars which provide a program previously approved by the Board. Programs presented by seminars shall consist of core subjects listed in §§ 39.7 and 39.14 (relating to subject matter for examinations; and approval of programs of study) ] taken in lecture or computer interactive courses approved by NAB or the Board.**

(2) **[ A licensee may earn a total of 12 credit hours by actively participating in community, professional and health-care activities. Examples follow:**

(i) **Serving as an elected officer of a health-care-related association or organization recognized by the Board and requiring attendance and participation at all yearly meetings may earn one credit hour per meeting.**

(ii) **Serving on committees, boards, advisory groups and the like of a health-care-related organization recognized by the Board—including government appointment—may earn one credit hour per meeting.**

(iii) **Attending and participating in the annual business meeting of recognized organizations irrespective of holding office or committee membership may earn one credit hour per meeting.**

(iv) **Actively participating as an officer or committee member in voluntary community health-care-related organizations that are recognized by the Board may earn two credit hours per meeting. ]**

**Up to 24 clock hours may be taken through college or university courses, including distance learning.**

(3) **A maximum of 12 clock hours may be taken in any of the following categories:**

(i) **Individual study.**

**[ (v) Publication of professional ] (ii) Authoring an article on long-term care. Authors whose articles [ relating to nursing home administration ] are published in professional journals may earn [ three credit ] 3 clock hours per article. Additional credit, up to 12 of the required hours may be awarded based on the complexity of the subject matter or work. In exceptional circumstances, if an article is published in a refereed journal, a licensee may be awarded up to 24 clock hours.**

**[ (iv) Participation as lecturer in ] (iii) Serving as an instructor of a continuing education program or a college or university course. Instructors may earn**

[ three credit hours per presentation ] clock hour for each hour of instruction up to 12 clock hours.

(c) A licensee who obtains a license after the biennial period begins shall complete only 24 clock hours, of which 12 clock hours shall be taken in NAB or Board approved programs.

(d) A licensee suspended for disciplinary reasons is not exempt from the continuing education requirements in subsection (a).

(e) A licensee who cannot meet the continuing education requirement due to illness, emergency or hardship may apply to the Board in writing prior to the end of the renewal period for a waiver. The request shall explain why compliance is impossible, and include appropriate documentation. Waiver requests will be evaluated by the Board on a case-by-case basis.

(f) A licensee will not be credited for repeating a program in the same renewal period unless the subject matter has substantially changed during that period.

§ 39.62. [ College or university courses ] (Reserved).

[ (a) Credit will be given only for hours actually spent in the classroom, with no more than 24 hours of continuing education credits granted by the Board in any biennium for courses obtained in an accredited university or college.

(b) The requests for credits shall be submitted in an application for program approval and assigned a number if approved. Prior approval of the program will not be required. Programs presented by college or university shall consist of core subjects listed in §§ 39.7 and 39.14 (relating to subject matter for examinations; and approval of programs of study). ]

§ 39.63. [ Home study courses ] (Reserved).

[ No more than 18 hours of continuing education credits will be granted by the Board in any biennium for home study courses. The home study courses shall have prior approval of the Board. Prior approval shall be obtained by the filing of a provider registration approval application by the provider sponsoring the course and by submission of an application for program approval as required by §§ 39.41, 39.51 and 39.54 (relating to provider registration; standards for continuing education programs; and review). ]

§ 39.64. [ Individual programs ] (Reserved).

[ Credit hours may be obtained on an individual basis for attendance at programs which have not had prior approval of the Board subject to the following:

(1) Individuals shall submit proper application for program approval as set forth in § 39.51 (relating to standards for continuing education programs).

(2) Individuals must submit supporting documentation and verify attendance.

(3) Program subject material shall meet the requirements of core subjects as set forth in § 39.7 and 39.14 (relating to subject matter for examinations; and approval of programs of study).

(4) The Board reserves the right to withhold granting credit hours for previously nonapproved individual programs until the review process in § 39.54 (relating to review) is satisfactorily completed. ]

§ 39.65. Reporting continuing education clock hours.

(a) A licensee shall provide a copy of the required documentation supporting the completion of the required hours when requested to do so by the Board.

(b) Acceptable documentation consists of:

(1) A continuing education certificate or sponsor-generated printout.

(2) A certified transcript of courses taken for credit in an accredited university or college. For noncredit courses taken, a statement of hours of attendance, signed by the instructor.

(3) Evidence of publication for published articles, books or continuing education programs.

(4) Evidence obtained from the provider of having been an instructor, including an agenda and time schedule.

(c) A licensee is responsible for documenting the continuing education requirements. Required documentation shall be maintained for 4 years after the completion of the program.

(d) Failure to comply with this section shall constitute grounds for disciplinary action under section 9(d) of the act (63 P. S. § 1109(d)).

RENEWAL

§ 39.72. Fees.

The following is the schedule of fees charged by the Board:

	* * * * *
Continuing education program application fee	
per [ credit ] clock hour.....	\$10
[ Continuing education individual program application fee.....	\$20 ]

[Pa.B. Doc. No. 99-187. Filed for public inspection February 5, 1999, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Increase for Services under the Dog Law

The Department of Agriculture hereby gives notice of an increase in the amount it will pay for services rendered by a legally constituted law enforcement agency maintaining a compound for the humane disposition of stray, unlicensed dogs apprehended running at large. Currently, this reimbursement is \$5 per dog. Effective January 1, 1999, this payment will increase to \$10 per dog.

This increase shall be paid from the current surplus in

the Dog Law Restricted Account, and is subject to the continued availability of these funds.

The increase is authorized under section 1001(b)(5) of the Dog Law (3 P. S. § 459-1001(b)(5) and the regulation at 7 Pa. Code § 25.1 (relating to general).

Further information is available through the following: Bureau of Dog Law Enforcement, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, ATTN: Richard F. Hess, Director.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-188. Filed for public inspection February 5, 1999, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 26, 1999.

#### BANKING INSTITUTIONS

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-22-99	Northern State Bank Towanda Bradford County  <i>Correspondent:</i> Nicholas Bybel, Jr., Esq. Shumaker Williams, P.C. 3425 Simpson Ferry Road Camp Hill, PA 17011	Towanda	Filed

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
1-20-99	Harleysville National Corporation, Harleysville, to acquire 100% of the voting shares of Northern Lehigh Bancorp, Inc., Slatington	Harleysville	Effective

##### Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
1-25-99	Metropolitan Savings & Loan Association of Pittsburgh Pittsburgh Allegheny County <i>To:</i> Metropolitan Savings Bank Pittsburgh Allegheny County  Application represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.	Pittsburgh	Filed

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-20-99	1st Summit Bank Johnstown Cambria County	Johnstown	Filed
	Purchase of assets/assumption of liabilities of two branch offices of Laurel Bank, Johnstown, located at: 1711 Route 286 Indiana Indiana County		
		922 N. Philadelphia Ave. Indiana Indiana County	
1-22-99	Patriot Bank, Pottstown, and First Lehigh Bank, Walnutport Surviving Institution—Patriot Bank, Pottstown	Pottstown	Effective
	All branch offices of First Lehigh Bank will become branch offices of Patriot Bank upon consummation of the merger including the former main office of First Lehigh Bank located at: 500 Main Street Walnutport Northampton County		
1-26-99	First Liberty Bank & Trust, Jermyn, and NBO National Bank, Olyphant Surviving Institution—First Liberty Bank & Trust, Jermyn	Jermyn	Approved

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-4-99	First Commonwealth Trust Company Indiana Indiana County	111 S. Main Street Greensburg Westmoreland County	Opened
1-20-99	Firsttrust Savings Bank Flourtown Montgomery County	405 Oxford Valley Road Fairless Hills Bucks County	Filed
1-21-99	The Fidelity Deposit & Discount Bank Dunmore Lackawanna County	801 Wyoming Avenue West Pittston Luzerne County	Filed
1-21-99	Main Street Bank Reading Berks County	235 Main Street Emmaus Lehigh County	Filed
1-21-99	Main Street Bank Reading Berks County	17th & Chew Streets Allentown Lehigh County	Filed
1-21-99	Main Street Bank Reading Berks County	3321 Willow Lane Macungie Lehigh County	Filed
1-21-99	Main Street Bank Reading Berks County	Lexington and South Fourth Sts. Allentown Lehigh County	Filed
1-21-99	Main Street Bank Reading Berks County	1430 Jacobsburg Road Wind Gap Northampton County	Filed
1-25-99	Twin Rivers Community Bank Easton Northampton County	2400 Schoenersville Rd. Bethlehem Hanover Township Northampton County	Approved
1-25-99	Twin Rivers Community Bank Easton Northampton County	3815 Linden Street Bethlehem Bethlehem Township Northampton County	Approved
1-25-99	Lebanon Valley Farmers Bank Lebanon Lebanon County	Northport Industrial Park Micro Drive Union Township Lebanon County	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-25-99	Lebanon Valley Farmers Bank Lebanon Lebanon County	119 W. Main Street Campbelltown S. Londonderry Twp. Lebanon County	Approved
1-26-99	Main Street Bank Reading Berks County	Route 183 & MacArthur Road Reading Berks County	Filed
1-26-99	Main Street Bank Reading Berks County	124 Main Street Phoenixville Chester County	Filed
1-26-99	Main Street Bank Reading Berks County	3719 E. Lincoln Highway Thorndale Chester County	Filed
1-26-99	Main Street Bank Reading Berks County	Cypress & Lafayette Sts. Kennett Square Chester County	Filed
1-26-99	Main Street Bank Reading Berks County	100 Exton Commons Exton Chester County	Filed
1-26-99	Main Street Bank Reading Berks County	144 E. Lancaster Ave. Devon Chester County	Filed
1-26-99	Main Street Bank Reading Berks County	102 Pennsylvania Ave. Avondale Chester County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-19-99	Fulton Bank Lancaster Lancaster County	<i>To:</i> Village at Gap Shopping Center Route 30 Gap Salisbury Township Lancaster County  <i>From:</i> 841 Route 41 Salisbury Township Lancaster County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-21-99	Three Rivers Bank and Trust Company Jefferson Borough Allegheny County	914 Narrows Run Road Coraopolis Allegheny County	Approved
1-22-99	U.S. Bank Johnstown Cambria County	101 West High Street Ebensburg Cambria County	Approved

**SAVINGS ASSOCIATIONS**

No activity.

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

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-22-99	First Capital Federal Credit Union, York and York Tracktown Employees Credit Union, York Surviving Institution—First Capital Federal Credit Union, York	York	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-21-99	UTI Employees Credit Union Collegeville Montgomery County	206 Jones Boulevard Pottstown Limerick Township Montgomery County	Opened

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 99-189. Filed for public inspection February 5, 1999, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Request for Qualified Contractors; Retention of a Surveying/Engineering Firm

#### Eastern Pennsylvania

#### Project Reference No. FDC-SUR-E2

The Department of Conservation and Natural Resources (Department) will retain a surveying firm or a surveying/engineering firm for a contract for various engineering surveys located throughout Eastern Pennsylvania. The services will encompass topographic and cross-sectional surveys of construction sites at various State Parks and/or State Forests to supply the design and engineering staff of the Bureau of Facility Design and Construction the data needed to construct or repair various buildings, roadways, bridges and other structures.

Other services may encompass surveys of new or existing State Forest or State Park boundary lines. These services shall include courthouse research of adjoining ownerships, preliminary field surveys, computation of final lines and corners, establishment or reestablishment of monuments and marking boundary.

#### General Requirements and Information

Letters of interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of surveying.

The surveying and/or engineering firm shall have the capability of providing survey crews of either two or three persons when requested by the Department. Survey crews shall report to project sites within 7 days of notification by the Department. Firms will be responsible for providing their own survey instruments, such as transits, levels, electronic distance measuring devices and all necessary support equipment. Also, all materials such as stakes, markers, field books, and the like, shall be furnished by the selected firms.

The Commonwealth of Pennsylvania encourages the submission of proposals by SERBs.

#### Additional Information and Requirements

The selected firm must gather site data sufficient to prepare drawings with contour intervals as small as 1 foot. Field data shall be gathered by use of electronic data collects. Data shall be in AutoCad format when turned over to the Department. Submission of digital point data will also be required.

Boundary work will typically be closed loop traverse with lineal accuracy of 1 foot to 5,000 feet or better and

an angular accuracy of 30 seconds (30") times the square root of the number of set-ups or 8 seconds (8") per set up, whichever is less. Courthouse research will entail gathering information on adjoining land owners sufficient to accurately locate boundary on the ground. The Commonwealth's ownership and prior survey data will be provided by the Department. Preliminary work may be subject to review by the Department. Final boundaries will be marked to Department specifications. All information on the project, including field notes, computations, survey map and research information shall be turned over to the Department at the conclusion of each project. The firm will meet with a representative of the Department at the conclusion of the project to familiarize the Department's representative with the location of the new boundary.

Prospective firms should submit the following:

1. Current revised 1994 DGS Form 150.
2. Current revised 1994 DGS Form 150-S.
3. A letter of intent indicating the firm's approach to completing the project.
4. Cost proposal.

The cost proposal shall be a single copy of the firm's hourly billing rate schedule. The schedule shall include a rate per hour for the following:

A two person survey crew fully equipped for topographic work.

A two person survey crew fully equipped for boundary work.

A three person survey crew fully equipped for topographic work.

A three person survey crew fully equipped for boundary work.

Courthouse research.

An office technician to prepare work plans and reduce field notes.

A draftsman to draw contour plans and boundary maps.

Boundary marking.

A crew chief to meet with Department engineers to discuss the actual work required or Department representative to review finished project.

Proposed rates are to include any adjustments for inflation, should the contract be extended for the full 4 years. The copy shall be in a sealed envelope clearly identified as to its contents.

Travel subsistence payment will be in accordance with the Commonwealth's Travel and Subsistence Reimbursement Rules and Regulations, as amended.

Each proposal must include the firm's Federal Identification number and the project reference number. Length

of contract will be 1 year, with a renewal option of up to 3 additional years. Proposals will be subject to review by a Technical Review Committee.

The following factors will be considered during evaluation of the firm's proposal. Maximum weights for each major criterion have been established by the Department. The subparagraphs shown within this notice are for the guidance of the readers only and are not to be assigned quantitative weight.

Criteria evaluated by the Technical Review Committee will include:

1. Professional's understanding of the problem as demonstrated in letter of interest.
2. Qualifications of firm.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in letter of interest.
5. Cost.

Proposers shall relate their proposals to the previous criteria.

Three copies of the proposal and a single sealed copy of the hourly rate schedule must be deposited with the Department of Conservation and Natural Resources, Attn: Eugene J. Comoss, Director, Bureau of Facility Design and Construction, 8th floor Rachel Carson State Office Building, Harrisburg, PA 17105-8451, prior to noon March 5, 1999. The assignment of services will be made to one of the firms responding to this notice. However, the Department reserves the right to reject all proposals submitted, cancel the solicitation requested under this notice and/or readvertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

JOHN C. OLIVER, III,  
*Secretary*

[Pa.B. Doc. No. 99-190. Filed for public inspection February 5, 1999, 9:00 a.m.]

## **Request for Qualified Contractors; Retention of a Surveying/Engineering Firm**

### **Western Pennsylvania**

#### **Project Reference No. FDC-SUR-W2**

The Department of Conservation and Natural Resources (Department) will retain a surveying firm or a surveying/engineering firm for a contract for various engineering surveys located throughout Western Pennsylvania. The services will encompass topographic and cross-sectional surveys of construction sites at various State Parks and/or State Forests to supply the design and engineering staff of the Bureau of Facility Design and Construction the data needed to construct or repair various buildings, roadways, bridges and other structures.

Other services may encompass surveys of new or existing State Forest or State Park boundary lines. These

services shall include courthouse research of adjoining ownerships, preliminary field surveys, computation of final lines and corners, establishment or reestablishment of monuments and marking boundary.

### **General Requirements and Information**

Letters of interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of surveying.

The surveying and/or engineering firm shall have the capability of providing survey crews of either two or three persons when requested by the Department. Survey crews shall report to project sites within 7 days of notification by the Department. Firms will be responsible for providing their own survey instruments, such as transits, levels, electronic distance measuring devices and all necessary support equipment. Also, all materials such as stakes, markers, field books, and the like, shall be furnished by the selected firms.

The Commonwealth of Pennsylvania encourages the submission of proposals by SERBs.

### **Additional Information and Requirements**

The selected firm must gather site data sufficient to prepare drawings with contour intervals as small as 1 foot. Field data shall be gathered by use of electronic data collectors. Data shall be in AutoCad format when turned over to the Department. Submission of digital point data will also be required.

Boundary work will typically be closed loop traverse with lineal accuracy of 1 foot to 5,000 feet or better and an angular accuracy of 30 seconds (30") times the square root of the number of set-ups or 8 seconds (8") per set up, whichever is less. Courthouse research will entail gathering information on adjoining land owners sufficient to accurately locate boundary on the ground. The Commonwealth's ownership and prior survey data will be provided by the Department. Preliminary work may be subject to review by the Department. Final boundaries will be marked to Department specifications. All information on the project, including field notes, computations, survey map and research information shall be turned over to the Department at the conclusion of each project. The firm will meet with a representative of the Department at the conclusion of the project to familiarize the Department's representative with the location of the new boundary.

Prospective firms should submit the following:

1. Current revised 1994 DGS Form 150.
2. Current revised 1994 DGS Form 150-S.
3. A letter of intent indicating the firm's approach to completing the project.
4. Cost proposal.

The cost proposal shall be a single copy of the firm's hourly billing rate schedule. The schedule shall include a rate per hour for the following:

A two person survey crew fully equipped for topographic work.

A two person survey crew fully equipped for boundary work.

A three person survey crew fully equipped for topographic work.

A three person survey crew fully equipped for boundary work.

Courthouse research.

An office technician to prepare work plans and reduce field notes.

A draftsman to draw contour plans and boundary maps.

Boundary marking.

A crew chief to meet with Department engineers to discuss the actual work required or Department representative to review finished project.

Proposed rates are to include any adjustments for inflation, should the contract be extended for the full 4 years. The copy shall be in a sealed envelope clearly identified as to its contents.

Travel subsistence payment will be in accordance with the Commonwealth's Travel and Subsistence Reimbursement Rules and Regulations, as amended.

Each proposal must include the firm's Federal Identification number and the project reference number. Length of contract will be 1 year, with a renewal option of up to 3 additional years. Proposals will be subject to review by a Technical Review Committee.

The following factors will be considered during evaluation of the firm's proposal. Maximum weights for each major criterion have been established by the Department. The subparagraphs shown within this notice are for the guidance of the readers only and are not to be assigned quantitative weight.

Criteria evaluated by the Technical Review Committee will include:

1. Professional's understanding of the problem as demonstrated in letter of interest.
2. Qualifications of firm.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in letter of interest.
5. Cost.

Proposers shall relate their proposals to the previous criteria.

Six copies of the proposal and a single sealed copy of the hourly rate schedule must be submitted to the Department of Conservation and Natural Resources, Attn: Eugene J. Comoss, Director, Bureau of Facility Design and Construction, 8th floor Rachel Carson State Office Building, Harrisburg, PA 17105-8451, prior to noon March 5, 1999. The assignment of services will be made to one of the firms responding to this notice. However, the Department reserves the right to reject all proposals submitted, cancel the solicitation requested under this notice and/or readvertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submit-

ted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

JOHN C. OLIVER, III,  
*Secretary*

[Pa.B. Doc. No. 99-191. Filed for public inspection February 5, 1999, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Guidelines for Performance Funding for Pennsylvania Schools

Incentive awards for schools that significantly improve in student achievement or effort started after the 1998 administration of the Pennsylvania System of School Assessment. The results of these tests were available at the conclusion of the 1997-98 school year, and the resultant incentive awards were made shortly thereafter. School incentive awards based on the School Performance Funding (SPF) Program were drawn from the \$10.415 million in school performance funding appropriated in the 1997-98 budget. More than 3,200 public schools were eligible to receive funds based on their performance. Individual school performance was considered in two broad categories: achievement and effort. Nine hundred ninety-five schools received awards for meaningful improvement in their 1997-98 PSSA scores and/or student attendance.

School achievement is determined by improvement on the Statewide PSSA. Each year, a school's PSSA scores are compared with the school's PSSA baseline, which is the average of its 1996 and 1997 scores. A meaningful increase, which in 1998 was determined to be at least 50 points in total points on the combined school average reading and math assessments, determines whether or not a school qualifies for a reward. The exact minimum increase to qualify for school performance funding in 1998-99 will be determined based on analyses of school performance data as they become available.

School effort is determined by improvement in school attendance and graduation rate. School attendance rates are currently listed on each school's annual school profile. A baseline that includes a 2-year student attendance history is available for every school. For the first 4 years of the school performance funding program, a meaningful increase, which in 1997-98 was at least a 0.75% increase in average daily attendance over the baseline, will determine whether or not a school qualifies for a reward. For high schools, graduation rates will also be considered for future years. While the Department of Education (Department) maintains data on both measures, at present the dropout data that relates to the graduation rate is unreliable. The Department, as part of the school performance funding program, has begun collecting graduation rate data (for high schools only) by school in a more reliable manner starting with the 1997-98 school year. Four years will be required to establish a reliable baseline for graduation rate. Starting in the 2002-2003 school year, a school effort measurement to gauge improvement in both school attendance and graduation

rates will be available. The exact percent increase to qualify for school performance funding in 1998-99 will be determined based on studies of school attendance.

Area Vocational-Technical Schools (AVTSs) are included in the program with slightly different school performance measures. The school effort criteria, student attendance rate and graduation rate as described previously, are the same as in all public schools. The achievement component, however, is tailored to the occupational mission of AVTSs. AVTS occupational competency will be determined by student performance on a Statewide occupational competency test required by Charter 4 of the State Board of Education regulations. The SOCAT/NOCTI occupational competency performance tests will be used. After a 2-year baseline of AVTS performance on these tests, an improvement score for the achievement portion of school performance funding for AVTSs will be available in 2000-2001. While the Statewide occupational competency test is being installed and a 2-year data base developed, employment related to training is being used as an interim measure for occupational competency. This is determined by the use of an annual "Secondary School Completer Survey." A meaningful increase, which in 1997-98 was determined to be at least 1%, on the "Secondary School Completer Survey," determines whether or not an AVTS qualifies for a reward. To qualify for this type of achievement improvement funding award in 1997-98, an AVTS had to have achieved a minimum of a 1% improvement in rate of job related placement for its 1998 graduates compared to its job related baseline average of 1995 and 1996 graduates.

#### *Award Guidelines*

Schools that attain a demonstrable increase (in 1997-98, 50 combined points on the PSSA tests) in student achievement receive awards of between \$7.50 and \$37.50 per student depending on the level of increase over the minimum of 50 points.\* Schools that attain a meaningful increase in effort (in 1997-98, 0.75% improvement in student attendance rate) receive an incentive payment of

between \$6 and \$37.50 per student depending on the level of increase over the 0.75% minimum increase.\*\* AVTSs that attain a demonstrable increase (in 1997-98, one percentage point in their rate of job-related placement) will receive awards of between \$6 and \$37.50 per student depending on the level of increase over the estimated minimum increase of 1%\*\*\*

Schools have up to 3 years to accomplish significant increases in their achievement or effort data. After 3 years without a significant increase, a new baseline or point of comparison is established for the school. If a school's performance decreases after receiving a performance award, the school will not qualify for performance funding again until the original highest level in both achievement and effort scores has been reattained.

\*Increasing levels of achievement are awarded based on combined increases of 10 additional points above the meaningful difference level. For example, with a 50 point increase in combined school raw score on PSSA ascertained to be of meaningful difference in 1997-98, the school received \$7.50 per student. Each additional 10 point increase above the meaningful difference received an additional \$1.50 of funding per student in the school.

\*\*With a 0.75% increase in student attendance ascertained to be a meaningful increase in 1997-98, the school received \$6 per student. Each additional increase of 0.25% above this meaningful difference received an additional \$1.50 per student in the school.

\*\*\*With a 1% increase in student job-related placement ascertained to be a meaningful increase in 1997-98, the AVTS received \$7.50 per student. Each additional increase of 1% received an additional \$1.50 per student in the AVTS.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 99-192. Filed for public inspection February 5, 1999, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

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

#### (Part I Permits)

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day 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 Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

**PA 0057606.** Sewage, **Upper Salford Township**, P. O. Box 100, Salfordville, PA 18958-0100.

This application is for issuance of an NPDES permit to discharge treated sewage from a small flow sewage treatment plant in Upper Salford Township, **Montgomery County**. This is a new discharge to unnamed tributary to Perkiomen Creek.

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

The proposed effluent limitations, based on an average flow of 400 gpd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	5	10
(11-1 to 4-30)	15	30
Total Residual Chlorine	0.7	1.4
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	

The EPA waiver is in effect.

**PA 0020397.** Sewage, **Borough of Bridgeport**, Borough Hall, 4th and Mill Streets, Bridgeport, PA 19405.

This application is for renewal of an NPDES permit to discharge treated sewage from Bridgeport wastewater treatment plant in Upper Merion Township, **Montgomery County**. This is an existing discharge to Schuylkill River.

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 0.9 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)	20	30	40
Dissolved Oxygen	monitor/report	monitor/report	monitor/report
Total Residual Chlorine			
(Issuance—Year 2)	1.0		2.0
(Year 3—Expiration)	0.5		1.2
Fecal Coliform	200 colonies/100 ml as a geometric average		
pH	within limits of 6.0—9.0 standard units at all times		
Total Copper	monitor/report		
Total Lead	monitor/report		
Total Zinc	monitor/report		

*Other Conditions:*

The EPA waiver is in effect.

Conditions for future permit modification.

Effective disinfection.

Special Test Methods for certain pollutants.  
CSO Condition.

**PA 0057011, Amendment No. 1.** Sewage, **Thornbury Township**, 8 Township Drive, Cheyney, PA 19319-1019.

This application is for amendment of an NPDES permit to discharge treated sewage from Bridlewood Farm STP in Thornbury Township, **Chester County**. This is an existing discharge to Radley Run.

The receiving stream is classified for warm water fish, migratory fish, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of .103 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	3.5		7.0
(11-1 to 4-30)	10.5		21.0
Phosphorus (as P)	2.0		4.0
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		0.2	0.5

The EPA waiver is in effect.

*Other Requirements:*

Effective chlorination and dechlorination.

Maximize drip irrigation.

**PA 0022586.** Sewage, **Borough of North Wales**, 300 School Street, North Wales, PA 19454.

This application is for renewal of an NPDES permit to discharge treated sewage from sewage treatment plant in Upper Gwynedd Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to Wissahickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.835 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	6.5		13.0
Phosphorus (as P)	monitor/report		monitor/report
Total Residual Chlorine			
(0—2 years)	0.5		1.2
(3—5 years)	0.13		0.8
Total Aluminum	monitor/report		monitor/report
Hexavalent Chromium	monitor/report		monitor/report
Total Copper	monitor/report		monitor/report
Total Lead	monitor/report		monitor/report
Total Mercury	monitor/report		monitor/report
Trichloroethylene	monitor/report		monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

*Other Conditions:*

Eliminate overflows at treatment plant.

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Williamsport, PA 17701-6448, (717) 327-3666.

**PA 0009024.** SIC: 3399, **Osram Sylvania Products, Inc.**, Hawes Street, Towanda, PA 18848.

This proposed action is for renewal of an NPDES permit for a discharge of treated industrial wastewater to the North Branch Susquehanna River in North Towanda Township, **Bradford 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the Danville Municipal Water Authority.

*Outfall 001:*

The proposed effluent limits, based on a design flow of 1.1 mgd, are:

<i>Specific Substance</i>	<i>Monthly Average (lb/day)</i>	<i>Daily Maximum (lb/day)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper	5.4	14.1	1.7
Nickel	17.3	38.7	4.7
Lead	1.2	2.8	0.4
Zinc	4.9	12.4	1.6
Arsenic	6.1	15.6	1.9
Tantalum	3.3	3.3	0.4
Selenium	2.2	5.6	0.7
Fluoride	202	371	45.6
Molybdenum	225	451	55.4
Cobalt	13.2	30.3	3.7
Tungsten	478	1,075	132
Cadmium	1.5	3.4	0.4
Ammonia	1,058	2,405	295
TSS	346	707	86.7
Oil and Grease			30.0
pH	6.0—9.0 at all times		

*Outfalls 002, 003, 004:*

The proposed effluent limits for discharge of noncontact cooling water and stormwater are:

<i>Specific Substance</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Copper		monitor	
Nickel		monitor	
Zinc		monitor	
Molybdenum		monitor	
Ammonia		monitor	
Oil and Grease	15.0	30.0	30.0
pH	6.0—9.0 at all times		

*Special Conditions:* Whole Effluent Toxicity (WET) testing and stormwater monitoring and control.

The EPA waiver is not in effect.

**PA 0113476.** Industrial waste, SIC: 4931, **Koppers Industries, Inc.**, 436 Seventh Avenue, Pittsburgh, PA 15219.

This proposed action is for renewal of an NPDES permit for an existing discharge of cooling tower blowdown, boiler blowdown and water softener backwash to unnamed tributary of the West Branch Susquehanna River in Clinton Township, **Lycoming County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Pennsylvania American Water Company located at Borough of Milton on the West Branch Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of 0.06 mgd, are:

<i>Discharge Parameter</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Oil and grease		15	20	30
pH (std units)	XXX		within the range 6.0—9.0	
Total Suspended Solids		30	100	XXX
Total Chromium		0.2	0.2	0.5
Total Copper		1.0	1.0	2.5
Total Iron		1.0	1.0	2.5

<i>Discharge Parameter</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Zinc		1.0	1.0	2.5
Free Chlorine		0.2	XXX	0.5

*Other Conditions:*

(1) Chemical Additives Requirements.

The EPA waiver is in effect.

**PA 0111899.** Sewerage, SIC: 4952, **Jackson Realty and Mobile Homes, Inc.**, R. R. 2, Wysox, PA 18854.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to the Susquehanna River in Wysox Township, **Bradford County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Company located approximately 120 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.032 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Total Cl <sub>2</sub> Residual (1st month—36th month) (37th month—permit expiration date)	report 1.0		3.3
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200 col/100 ml as a geometric mean 2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0112470.** SIC: 4952, **Upper Augusta Township**, R. R. 1, Box 313, Sunbury, PA 17801.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to unnamed tributary of the North Branch Susquehanna River in Upper Augusta Township, **Northumberland County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is located at Sunbury Municipal Authority on the Susquehanna River, 7 miles downstream below this discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.00913 mgd, are:

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (std units)	within the range 6.0—9.0			
Fecal Coliform (5-1 to 10-31) (10-1 to 4-30)	200 #/100 ml as a geometric mean 1,000 #/100 ml as a geometric mean			
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60

*Other Conditions:* none.

The EPA waiver is in effect.

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

**PA 0216054.** Industrial waste, SIC: 3493, **Pittsburgh Spring, Inc.**, One McCandless Avenue, Pittsburgh, PA 15201.

This application is for renewal of an NPDES permit to discharge untreated cooling water and stormwater from the Pittsburgh plant in the City of Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters of the Allegheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is West View Municipal Authority, located at Neville Island, 9.28 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of 0.139 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)	110				
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:*

*Outfall 002:* existing discharge, design flow of 0.032 mgd

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)	110				
pH	not less than 6.0 nor greater than 9.0				

*Outfall 003:* existing discharge, design flow of 0.528 mgd

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)	70				
pH	not less than 6.0 nor greater than 9.0				

*Outfall 004:* existing stormwater discharge to Allegheny River

<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>
The discharge from this outfall shall consist of uncontaminated stormwater runoff.					

The EPA waiver is in effect.

**PA 0216895-A1.** Industrial waste, SIC: 4941, **Highridge Water Authority—Tubmill Water Plant**, 17 Maple Avenue, Blairsville, PA 15717.

This application is for an amendment of an NPDES permit to discharge treated process water and sewage and untreated stormwater from the Highridge Water Authority Tubmill Water Plant in Fairfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters Tubmill Creek and an unnamed tributary to Tubmill Creek, classified as a trout stocked 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 Saltsburg Municipal Water Works—Conemaugh River Intake, located at Saltsburg, over 35 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of 0.00035 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.00035				
CBOD <sub>5</sub>				25	50
Total Suspended Solids (TSS)				30	60
Total Residual Chlorine (TRC)	monitor and report				
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002:* new discharge, design flow of 0.141 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Total Suspended Solids				30	60
Total Iron				2.0	4.0
Aluminum				2.0	5.0
Manganese				1.0	2.0
Total Residual Chlorine				0.5	1.0

<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>
Antimony			0.039	0.078	0.10
Lead			0.012	0.024	0.03
Mercury			0.00005	0.00010	0.00013
Selenium			0.019	0.038	0.05
pH	not less than 6.0 nor greater than 9.0 standard units				

*Outfall 003: new discharge. Emergency water tank overflow.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Total Iron			2.0		4.0
Aluminum			2.0		5.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
Antimony			0.039		0.10
Lead			0.012		0.03
Mercury			0.00005		0.00013
Selenium			0.019		0.05
pH	not less than 6.0 nor greater than 9.0 standard units				

*Outfall 004: new discharge. Uncontaminated stormwater 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>
Oil and Grease				monitor and report	
Biochemical Oxygen Demand (BOD <sub>5</sub> )				monitor and report	
Chemical Oxygen Demand				monitor and report	
Total Suspended Solids				monitor and report	
Total Kjeldahl Nitrogen				monitor and report	
Nitrate plus Nitrite Nitrogen				monitor and report	
Total Phosphorus				monitor and report	
pH (Min./Max.)				monitor and report	
Total Iron				monitor and report	
Aluminum				monitor and report	
Manganese				monitor and report	
Total Residual Chlorine				monitor and report	
Antimony				monitor and report	
Lead				monitor and report	
Mercury				monitor and report	
Selenium				monitor and report	

*Outfall 005: new discharge. Emergency recycle system overflow.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Total Iron			2.0		4.0
Aluminum			2.0		5.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
Antimony			0.039		0.10
Lead			0.012		0.03
Mercury			0.00005		0.00013
Selenium			0.019		0.05
pH	not less than 6.0 nor greater than 9.0 standard units				

*Other Conditions:* Percent removal of CBOD<sub>5</sub> and TSS, Fecal Coliform limits, solids disposal, TRC conditions, priority pollutant sampling, floating solids, instantaneous maximum, stormwater, chemical additives, emergency tank overflow, Part II application.

The EPA waiver is in effect.

**PA 0217948.** Industrial waste, SIC: 4941, **Highridge Water Authority—Sugar Run Water Plant**, 17 Maple Avenue, Blairsville, PA 15717.

This application is for issuance of an NPDES permit to discharge treated process water and untreated stormwater from the Highridge Water Authority Sugar Run Water Plant in St. Clair Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters Unnamed Tributary to Conemaugh River, classified as a cold 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 Saltsburg Municipal Water Works—Conemaugh River Intake, located at Saltsburg, over 40 miles below the discharge point.

*Outfall 001:* new discharge, design flow of 0.165 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Total Iron			2.0		4.0
Aluminum			0.7	1.4	1.8
Manganese			1.0		2.0
Total Residual Chlorine			0.20		0.50
Antimony			0.013	0.026	0.033
Hexavalent Chromium			0.014	0.028	0.035
Lead			0.0043	0.086	0.011
Mercury			0.00002	0.00004	0.00005
Selenium			0.007	0.014	0.018
Cobalt			0.026	0.052	0.065
pH	not less than 6.0 nor greater than 9.0 standard units				

*Other Conditions:* Solids disposal, TRC Conditions, priority pollutant sampling, floating solids, Instantaneous Maximum, stormwater, chemical additives, emergency tank overflow and Part II application.

*Outfalls 002 and 003:* existing discharge, uncontaminated stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease					monitor and report
BOD <sub>5</sub>					monitor and report
Chemical Oxygen Demand					monitor and report
Total Suspended Solids					monitor and report
Total Kjeldahl Nitrogen					monitor and report
Nitrate plus Nitrite Nitrogen					monitor and report
Total Phosphorus					monitor and report
pH (Min./Max.)					monitor and report
Total Iron					monitor and report
Aluminum					monitor and report
Manganese					monitor and report
Total Residual Chlorine					monitor and report
Antimony					monitor and report
Hexavalent Chromium					monitor and report
Lead					monitor and report
Mercury					monitor and report
Selenium					monitor and report
Cobalt					monitor and report

*Outfall 004:* new discharge, emergency overflow from water tank.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Total Iron			2.0		4.0
Aluminum			0.7		1.8
Manganese			1.0		2.0
Total Residual Chlorine			0.20		0.50
Antimony			0.013		0.033
Hexavalent Chromium			0.014		0.035
Lead			0.0043		0.011
Mercury			0.00002		0.00005

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Selenium			0.007		0.018
Cobalt			0.026		0.065
pH	not less than 6.0 nor greater than 9.0 standard units				

Outfall 005: new discharge, emergency overflow from the recycle system.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Total Iron			2.0		4.0
Aluminum			0.7		1.8
Manganese			1.0		2.0
Total Residual Chlorine			0.20		0.50
Antimony			0.013		0.033
Hexavalent Chromium			0.014		0.035
Lead			0.0043		0.011
Mercury			0.00002		0.00005
Selenium			0.007		0.018
Cobalt			0.026		0.065
pH	not less than 6.0 nor greater than 9.0 standard units				

The EPA waiver is in effect.

**PA 0024449.** Sewage, **Youngwood Borough Authority**, 17 South Street, Youngwood, PA 15697.

This application is for renewal of an NPDES permit to discharge treated sewage from the Youngwood Borough Sewage Treatment Plant in Youngwood Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Jacks 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 Westmoreland County Municipal Authority-McKeesport.

Outfall 001: existing discharge, design flow of 0.5 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	5	7.5		15
(11-1 to 4-30)	14	21		28
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.5			1.8
pH	not less than 6.0 nor greater than 9.0			

Other Conditions:

The EPA waiver is in effect.

**PA 0027111.** Sewage, **Municipal Sanitary Authority of the City of New Kensington**, 120 Logans Ferry Road, New Kensington, PA 15068-2046.

This application is for amendment of an NPDES permit to discharge treated sewage from the New Kensington Sewage Treatment Plant in the City of New Kensington, **Westmoreland County**.

NPDES Permit PA 0027111 is proposed to be modified to give the permittee an additional 12 months to submit a long-term combined sewer overflow plan and schedule.

The EPA waiver is not in effect.

**PA 0040011.** Sewage, **United Mobile Homes, Inc.**, P. O. Box 335, Eatontown, NJ 07724.

This application is for amendment of an NPDES permit to discharge treated sewage from the Port Royal Village Sewage Treatment Plant in Rostraver Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an Unnamed Tributary of Cedar Creek, which are classified as a trout stocked 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 Westmoreland County Municipal Authority-McKeesport.

*Outfall 001:* existing discharge, design flow of 0.0068 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2			4
(11-1 to 4-30)	4.5			9
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)	0.1			0.2
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

*Outfall 001:* expanded discharge, design flow of 0.0914 mgd.

CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2			4
(11-1 to 4-30)	4			8
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	0.06			
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0221112.** Sewage, **Howard T. Wagner**, 6565 Meadville Road, Girard, PA 16417.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage with ultraviolet light disinfection to an unnamed tributary of Cussewago Creek in Elk Creek Township, **Erie County**.

The receiving water is classified for warm water fishery, aquatic life, water supply and recreation. There are no potable water supplies affected by this discharge.

The proposed effluent limits for Outfall 001, based on an average design flow of 0.000400 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40
Fecal Coliform	200/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

**Applications under the Pennsylvania Clean  
Streams Law**

**(Part II Permits)**

**Industrial waste and sewerage applications 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.*

**WQM Permit No. 1599401.** Sewage. **City of Coatesville Authority**, 114 East Lincoln Highway, P. O. Box 791, Coatesville, PA 19320. This project is for the construction and operation of a wastewater treatment facility with ultraviolet disinfection to serve the City of Coatesville located in **Chester County**.

**WQM Permit No. 4699491.** Sewage. **David and Marie Sayers**, 135 Stenton Avenue, Plymouth Meeting, PA 19462. This project is for the construction and operation of a small flow treatment facility to serve the Sayer's Residence located in Whitemarsh Township, **Montgomery County**.

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

**A. 0599401.** Sewage, submitted by **East St. Clair Township Municipal Authority**, Box 55, Fishertown, PA 15539 in East St. Clair Township, **Bedford County** to construct the Fishertown Pump Station was received in the Southcentral Region on January 14, 1999.

**A. 3899401.** Sewage, submitted by **Farmer's Pride, Inc.**, W. Main Street, P. O. Box 39, Fredericksburg, PA 17026 in Bethel Township, **Lebanon County** to upgrade/expand their wastewater treatment plant was received in the Southcentral Region on January 19, 1999.

**A. 6798406 (99-1).** Sewage, submitted by **Newberry Township Municipal Authority**, 1915 Old Trail Road, Eppers, PA 17319 in Newberry Township, **York County** to expand their wastewater treatment plant was received in the Southcentral Region on January 19, 1999.

**A. 3899402.** Sewage, submitted by **South Londonderry Township Municipal Authority**, Municipal Building, Center and Market Streets, P. O. Box 3, Campbelltown, PA 17010-0003 in South Londonderry Township, **Lebanon County** to construct the Lawn Wastewater Treatment Plant improvements including a proposed flow equalization tank and generator was received in the Southcentral Region on January 20, 1999.

**INDIVIDUAL PERMITS**

**(PAS)**

**NPDES Individual**

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and

special conditions. 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.

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

*Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

**NPDES Permit PAS10Q168.** Stormwater. **Daniel R. Kelly, III**, 135 Birdneck Road, Barto, PA 19504, has applied to discharge stormwater from a construction activity located in Upper Milford Township, **Lehigh County**, to Little Lehigh Creek.

**NPDES Permit PAS10Q169.** Stormwater. **Weis Markets, Inc.**, Harold Graber, P. O. Box 471, Sunbury, PA 17801, has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

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

**NPDES Permit PAS103117.** Stormwater. **DEP, Bureau of Abandoned Mines**, P. O. Box 8476, Harrisburg, PA 17105-8476 has applied to discharge from a construction activity located in Grant Township, **Indiana County**, to a Tributary to Little Mahoning Creek.

**SAFE DRINKING WATER**

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

*Northeast Regional Office: Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**4598507.** Public water supply. **Penn Estates Utilities Inc.**, Well No. 6. This proposal involves a new well source

(well no. 6) and wellhouse containing the hypochlorination system, meter and valving to distribution. It is located in Stroud Township, **Monroe County**.

*Engineer:* Stephen M. Metzler, P.E.

**5298505.** Public water supply. **Water Flow Pike, Inc.**, Barry Newcomer, HCR, Box 202, Paupack, PA 18451. This proposal involves reissuance of a PWS Construction Permit which was originally issued on March 25, 1996. It is located in Palmyra Township, **Pike County**.

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

**A. 1499501.** The Department has received a construction permit application from **Boggs Township Supervisors** (1270 Runville Road, Bellefonte, PA 16823; Boggs Township, **Centre County**) for construction of an EPD pressure sand filtration system and new well pumps.

*Northwest Regional Office:* Regional Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6899.

**A. 2599501.** Public water supply. **North East Borough Water Department**, 58 East Main Street, North East, PA 16428. This proposal involves the construction of approximately 23,000 feet of 18 inch ductile iron pipe to serve as a water transmission main for withdrawing water from Lake Erie and pumping it to the Borough's existing water treatment plant in North East Borough, **Erie County**. The Lake Erie withdrawal will be in the vicinity of Freeport Beach in North East Township, **Erie County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If infor-

mation concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

**Whitman Residence**, Tredyffrin Township, **Chester County**. Dean C. Seman, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A Final Report was simultaneously submitted.

**Northbrook Orchards**, Pocopson Township, **Chester County**. Frederick Bopp, III, Tetrahedron Consultants, Inc. 422 West First Avenue, Parkersburg, PA 19365, has submitted a Notice of Intent to Remediate site soil contaminated with heavy metals. The applicant proposes to remediate the site to meet the Statewide health standard. A Final Report was simultaneously submitted.

*Northeast Regional Field Office:* Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

**Turner Residence**, Franklin Township, **Luzerne County**. Gary Marshall, Operations Manager, Barrett Group Environmental Services, Inc., 595 Bennett Street, Luzerne, PA 18709 has submitted a Notice of Intent to Remediate (on behalf of his client, Ray Turner, Jr., Brace and Orange Roads, Orange, PA 18612) concerning the remediation of site soils and groundwater found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds, petroleum hydrocarbons and polycyclic aromatic hydrocarbons (PAHs). The applicant proposes to remediate the site to meet the Statewide human health standard.

**Bendzlowicz Property** (6374 Willow Street, Jacksonville, PA), East Allen Township, **Northampton County**. Doug Sammak, President, American Analytical & Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 has submitted a Notice of Intent to Remediate (on behalf of his clients, Kevin and Sandra Bendzlowicz, 6 Short Lane Road, Northampton, PA 18067) concerning the remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds, petroleum hydrocarbons and polycyclic aromatic hydrocarbons (PAHs). The applicant proposes to remediate the site to meet the Statewide human health standard.

*Southcentral Regional Office:* Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

**Kenneth W. Thompson Site Parcel C**, Borough of Birdsboro, **Berks County**. Andre Dopwell, BPA Environmental Services, Inc., P. O. Box 1202, Pottstown, PA 19464, has submitted a Notice of Intent to Remediate site soils contaminated with PCBs, lead, heavy metals, pesticides, dioxin, solvents, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pottstown Mercury* during the week of January 3, 1999.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 2

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

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

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

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

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

**Metroplex Corporate Center**, Plymouth Township, **Montgomery County**. Kimberly L. Ward, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, has submitted an amended Notice of Intent to Remediate

site soil contaminated with heavy metals and asbestos; and groundwater contaminated with lead and benzene. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Times Herald* on December 8, 1998.

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Former Conrail South Altoona Material Distribution Center, Parcels 1 and 2**, City of Altoona, **Blair County**. Altoona-Blair County Development Corporation, 4500 Sixth Avenue, Altoona, PA 16602 has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lead, chromium, solvents and asbestos. The applicant proposes to remediate the sites as special industrial areas. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on January 7, 1999.

*Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.*

**Armco, Inc.—Sawhill Tubular Division**, Clinton Street, Wheatland, PA 16161. **Mercer County**, Boro of Wheatland, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents and sulfate. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Sharon Herald* on December 12, 1998.

#### RESIDUAL WASTE PROCESSING FACILITIES

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**Determination of applicability requested under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and the residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.*

Determination of applicability requested under **General Permit No. WMGR029, International Petroleum Corporation**, 505 South Market Street, Wilmington, DE 18901. General Permit Number WMGR029 authorizes the operation of transfer facilities for the processing of waste oil, spent antifreeze and waste oil/water mixtures prior to beneficial use. The Department accepted the application as administratively complete on January 21, 1999.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**A. 101421. Shade Landfill Inc.**, 2000 Cliff Mine Road, Park West Two, Suite 420, Pittsburgh, PA 15275. Shade Landfill, 1176 RD 1, Cairnbrook, PA 15924. An application for a major permit modification to change

portions of the underdrain system, leachate management system and partial release for the closure/postclosure bonding to a landfill in Shade Township, **Somerset County** was received in the Regional Office on January 21, 1999.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act and regulations adopted under the act.

#### OPERATING PERMITS

#### Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001-4015).

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**35-322-001B: Keystone Sanitary Landfill, Inc.** (P. O. Box 249, Dunmore, PA 18512) for operation of a landfill gas flare system in Throop and Dunmore Boroughs, **Lackawanna County**.

**40-318-048: Phoenix Mfg., Inc.** (375 West Union Street, P. O. Box 97, Nanticoke, PA 18634) for operation of an automotive spray paint operation in Nanticoke Borough, **Luzerne County**.

**48-318-129: C. F. Martin and Co., Inc.** (510 Sycamore Street, Nazareth PA 18064) for operation of a wood spray paint operation in Upper Nazareth Township, **Northampton County**.

**48-322-003A: Chrin Brothers Sanitary Landfill** (635 Industrial Drive, Easton, PA 18042) for operation of a landfill gas flare system in Williams Township, **Northampton County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**67-03034: Brockway Standard, Inc.** (599 Davies Drive, York, PA 17402) for operation of a can components facility in Springettsbury Township, **York County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**14-318-001A: Spectra Wood** (2651 Carolean Industrial Drive, State College, PA 16801) for operation of a wood furniture finishing operation consisting of three spray booths and associated cleanup operations in College Township, **Centre County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**OP-63-00658: Falcon Plastics, Inc.** (250 West Wylie Avenue, Washington, PA 15301) for operation of plastic molding operation at Washington Facility in Washington City, **Washington County**.

**OP-65-00873: Pace Industries** (450 New Latrobe-Derry Road, Loyallhanna, PA 15661) for operation of aluminum forming at Airo Die Casting Inc. in Derry Township, **Westmoreland County**.

**OP-63-00487: DJV Foods, Inc.** (110 McKean Avenue, Charleroi, PA 15022) for operation of incinerator at Charleroi Save-a-Lot in Charleroi Borough, **Washington County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-10-047B: Mine Safety Appliances Co.** (1420 Mars Evans City Road, Evans City, PA 16033) for operation of a two stage scrubbing system in Forward Township, **Butler County**.

**PA-10-293A: Quality Aggregates Co.** (200 Neville Road, Neville Island, PA 15225) for operation of a limestone crushing and washing operation in Marion Township, **Butler County**.

**PA-10-298C: ESM II, Inc.** (1161 Pittsburgh Road, Valencia, PA 16059) for operation of a hammermill in Clinton Township, **Butler County**.

**PA-16-128A: County Landfill, Inc.** (P. O. Box 237, Route 36, Leeper, PA 16233) for operation of a landfill gas to electric generation facility in Farmington Township, **Clarion County**.

**PA-25-095C: Lord Corp.** (P. O. Box 10039, Erie, PA 16514) for operation of an adhesive spray machine booths and oven in Erie, **Erie County**.

**PA-25-981A: Thunder Port Industries, Inc.** (49 Dumas Road, Hampton, NH 03842) for operation of a paint booth in Corry, **Erie County**.

**PA-37-300A: North American Forgemasters Co.** (P. O. Box 31, Ellwood City, PA 16117) for operation of steel forging in New Castle, **Lawrence County**.

**PA-61-011A: Merisol Antioxidants, L.L.C.** (RR1, Box 8A, Oil City, PA 16301) for operation of a process dryer system and two heaters in Cornplanter Township, **Venango County**.

**PA-61-016A: Pennzoil Products Co.** (2 Main Street, Rouseville, PA 16344) for operation of a process vent in Cornplanter Township, **Venango County**.

**62-329-001A: United Refining Co.** (P. O. Box 780, Warren, PA 16365) for operation of east kvg and middle kvg engines in Warren, **Warren County**.

#### **Notice of Intent to Issue Title V Operating Permits**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Southeast Regional Office: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Edward Brown, (610) 832-6242.*

**TVOP-46-00047: Precision Tube Co.** (287 Wissahickon Avenue, North Wales, PA 19454) located in Upper Gwynedd Township, **Montgomery County**. The facility's major emission points include degreasing operations which emit major levels of volatile organic compounds (VOCs).

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 705-4702.*

**22-05001: Dayton Parts, Inc.** (1300 North Cameron Street, Harrisburg, PA 17103) located in the City of Harrisburg, **Dauphin County**. The facility is an indus-

trial spring manufacturer. The operation primarily emits volatile organic compounds (VOCs).

#### **PLAN APPROVALS**

#### **Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**35-313-011: Metkote Laminated Products, Inc.** (Keyser Avenue and Union Street, Taylor, PA 18517) for construction of a metal/vinyl lamination line in Taylor Borough, **Lackawanna County**.

**40-313-029B: Gemark Service Corp.** (99 Stevens Lane, Exeter, PA 18643) for modification of a polyester recovery system in Exeter Borough, **Luzerne County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**22-310-010D: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) for modification/installation of one sizing screen and one stone crusher for a stone crushing plant in Swatara Township, **Dauphin County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

**21-310-019B: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) for modification/installation of an impact crusher for a sand processing plant in Dickinson Township, **Cumberland County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

**36-05086A: DONSCO, Inc.** (P. O. Box 2001, Wrightsville, PA 17368) for installation of two core making systems, including a wet scrubber in Mount Joy Borough, **Lancaster County**.

**36-318-156A: Premier Custom Built, Inc.** (110 Short Street, New Holland, PA 17557) for installation of two floor type paint spray booths in East Earl Township, **Lancaster County**.

**67-03057B: Fyphon, Ltd.** (22 West Pennsylvania Avenue, Stewartstown, PA 17363) for installation of five paint spray booths in Stewartstown Borough, **York County**.

**67-304-024B: R. H. Sheppard Co., Inc.** (P. O. Box 877, Hanover, PA 17331) for construction of six sand storage tanks controlled by individual bin vents in Hanover Borough, **York County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**PA-04-468C: SH Bell Co.** (644 Alpha Drive, P. O. Box 11495, Pittsburgh, PA 15238) for installation of loadout shed at State Line Terminal in Glasgow Borough, **Beaver County**.

**PA-63-896A: UMCO Energy, Inc.** (981 Route 917, Bentleyville, PA 15314) for installation of coal processing plant at New Century Mine in Fallowfield Township, **Washington County**.

**PA-65-016E: Latrobe Steel Company** (2626 Ligonier Street, P. O. Box 31, Latrobe, PA 15650) for installation of melt shop at Latrobe Plant in Latrobe Borough, **Westmoreland County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-10-028D: Armstrong Cement & Supply Corp.** (100 Clearfield Road, Cabot, PA 16023) for installation of a baghouse (15,000 cfm), on the existing stone crusher in Cabot, **Butler County**.

**REASONABLY AVAILABLE CONTROL  
TECHNOLOGY  
(RACT)**

**Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology**

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**35-0014: Keystone Sanitary Landfill, Inc.** (P. O. Box 249, Dunham Drive, Dunmore, PA 18512) in Dunmore, **Lackawanna County**. This RACT Operating Permit will establish specific inspection, maintenance and record-keeping requirements. This RACT Operating Permit will be submitted to the United States Environmental Protection Agency as a revision to Pennsylvania's State Implementation Plan (SIP).

**40-0013: Forbo Industries, Inc.** (Maplewood Drive and Forrest Road, Humboldt Industrial Park, Hazleton, PA 18201) in Hazle Township, **Luzerne County**. This RACT Operating Permit will establish specific inspection, maintenance and recordkeeping requirements. This RACT Operating Permit will be submitted to the United States Environmental Protection Agency as a revision to Pennsylvania's State Implementation Plan (SIP).

**39-0005: Prior Coated Metals, Inc.** (2233 26th Street, Allentown, PA 18103) in City of Allentown, **Lehigh County**. This RACT Operating Permit will establish specific inspection, maintenance and recordkeeping requirements. This RACT Operating Permit will be submitted to the United States Environmental Protection Agency as a revision to Pennsylvania's State Implementation Plan (SIP).

**54-0008: Northeastern Power Co.** (P. O. Box 7, McAdoo, PA 18237) in Kline Township, **Schuylkill County**. This RACT Operating Permit will establish specific inspection, maintenance and recordkeeping requirements. This RACT Operating Permit will be submitted to the United States Environmental Protection Agency as a revision to Pennsylvania's State Implementation Plan (SIP).

**40-0008: Offset Paperback Manufacturers Inc.** (P. O. Box N, Dallas, PA 18612) in Dallas, **Luzerne County**. This RACT Operating Permit will establish specific inspection, maintenance and recordkeeping requirements. This RACT Operating Permit will be submitted to the United States Environmental Protection Agency as a revision to Pennsylvania's State Implementation Plan (SIP).

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the

Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

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

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

#### *Coal Applications Received*

**56890106.** Permit Renewal for reclamation, only, **Fieg Brothers** (3070 Stoystown Road, Stoystown, PA 15563),

for continued restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 70.2 acres, receiving stream unnamed tributary to/and Hays Run. Application received January 15, 1999.

**56990101. Hoffman Mining, Inc.** (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), commencement, operation and restoration of bituminous strip-auger mine in Paint Township, **Somerset County**, affecting 54.3 acres, receiving stream Kaufman Run and Unnamed Tributaries to Kaufman Run. Application received January 15, 1999.

**11930104.** Permit Renewal for reclamation, only, **E. P. Bender Coal Company, Inc.** (P. O. Box 594, Main and Lehmier Streets, Carrolltown, PA 15722) for continued restoration of bituminous strip mine in White Township, **Cambria County**, affecting 58.0 acres, receiving stream Dutch Run. Application received January 19, 1999.

**11803024.** Permit Renewal, **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous strip mine in Dean Township, **Cambria County**, affecting 327.0 acres, receiving stream unnamed tributary to/and Brubaker Run. Application received January 20, 1999.

**11813015.** Permit Renewal, **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous strip mine in Logan and Gallitzin Townships, **Blair and Cambria Counties**, affecting 170.6 acres, receiving stream unnamed tributary to Kittanning Run and to Kittanning Run and to unnamed tributary to Glenwhite Run. Application received January 20, 1999.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

**17980903. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of an incidental coal extraction permit in Gulch Township, **Clearfield County** affecting 28.3 acres. Receiving streams: unnamed tributaries to Muddy Run. Application received December 31, 1998.

**17813091. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Graham and Morris Townships, **Clearfield County** affecting 196.3 acres. Receiving streams: Two unnamed tributaries to and Alder Run to West Branch Susquehanna River. Application received January 7, 1999.

**17803094. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine-auger-sandstone permit in Goshen Township, **Clearfield County** affecting 295 acres. Receiving streams: Little Trout Run to Trout Run to West Branch Susquehanna River. Application received January 7, 1999.

**17803105. Shale Hill Coal Co., Inc.** (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous surface mine permit in Ferguson Township, **Clearfield County** affecting 797 acres. Receiving streams: unnamed tributary to Watts Creek; and unnamed tributaries; to Little Clearfield Creek; and Little Clearfield Creek to Clearfield Creek to West Branch Susquehanna River; and West Branch Susquehanna River to Susquehanna River. Application received January 8, 1999.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

**03960110(T). DJ&W Mining, Inc.** (P. O. Box 425, Indiana, PA 15701). Application received to transfer a permit currently issued to Cookport Coal Co. Inc., for a

bituminous surface/auger mine located in Boggs Township, **Armstrong County**, affecting 59.7 acres. Receiving streams: unnamed tributary to South Fork of Pine Creek. Application received: January 8, 1999.

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

**33820149. Rosio Coal Company** (243 East Logan Avenue, DuBois, PA 15801). Renewal of an existing bituminous surface strip operation in Washington Township, **Jefferson County** affecting 54.0 acres. Receiving streams: One unnamed tributary to Mill Creek to Sandy Lick Creek to Redbank Creek to the Allegheny River. Application received January 13, 1999.

**33990101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip, auger and coal preparation plant/processing facility operation in Winslow Township, **Jefferson County** affecting 127.8 acres. Receiving streams: Soldier Run and one unnamed tributary to Soldier Run to Sandy Lick Creek to Redbank Creek to the Allegheny River. Application received January 11, 1999.

**102360-33990101-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to encroach within 25 feet of Soldier Run and unnamed tributary to Soldier Run and to utilize an existing stream crossing over the unnamed tributary to Soldier Run in Winslow Township, **Jefferson County**. Receiving streams: Soldier Run and one unnamed tributary to Soldier Run to Sandy Lick Creek to Redbank Creek to Allegheny River. Application received January 11, 1999.

**16763007. C & K Coal Company** (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous surface strip and auger operation in Madison Township, **Clarion County**, affecting 582.0 acres. Receiving streams: Three unnamed tributaries to Redbank Creek to the Allegheny River. Application received January 15, 1999.

**33920101. Strishock Coal Company** (220 Hillcrest Drive, DuBois, PA 15801). Revision to an existing bituminous surface strip operation in Pinecreek Township, **Jefferson County**, affecting 49.0 acres. Receiving streams: Four unnamed tributaries to Little Mill Creek and one unnamed tributary to Mill Creek; all to Mill Creek to Sandy Lick Creek to Redbank Creek to the Allegheny River. Revision to add 7.3 acres to surface mining permit. Application received January 19, 1999.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**03871302. DLR Mining, Inc.** (R D 3, Box 115-A, Indiana, PA 15701), to transfer the permit for the Triple K No. 1 in Borrell Township, **Armstrong County**, from Triple K Coal Co. and revise to add second portal facility, unnamed tributary to Crooked Creek. Application received November 20, 1998.

**32951301. PennAmerican Coal, L. P.** (RD 1, Box 119-A, Avonmore, PA 15618), to revise the permit for the Burrell Mine in Burrell Township, **Indiana County** to expand subsidence control plan area, no additional discharges. Application received November 20, 1998.

**03981301. Parkwood Resources, Inc.** (P. O. Box 552, Somerset, PA 15501), to operate the Parkwood Mine in Plum Creek Township, **Armstrong County**, new mine, unnamed tributary to Crooked Creek. Application received November 24, 1998.

**30810703. Consol PA Coal Co.** (P. O. Box 174, Graysville, PA 15337), to renew the permit for the Bailey Coal Refuse Disposal Area in Richhill Township, **Greene County**, to renew 511 acre site, no additional discharges. Application received December 11, 1998.

**63841304. Laurel Run Mining Co.** (1800 Washington Rd., Pittsburgh, PA 15241-1421), to transfer the permit for the Vesta Mine in North Bethlehem Township, **Washington County**, from Vesta Mining Co., no additional discharges. Application received December 22, 1998.

**16031604. RFI Energy, Inc.** (555 Philadelphia St., Indiana, PA 15701), to transfer the permit for the Shannon Prep Plant in Piney and Toby Townships, **Clarion County** to from C & K Coal Co., no additional discharges. Application received December 23, 1998.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

*Noncoal Applications Received*

**3472SM7. Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068). Application received for a name change transfer of a large noncoal permit currently issued to Davison Sand & Gravel Co. for a quarry operation located in Unity Township, **Westmoreland County**, affecting 72 acres. Receiving streams: Indian Camp Run and an unnamed tributary. Application received: December 23, 1998.

**65900403. Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068). Application received for a name change transfer of a large noncoal permit currently issued to Davison Sand & Gravel Co., for a quarry operation located in Unity Township, **Westmoreland County**, affecting 139.8 acres. Receiving streams: unnamed tributaries to Nine Mile Run, to Loyalhanna Creek, to the Kiskiminetas River. Application received: December 23, 1998.

**65900402. Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068). Application received for a name change transfer of a large noncoal permit currently issued to Davison Sand & Gravel Co. for a quarry operation located in Derry and Fairfield Townships, **Westmoreland County**, affecting 754.0 acres. Receiving streams: unnamed tributary to Tannery Hollow to McGee Run to Conemaugh River, unnamed tributary to Harbridge Run to McGee Run to Conemaugh River. Application received: December 23, 1998.

**26900306. Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068). Application received for a name change transfer of a large noncoal permit currently issued to Davison Sand & Gravel Co. for a quarry operation located in Connellsville Township, **Fayette County**, affecting 54.1 acres. Receiving streams: unnamed tributaries to Connell Run to Youghiogheny River. Application received: December 23, 1998.

**3378NC17. Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068). Application received for a name change transfer of a large noncoal permit currently issued to Davison Sand & Gravel Co. for a quarry operation located in Connellsville Township, **Fayette County**, affecting 28.5 acres. Receiving streams: unnamed tributaries to Connell Run to Youghiogheny River. Application received: December 23, 1998.

**26950402. Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068). Application received for a name change transfer of a large noncoal permit currently issued to Davison Sand & Gravel Co., for a quarry operation located in Bullskin Township,

**Fayette County**, affecting 360.0 acres. Receiving streams: Green Lick Run to Jacobs Creek, Youghiogheny River, Mounts Creek to Youghiogheny River. Application received: December 23, 1998.

**3572SM22. Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068). Application received for a name change transfer of a large noncoal permit currently issued to Davison Sand & Gravel Co. for a quarry operation located in South Buffalo Township, **Armstrong County**, affecting 47.0 acres. Receiving streams: unnamed run to Allegheny River to Ohio River. Application received: December 23, 1998.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Industrial Minerals NPDES Permit Renewal Applications Received*

**05920301. New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0212261, Snake Spring Township, **Bedford County**, receiving stream Cove Creek. NPDES Renewal application received January 15, 1999.

## APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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### 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.

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*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**E35-307. Encroachment. William Young,** R. R. 1, Box 243, Dalton, PA 18414. To excavate in a de minimis area of PEM/FS wetlands equal to 0.05 acre for the construction of a pond. The project is located on the southwest side of T479 approximately 0.1 mile northwest of T443 (Dalton, PA Quadrangle N: 9.8 inches; W: 9.2 inches),

North Abington Township, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

**E39-360.** Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101. To excavate in an auxiliary channel of the Lehigh River (Old Lehigh Canal) (CWF) to remove a sediment deposit approximately 70 feet × 35 feet. The project is located on the east side of Adams Island approximately 0.5 mile downstream of the Tilghman Street Bridge. (Allentown East, PA Quadrangle N: 21.0 inches; W: 11.0 inches), City of Allentown, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E15-604.** Encroachment. **Bethlehem-Lukens Plate Division**, ARC Building, Coatesville, PA 19320-0911. To install and maintain a steel cantilevered access ramp and stairs on north bank of the West Branch of the Brandywine Creek, to provide safe access to the stream for crews to install and remove an oil boom as required. This project is located on Bethlehem Lukens Plate Division Property (Coatesville, PA Quadrangle N: 16.65 inches; W: 8.55 inches) in South Coatesville, **Chester County**.

**E15-602.** Encroachment. **Hankin Group**, 717 Constitution Drive, P. O. Box G, Exton, PA 19341. To construct and maintain three roadway crossings over an unnamed tributary to the Shamona Creek (HQ-TSF-MF) and adjacent wetlands. These roadway crossings will provide access to the proposed Eagleview Corporate Center and a future residential development. The proposed crossing No. 1 will utilize 78 linear feet, 12-foot in span by 6-foot in height open bottom arch culvert with endwalls and a riprap energy dissipator at the downstream end. This culvert will allow flow beneath the proposed Ferncastle Drive roadway and will require placement of fill in 0.06 acre of an adjacent wetlands. This crossing also includes a stormwater outfall structure placed within the 100-year floodway and the installation of two utility lines crossings, an 8-inch PVC sanitary sewer and an 8-inch water main across the tributary. The proposed crossing No. 2 will utilize a 157 linear feet, 78-inch diameter CMP stream enclosure with endwalls and riprap energy dissipator at downstream end. This crossing also includes an 85-foot long, 42-inch RCP culvert with endwalls and energy dissipator at the downstream end. The proposed culvert structures will allow flow beneath the proposed Wharton Boulevard and will require placement of fill material in 0.51 acre of adjacent wetlands. An 8-inch PVC sanitary sewer pipe will also be installed across this tributary near this location. The proposed Wharton Boulevard roadway crossing No. 3 will require placement of fill material in 0.03 acre of wetlands and the installation of a 24-inch diameter storm sewer utility line across wetlands. The applicant proposes to create 0.69 acre of wetlands replacement. The site is located between Dowlin Forge Road and Eagleview Boulevard approximately 3/4 mile east from the intersection of SR 113 and SR 100 (Downingtown, PA Quadrangle N: 10.32 inches; W: 7.34 inches) in Uwchlan Township, **Chester County**.

**E51-172.** Encroachment. **CCC Associates, LP**, 1601 S. Christopher Columbus Blvd., Philadelphia, PA 19148-1402. To remove an existing earthen stockpile from the 100-year floodway of Cobbs Creek (TSF) and to redistribute this material outside of the floodway, on property situated west of the intersection of Saybrook Avenue and Island Avenue, (Philadelphia, PA Quadrangle N: 7.7 inches; W: 17.3 inches) in the City of Philadelphia,

**Philadelphia County**. This is a revised description for work published under Permit E51-172 on December 5, 1998.

**E51-173.** Encroachment. **Westway Terminal Co., Inc.**, 365 Canal Street, Suite 2900, New Orleans, Louisiana 70130. To perform maintenance dredging adjacent to Pier H at the Westway Terminal Facility located in the Port Richmond neighborhood, approximately 7 miles upriver from the Ben Franklin Bridge on the west shore line of the Delaware River (Camden, NJ-PA Quadrangle N: 18.4 inches; W: 13.75 inches) in the City and **County of Philadelphia**.

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

**E05-273.** Encroachment. **Stephen Main**, 7316 Tavenner Ln, Alexandria, VA 22306. To construct and maintain an 8-foot diameter reinforced concrete pipe culvert (RCP) at the channel of Smally Spring Branch of Buffalo Run located about 3,200 feet from the Buffalo Road (LR 05028) and PA 96 intersection in the Village of Buffalo Mills (Buffalo Mills, PA Quadrangle N: 13.1 inches; W: 4.6 inches) in Harrison Township, **Bedford County**.

**E21-285.** Encroachment. **Hampden Township Sewer Authority**, 230 South Sporting Hill Rd, Mechanicsburg, PA 17055. To construct and maintain six discharge ports of an outfall diffuser below the streambed of Conodoguinet Creek (WWF) located near the Sears Run and Conodoguinet Creek confluence (Harrisburg West, PA Quadrangle N: 1.1 inches; W: 12.8 inches) in Hampden Township, **Cumberland County**.

**E67-652.** Encroachment. **Towton Inc.**, Burger King, 1743 Rohrerstown Road, Lancaster, PA 17601. To construct and maintain a 6-foot high by 15-foot wide by 139-foot long stream enclosure in an unnamed tributary to Mill Creek (CH 93-WWF) and to construct a footbridge, an 8-inch sanitary sewer replacement and two outfall structures across the same stream at the proposed Burger King site located between Whiteford Road and Galleria Mall (York, PA Quadrangle N: 20.6 inches; W: 6.6 inches) in Springettsbury Township, **York County**.

**E36-666.** Encroachment. **Clarence Wenger**, 1011 Woodland Drive, Quarryville, PA 17566. To excavate and place embankment fill for construction of a stormwater collection basin along a tributary to Puddle Duck Creek within the 100-year floodplain. The Furniss Hill Farms development is located along both sides of Furniss Road (SR 3005) and on the east side of Westbrook Road (T-462) (Wakefield, PA Quadrangle N: 5.5 inches; W: 8.5 inches) in Fulton Township, **Lancaster County**.

**E36-667.** Encroachment. **Mount Joy Township**, 159 Merts Drive, Elizabethtown, PA 17022. To remove the existing structure and to construct and maintain a pre-cast concrete box culvert having a 14-foot span with a 6-foot rise across Conoy Creek on Ridgeview Road (Elizabethtown, PA Quadrangle N: 8.15 inches; W: 11.9 inches) in Mount Joy Township, **Lancaster County**.

**E67-643.** Encroachment. **Outdoor Country Club of York**, Robert Beyer, 1157 Detwiller Drive, York, PA 17404. To dredge and enlarge an existing pond to approximately one-quarter acre at the Outdoor Country Club on an unnamed tributary to the Little Conewago Creek west of Stillmeadow Lane (Dover, PA Quadrangle N: 2.7 inches; W: 3.3 inches) in Manchester Township, **York County**.

**E67-653.** Encroachment. **PA Department of Transportation**, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a concrete spread box beam bridge having a single clear span of 38 feet, 3 inches and a minimum underclearance of 5 feet, 5/8 inch over Tyler Run on South George Street (SR 3001, Section 004) north of Duke Street (York, PA Quadrangle N: 14.5 inches; W: 14.8 inches) in Spring Garden Township, **York County**.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E17-326.** Encroachment. **Eagle Environmental II, LP**, 9 Logan Boulevard, Second Floor, Altoona, PA 16602. To construct, operate and maintain the appurtenant structures in the Pine Run Watershed (cold water fishery); and to construct, operate and maintain an effluent outfall in Chest Creek (cold water fishery) for the construction and operation of the Royal Oak Residual Waste Landfill. The construction of the appurtenant structures shall be limited to six permanent roadway crossing; one utility line crossing a wetland and waterway; the encroachment of 0.12 acre of wetland for waste disposal areas; nine outfall structures. The construction of the effluent outfall shall be constructed with a submerged 8-inch diameter high density polyethylene pipe in the channel of Chest Creek. The project permanently impacts 0.12 acre of wetland, permanently impacts 334-feet of waterway, and temporarily impacts 0.03 acre of wetland. The project is located along the northern right-of-way S. R. approximately 3.4 miles north of the intersection approximately 5.2 miles west on the intersection of T-412 and SR 0036 (Irvona, PA Quadrangle N: 1.6 inches; W: 1.5 inches) in Chest Township, **Clearfield County**. The applicant shall construct 0.55 acre of wetland and enhance 0.05 acre of wetlands onsite to mitigate for the permanent wetland impacts.

**E17-327.** Encroachment. **Pennsylvania Department of Transportation**, District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830. To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge with a clear span of 60 feet on a skew of 83 degrees and a minimum underclearance of 7 feet 2 inches over Moose Creek on S. R. 1001 (River Road) and to remove the existing roadway and to construct and maintain approximately 1,300 feet of roadway and to construct approximately 100 feet of temporary stream diversion (Clearfield, PA Quadrangle N: 5.6 inches; W: 8.7 inches) in Lawrence Township, **Clearfield County**. The project will not impact on wetlands while impacting approximately 100 feet of waterway. Moose Creek is a cold water fisheries stream.

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

**E04-232.** Encroachment. **County of Beaver, Beaver County Engineering Department**, 469 Constitution Boulevard, New Brighton, PA 15066-3105. To remove the existing bridge and to construct and maintain a new bridge having a span of 23.8 feet with an underclearance of 7.5 feet across North Fork Kings Creek (CWF). The bridge is located on Mack Hollow Road (T-303) just east from the intersection of Mack Hollow Road (T-303) and Sutherin Road (Weirton, West VA-PA-Ohio Quadrangle N: 20.9 inches; W: 1.5 inches) in Hanover Township, **Beaver County**.

**E32-398.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 10-0, P. O. Box

429, Indiana, PA 15701. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 30.0 feet and an average underclearance of 6.5 feet across Crooked Creek (CWF) for the purpose of improving the transportation safety and roadway standards. Also proposed is the construction and maintenance of rock bank stabilization along the right bank of Crooked Creek just upstream of the bridge for a distance of approximately 100.0 feet and channel cleaning for a distance of approximately 100.0 feet upstream from the bridge. The project is located on S. R. 286, Segment 0680, offset 0162, Station 455+42 (Clymer, PA Quadrangle N: 6.8 inches; W: 8.3 inches) in Rayne Township, **Indiana County**.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E25-579.** Encroachment. **PA Department of Transportation**, District 1-0, 1140 Liberty Street, Franklin, PA 16323. To remove the existing bridge and to construct and maintain a prestressed concrete spread box beam bridge having a clear, normal span of 50 feet and an underclearance of 9 feet across East Branch LeBoeuf Creek on S. R. 1001, Segment 0140, Offset 2769 approximately 1 mile west of S. R. 1005 at Weeds Corners (Hammett, PA Quadrangle N: 6.8 inches; W: 9.3 inches) located in Greene Township, **Erie County**.

**E37-125.** Encroachment. **PA Department of Transportation**, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017-2853. To remove the existing structure and to construct and maintain a steel multigirder bridge with a single clear span of 195 feet and a maximum underclearance of 36.49 feet on S. R. 0488 (Seipel Avenue) across Connoquenessing Creek (WWF). The project is located on S. R. 0488 (Seipel Avenue) across the Connoquenessing Creek directly southeast of Ellport Borough (Beaver Falls, PA Quadrangle N: 19.6 inches; W: 1.1 inches) located in Ellport Borough and Perry Township, **Lawrence County**.

#### ENVIRONMENTAL ASSESSMENT

**Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D36-138EA.** Environmental Assessment. **PA Department of Transportation** (Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699). To breach and remove the Henry Eby Dam across the Conestoga River (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 7 meters upstream from the existing S. R. 322 bridge over the Conestoga River in Hinkletown (Ephrata, PA Quadrangle N: 5.1 inches; W: 0.4 inch) in Ephrata and Earl Townships, **Lancaster County**.

**D67-148EA.** Environmental Assessment. **Commonwealth of Pennsylvania**. To breach and remove the Detters Mill Dam (also known as Emigs Mill Dam) across the Conewago Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 700 feet upstream from the existing Harmony Grove Road bridge (S. R. 4014) over Conewago Creek in Detters Mill (Wellsville, PA Quadrangle N: 2.55 inches; W: 7.20 inches) in Warrington and Dover Townships, **York County**.

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**ACTIONS**


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

[National Pollution Discharge Elimination System  
Program (NPDES)]

**DISCHARGE OF CONTROLLED INDUSTRIAL  
WASTE AND SEWERAGE WASTEWATER**
**(Part I Permits)**

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**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.*

**WQM Permit No. 2398410.** Sewage. **Claude deBotton**, 1604 Walnut Street, Philadelphia, PA 19103. Construction and operation for the installation of an additional equalization tank to serve the Regal Theater WWTP located in Edgmont Township, **Delaware County**.

**WQM Permit No. 1598421.** Sewerage. **London Grove Township**, 550 East Baltimore Pike, Suite 200, West Grove, PA 19390. Construction and operation of two pump stations force mains and sanitary sewers to serve Phase 1B of the Inniscrone Residential Development located in London Grove Township, **Chester County**.

**WQM Permit No. 2398201.** Industrial waste. **Joseph Silverstri & Son**, 1168 Naamans Creek Road, Boothwyn, PA 19061. Construction and operation of an existing wastewater treatment facility located in Bethel Township, **Delaware County**.

**NPDES Permit No. PA0057509.** Industrial waste. **Joseph Silverstri & Son**, 1168 Naamans Creek Road, Boothwyn, PA 19061 is authorized to discharge from a

facility located in Bethel Township, **Delaware County**, into South Branch Naamans Creek.

**NPDES Permit No. PA0057509.** Sewage. **Jeanette DeMoreland**, 34 Tohickon Drive, Ottsville, PA 18942 is authorized to discharge from a facility located in Haycock Township, **Bucks County** into Dimple Creek.

**NPDES Permit No. PA0057622.** Sewage. **Leonard Lowinski**, 241 Woodhill Lane, Media, PA 19063 and **Ira Saft**, 261 Woodhill Lane, Media, PA 19063 are authorized to discharge from two facilities located in Upper Providence Township, **Delaware County** into an unnamed tributary to Ridley Creek.

**NPDES Permit No. PA0054003, Amendment No. 1.** Industrial waste. **Alco Industries Inc.**, 98 Highland Avenue, Oaks, PA 19456 is authorized to discharge from a facility located at Highland Business Park located in Upper Providence Township, **Montgomery County** into Crossmans Run.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**NPDES Permit No. PA-0021580.** Sewerage. **Borough of Catasauqua**, 118 Bridge Street, Catasauqua, PA 18032-2598 is authorized to discharge from a facility located in Catasauqua Borough, **Lehigh County**, to Lehigh River.

**NPDES Permit No. PA-0063843.** Industrial waste. **Milford Borough Municipal Authority**, 120 Pear Alley, P. O. Box 459, Milford, PA 18337 is authorized to discharge from a facility located in Milford Borough, **Pike County**, to Vantine Brook.

**NPDES Permit No. PA-0061212.** Sewerage. **Mik-Joan, Inc., d/b/a Oak Hill Inn**, 655 Route 61, Orwigsburg, PA 17961 is authorized to discharge from a facility located in North Manheim Township, **Schuylkill County**, to Mahannon Creek.

*Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**NPDES Permit No. PA0228061.** Sewerage. **Riviera Sewer Company of Pennsylvania Inc.**, Treasure Lake Mini Mall #4, DuBois, PA 15801-9010. Applicant given approval to update proposed sewer treatment plant to discharge treated effluent limits serving the west side of Treasure Lake. Facility located at Sandy Township, **Clearfield County**.

**WQM Permit No. 1498413.** Sewerage. **Black Hawk Mobile Home Park**, Box 278, King of Prussia, PA 19406. Applicant granted permission to construct pump station and force main to convey sewage from the existing mobile home park to the Center Hall Potter Sewer Authority sewage treatment plant. The existing plant at the park will be abandoned as this pump station will replace it. Facility is located at Potter Township, **Centre County**.

**WQM Permit No. 1498412.** Sewerage. **Cory R. Miller**, Executive Director, University Area Joint Authority, 1576 Spring Valley Road, State College, PA 16801. Applicant granted permission for rerating influent loading of their sewage treatment plant, since only the organic loading of the plant is being rerated the NPDES permit will be unaffected by this change. Facility is located at Benner Township, **Centre County**.

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

**WQM Permit No. 3796201, Amendment No. 1.** Industrial waste. **Farmers Dairy Foods, Inc.**, R. R. 1, New Wilmington, PA 16142. This project is for plans to install additional wastewater treatment facilities in Wilmington Township, **Lawrence County**.

**WQM Permit No. 6198405.** Sewage. **Sugarcreek Borough**, 212 Fox Street, Franklin, PA 16323. This project is for major improvements and expansion of an existing system in Sugarcreek Borough, **Venango County**.

**NPDES Permit No. PA0222704.** Sewage. **Mowery Development #1 Treatment Facility Association**, 4493 Steger Road, Erie, PA 16510 is authorized to discharge from a facility located in Greene Township, **Erie County** to an unnamed tributary to Four Mile Creek.

**NPDES Permit No. PA0034002.** Sewage. **Countryside Estates**, 17130 State Highway 98, Meadville, PA 16335 is authorized to discharge from a facility located in Summerhill Township, **Crawford County** to an unnamed tributary to Conneaut Creek.

**NPDES Permit No. PA0023805.** Sewage. **Linesville Municipal Authority**, 103 Erie Street, Box 145, Linesville, PA 16424 is authorized to discharge from a facility located in the City of Linesville, **Crawford County** to Linesville Creek.

**NPDES Permit No. PA0100013.** Sewage. **National Fuel Gas Distribution Corporation, West Erie County Service Center**, P. O. Box 2081, Erie, PA 16512 is authorized to discharge from a facility located in Fairview Township, **Erie County** to an unnamed tributary to Elk Creek.

**NPDES Permit No. PA0222666.** Sewage. **Scenic Heights Subdivision SFTF East**, 7616 Knoyle Road, Waterford, PA 16441 is authorized to discharge from a facility located in Venango Township, **Erie County** to an unnamed tributary to Six Mile Creek.

**NPDES Permit No. PA0102181.** Sewage. **Two Mile Run County Park**, Court House Annex, 1174 Elk Street, Franklin, PA 16323 is authorized to discharge from a facility located in Oakland Township, **Venango County** to Two Mile Run.

**NPDES Permit No. PA0031682.** Sewage. **Youngsville Motel**, Roberti Barney, 174 Matthews Run Road, Youngsville, PA 16371 is authorized to discharge from a facility located in Brokenstraw Township, **Warren County** to an unnamed tributary to Matthews Run.

**NPDES Permit No. PA0222712.** Sewage. **Sykesville Borough**, 21 East Main Street, Sykesville, PA 15865 is authorized to discharge from a facility located in Henderson Township, **Jefferson County** to Stump Creek.

## INDIVIDUAL PERMITS

(PAR)

### Bureau of Water Quality Protection

#### Notice of Availability of Final Pennsylvania General NPDES Permit for Wastewater Discharges from Single Family Residence Sewage Treatment Plants (PAG#4)

In compliance with the provisions of the Federal Clean Water Act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection

(Department) by this notice reissues the general permit for a 5-year period and announces availability of the final Pennsylvania General NPDES Permit for wastewater discharges from single family residence sewage treatment plants (PAG#4). The reissued general permit will expire on February 4, 2004, unless extended by the Department. The reissued general permit is effective on February 5, 1999.

On October 17, 1998, the Department published a notice inviting comments on the proposed revisions to this general permit. All comments received have been reviewed and considered as appropriate in making the final revisions to the permit documents. The permit documents also have been edited for minor changes reflecting the Department's name change and the Water Management reorganization. The Notice of Intent (NOI) and instructions have been reformatted to the standard of other general permits used by the Department. In compliance with 25 Pa. Code § 92.83(b)(2), the NOI is revised to require the permittee to submit a "prior compliance history" information for review by the Department before renewing coverage under this general permit or issuing new coverage under this general permit. No other technical or substantive changes have been made to the general permit documents.

Upon their duplication and posting on the web site, the final permit document package will be available for downloading from the Department's web site at: <http://www.dep.state.pa.us>. At that time, the documents should also be available by contacting the appropriate Department Regional Office having jurisdiction over the county with proposed discharge. A list of Regional Offices and the counties each cover and of the Central Office for submitting the general permit NOIs are provided in the instructions to the NOI.

The final permit documents should also be available by writing or contacting: Mary Miller, Division of Wastewater Management, Bureau of Water Quality Protection, Rachel Carson State Office Building (RCSOB), 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184, fax: (717) 772-5156.

Persons with a disability with questions regarding the general permit or seeking information about the general permit or copy of the general permit and associated materials, may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

## HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

Public Notice of Proposed Consent Decree

Millcreek Dump Site

Millcreek Township, Erie County

Under section 122 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C.A. § 9622, and section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113), Department of Environmental Protection (Department) has entered into a Consent Decree concerning settlement of the Department's Complaint against Kondu Corporation (Kondu). The Department's Complaint concerns the response costs that the Department has incurred and will incur to cleanup the Millcreek Dump Site in Erie County, PA. The Department's Complaint is filed in the United States District Court for the Western District of Pennsylvania, at Doc. No. 93-297 (Erie).

The Department has incurred over \$700,000 in past response costs, and estimates that it will incur over \$4

million in response costs in the future at the Millcreek Dump Site. However, based upon Kondu's limited ability to pay, the Department has agreed to settle its Complaint against Kondu for \$130,000. The specifics of the Department's settlement with Kondu are set forth in the Consent Decree.

The Department will receive and consider comments relating to the Consent Decree for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Consent Decree if the comments concerning the Consent Decree disclose facts or considerations which indicate that the Consent Decree is inappropriate, improper, inadequate or not in the public interest. After the public comment period, the Department's settlement with Kondu shall become final upon the filing of the Department's response to significant written comments to the Consent Decree and upon the United States District Court's approval of the Consent Decree.

Copies of the Consent Decree are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA, and at the United States District Court-house in Erie, PA. Comments may be submitted, in writing, to Hal Beavers, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335-3481. Further information may be obtained by contacting Hal Beavers at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

**Notice of Revised Proposed Prompt Interim  
Response  
Jackson Ceramix Site  
Falls Creek Borough, Jefferson County and Sandy  
Township, Clearfield County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), is proposing a revision to the response action for the Jackson Ceramix Site (site). The Department previously published a notice of proposed prompt interim response for the site on October 31, 1998. The site is located between Pennsylvania State Route 950, on the southern edge of Falls Creek Borough in Jefferson County, and Sandy Lick Creek in Sandy Township, Clearfield County, PA. The site is comprised of the property on which the Jackson China and Jackson Ceramix manufacturing companies operated, along with adjacent properties containing hazardous substances which have migrated from the manufacturing property, including, but not limited to, an adjacent drainage ditch, former lagoon area and wetlands to the east and southeast of the former manufacturing area.

Elevated levels of hazardous substances occur in the site groundwater, surface water, sediments, sludge and waste. Significant levels of bromomethane, cis-1, 2-dichloroethane, tetrachloroethene, trichloroethene, vinyl chloride, lead and manganese are present in groundwater samples. Onsite surface and subsurface soil contains tetrachloroethene and lead. Waste, sludge and sediment samples contain elevated levels of asbestos, lead, cadmium, barium and arsenic. Sediment and waste sludge from the wetland contain elevated levels of lead, copper and nickel.

For this prompt interim response, the Department has divided the former china manufacturing portion of the site into two areas of concern. They are: (A) the sumps,

pits, septic tanks, ceramic manufacturing process materials, construction debris, asbestos-containing materials, staged materials and sludge in the onsite drainage ditch and settling lagoon (miscellaneous wastes); and (B) the china waste.

In the notice published on October 31, 1998, the Department proposed that the hazardous substance containing miscellaneous wastes would be removed for offsite disposal. The Department now proposes that the hazardous substance containing miscellaneous wastes instead be treated by stabilization/solidification techniques and be closed, along with the china waste, under a Class III Residual Waste Landfill cap. For the miscellaneous wastes, the Department's current alternatives for the prompt interim response now include: 1) no action; 2) disposal of the asbestos-containing waste and the staged materials at offsite, permitted facilities and onsite treatment of hazardous substance containing miscellaneous wastes by stabilization/solidification techniques and subsequent closure, along with the china waste, under an onsite Class III Residual Waste Landfill cap.

The two alternatives for the china waste are unchanged from the October 31, 1998 notice, and include: 1) no action; and (2) closure as a Class III Residual Waste Landfill, in accordance with 25 Pa. Code § 288.234.

Each alternative was evaluated with respect to three comparison criteria of: 1) Effectiveness; 2) Implementability; and 3) Cost. Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis the Department proposes to implement the revised miscellaneous waste Alternative 2 (offsite disposal of asbestos-containing materials and the staged materials and onsite treatment of hazardous substance-containing miscellaneous wastes by stabilization/solidification techniques, followed by closure, along with the china waste, under a Class III Residual Waste Landfill cap). The Department's chosen alternative for the china waste is unchanged as Alternative 2 (closure as a Class III Residual Waste Landfill, in accordance with 25 Pa. Code § 288.234), as the prompt interim response for those areas of concern at the site. This alternative is proposed because it would, in the more cost-effective manner, protect the public and environmental receptors from direct contact with site-related hazardous substances, and eliminate the ongoing release and threat of release of hazardous substances into the environment from the miscellaneous waste and the china waste.

This proposed interim response would not be a final remedial response under section 504 of HSCA, and, therefore, would not be required to meet the cleanup standards that apply to final remedial responses. However, the alternative would be consistent with potential future remedial actions and future investigation activities.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, and is available for review Monday through Friday from 8 a.m. to 4 p.m. Please telephone beforehand for an appointment, (814) 332-6648.

The administrative record will be open for comment from February 6, 1999, until May 7, 1999. Persons may submit written comments into the record during this time only, by sending them to Christine Dougherty, Project Manager, at the Department's Northwest Regional Office or by delivering them to the office in person.

The Department will hold a public meeting on March 24, 1999, at 6:30 p.m., if requested by one or more members of the public. The meeting's purpose will be for the Department to answer the public's questions concerning the response at the site. The meeting will be held at the Falls Creek Municipal Building. Also, the public will have an opportunity to present oral comments, for inclusion into the administrative record, regarding the chosen prompt interim response, at a public hearing following the public meeting. Persons wishing to present oral comments must register with Christine Dougherty at the Department's Northwest Regional Office before March 17, 1999, by telephone or in writing. If no one requests a meeting or hearing, they will not be held. Persons interested in finding out if anyone has requested a public meeting or registered to present oral comments at the public hearing, should contact Christine Dougherty.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Christine Dougherty at (814) 332-6648 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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

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

**One Man Quarry**, Worcester Township, **Montgomery County**. Gary R. Brown, P.E., RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

**Northbrook Orchards**, Pocopson Township, **Chester County**. Frederick Bopp, III, Tetrahedron Consultants, Inc., 422 West First Avenue, Parkesburg, PA 19365, has submitted a Final Report concerning remediation of site soil contaminated with heavy metals. The report is intended to document remediation of the site to meet the Statewide health standard.

**Lenape Manufacturing Co.**, Perkasio Borough, **Bucks County**. Thomas R. Severino, Environmental Science & Remediation Technologies, Inc., 105 E. Evans St., West Chester, PA 19380, has submitted a Final Report concerning remediation of site soil contaminated with PCBs, heavy metals, solvents and petroleum hydrocarbons; and groundwater contaminated with solvents and petroleum hydrocarbons. The report is intended to document remediation of the site to meet Statewide health standards for soil and site-specific standards for groundwater.

**18th and Callowhill Sts. Site**, City of Philadelphia, **Philadelphia County**. James Cinelli, P.E., RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soil contaminated with PCBs and lead. The report is intended to document remediation of the site to meet the Statewide health standard.

**Whitman Residence**, Tredyffrin Township, **Chester County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with solvents and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

*Southcentral Regional Office: Environmental Cleanup Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Thompstontown Substation**, Thompstontown Borough, **Juniata County**. PP&L, Inc., Two North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 4

**The Department has taken actions on the following plans and reports under the Land Recycling and Environmental Remediation Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program**

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of

Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act 2 (Land Recycling and Environmental Remediations Standards Act) remediation standards. Plans and reports required by provisions of Act 2 for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has acted upon the following plans and reports:

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

**Xpress Lube Site**, City of Philadelphia, **Philadelphia County**. Richard D. Trimpi, P.G., Trimpi Associates, Inc., 889 Seminary St., Pennsburg, PA 18073, has submitted a Final Report concerning the remediation of site groundwater contaminated with BTEX. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on December 22, 1998.

**Tower Bridge North, No. 6**, Conshohocken Borough, **Montgomery County**. Michael M. Meloy, Manko, Gold and Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, has submitted a Final Report concerning the remediation of site soil contaminated with PCBs, lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on December 24, 1998.

**Moyer Packing Company**, Upper Makefield Township, **Bucks County**. Hudson S. Green, Jr., Earth Data Inc., 924 Springdale Drive, Exton, PA 19341, has submitted a Final Report concerning the remediation of site soil contaminated with solvents and polycyclic aromatic hy-

drocarbons; and groundwater contaminated with solvents. The Final Report demonstrated attainment of the Statewide health standard for soil and site-specific standards for groundwater and was approved by the Department on December 30, 1998.

*Northeast Regional Field Office: Joseph 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 No. 61579N52067**, Borough of Carbondale, **Lackawanna County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on November 20, 1998.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 57416N46725**, City of Scranton, **Lackawanna County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on November 20, 1998.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 59413N43623**, Roaring Brook Township, **Lackawanna County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on November 20, 1998.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 71688N53690**, Berlin Township, **Wayne County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on November 20, 1998.

**Bennick Residence**, Hegins Township, **Schuylkill County**. David Crowther, Geologist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 submitted a Final Report (on behalf of his clients, Paul and Lois Bennick, 101 Division Street, Valley View, PA 17983) concerning the remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds and polycyclic aromatic hydrocarbons (PAHs). The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on January 22, 1999.

**Teel Residence**, Upper Mt. Bethel Township, **Northampton County**. Kevin Van Kuren, President, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 submitted a Final Report (on behalf of his client, Dorothy Teel, 2245 North Delaware Drive, Mt. Bethel, PA 18343) concerning the remediation of site soils found to have been contaminated with polycyclic aromatic hydrocarbons (PAHs). The final report demonstrated attain-

ment of the Statewide human health standard, and was approved by the Department on January 14, 1999.

## SOLID AND HAZARDOUS WASTE

### RESIDUAL WASTE PROCESSING FACILITIES

**Closure plan approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for closure of a solid waste disposal area or site.**

*Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2516.*

**Permit I. D. No. 301312UNP. Keystone Cement Company**, P. O. Box A, Route 329, Bath, PA 18014-0058. A Closure Plan Approval for the existing unpermitted cement kiln dust (CKD) pile, located in East Allen Township, **Northampton County**. The closure plan involves the capping of the part of the cement kiln dust (CKD) pile known as the "Active Pile," while ensuring that the part of the CKD pile known as the "Stabilized Pile" is not subject to operational problems including erosion or CKD dispersion into the environment. The Closure Plan was approved in the Regional Office on January 15, 1999.

## AIR QUALITY

### OPERATING PERMITS

**Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**TVOP-46-00068: Centennial Printing Corp.** (875 First Avenue, King of Prussia, PA 19406) issued for operation of a Facility Title V Operating Permit in Upper Merion Township, **Montgomery County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**OP-14-0006: The Pennsylvania State University** (Physical Plant Building, University Park, PA 16802) on December 30, 1998, for operation of various nitrogen oxides emitting RACT (Reasonably Available Control Technology) sources (four coal-fired boilers, three natural gas/#2 fuel oil-fired boilers, one coal/water slurry and micronized coal-fired boiler, 43 small combustion units, 34 emergency generators and six space heaters) in College Township, **Centre County**.

*Southwest Regional Office: Air Quality Program, 400 Westfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**11-323-001: Concurrent Technologies Corp.** (100 CTC Drive, Johnstown, PA 15904) reissued January 13, 1999, for operation of pyrolysis cleaning furnace at Environmental Technology in Richland Township, **Cambria County**.

**OP-65-857A: Norton Pakco Industrial Ceramics** (55 Hillview Avenue, Latrobe, PA 15650) issued January 13, 1999, for operation of plasma arc cutter at Derry Plant in Derry Township, **Westmoreland County**.

**11-000-288: Johnstown America Corp.** (17 Johns Street, Johnstown, PA 15907) issued January 13, 1999, for operation of VOC (surface coating) at Franklin Plant in Franklin Borough, **Cambria County**.

**OP-65-016B: Latrobe Steel Co.** (2626 Ligonier Street, P. O. Box 31, Latrobe, PA 15650) issued January 13, 1999, for operation of two homogenization furnaces at Latrobe Plant in Latrobe Borough, **Westmoreland County**.

**OP-63-00884: Mine Technik America Inc.** (2045 West Pike Street, Houston, PA 15342) issued January 14, 1999, for operation of mining machinery manufacturing at Houston Facility in Chartiers Township, **Washington County**.

**Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**46-313-144: ITW Philadelphia Resins, Inc.** (130 Commerce Drive, Montgomeryville, PA 18936) issued January 19, 1999, for carbon filter in Montgomery Township, **Montgomery County**.

**General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**GP4-36-323-017: Novelty Mfg. Co.** (1330 Loop Road, Lancaster, PA 17601) authorized use of the general permit for burn-off oven in the City of Lancaster, **Lancaster County**.

**GP1-67-302-134: Danskin, Inc.** (P. O. Box M-16, York, PA 17405) authorized use of the general permit for two natural gas/No. 2 oil fired boilers in York City, **York County**.

### PLAN APPROVALS

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-46-0018A: Brown Printing Co.** (668 Gravel Pike, East Greenville, PA 18041) issued January 19, 1999, for operation of lithographic printing presses in Upper Hanover Township, **Montgomery County**.

**PA-46-0026: Global Packaging, Inc.** (Brower and Montgomery Avenue, Oaks, PA 19456) issued January 20, 1999, for operation of a flexographic printing press in Upper Providence Township, **Montgomery County**.

**PA-09-0035B: Coltec Industries** (23 Friends Lane, Newtown, PA 18940) issued January 20, 1999, for operation of a PTFE manufacturing line, lubricant in Newtown Township, **Bucks County**.

**PA-46-0005F: Merck & Co., Inc.** (770 Summeytown Pike, West Point, PA 19486) issued January 20, 1999, for

operation of a low NOx burner gas/oil boiler in Upper Gwynedd Township, **Montgomery County**.

**PA-46-0032A: SPS Technologies, Inc.** (Highland Avenue, Jenkintown, PA 19046) issued January 22, 1999, for operation of a coating and mixing room in Abington Township, **Montgomery County**.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**13-318-003: Kovatch Mobile Equipment** (One Industrial Complex, Nesquehoning, PA 18240) issued January 7, 1999, for construction of a spray paint operation in Nesquehoning Borough, **Carbon County**.

**40-318-048: Phoenix Mfg., Inc.** (375 West Union Street, P. O. Box 97, Nanticoke, PA 18634) issued January 11, 1999, for construction of an automotive spray paint operation in Nanticoke Borough, **Luzerne County**.

**48-313-080A: Binney and Smith, Inc.** (1100 Church Lane, P. O. Box 431, Easton, PA 18044) issued January 11, 1999, for modification of a paint mixing and kettle operation in Bethlehem Township, **Northampton County**.

**54-313-073A: Air Products and Chemical Co.** (P. O. Box 351, Tamaqua, PA 18252) issued January 6, 1999, for modification of a trifluoride production plant in Rush Township, **Schuylkill County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**06-302-171A: Premium Beverage Packers, Inc.** (1055 Cross Roads Blvd., Reading, PA 19605) issued January 19, 1999, for modification of two boilers controlled by low NOx burners at their Specialty Beverage Plant in Muhlenberg Township, **Berks County**. This source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

**28-03018: CECO/Taylor Co.** (150 Derbyshire Street, P. O. Box V, Chambersburg, PA 17201-0802) issued January 13, 1999, for installation of the two blow therm spray booths controlled by Columbus Industries, Inc. dry filters in Chambersburg Borough, **Franklin County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**PA-32-336A: Big Mack Leasing Co., Inc.** (RD 6, Box 231, Kittanning, PA 16201) issued January 1, 1999, for operation of coal crushing/loading/storage at Iselin No. 18 Mine in Young Township, **Indiana County**.

**04-313-053C: Envirotrol, Inc.** (P. O. Box 61, 432 Green Street, Sewickley, PA 15143) issued January 14, 1999, for operation of spent adsorb react kilns at Darlington Plant in Darlington Township, **Beaver County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-43-309A: Bucks Fabricating** (3547 Perry Highway, Hadley, PA 16130) issued January 19, 1999, for operation of a surface coating process in Sandy Creek Township, **Mercer County**.

**PA-10-028B: Armstrong Cement & Supply Co.** (100 Clearfield Road, Cabot, PA 16023) issued January 19, 1999, for modification of the ball mill baghouse in West Winfield Township, **Butler County**.

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**Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**23-313-024C: Degussa Corp.** (1200 West Front Street, Chester, PA 19013) issued January 19, 1999, for operation of a silica manufacturing process in City of Chester, **Delaware County**.

**23-312-206: Sun Co., Inc. (R&M)** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) issued January 19, 1999, for operation of a gasoline storage tank in Marcus Hook Borough, **Delaware County**.

**23-312-194: Sun Co., Inc. (R&M)** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) issued January 19, 1999, for operation of five storage tanks in Marcus Hook Borough, **Delaware County**.

**23-312-044E: Sun Co. Inc. (R&M)** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) issued January 19, 1999, for operation of gasoline storage tank No. 242 in Marcus Hook Borough, **Delaware County**.

**09-302-065A: Rohm & Haas Co.** (Route 413 and Old Route 13, Bristol, PA 19007) issued January 19, 1999, for operation of two boilers/to amend waste in Bristol Township, **Bucks County**.

**23-313-024D: Degussa Corp.** (1200 West Front Street, Chester, PA 19013) issued January 20, 1999, for operation of a fabric collector in City of Chester, **Delaware County**.

**PA-09-0005: 3M Co.** (2201 Green Lane, Bristol, PA 19007) issued January 20, 1999, for operation of an adhesive formulation process in Bristol Township, **Bucks County**.

**46-302-207: Occidental Chemical** (Armand Hammer Boulevard, Pottstown, PA 19464) issued January 21, 1999, for operation of three 3-98 MMBtu/hr boilers in Lower Pottsgrove Township, **Montgomery County**.

**15-320-023: Dopaco, Inc.** (241 Woodbine Road, Downingtown, PA 19335) issued January 22, 1999, for operation of a flexographic printing press in Downingtown Borough, **Chester County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**36-317-184B: Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17516) granted December 23, 1998, to authorize temporary operation for the bakery operation, covered by this Plan Approval until April 21, 1999, at their Denver Bakery in East Cocalico Township, **Lancaster County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**04-307-073C: Koppel Steel Corp.** (P. O. Box 750, Beaver Falls, PA 15010) issued January 13, 1999, for installation of multilance manipulator at Koppel Plant in Koppel Borough, **Beaver County**.

**PA-63-015A: Flexsys America LP** (829 Route 481, Monongahela, PA 15063) issued January 13, 1999, for operation of crystex plant at Monongahela Plant in Carroll Township, **Washington County**.

**11-305-033: Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650) issued January 13, 1999, for operation of coal crushing/screening at South Fork Strip in Adams Township, **Cambria County**.

**PA-04-601A: Tajon Warehouse Corp.** (2701 Route 68 West, Industry, PA 15052) issued January 13, 1999, for installation of screening plant—lot No. 3 at Arrow Terminals Midland in Midland Borough, **Beaver County**.

**PA-04-504A: Mitsui/ZCA Powders Co.** (300 Frankfort Road, Monaca, PA 15061) issued January 13, 1999, for installation of high purity zinc powder plant at ZCA Monaca in Potter Township, **Beaver County**.

**PA-63-110B: Corning Consumer Products Co.** (100 8th Street, Charleroi, PA 15022) issued January 13, 1999, for operation of glass melting tank 56 at Charleroi Plant in Charleroi Borough, **Washington County**.

**PA-63-002A: Twilight Industries** (212 State Street, Belle Vernon, PA 15012) issued January 13, 1999, for operation of coal staging/processing at I-70 Surface Mine in Somerset Township, **Washington County**.

**32-000-129: CNG Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222) issued January 13, 1999, for operation of four Inger. Rand SVG-8AS engines at Rochester Mills Station in East Mahoning Township, **Indiana County**.

**PA-65-093A: Hyde Park Foundry** (Railroad Street, P. O. Box 187, Hyde Park, PA 15641) issued January 13, 1999, for installation of magnesium inoculation at National Roll Company in Hyde Park Borough, **Westmoreland County**.

**PA-32-040A: GPU Generation, Inc.** (1001 Broad Street, Johnstown, PA 15907) issued January 13, 1999, for installation of Boiler 15 at Seward Station in East Wheatfield Township, **Indiana County**.

**PA-32-055A: GPU Generation, Inc.** (1001 Broad Street, Johnstown, PA 15907) issued January 13, 1999, for installation of coal blending and storage at Homer City Station in Center Township **Indiana County**.

**REASONABLY AVAILABLE CONTROL TECHNOLOGY**

(RACT)

**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-23-0006A: Foamex International, Inc.** (1500 East Second Street, Eddystone, PA 19022) amended January 22, 1999, for Facility VOC/NO<sub>x</sub> RACT in Eddystone Borough, **Delaware County**.

**Proposed Revision to the State Implementation Plan for Nitrogen Oxides (NO<sub>x</sub>); Approval of a Reasonably Available Control Technology Plan and Operating Permit; Public Hearing**

**Adams County**

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) Plan and an amendment to the State Implementation Plan

(SIP) for Alternative Joint Communications Center's (AJCC) Site R facility located in Liberty Township, Adams County.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in (RACT) Operating Permit No. 01-2009 for the existing Sherman Dale facility to comply with current regulations. Upon final approval, the operating permit will include emission limits, recordkeeping and reporting requirements for two turbines.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 705-4732 between 8 a.m. and 3:30 p.m. Monday through Friday, except holidays.

A public hearing will be held for the purpose of receiving comments on the proposed operating permit and SIP revisions. The hearing will be held on December 2, 1998, at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 from 1 p.m. until all scheduled comments on the proposed action are received.

Those wishing to comment are requested to contact Sandra Roderick at (717) 705-4931 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Larry Strauss, Air Pollution Control Engineer, DEP, 909 Elmerton Avenue, Harrisburg, PA 17110 during the 30-day period following publication of this notice.

Persons with a disability who wish to attend the hearing scheduled for January 16, 1998, at the Southcentral Regional Office and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sandra Roderick directly at (717) 705-4931 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Proposed Revision to the State Implementation Plan for Volatile Organic Compounds (VOC); Approval of a Reasonably Available Control Technology Plan and Operating Permit; Public Hearing**

**Huntingdon County**

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) Plan and an amendment to the State Implementation Plan (SIP) for a fiberglass reinforced plastic (FRP) tank manufacturing facility owned and operated by Containment Solutions, Inc. in Shirley Township, Huntingdon County.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in RACT Operating Permit No. 31-02005 for the existing facility to comply with current regulations.

The preliminary RACT determination, when approved, will be incorporated into an Operating Permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP.

A VOC RACT determination is being made for the entire FRP tank manufacturing facility. The preliminary

VOC RACT determination for the facility will require various work practices to minimize the emissions of VOC's. Upon final approval of the company's case-by-case analysis, the operating permit will include conditions requiring recordkeeping and reporting of operational data to verify VOC emissions.

An appointment to review the pertinent documents at the DEP Altoona District Office at 615 Howard Avenue, Altoona may be scheduled by contacting Kathy Ciampoli at (814) 946-7290 between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on March 15, 1999 at the Altoona District Office, located at 615 Howard Avenue, Altoona, PA 16601 from 10 a.m. until all scheduled comments are received.

Those wishing to comment are requested to contact Sandra Roderick Frank at (717) 705-4931 at least 1 week in advance of the hearing to schedule their testimony. Those wishing to comment are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Steve Weyandt, Air Pollution Control Engineer, 615 Howard Avenue, Altoona, PA 16601, on or before March 22, 1999.

Persons with a disability who wish to attend the hearing scheduled for February 9, 1999, at the Altoona District Office and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sandra Roderick directly at (717) 705-4931 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Proposed Revision to the State Implementation Plan for Nitrogen Oxides (NOx); Approval of a Reasonably Available Control Technology Plan and Operating Permit; Public Hearing**

**Perry County**

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) Plan and an amendment to the State Implementation Plan (SIP) for Texas Eastern Transmission Corporation's (TETCO) Sherman Dale Compressor facility located in Carroll Township, Perry County.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in (RACT) Operating Permit No. 50-2001 for the existing Sherman Dale facility to comply with current regulations. Upon final approval, the operating permit will include emission limits, recordkeeping and reporting requirements for two turbines.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

A public hearing will be held for the purpose of receiving comments on the proposed operating permit and SIP revisions. The hearing will be held on March 4, 1999, at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 from 1 p.m. until all scheduled comments on the proposed action are received.

Those wishing to comment are requested to contact Sandra Roderick at (717) 705-4931 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Larry Strauss, Air Pollution Control Engineer, DEP, 909 Elmerton Avenue, Harrisburg, PA 17110 during the 30-day period following publication of this notice.

Persons with a disability who wish to attend the hearing scheduled for March 4, 1999, at the Southcentral Regional Office and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sandra Roderick directly at (717) 705-4931 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**MINING**

**APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES**

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

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Coal Applications Issued*

**56910201.** Permit Renewal, **Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650), commencement, operation and restoration of a bituminous strip mine in Paint Township and Windber Borough, **Somerset County**, affecting 30.1 acres, receiving stream Paint Creek. Application received August 24, 1998. Permit issued January 11, 1999.

**32823026.** Permit Renewal for Reclamation, only, **Mahoning Mining, Inc.** (P. O. Box 44, New Bethlehem, PA 16242), for continued restoration of a bituminous strip mine in South Mahoning Township, **Indiana County**, affecting 56.0 acres, receiving stream unnamed tributary to Little Mahoning Creek. Application received January 11, 1999. Permit issued January 11, 1999.

**11830102.** Permit Renewal for Reclamation, only, **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319), continued restoration of a bituminous strip mine in Lower Yoder Township, **Cambria County**, affecting 166.3 acres, receiving stream unnamed tributary to St. Clair Run. Application received September 22, 1998. Permit issued January 13, 1999.

**4173SM5.** Permit Revision, **G. M. & W. Coal Company** (P. O. Box 68, Boswell, PA 15531), to change the land use from forestland to wildlife habitat in Stonycreek

Township, **Somerset County**, affecting 13.41 acres, receiving stream unnamed run to Glades Creek to Stonycreek to Conemaugh River to Kiskiminetas River to Allegheny River to Ohio River. Application received November 16, 1998. Permit issued January 12, 1999.

**17880129.** Permit Renewal for reclamation, only, **K & J Coal Company, Inc.** (P. O. Box 189, Westover, PA 16692) continued restoration of bituminous strip mine in Chest Township, **Cambria County**, affecting 244.4 acres, receiving stream unnamed tributaries of Rock Run and Rock Run. Application received November 19, 1998. Issued January 19, 1999.

**56890106.** Permit Renewal for reclamation, only, **Fieg Brothers** (3070 Stoystown Road, Stoystown, PA 15563) for continued restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 70.2 acres, receiving stream unnamed tributary to/and Hays Run. Application received January 15, 1999. Issued January 20, 1999.

**11930104.** Permit Renewal for reclamation, only, **E. P. Bender Coal Company, Inc.** (P. O. Box 594, Main and Lehmer Streets, Carrolltown, PA 15722), for continued restoration of bituminous strip mine in White Township, **Cambria County**, affecting 58.0 acres, receiving stream Dutch Run. Application received January 19, 1999. Issued January 20, 1999.

**32970107. SMP Boundary Revision, Simpson Coal Company** (R. D. 1, Box 244, New Alexandria, PA 15670) to add 0.2 acre to the existing permit of which 0.1 acre is for additional mining of the Pittsburgh coal seam in Young Township, **Indiana County**, receiving stream unnamed tributaries to Blacklegs Creek. Application received November 2, 1998. Issued January 19, 1999.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

**65950111. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701). Revision issued to add 10.9 acres and add the Upper Freeport coal seam to an existing bituminous surface mine located in Derry Township, **Westmoreland County**, now affecting 84.7 acres. Receiving streams: unnamed tributary to Saxman Run and unnamed tributary to Miller Run to Loyalhanna Creek to the Kiskiminetas River. Revision application received: November 6, 1998. Revision issued: January 15, 1999.

**63980103. Joseph Rostosky Coal Company** (R. R. 3, Box 112, Monongahela, PA 15063). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in California Borough, **Washington County**, affecting 21.7 acres. Receiving streams: Pike Run to Monongahela River. Application received: June 18, 1998. Permit issued: January 15, 1999.

**02950102. Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225). Permit revised to add 8.7 acres to an existing bituminous surface mining site located in North Fayette Township, **Allegheny County**, now affecting 100.7 acres. Receiving streams: unnamed tributary to North Branch Robinson Run, north Branch Robinson Run, Robinson Run, Chartiers Creek, Ohio River. Application received: September 8, 1998. Revision issued: January 19, 1999.

**65840119. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319). Permit revised to relocate 600 feet of an unnamed tributary to Stony Run at a bituminous surface/ auger mining, limestone removal/stone crushing operation located in Derry Township, **Westmoreland County**, affecting 630.3 acres. Receiving streams: unnamed tribu-

tary to Stony Run and unnamed tributaries of McGee Run to Conemaugh Run. Application received: November 5, 1998. Revised permit issued: January 25, 1999.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**32841317. Helvetia Coal Co.** (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Lucerne No. 9 in Conemaugh and Young Townships, **Indiana County**, postmining land use change, no additional discharges. Permit issued December 23, 1998.

**32851302. Helvetia Coal Co.** (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Lucerne No. 6E Mine in Blacklick and Center Townships, **Indiana County**, Aultman's Run and Stewart Run. Permit issued December 23, 1998.

**03841305. Keystone Coal Mining Corp.** (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Emilie No. 1 and 2 Mines in Plumcreek Township, **Armstrong County** to add 168 acres to underground mine and subsidence control plan, no additional discharges. Permit issued December 23, 1998.

**30841320. Target Industries, Inc.** (P. O. Box 479, Mount Morris, PA 15349), to revise the permit for the Target No. 1 in Dunkard Township, **Greene County** to add permit and subsidence control plan acres, no additional discharges. Permit issued January 5, 1999.

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

**54830207R3. Blaschak Coal Corp.** (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 280.0 acres, receiving stream—none. Renewal issued January 13, 1999.

**49830202R3. Split Vein Coal Company, Inc.** (R. R. 1, Box 1027, Paxinos, PA 17860), renewal of an existing coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 276.5 acres, receiving stream—none. Renewal issued January 20, 1999.

**54900101C. Blackwood, Inc.** (P. O. Box 639, Wind Gap, PA 18091), correction to an existing anthracite surface mine operation in Reilly and Branch Townships, **Schuylkill County** affecting 1,794.0 acres, receiving stream—Panther Creek. Correction issued January 20, 1999.

**54840102R3. Harriman Coal Corporation** (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite surface mine operation in Tremont Township, **Schuylkill County** affecting 115.0 acres, receiving stream—none. Renewal issued January 20, 1999.

**54830109R3. Joe Kuperavage Coal Company** (916 Park Avenue, Port Carbon, PA 17965-1211), renewal of an existing anthracite surface mine operation in Blythe Township and New Philadelphia Borough, **Schuylkill County** affecting 625.0 acres, receiving stream—Schuylkill River. Renewal issued January 21, 1999.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Coal Applications Returned*

**56920301.** Permit Revision, **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16665), to revise their reclamation plan in Ogle Township, **Somerset County**, affecting 222.5 acres, receiving

stream Clear Shade Creek. Application received November 23, 1998. Application cancelled and returned January 11, 1999.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

*Coal Applications Withdrawn*

**03910101. Thomas J. Smith, Inc.** (R. R. 1, Box 260D, Shelocta, PA 15774). Revision withdrawn requesting changes to the erosion and sedimentation control plan, a proposed removal of a portion of an unnamed tributary to the North Fork of Pine Creek, on an existing bituminous surface auger mine with a coal preparation/processing facility located in Boggs Township, **Armstrong County**, affecting 208.5 acres. Receiving streams: unnamed tributaries to North Fork of Pine Creek to the Allegheny River. Revision application received: December 10, 1998. Revision withdrawn: January 21, 1999.

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

*Noncoal Permits Issued*

**37980304. Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225) Commencement, operation and restoration of a limestone, sand and gravel operation in Slippery Rock Township, **Lawrence County** affecting 53.0 acres. Receiving streams: Three unnamed tributaries to Slippery Rock Creek. Application received: August 14, 1998. Permit Issued: January 11, 1999.

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

**4975SM4A1C3. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610-6001), correction to an existing quarry operation in Mt. Pleasant Township, **Adams County** affecting 108.3 acres, receiving stream—unnamed tributary to Conewago Creek. Correction issued January 13, 1999.

**40920301C. Riverview Block, Inc.** (R. R. 1, Box 1164, Berwick, PA 18603), correction to an existing quarry operation in Salem Township, **Luzerne County** affecting 100.3 acres, receiving stream—none. Correction issued January 19, 1999.

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

*Small Noncoal (Industrial Minerals) Permits Issued*

**10980807. Lester C. Henry** (R. D. 1, Box 103, Emlenton, PA 16373) Commencement, operation and restoration of a small noncoal sandstone operation in Ashland Township, **Clarion County**, affecting 5.0 acres. Receiving streams: Unnamed tributary to Beaver Creek. Application received: October 5, 1998. Permit issued: January 11, 1999.

**ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

**ENCROACHMENTS**

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704

(relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (*Note:* Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-5485.*

**E48-274. Encroachment. Pennsylvania Department of Transportation**, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103. To remove the existing structure and to construct and maintain a single-span, prestressed concrete I-beam bridge having a normal span of approximately 32.3 feet and a minimum underclearance of approximately 16.7 feet across Frya Run. This permit also authorizes the construction and maintenance of a temporary bridge having a single-span of 120 feet and underclearance of 20 feet across Frya Run, approximately 90 feet upstream of S. R. 0611. The project is located along S. R. 0611, Section 01B between Township Roads T409 (Coffeetown Road) and T418 (Royal Manor Road) (Riegelsville, PA Quadrangle N: 21.6 inches; W: 10.8 inches) in Williams Township, **Northampton County**.

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

**E01-198. Encroachment. Carroll Valley Golf Resort**, George Sturges, P. O. Box 715, Fairfield, PA 17320. To remove an existing enclosure and to construct and maintain 200 linear feet of triple 40-inch by 31-inch culverts and to replace in kind 10.24 linear feet of 48-inch diameter corrugated metal pipe just downstream of the enclosure. Both structures are in an unnamed tributary to Tom's Creek (Chapter 93—CWF) south of Sanders Road (Iron Springs, PA Quadrangle N: 2.5 inches; W: 0.5 inch) in Carroll Valley Borough, **Adams County**. This permit also includes 401 Water Quality Certification.

**E07-288. Encroachment. Leonard S. Fiore**, 5506 Sixth Avenue, Altoona, PA 16602. To place fill in 0.41 acre of wetlands as part of the development of a 25 acre residential subdivision known as Old Town Village located along the east side of SR 2007 about 1.3 miles south of its intersection with US Route 22 (Frankstown, PA Quadrangle N: 9.5 inches; W: 15.0 inches) in Frankstown Township, **Blair County**. The permittee is required to

provide a minimum of 0.88 acre of replacement wetlands on site. This permit also includes 401 Water Quality Certification.

**E22-387.** Encroachment. **Glimcher Group, Inc.**, Richard Bowen, One Mellon Bank Center, 500 Grant Street, Ste 200, Pittsburgh, PA 15219. To place fill in 0.23 acre of wetlands and to construct and maintain a 1,517 feet long, 8-foot × 5-foot box culvert in the channel of a tributary to Beaver Creek at a point approximately 2,000 feet downstream of Route 22 (Harrisburg, East, PA Quadrangle N: 10.5 inches; W: 6.75 inches) in Lower Paxton Township, **Dauphin County**. The permittee is required to provide a minimum of 0.23 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

**E05-262.** Encroachment. **Dauphin County General Authority**, Bedford Springs Golf Course, Scott Reese, 530 Harrisburg Street, Harrisburg, PA 17113. To remove six existing foot bridges, to reconstruct and maintain six other golf cart bridges and to construct and maintain five golf cart bridges at new locations over Shobers Run; and, to stabilize the left and right banks for an overall total length of 4,150 feet along Shobers Run located upstream of T-408 Bridge (Sweet Root Road) (Bedford PA Quadrangle N: 11.75 inches; W: 1.26 inches) in Bedford Township, **Bedford County**. This permit also includes 401 Water Quality Certification.

**E06-519.** Encroachment. **Exeter Township**, John Theisen, 4975 DeMoss Road, Reading, PA 19606. To place fill in 0.02 acre of wetlands adjacent to a tributary to Molasses Creek at a point along Pineland Road (Birdsboro, PA Quadrangle N: 7.7 inches; W: 9.0 inches) for the purpose of constructing a park in Exeter Township, **Berks County**. This permit also includes 401 Water Quality Certification.

*Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E41-435.** Encroachment. **Glenn O. Hawbaker, Inc.**, 120 South Arch Street, Montoursville, PA 17754. To temporarily store fill material (including aggregate material) and mobile construction equipment in the floodway of Loyalsock Creek located on Mill Street (Montoursville South, PA Quadrangle N: 21.5 inches; W: 8 inches) in Montoursville Borough, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

**E53-320.** Encroachment. **Harrison Township Supervisors**, P. O. Box 92, Harrison Valley, PA 16927. To remove an existing structure and to construct, operate and maintain a road crossing that will carry T-408 across Marsh Creek. The road crossing shall be constructed with a single corrugated metal culvert pipe. The pipe shall have a minimum diameter of 10-feet and a minimum length of 30-feet that is located along the northern right-of-way of SR 0049 approximately 200-feet north of the intersection of SR 1010 and T-480 (Harrison Valley, PA Quadrangle N: 15.2 inches; W: 10.4 inches) in Harrison Township, **Potter County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E65-713.** Encroachment. **Helen K. Newhouse**, 5 Sunshine Road, Herminie, PA 15637. To operate and maintain a single span bridge having a normal span of 10.0 feet and an underclearance of 6.3 feet across an unnamed tributary to Little Sewickley Creek constructed under the Department's Emergency Permit No. EP6598206. The

bridge is located off of Sunshine Road (Irwin, PA Quadrangle N: 2.9 inches; W: 13.0 inches) in Sewickley Township, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E02-1254.** Encroachment. **Urban Redevelopment Authority of Pittsburgh**, 200 Ross Street, Pittsburgh, PA 15219. To place and maintain fill in the flood plain along the left bank side of the Monongahela River, for a distance of approximately 3,150 feet for the purpose of developing a 115 acre site for proposed residential, retail, entertainment, office, research development facilities. The site is located on the northeast side of Carson Street between 25th Street and 34th Street, near River Mile 3.5 (Pittsburgh East Quadrangle N: 8.4 inches; W: 11.4 inches) in the City of Pittsburgh, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E65-492-A2.** Encroachment. **Three Rivers Marine & Rail Terminals, Inc.**, 2200 Springfield Pike, Conneville, PA 15425. To modify and maintain the existing barge docking facilities to have a new facilities area approximately 835 feet × 40 feet and a new mooring area approximately 835 feet × 105 feet along the right bank of the Monongahela River between Mile Points 43.1 × 43.3 (Monongahela, PA Quadrangle N: 0.5 inch; W: 0.3 inch) in Rostraver Township, **Westmoreland County**.

**E65-526-A2.** Encroachment. **Three Rivers Marine & Rail Terminals, Inc.**, 2200 Springfield Pike, Conneville, PA 15425. To modify, enlarge and maintain the existing facility to have a new facilities area of approximately 2.2 acres and a new mooring area of approximately 6.4 acres along the right bank of the Monongahela River between Mile Points 42.4 and 43.0 (Monongahela, PA Quadrangle N: 1.1 inches; W: 1.5 inches) in Rostraver Township, **Westmoreland County**.

**E65-710.** Encroachment. **Pennsylvania Department of General Services (DGS)**, Bureau of Engineering and Architecture, 18th and Herr Street, Harrisburg, PA 17125. To construct and maintain a flood protection project (Phase One (DGS 182-7)) in three unnamed tributaries to Brush Creek (CWF) located at various places. The project consists of removal of the existing structures and construction of 2,000 linear feet of concrete box and pipe culverts of various dimensions known as 14th Street Run culvert; construction of 451 linear feet of 54-inch steel pipe and 5-foot by 3-foot concrete box culvert known as West End Culvert; construction of 766 linear feet of 54-inch diameter steel and reinforced concrete pipe known as Penn Borough culvert; construction of three outfall structures in Brush Creek and inlet and outlet structures; and relocation of sanitary sewers (Irwin, PA Quadrangle N: 14.7 inches; W: 1.1 inches) in the City of Jeannette and Penn Borough, **Westmoreland County**. Also to place and maintain fill in 0.19 acre of wetlands. The permittee has made a monetary contribution in lieu of constructing replacement wetlands.

**E02-1240.** Encroachment. **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To remove existing structures, construct and maintain a 72" RCP culvert for a distance of 766' in a tributary to Peters Creek (TSF), to construct and maintain a 72" RCP/CMP culvert for a distance of 2,100' in a tributary to Peters Creek (TSF), to relocate and maintain a dual 20' × 10'6" box culvert with a 14' baffle and 6' weir in the one culvert and the other culvert depressed 6" in Lick Run (TSF) for a distance of 50', to temporarily

relocate approximately 120' of a tributary to Peters Creek, to temporarily relocate approximately 300' of Lick Run to construct and maintain an earth mound dike along Peters Creek for a distance of 8', to place and maintain fill in the flood plain as part of the Peters Creek Road Extension and to place and maintain fill in 0.36 acre of wetlands (PEM). This work is being done in conjunction with the Mon/Fayette Expressway (S. R. 0043), construction Section 52J consisting of a four lane limited access, divided toll highway, and to construct 0.82 mile of two lane roadway (Peters Creek Extension Road). This construction section starts at the south end of Gill Hall Road and parallels Gill Hall Road to the north end of Gill Hall Road (Project starts at Glassport, PA Quadrangle N: 2.4 inches; W: 14.5 inches and ends at Glassport, PA Quadrangle N: 5.0 inches; W: 10.5 inches) in Jefferson Borough and South Park Township in **Allegheny County** and Union Township in **Washington County**. The wetland replacement was approved under PA DEP Permit No. E02-1132.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E10-283.** Encroachment. **James A. West**, 2857 Oxford Blvd., Bldg. 200, Allison Park, PA 15101. To place fill in 0.06 acre of two wetlands for construction Laurelwood commercial rental storage unit project between Graham School Road and I-79 approximately 200 feet north of S. R. 3022 (Rochester Road) (Mars, PA Quadrangle N: 13.6 inches; W: 16.4 inches) located in Cranberry Township, **Butler County**. Project includes creation of 0.06 acre of replacement wetland immediately west of I-76 north of S. R. 3022 (Rochester Road).

**E10-285.** Encroachment. **Slippery Rock Township**, RD 4, Box 112, Slippery Rock, PA 16057. To modify the existing 54-inch-equivalent-diameter elliptical pipe culvert and to install a 54-inch-equivalent-diameter elliptical pipe culvert and a 36-inch-diameter pipe culvert and to maintain the three culverts in a tributary to Slippery Rock Creek on T-535 (Saniga Road) approximately 1,000 feet north of S. R. 4066 (West Sunbury, PA Quadrangle N: 8.13 inches; W: 15.5 inches) in Slippery Rock Township, **Butler County**.

**E61-218.** Encroachment. **Sugarcreek Borough**, 212 Fox Street, Franklin, PA 16323. To remove the existing Pump Station No. 3 from the FEMA 100-year Floodway of French Creek and to construct and maintain a new Pump Station No. 3 within the FEMA 100-year Floodplain of French Creek approximately 100 feet north of the existing pump station located approximately 2,600 feet west of the intersection of S. R. 0322 and Sugarcreek Drive (Franklin, PA Quadrangle N: 7.2 inches; W: 16.7 inches) in Sugarcreek Borough, **Venango County**.

## WATER ALLOCATIONS

**Actions taken on applications filed under the Act of June 24, 1939 (P. L. 842; No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.**

*Northwest Regional Office: Regional Manager, Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6899.*

**Permit No. WA 42-150A.** Water Allocation. **Bradford City Water Authority**, 28 Kennedy Street, Bradford, PA 16701. Grants the right to withdraw a combined total of 5.8 million gallons per day based on a 30 day average up to a maximum of 6.4 million gallons on any 1 day, from

Heffner Reservoir No. 5, Marilla Reservoir No. 3, and Gilbert Reservoir No. 2. The Bradford City Water Authority is an independent operating authority which owns and controls all water system assets, and is the only public water supply user either upstream or downstream of the water supply sources and the sole owner of the 12,000 acre watershed that produces 100% of the source water for the water supply system. The service area includes customers in Bradford City, Bradford Township, Foster Township and Lafayette Township, **McKean County**.

*Type of Facility:* City Water Authority. Kim R. Benjamin, Water Utilities Manager, Bradford City Water Authority, 28 Kennedy Street, Bradford, PA 16701.

*Permit Issue Date:* January 15, 1999.

[Pa.B. Doc. No. 99-193. Filed for public inspection February 5, 1999, 9:00 a.m.]

## Nitrogen Oxides (NOx) Allowance Program

### Issuance of Title V / State Only Operating Permits to include Conditions relating to NOx Allowance Requirements in 25 Pa. Code §§ 123.101—123.120

The Department of Environmental Protection (Department) has revised existing Title V/State Only Operating Permits to include provisions of 25 Pa. Code §§ 123.101—123.120 (relating to NOx allowance requirements). These regulations establish a NOx budget and a NOx allowance trading program for NOx affected sources for the purpose of achieving the health-based ozone ambient air quality standard. A NOx affected source is defined as a fossil fuel fired indirect heat exchange combustion unit with a maximum rated heat input capacity of 250 MMBtu/hour or more and all fossil fuel fired electric generating facilities rated at 15 megawatts or greater or any other source that voluntarily opts to become a NOx affected source.

Revised TitleV/State only operating permits require the owner or operator of each NOx affected source to hold a quantity of NOx allowances meeting the requirements of 25 Pa. Code §§ 123.110(a) by December 31, of each calendar year. One NOx Allowance is the limited authorization to emit 1 ton of NOx during the NOx Allowance Control Period, which begins May 1 of each year and ends September 30 of the same year. The NOx allowances held in the source's current year NOx Allowance Tracking System (NATS) account must be equal to or greater than the total NOx emitted from the source during the year's NOx allowance control period. The initial NOx allowance control period begins on May 1, 1999.

Revised TitleV/State only operating permits also include emission monitoring, reporting and recordkeeping requirements for each NOx affected source. NOx emissions from each NOx affected source shall be monitored in accordance with 25 Pa. Code § 123.108 and the procedures contained in the document titled "Guidance for Implementation of Emission Monitoring Requirements for the NOx Budget Program."

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, Market Street 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 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.

The Department is proposing to modify the Rule to make an accounting adjustment for the year 2000 Ozone Season allocations. If this proposal is adopted as final, the revised TitleV/State only operating permits will be proposed for modification to reflect this change.

Copies of the issued permits and other relevant information are available for review at the address given.

*Bureau of Air Quality, Division of Permits, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.*

67-2009: Solar Turbines, Inc. (P. O. Box 856376, San Diego, CA 92138-5376) located in Springettsbury Township, York County.

#### NOx affected Sources

Turbine #1	Point ID. : 031	Allowance: 33
Turbine #2	Point ID. : 032	Allowance: 33
Turbine #3	Point ID. : 033	Allowance: 33
Turbine #4	Point ID. : 034	Allowance: 33
Turbine #5	Point ID. : 035	Allowance: 33
Turbine #6	Point ID. : 036	Allowance: 32

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-194. Filed for public inspection February 5, 1999, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Equipment to Determine Blood Alcohol Content Under the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The Department of Health has approved the following equipment for determining alcohol content of the blood by analysis of a person's breath. This list of approved equipment replaces the previous list which appeared in 26 Pa. B. 1089 (March 9, 1996) and is published under the authority contained in the Motor Vehicle Code (75 Pa.C.S. § 1547(c)(1)), the Fish and Boat Code (30 Pa.C.S. § 5125(c)(1)), the Game and Wildlife Code (34 Pa.C.S. § 2502(c)) and The Administrative Code of 1929 (71 P. S. § 532).

Equipment approved under this notice may be used by law enforcement officials to obtain test results which will be admissible in evidence in any summary or criminal proceeding in which the defendant is charged with a violation of 75 Pa.C.S. § 3731 (driving under the influence of alcohol or controlled substance), or any other violation of the Vehicle Code arising out of the same action, or 30 Pa.C.S. § 5502 (operating watercraft under

influence of alcohol or controlled substance), or any other violation of the Fish and Boat Code arising out of the same action, or 34 Pa.C.S. § 2501 (hunting or furtaking under influence of alcohol or controlled substance), or any other violation of the Game and Wildlife Code arising out of the same action. Law enforcement agencies should determine that an approved training program in the use of the equipment is available in accordance with the above referenced statutes before purchasing any of the devices contained on this list.

The approval of Type A equipment listed in this notice is based on the evaluation of the equipment by the National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation (63 Fed. Reg. 10066, February 27, 1998).

Instruments marked with an asterisk (\*) meet the Model Specifications detailed in 49 F.R. 48854 (December 14, 1984) (that is, instruments tested at breath alcohol concentrations of 0.000, 0.050, 0.101 and 0.151 grams of alcohol per 210 liters of air). Instruments not marked with an asterisk meet the Model Specifications detailed in 58 FR 48705 (September 17, 1993), and were tested at breath alcohol concentrations of 0.000, 0.020, 0.040, 0.080 and 0.160 grams of alcohol per 210 liters of air. Instruments whose precision and accuracy have been evaluated in the latter concentration range (that is, devices not marked with an asterisk) should be used when reliable results are required at blood concentrations below 0.050%.

NHTSA also evaluates equipment to determine if it must be operated at fixed locations (that is, nonmobile equipment) or can be transported to non-fixed operational sites in the field (mobile equipment). Equipment on the list is approved for both mobile and nonmobile operation unless designated for use at a fixed location (nonmobile) exclusively, or for transport to field locations (mobile) only.

Inquiries concerning this notice may be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Bureau of Laboratories, Department of Health, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500.

Persons with a disability may submit questions to Dr. Shoemaker in alternative formats, such as by audiotape, braille or using V\TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Service at (800) 654-5984 [TT]. Persons with a disability who require an alternative format of this document (for example, large print, audiotape, braille) should contact Dr. Shoemaker so that he may make the necessary arrangements.

(a) *Type-A equipment.* The following equipment is approved for determining the alcohol content of the blood by analysis of a person's breath:

- (1) Alcohol Countermeasures System, Inc., Port Huron, MI  
Alert J3AD\*  
PBA 3000C
- (2) BAC Systems, Inc., Ontario, Canada  
Breath Analysis Computer\*
- (3) CAMEC Ltd., North Shields, Tyne and Ware, England  
IR Breath Analyzer\*
- (4) CMI, Inc., Owensboro, KY  
Intoxilyzer 200  
Intoxilyzer 200D

- Intoxilyzer 300  
 Intoxilyzer 400  
 Intoxilyzer 1400  
 Intoxilyzer 4011\*  
 Intoxilyzer 4011A\*  
 Intoxilyzer 4011AS\*  
 Intoxilyzer 4011AS-A\*  
 Intoxilyzer 4011AS-AQ\*  
 Intoxilyzer 4011AW\*  
 Intoxilyzer 4011A27-10100\*  
 Intoxilyzer 4011A27-10100 with filter\*  
 Intoxilyzer 5000  
 Intoxilyzer 5000 (w/Cal. Vapor Re-Circ.)  
 Intoxilyzer 5000 (w/3/8" ID hose option)  
 Intoxilyzer 5000CD  
 Intoxilyzer 5000CD/FG5  
 Intoxilyzer 5000 EN  
 Intoxilyzer 5000 (CAL DOJ)  
 Intoxilyzer 5000 (VA)  
 Intoxilyzer PAC 1200\*  
 Intoxilyzer S-D2
- (5) Decator Electronics, Decator, IL  
 Alco-Tector model 500\* (nonmobile use only)
- (6) Gall's Inc., Lexington, KY  
 Alcohol Detection System-A.D.S. 500
- (7) Intoximeters, Inc., St. Louis, MO  
 Photo Electric Intoximeter\* (nonmobile use only)  
 GC Intoximeter MK II\*  
 GC Intoximeter MK IV\*  
 Auto Intoximeter\*  
 Intoximeter 3000\*  
 Intoximeter 3000 (rev B1)\*  
 Intoximeter 3000 (rev B2)\*  
 Intoximeter 3000 (rev B2A)\*  
 Intoximeter 3000 (rev B2A) w/FM option\*  
 Intoximeter 3000 (Fuel Cell)\*  
 Intoximeter 3000D\*  
 Intoximeter 3000DFC\*  
 Alcomonitor (nonmobile use only)  
 Alcomonitor CC  
 Alco-Sensor III  
 Alco-Sensor IV  
 RBT III  
 RBT III-A  
 RBT-IV  
 RBT-IV with CEM (cell enhancement module)  
 Intox EC-IR  
 Portable Intox EC-IR
- (8) Komyo Kitagawa, Kogyo, K.K.  
 Alcoalyzer DPA-2\*  
 Breath Alcohol Meter PAM 101B\*
- (9) Life-Loc, Inc., Wheat Ridge, CO  
 PBA 3000-B  
 PBA 3000-P\*  
 PBA 3000-C  
 Phoenix  
 Alcohol Data Sensor
- (10) Lion Laboratories Ltd., Cardiff, Wales, UK  
 Alcolmeter 300  
 Alcolmeter 400  
 Alcolmeter AE-D1\*  
 Alcolmeter SD-2\*  
 Alcolmeter EBA\*  
 Auto-Alcolmeter\* (nonmobile use only)
- Intoxilyzer 200  
 Intoxilyzer 200D  
 Intoxilyzer 1400  
 Intoxilyzer 5000 CD/FG5  
 Intoxilyzer 5000 EN
- (11) Luckey Laboratories, San Bernardino, CA  
 Alco-Analyzer 1000\* (nonmobile use only)  
 Alco-Analyzer 2000\* (nonmobile use only)
- (12) National Draeger, Inc., Durango, CO  
 Alcotest 7010\*  
 Alcotest 7110\*  
 Alcotest 7110 MKIII  
 Alcotest 7110 MK III-C  
 Alcotest 7410  
 Alcotest 7410 Plus  
 Breathalyzer 900\*  
 Breathalyzer 900A\*  
 Breathalyzer 900BG\*  
 Breathalyzer 7410  
 Breathalyzer 7410-II
- (13) National Patent Analytical Systems, Inc.,  
 Mansfield, OH  
 BAC DataMaster (with or without the Delta-1  
 accessory)  
 BAC Verifier DataMaster (with or without the  
 Delta-1 accessory)  
 DataMaster cdm (with or without the Delta-1  
 accessory)
- (14) Omicron Systems, Palo Alto, CA  
 Intoxilyzer 4011\*  
 Intoxilyzer 4011AW\*
- (15) Plus 4 Engineering, Minturn, CO  
 5000 Plus 4\*
- (16) Seres, Paris, France  
 Alco Master
- (17) Siemens-Allis, Cherry Hill, NJ  
 Alcomat\*  
 Alcomat F\*
- (18) Smith and Wesson Electronics, Springfield, MA  
 Breathalyzer 900\*  
 Breathalyzer 900A\*  
 Breathalyzer 1000\*  
 Breathalyzer 2000\*  
 Breathalyzer 2000 (Non-Humidity Sensor)\*
- (19) Sound-Off Inc., Hudsonville, MI  
 AlcoData  
 Seres Alco Master
- (20) Stephenson Corp.  
 Breathalyzer 900\*
- (21) U.S. Alcohol Testing, Inc./Protection Devices, Inc.  
 Rancho Cucamonga, CA  
 Alco-Analyzer 1000 (nonmobile use only)  
 Alco-Analyzer 2000 (nonmobile use only)  
 Alco-Analyzer 2100
- (22) Verax Systems, Inc., Fairport, NY  
 BAC Verifier\*  
 BAC Verifier Datamaster  
 BAC Verifier Datamaster II\*
- (b) *Type-B Equipment.* The following equipment is approved for taking a sample of a person's breath for subsequent laboratory analysis to determine the alcohol content of a person's blood:
- (1) Intoximeters, Inc., St. Louis, MO  
 Indium Encapsulation System

- (2) Luckey Laboratories, San Bernardino, CA  
Mobat Sober-Meter-SM II

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 99-195. Filed for public inspection February 5, 1999, 9:00 a.m.]

**Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances 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 blood and/or serum for the determination of controlled substances. 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 blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses will be designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after the name of their laboratory.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. 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 who require auxiliary aid service should contact Dr. Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Service at (800) 654-5984 [TT].

Allegheny County Coroner's Office- SBSe, CBSe  
Division of Laboratories  
10 County Office Building  
Pittsburgh, PA 15219  
412-355-6873

American Medical Laboratories, Inc.- SBSe, CBSe  
14225 Newbrook Drive  
Chantilly, VA 20153  
703-802-6900

Analytic Biochemistries- SBSe, CBSe  
1680-D Loretta Avenue  
Feasterville, PA 19053  
215-322-9210

Dept of Pathology & Lab Med-HUP- SSe, CSe  
3400 Spruce Street  
Philadelphia, PA 19104  
215-662-6880

DrugScan, Inc.- SBSe, CBSe  
1119 Mearns Road, P. O. Box 2969  
Warminster, PA 18974  
215-674-9310

Good Samaritan Hospital- SSe  
Fourth and Walnut Streets, P. O. Box 1281  
Lebanon, PA 17042  
717-270-7500

Guthrie Clinic Pathology Laboratory- SSe  
Guthrie Square  
Sayre, PA 18840  
717-888-5858

Lab Corp Occupational Testing Services, Inc.- SBSe, CBSe  
1904 Alexander Drive  
Research Triangle Park, NC 27709  
919-549-8263

MedTox Laboratories, Inc.- SBSe, CBSe  
402 West County Road D  
St. Paul, Minnesota 55112  
612-636-7466

National Medical Services, Inc.-Laboratory- SBSe, CBSe  
3701 Welsh Road  
Willow Grove, PA 19090  
215-657-4900

National Medical Services, Inc.- SBSe, CBSe  
STAT Toxicology Laboratory  
2300 Stratford Avenue  
Willow Grove, PA 19090  
215-784-1600

Pittsburgh Criminalistics- SBSe  
1320 Fifth Avenue  
Pittsburgh, PA 15219  
412-391-6118

Quest Diagnostics of PA, Inc.- SBSe, CBSe  
875 Greentree Road

4 Parkway Center  
Pittsburgh, PA 15220  
412-920-7600

Saint Joseph Quality Medical Lab- SBS  
215 North 12th Street, Box 316  
Reading, PA 19603  
610-378-2200

Toxi-Con- SB  
120 Monahan Avenue, Suite 101  
Dunmore, PA 18512  
717-963-0722

Western Reserve Care System- SBS, CBS  
500 Gypsy Lane  
Youngstown, OH 44504  
216-740-3794

WVHCS Hospital, General Campus- SS  
Corner North River and Auburn Streets  
Wilkes-Barre, PA 18764  
717-829-8111

York Hospital- SSe  
1001 South George Street  
York, PA 17405  
717-771-2696

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 99-196. Filed for public inspection February 5, 1999, 9:00 a.m.]

**Laboratories Approved to Determine Blood Alcohol 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 are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood and/or serum and plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the analysis of serum proficiency testing specimens are approved to analyze both serum and plasma. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and 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 specialized services which will reflect the presence of alcohol in blood and/or serum and plasma. Laboratories located outside this Commonwealth may not provide blood and/or serum and plasma alcohol testing services in Pennsylvania unless they are specifically licensed by the Department under the Clinical Laboratory Act.

Persons seeking forensic blood and/or serum and plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes, and that the director of the facility is agreeable to performing determinations for this purpose. The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*.

The Department's blood alcohol and serum/plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Health Care Financing Administration (HCFA). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, 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 who require auxiliary aid service should contact Dr. Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Service at (800) 654-5984 [TT].

The symbols S and B indicate the following:

S = approved for serum and plasma analyses

B = approved for blood analyses

SB = approved for serum, plasma and blood analyses

Abington Memorial Hospital-S  
1200 Old York Road  
Abington, PA 19001  
215-576-2350

Albert Einstein Medical Center-Northern Division-S  
5501 Old York Road  
Philadelphia, PA 19141  
215-456-6100

Allegheny County Coroner's Office-SB  
Division of Laboratories  
10 County Office Building  
Pittsburgh, PA 15219  
412-355-6873

Allegheny General Hospital-Dept. Lab. Medicine-S  
320 East North Avenue  
Pittsburgh, PA 15212  
412-359-3521

Allegheny Valley Hospital Laboratory-SB  
1300 Carlisle Street  
Natrona Heights, PA 15065  
412-224-5100

Altoona Hospital-SB  
620 Howard Avenue  
Altoona, PA 16601  
814-946-2340

American Medical Laboratories, Inc.-SB  
14225 Newbrook Drive  
Chantilly, VA 20153  
703-802-6900

Analytic Bio-Chemistries, Inc.-SB  
1680-D Loretta Avenue  
Feasterville, PA 19053  
215-322-9210

Armstrong County Memorial Hospital-S  
R.D. 8, Box 50  
Kittanning, PA 16201  
412-543-8122

Associated Clinical Laboratories-SB  
1526 Peach Street  
Erie, PA 16501  
814-453-6621

Associated Regional and University Pathologists-SB  
500 Chipeta Way  
Salt Lake City, UT 84108  
800-242-2787

Ayer Clinical Laboratory-Penn Hospital-S  
8th & Spruce Streets  
Philadelphia, PA 19107  
215-829-3541

Bon Secours-Holy Family Regional Health-SB  
2500 Seventh Avenue  
Altoona, PA 16602  
814-949-4495

Braddock Medical Center-S  
412 Holland Avenue  
Braddock, PA 15104  
412-636-5000

Bradford Hospital Laboratory-SB  
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 Laboratory-S  
125 Simpson Road  
Brownsville, PA 15417  
412-785-7200

Butler Memorial Hospital-S  
911 East Brady Street  
Butler, PA 16001  
412-284-4510

Canonsburg General Hospital-S  
R.D.1, Box 147, Route 519  
Canonsburg, PA 15317  
412-745-6100

Carlisle Hospital-S  
245 Parker Street  
Carlisle, PA 17013  
717-249-1212

Centre Community Hospital-B  
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  
R.D. 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

Childrens Hospital of Philadelphia-S  
One Children's Center, 34th and Civic Center Blvd.  
Philadelphia, PA 19104  
215-590-1000

Citizens General Hospital-SB  
651 Fourth Avenue  
New Kensington, PA 15068  
412-337-5031

City Avenue Hospital-S  
4150 City Avenue  
Philadelphia, PA 19131  
215-871-1000

Clarion Hospital-SB  
One Hospital Drive  
Clarion, PA 16214  
814-226-9500

Clearfield Hospital Laboratory-S  
809 Turnpike Avenue, P. O. Box 992  
Clearfield, PA 16830  
814-765-5341

Clintox Laboratories-S  
601 Gay Street  
Phoenixville, PA 19460  
610-933-6550

Community Hospital-B  
North Fraley Street  
Kane, PA 16735  
814-837-8585

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

Conemaugh Valley Memorial Hospital-SB  
1086 Franklin Street  
Johnstown, PA 15905  
814-534-9000

Corry Memorial Hospital-S  
612 West Smith Street  
Corry, PA 16407  
814-664-4641

Crozer-Chester Medical Center-Springfield-S  
190 West Sproul Road  
Springfield, PA 19064  
610-328-9200

Crozer Chester Medical Center-S  
1 Med Ctr. Blvd.  
Upland, PA 19013  
610-447-2000

Delaware County Memorial Hospital-S  
501 N. 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-SB  
3400 Spruce Street  
Philadelphia, PA 19104  
215-662-6880

Doylestown Hospital-S  
595 West State Street  
Doylestown, PA 18901  
215-345-2250

DrugScan, Inc.-SB  
1119 Mearns Road, P. O. Box 2969  
Warminster, PA 18974  
215-674-9310

DuBois Regional Medical Center-West Unit-S  
100 Hospital Avenue  
DuBois, PA 15801  
814-371-2200

Easton Hospital-SB  
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

Elkins Park Hospital-S  
60 East Township Line Road  
Elkins Park, PA 19027  
215-663-6753

Ellwood City General Hospital-S  
724 Pershing Street  
Ellwood City, PA 16117  
412-752-0081

Endless Mountains Health Systems-B  
3 Grow Avenue  
Montrose, PA 18801  
717-278-3801

Ephrata Community Hospital-S  
169 Martin Avenue, P. O. Box 1002  
Ephrata, PA 17522  
717-733-0311

Episcopal Hospital-S  
100 East Lehigh Avenue  
Philadelphia, PA 19125  
215-427-7333

Evangelical Community Hospital-SB  
1 Hospital Drive  
Lewisburg, PA 17837  
717-522-2510

Forbes Regional Health Center-SB  
2570 Haymaker Road  
Monroeville, PA 15146  
412-858-2560

Frankford Hospital-Frankford Division-S  
Frankford Avenue and Wakeling Street  
Philadelphia, PA 19124  
215-831-2068

Frankford Hospital-Torresdale Division-S  
Red Lion and Knights Road  
Philadelphia, PA 19114  
215-612-4000

Frick Hospital-S  
508 South Church Street  
Mount Pleasant, PA 15666  
412-547-1500

Fulton County Medical Center-S  
216 South First Street  
McConnellsburg, PA 17233  
717-485-3155

Geisinger Medical Center-SB  
North Academy Road  
Danville, PA 17822  
717-271-6338

George Tolstoi Laboratory-Uniontown Hospital-S  
500 W. Berkeley Street  
Uniontown, PA 15401  
412-430-5143

Germantown Hospital and Medical Center-S  
One Penn Boulevard  
Philadelphia, PA 19144  
215-951-8800

Gettysburg Hospital-SB  
147 Gettys Street  
Gettysburg, PA 17325  
717-334-2121

Gnaden Huetten Memorial Hospital-SB  
Eleventh and Hamilton Streets  
Lehighon, PA 18235  
610-377-1300

Good Samaritan Hospital-SB  
Fourth and Walnut Streets, P. O. Box 1281  
Lebanon, PA 17042  
717-270-7500

Good Samaritan Regional Medical Center-B  
700 East Norwegian Street  
Pottsville, PA 17901  
717-621-4000

Graduate Hospital-S  
1800 Lombard Street  
Philadelphia, PA 19146  
215-893-2240

Grand View Hospital-S  
700 Lawn Avenue  
Sellersville, PA 18960  
215-257-3611

Greene County Memorial Hospital-S  
Bonar Avenue  
Waynesburg, PA 15370  
412-627-3101

Guthrie Clinic Pathology Laboratory-S  
Guthrie Square  
Sayre, PA 18840  
717-888-5858

Hahnemann University Hospital-S  
Broad and Vine Streets, MS 435  
Philadelphia, PA 19102  
215-762-1783

Hamot Medical Center-S  
201 State Street  
Erie, PA 16550  
814-455-6711

Hanover General Hospital-SB  
300 Highland Avenue  
Hanover, PA 17331  
717-637-3711

Harrisburg Hospital-SB  
South Front Street  
Harrisburg, PA 17101  
717-782-3131

Hazleton General Hospital-SB  
East Broad Street  
Hazleton, PA 18201  
717-450-4156

Health Network Laboratories-SB  
2024 Lehigh Street  
Allentown, PA 18103  
610-402-8150

Health Network Laboratories-S  
2545 Schoenersville Road  
Bethlehem, PA 18017  
610-861-2261

Highlands Hospital and Health Center-S  
401 East Murphy Avenue  
Connellsville, PA 15425  
412-628-1500

Holy Spirit Hospital-SB  
503 North 21st Street  
Camp Hill, PA 17011  
717-763-2206

Horizon Hospital System-Greenville Campus-SB  
110 North Main Street  
Greenville, PA 16125  
412-588-2100

Horizon Hospital System-Shenango Campus-SB  
2200 Memorial Drive  
Farrell, PA 16121  
412-981-3500

Indiana Hospital-Department of Lab Medicine-S  
P. O. Box 788  
Indiana, PA 15701  
412-357-7166

Jameson Memorial Hospital-S  
1211 Wilmington Avenue  
New Castle, PA 16105  
412-658-9001

J. C. Blair Memorial Hospital-S  
Warm Springs Avenue  
Huntingdon, PA 16652  
814-643-8645

Jeanes Hospital - S  
7600 Central Avenue  
Philadelphia, PA 19111  
215-728-2347

Jeannette District Memorial Hospital-S  
Jefferson Avenue  
Jeannette, PA 15644  
412-527-3551

Jefferson Regional Health Services, Inc.-Brookville Div.-S  
100 Hospital Road  
Brookville, PA 15825  
814-849-2312

John F. Kennedy Memorial Hospital-S  
Cheltenham Avenue and Langdon Streets  
Philadelphia, PA 19124  
215-831-7203

Kensington Hospital-S  
136 W. Diamond Street  
Philadelphia, PA 19122  
215-426-8100

LabOne, Inc.-SB  
8915 Lenexa Drive  
Overland Park, KS 66214  
913-888-1770

Lab Corp Occupational Testing Services, Inc.-SB  
4022 Willow Lake Blvd  
Memphis, TN 38118  
901-795-1515

Lab Corp. of America Holdings-SB  
69 First Avenue, P. O. Box 500  
Raritan, NJ 08869  
201-526-2400

Lab Corp. of America Holdings-SB  
6370 Wilcox Road  
Dublin, OH 43016  
800-282-7300

Laboratory Specialists, Inc.-B  
1111 Newton Street  
Gretna, Louisiana 70053  
504-361-8989

Lancaster General Hospital-S  
555 North Duke Street, P. O. 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-B  
West Second Avenue  
Latrobe, PA 15650  
412-537-1550

Lewistown Hospital-S  
Highland Avenue  
Lewistown, PA 17044  
717-248-5411

Lock Haven Hospital-B  
24 Cree Drive  
Lock Haven, PA 17745  
717-893-5000

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 W. Lancaster Avenue  
Paoli, PA 19301  
610-648-1000

Marian Community Hospital-S  
100 Lincoln Avenue  
Carbondale, PA 18407  
717-281-1042

McKeesport Hospital Laboratory-S  
1500 Fifth Avenue  
McKeesport, PA 15132  
412-664-2233

Meadville Medical Center-Liberty Street-S  
751 Liberty Street  
Meadville, PA 16335  
814-336-3121

The Medical Center, Beaver, PA, Inc.-SB  
1000 Dutch Ridge Road  
Beaver, PA 15009  
412-728-7000

Medical Center of Delaware-Department of Pathology-S  
4755 Ogletown-Stanton Road  
Newark, DE 19718  
312-733-3625

Medical Center of Delaware-Department of Pathology-S  
501 W. 14th Street  
Wilmington, DE 19899  
302-733-3625

Medical College of Pennsylvania Hospital-S  
3300 Henry Avenue  
Philadelphia, PA 19129  
215-842-6615

MedTox Laboratories, Inc.-SB  
402 West County Road D  
St. Paul, Minnesota 55112  
612-636-7466

Memorial Hospital-SB  
325 South Belmont Street, P. O. Box 15118  
York, PA 17403  
717-843-8623

Memorial Hospital Lab-SB  
1 Hospital Drive  
Towanda, PA 18848  
717-265-2191

Mercy Health Laboratory, Mercy Fitzgerald Hospital-S  
Lansdowne Avenue and Bailey Road  
Darby, PA 19023  
610-237-4175

Mercy Health Laboratory, Mercy Hospital/Philadelphia-S  
5301 Cedar Avenue  
Philadelphia, PA 19143  
215-748-9170

Mercy Health Laboratory, Mercy Community Hospital-S  
2000 Old West Chester Pike  
Havertown, PA 19083  
610-645-3600

Mercy Health Partners-S  
746 Jefferson Avenue  
Scranton, PA 18510  
717-348-7100

Mercy Hospital-S  
Pride and Locust Streets  
Pittsburgh, PA 15219  
412-232-7831

Mercy Hospital-S  
25 Church Street  
Wilkes-Barre, PA 18765  
717-826-3100

Mercy Hospital-Nanticoke-S  
128 West Washington Street  
Nanticoke, PA 18634  
717-735-5000

Mercy Providence Hospital Laboratory-S  
1004 Arch Street  
Pittsburgh, PA 15212  
412-323-5783

Mercy Suburban Hospital-S  
2701 DeKalb Pike  
Norristown, PA 19404  
610-278-2075

Methodist Hospital Division/TJUH, Inc.-S  
2301 South Broad Street  
Philadelphia, PA 19148  
215-952-9059

MidValley Hospital-S  
1400 Main Street  
Peckville, PA 18452  
717-489-7546

Miner's Hospital Lab of North Cambria-B  
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

Monsour Medical Center-S  
70 Lincoln Way East  
Jeannette, PA 15644  
412-527-1511

Montgomery Hospital Laboratory-S  
Powell and Fornance Streets  
Norristown, PA 19401  
610-270-2173

Moses Taylor Hospital-S  
700 Quincy Avenue  
Scranton, PA 18510  
717-963-2100

Nason Hospital-B  
Nason Drive  
Roaring Spring, PA 16673  
814-224-6215

National Medical Services, Inc.-Laboratory-SB  
3701 Welsh Road  
Willow Grove, PA 19090  
215-657-4900

National Medical Services, Inc.-SB  
STAT Toxicology Laboratory  
2300 Stratford Avenue  
Willow Grove, PA 19090  
215-784-1600

Nazareth Hospital-S  
2601 Holme Avenue  
Philadelphia, PA 19152  
215-335-6245

North Penn Hospital-S  
100 Medical Campus Drive  
Lansdale, PA 19446  
215-368-2100

Northwest Medical Center-Franklin-S  
1 Spruce Street  
Franklin, PA 16323  
814-437-7000

Northwest Medical Center, Oil City Campus-SB  
174 East Bissell Avenue  
Oil City, PA 16301  
814-677-1711

Ohio Valley General Hospital-S  
Heckel Road  
McKees Rocks, PA 15136  
412-777-6244

Omega Medical Laboratories, Inc.-SB  
2001 State Hill Road, Suite 100  
Wyomissing, PA 19610  
610-378-1900

PA Department of Health, Bureau of Laboratories-SB  
P. O. Box 500  
Exton, PA 19341-0500  
610-363-8500

PA State Police Lab-Bethlehem-SB  
2932 Airport Road  
Bethlehem, PA 18017  
610-861-2103

PA State Police Lab-Erie-SB  
4310 Iroquois Avenue  
Erie, PA 16511  
814-899-8447

PA State Police Lab-Greensburg-SB  
P. O. Box P, PA State Police  
Greensburg, PA 15601  
412-832-3299

PA State Police Lab-Harrisburg-SB  
1800 Elmerton Avenue  
Harrisburg, PA 17110  
717-783-5548

PA State Police Lab-Lima-SB  
350 N. Middletown Road  
Media, PA 19063  
610-566-9066

PA State Police Lab-Wyoming-SB  
479 Wyoming Avenue  
Wyoming, PA 18644  
717-826-2230

Palmerton Hospital-S  
135 Lafayette Avenue  
Palmerton, PA 18071  
610-826-3141

Parkview Hospital-S  
1331 East Wyoming Avenue  
Philadelphia, PA 19124  
215-537-7430

Penn State-Geisinger WVMC-S  
1000 East Mountain Drive  
Wilkes-Barre, PA 18711  
717-826-7830

Philipsburg Area Hospital-SB  
210 Lock Lomond Road  
Philipsburg, PA 16866  
814-342-7112

Phoenixville Hospital Laboratory-S  
140 Nutt Road, Department of Pathology  
Phoenixville, PA 19460  
610-983-1612

Pinnacle Health/Community General Osteopathic  
Hospital-S  
4300 Londonderry Road, P. O. Box 3000  
Harrisburg, PA 17109  
717-657-7214

Pittsburgh Criminalistics-SB  
1320 Fifth Avenue  
Pittsburgh, PA 15219  
412-391-6118

Pocono Medical Center Laboratory-SB  
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-SB  
420 South Jackson Streets  
Pottsville, PA 17901  
717-621-5262

Presbyterian Medical Center of Phila.-S  
3400 Spruce Street, Dept. of Pathology  
Philadelphia, PA 19104  
215-662-3435

Quest Diagnostics of PA, Inc.-S  
900 Business Center Drive  
Horsham, PA 19044  
215-957-9300

Quest Diagnostics of PA, Inc.-SB  
875 Greentree Road  
4 Parkway Center  
Pittsburgh, PA 15220  
412-920-7600

Quest Diagnostics, Incorporated-SB  
One Malcolm Avenue  
Teterboro, NJ 07608  
201-288-0900

Reading Hospital and Medical Center-S  
Sixth and Spruce Streets  
Reading, PA 19603  
610-378-6080

Riddle Memorial Hospital-S  
Baltimore Pike Highway 1  
Media, PA 19063  
610-566-9400

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 Agnes Medical Center-S  
1900 South Broad Street  
Philadelphia, PA 19145  
215-339-4100

Saint Clair Memorial Hospital-S  
1000 Bower Hill Road  
Pittsburgh, PA 15243  
412-561-4900

Saint Francis Hospital-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 Lukes Hospital-S  
801 Ostrum Street  
Bethlehem, PA 18015  
610-691-4141

Saint Mary Medical Center-S  
Langhorne-Newtown Road  
Langhorne, PA 19047  
215-750-2162

Saint Vincent Health Center-S  
232 West 25th Street  
Erie, PA 16544  
814-452-5383

Sewickley Valley Hospital Laboratory-S  
Blackburn Road and Fitch Drive  
Sewickley, PA 15143  
412-741-6600

Shadyside Hospital-S  
5230 Centre Avenue  
Pittsburgh, PA 15232  
412-622-2315

Sharon Regional Health System-SB  
740 East State Street  
Sharon, PA 16146  
412-983-3911

Sierra Analytical Laboratories-SB  
625 East Drinker Street  
Dunmore, PA 18512  
717-341-2224

SmithKline Beecham Clinical Laboratories, Inc.-SB  
400 Egypt Road  
Norristown, PA 19403  
610-631-4200

Soldiers & Sailors Memorial Hospital-S  
Central Avenue  
Wellsboro, PA 16901  
717-724-1631

Somerset Hospital Laboratory-SB  
225 South Center Avenue  
Somerset, PA 15501  
814-443-2626

South Hills Health System-Jefferson-SB  
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-SB  
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 Hospital-Cranberry-S  
One Francis Way  
Cranberry Township, PA 16066  
412-772-5300

St. Francis Medical Center-S  
400-45th Street  
Pittsburgh, PA 15201  
412-622-4838

St. Joseph Quality Medical Laboratory-SB  
215 North 12th Street, Box 316  
Reading, PA 19603  
215-378-2200

St. Joseph's Hospital-Div. of NPHS-S  
16th Street and Girard Avenue  
Philadelphia, PA 19130  
215-787-9000

St. Lukes Hospital-Allentown Campus-S  
1736 Hamilton Street  
Allentown, PA 18104  
610-439-4000

St. Lukes Quakertown Hospital-S  
Eleventh Street & Park Avenue, P. O. Box 9003  
Quakertown, PA 18951  
215-536-2400

St. Marys Regional Medical Center-B  
763 Johnsonburg Road  
St. Marys, PA 15857  
814-834-8519

Suburban General Hospital-S  
100 S. Jackson Avenue  
Bellevue, PA 15202  
412-734-6000

Taylor Hospital Division of CCMC-S  
175 East Chester Pike  
Ridley Park, PA 19078  
610-595-6450

Temple East, Inc., NE-S  
2301 East Allegheny Avenue  
Philadelphia, PA 19134  
215-291-3671

Temple East, Inc.-NMC-S  
1741 Frankford Avenue  
Philadelphia, PA 19125  
215-291-2118

Temple Lower Bucks Hospital Lab-S  
501 Bath Road  
Bristol, PA 19007  
215-785-9200

Temple University Hospital-S  
3401 N. Broad Street  
Philadelphia, PA 19140  
215-221-3453

Thomas Jefferson University Hospital-S  
125 South 11th Street, 204 Pavillion  
Philadelphia, PA 19107  
215-955-6374

Titusville Area Hospital-S  
406 West Oak Street  
Titusville, PA 16354  
814-827-1851

Toxi-Con-SB  
120 Monahan Avenue, Suite 101  
Dunmore, PA 18512  
717-963-0722

Tyler Memorial Hospital-S  
R. D. 1, Route 6  
Tunkhannock, PA 18657  
717-836-2161

Tyrone Hospital-SB  
Clay Avenue Extension  
Tyrone, PA 16686  
814-684-1255

United Community Hospital-S  
631 North Broad Street Ext.  
Grove City, PA 16127  
412-458-5442

University Hospital-M.S. Hershey Medical Center-S  
500 University Avenue  
Hershey, PA 17033  
717-531-8353

University of Pittsburgh Medical Center/Beaver Valley-SB  
2500 Hospital Drive-Pathology Dept.  
Aliquippa, PA 15001  
412-857-1238

University of Pittsburgh Medical Center-CLSI-SB  
200 Lothrop Street, CLSI Room 5929 MT  
Pittsburgh, PA 15213  
412-647-7813

UPMC Bedford Memorial-SB  
10455 Lincoln Highway  
Everett, PA 15537  
814-623-3506

UPMC Lee Regional Hospital-SB  
320 Main Street  
Johnstown, PA 15901  
814-533-0130

UPMC Passavant-S  
9100 Babcock Boulevard  
Pittsburgh, PA 15237  
412-367-6700

UPMC Saint Margaret Hospital-S  
815 Freeport Road  
Pittsburgh, PA 15215  
412-784-4000

Warminster Hospital-S  
225 Newtown Road  
Warminster, PA 18974  
215-441-6700

Warren General Hospital-SB  
212 Crescent Park West  
Warren, PA 16365  
814-723-3300

Washington Hospital-S  
155 Wilson Avenue  
Washington, PA 15301  
412-225-7000

Wayne Memorial Hospital-S  
601 Park Street  
Honesdale, PA 18431  
717-253-1300

Waynesboro Hospital-S  
East Main Street  
Waynesboro, PA 17268  
717-765-3403

West Virginia University Hospital-S  
Clinical Laboratories  
1 Medical Center Drive, P. O. Box 8009  
Morgantown, WV 26506  
304-598-4241

Western Pennsylvania Hospital-S  
4800 Friendship Avenue  
Pittsburgh, PA 15224  
412-578-5779

Western Reserve Care System-SB  
500 Gypsy Lane  
Youngstown, OH 44504  
216-740-3794

Westmoreland Hospital-S  
532 W. Pittsburgh Street  
Greensburg, PA 15601  
412-832-4365

Williamsport Hospital and Medical Center-SB  
777 Rural Avenue  
Williamsport, PA 17701  
717-321-2300

Windber Medical Center-B  
600 Somerset Avenue  
Windber, PA 15963  
814-467-6611

WVHCS Hospital, General Campus-SB  
Corner North River and Auburn Streets  
Wilkes-Barre, PA 18764  
717-829-8111

York Hospital-SB  
1001 South George Street  
York, PA 17405  
717-771-2696

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 99-197. Filed for public inspection February 5, 1999, 9:00 a.m.]

### Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations Under the Clinical Laboratory Act

The following laboratories are licensed in accordance with 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 under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health (Department).

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead or erythrocyte protoporphyrin testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.4 (relating to reportable noncommunicable diseases and conditions). In addition, the Department requests laboratories to submit reports on children under 6 years of age and pregnant women, on whom laboratory tests confirm venous blood lead concentrations of 15 micrograms per deciliter or higher. The Department's collection and review of these latter reports would be consistent with the most recent revision of the guideline titled, *Preventing Lead Poisoning in Young Children*, which was published in 1991 by the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, and is available from them.

All reports must be sent to the Department of Health, Division of Environmental Health, P. O. Box 90, Harrisburg, PA 17108. Report forms are available on request from the Division of Environmental Health.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

Blood lead analyses performed for occupational safety and health purposes must be conducted by a laboratory which also meets the requirements of the Occupational Safety and Health Administration of the United States Department of Labor as specified in 29 CFR 1910.1025(j)(2)(iii).

The list of approved laboratories will be reviewed semiannually and if there are any changes to the list, a notice to that effect will be published in the *Pennsylvania Bulletin* at that time.

The Department's blood lead proficiency testing program is approved by the U.S. Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Health Care Financing Administration (HCFA). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, 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 who require auxiliary aid service should contact Dr. Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Service at (800) 654-5984 [TT].

Allegheny County Coroners Office-L  
3441 Forbes Avenue Oakland  
Pittsburgh, PA 15213  
412-578-8072

Allegheny General Hospital-L  
320 East North Avenue  
Pittsburgh, PA 15212  
412-359-3521

American Medical Laboratories, Inc.-LP  
14225 Newbrook Drive  
Chantilly, VA 20153  
703-802-6900

Angeline Kirby Memorial Health Center-L  
71 North Franklin Street  
Wilkes-Barre, PA 18701  
717-823-5450

Associated Regional & University Pathologists-LP  
500 Chipeta Way  
Salt Lake City, UT 84108  
800-242-2787

Aurora Consolidated Labs-LP  
8901 West Lincoln Avenue  
West Allis, WI 53227  
414-328-7945

Children's Hospital of Philadelphia-P  
One Children's Center, 34th and Civic  
Philadelphia, PA 19104  
215-590-1000

Clarendon Laboratory-L  
1125 Flatbush Avenue  
Brooklyn, NY 11226  
718-856-4700

East Penn Manufacturing Company, Inc.-LP  
Deka Road, Keller Tech Center  
Lyons Station, PA 19536  
610-682-6361

Edison Medical Laboratories, Inc.-LP  
1692 Oak Tree Road, Suite 1  
Edison, NJ 08820  
732-906-7800

Ellwood City General Hospital-LP  
724 Pershing Street  
Ellwood City, PA 16117  
412-752-0081

Exide Corp. Indus. Hygiene Lab.-LP  
6313 Rising Sun Avenue  
Philadelphia, PA 19111  
215-342-1414

Geisinger Medical Center-L  
North Academy Road  
Danville, PA 17822  
717-271-6338

Great Smokies Diagnostic Laboratory-L  
63 Zillicoa Street  
Asheville, NC 28801  
828-253-0621

Hagerstown Medical Laboratory-L  
11110 Medical Campus Road, Suite 230  
Hagerstown, MD 21742  
301-790-8670

Health Network Laboratories-LP  
2024 Lehigh Street  
Allentown, PA 18103  
610-402-8150

Helena Laboratories-P  
P. O. Box 752  
Beaumont, TX 77704  
409-842-3714

LabCorp of America Holdings-LP  
6370 Wilcox Road  
Dublin, OH 43016  
800-282-7300

LabCorp of America Holdings-LP  
1447 York Court  
Burlington, NC 27215  
800-334-5161

LabCorp of America Holdings-LP  
69 First Avenue, P. O. Box 500  
Raritan, NJ 08869  
201-526-2400

Laboratory Corp of America-LP  
13900 Park Center Road  
Herndon, VA 22071  
703-742-3100

LabOne, Inc.-LP  
8915 Lenexa Drive  
Overland Park, KS 66214  
913-888-1770

Lancaster General Hospital-L  
555 North Duke Street, P. O. Box 3555  
Lancaster, PA 17603  
717-299-5511

LeadTech Corporation-L  
One Marine Plaza  
North Bergen, NJ 07047  
201-868-7707

Main Line Clinical Laboratory-L  
Lankenau Hospital

100 East Lancaster Avenue  
Wynnewood, PA 19096  
610-645-2615

Mayo Clinic-LP  
200 First Street, S.W., Hilton 530  
Rochester, MN 55905  
507-284-8626

Mercy Health Lab-Mercy Fitzgerald Hospital-L  
Lansdowne Avenue and Bailey Road  
Darby, PA 19023  
610-237-4175

Mercy Hospital Lab-L  
Pride and Locust Streets  
Pittsburgh, PA 15219  
412-232-7831

National Medical Services-LP  
3701 Welsh Road  
Willow Grove, PA 19090  
215-657-4900

Omega Medical Laboratories, Inc.-L  
2001 State Hill Road, Suite 100  
Wyomissing, PA 19610  
610-378-1900

Pacific Toxicology Laboratories-LP  
1545 Pontius Avenue  
Los Angeles, CA 90025  
310-479-4911

Pennsylvania Department of Health-LP  
Bureau of Laboratories  
P. O. Box 500  
Exton, PA 19341-0500  
610-363-8500

Pocono Medical Center-L  
206 East Brown Street  
East Stroudsburg, PA 18301  
717-476-3544

Primary Care Health Services, Inc., Laboratory-L  
7227 Hamilton Avenue  
Pittsburgh, PA 15208  
412-244-4728

Public Health Laboratory City of Philadelphia-L  
500 South Broad Street  
Philadelphia, PA 19146  
215-685-6811

Quest Diagnostics Incorporated-LP  
One Malcolm Avenue  
Teterboro, NJ 07608  
201-288-0900

Quest Diagnostics of PA, Inc.-LP  
875 Greentree Road  
Four Parkway Center  
Pittsburgh, PA 15220-3610  
412-920-7600

Quest Diagnostics of PA, Inc.-LP  
900 Business Center Drive  
Horsham, PA 19044  
215-957-9300

Quest Diagnostics, Incorporated-LP  
33608 Ortega Highway  
San Juan Capistrano, CA 92690  
714-728-4000

Reading Hospital and Medical Center-L  
6th and Spruce Streets  
Reading, PA 19603  
610-378-6080

SmithKline Beecham Clinical Laboratories-LP  
400 Egypt Road  
Norristown, PA 19403  
610-631-4200

SmithKline Bioscience Laboratories-LP  
7600 Tyrone Avenue  
Van Nuys, CA 91405  
818-376-6259

Specialty Laboratories-L  
2211 Michigan Avenue  
Santa Monica, CA 90404  
310-828-6543

St. Joseph Quality Medical Laboratory-L  
215 North 12th Street, Box 316  
Reading, PA 19603  
610-378-2200

Tamarac Medical-LP  
7000 South Broadway, Suite 2C  
Littleton, CO 80122  
303-794-1083

Toxi-Con Laboratories-LP  
120 Monahan Avenue, Suite 101  
Dunmore, PA 18512  
717-963-0722

University of Pittsburgh Medical Center-LP  
200 Lothrop Street  
CLSI Room 5929 MT  
Pittsburgh, PA 15213-2582  
412-647-7813

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 99-198. Filed for public inspection February 5, 1999, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Shamrock Surprize Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Shamrock Surprize.

2. *Price:* The price of a Pennsylvania Shamrock Surprize instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Shamrock Surprize instant lottery game ticket will contain one play area and one "Surprize Box" area. The play symbols and their captions located in the play area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THR DOL), \$7.<sup>00</sup> (SVN DOL), \$37\$ (TRY SVN), \$137\$ (HNTYRYSVN), \$317\$ (THR SVTN) and \$1,000 (ONE THO). The play symbols and their captions located in the "Surprize Box" area are: Pot of Gold Symbol (POTGLD), Rainbow Symbol (RAINBOW) and Clover Symbol (CLOVER).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$7, \$17, \$37, \$137, \$317 and \$1,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Shamrock Surprise instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with three matching play symbols of \$317\$ (THR SVTN) in the play area, on a single ticket, shall be entitled to a prize of \$317.

(c) Holders of tickets with three matching play symbols of \$137\$ (HNTRYSVN) in the play area, on a single ticket, shall be entitled to a prize of \$137.

(d) Holders of tickets with three matching play symbols of \$37\$ (TRY SVN) in the play area, on a single ticket, shall be entitled to a prize of \$37.

(e) Holders of tickets with a Pot of Gold Symbol (POTOGLD) play symbol in the "Surprise Box" area, on a single ticket, shall be entitled to a prize of \$17.

(f) Holders of tickets with three matching play symbols of \$7.<sup>00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(g) Holders of tickets with three matching play symbols of \$3.<sup>00</sup> (THR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$3.

(h) Holders of tickets with three matching play symbols of \$2.<sup>00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with three matching play symbols of \$1.<sup>00</sup> (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

(j) A prize will be paid only for the highest Pennsylvania Shamrock Surprise instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Get	Win	Approximate Odds	Approximate No. of Winners Per 4,320,000 Tickets
3-\$1	\$1	1:7.89	547,200
3-\$2	\$2	1:16.67	259,200
3-\$3	\$3	1:75	57,600
3-\$7	\$7	1:150	28,800
Pot of Gold	\$17	1:75	57,600
3-\$37	\$37	1:3,000	1,440
3-\$137	\$137	1:12,000	360
3-\$317	\$317	1:48,000	90
3-\$1,000	\$1,000	1:120,000	36

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Shamrock Surprise instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Shamrock Surprise, prize money from winning Pennsylvania Shamrock

Surprise 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 Shamrock Surprise instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Shamrock Surprise or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 99-199. Filed for public inspection February 5, 1999, 9:00 a.m.]

**Pennsylvania Valentine's Day Doubler Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Valentine's Day Doubler.

2. *Price:* The price of a Pennsylvania Valentine's Day Doubler instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Valentine's Day Doubler instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$7.<sup>00</sup> (SVN DOL), \$14.<sup>00</sup> (FOURTN), \$20\$ (TWENTY), \$40\$ (FORTY), \$214\$ (TWOFRTN) and a Cupid Symbol (CUPID).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$7, \$14, \$20, \$28, \$40 and \$214.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Valentine's Day Doubler instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$214\$ (TWOFRTN) in the play area, on a single ticket, shall be entitled to a prize of \$214.

(b) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(c) Holders of tickets with two matching play symbols of \$20\$ (TWENTY), and a Cupid Symbol (CUPID) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(d) Holders of tickets with two matching play symbols of \$14.<sup>00</sup> (FOURTN), and a Cupid Symbol (CUPID) in the play area, on a single ticket, shall be entitled to a prize of \$28.

(e) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with three matching play symbols of \$14.<sup>00</sup> (FOURTN) in the play area, on a single ticket, shall be entitled to a prize of \$14.

(g) Holders of tickets with two matching play symbols of \$7.<sup>00</sup> (SVN DOL), and a Cupid Symbol (CUPID) in the play area, on a single ticket, shall be entitled to a prize of \$14.

(h) Holders of tickets with three matching play symbols of \$7.<sup>00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(i) Holders of tickets with two matching play symbols of \$2.<sup>00</sup> (TWO DOL), and a Cupid Symbol (CUPID) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets with three matching play symbols

of \$4.<sup>00</sup> (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets with three matching play symbols of \$2.<sup>00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets with two matching play symbols of \$1.<sup>00</sup> (ONE DOL), and a Cupid Symbol (CUPID) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets with three matching play symbols of \$1.<sup>00</sup> (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

(n) A prize will be paid only for the highest Pennsylvania Valentine's Day Doubler instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
3-\$1	\$1	1:7.89	547,200
2-\$1 w/cupid	\$2	1:21.43	201,600
3-\$2	\$2	1:50	86,400
3-\$4	\$4	1:600	7,200
2-\$2 w/cupid	\$4	1:200	21,600
3-\$7	\$7	1:100	43,200
2-\$7 w/cupid	\$14	1:150	28,800
3-\$14	\$14	1:300	14,400
3-\$20	\$20	1:600	7,200
2-\$14 w/cupid	\$28	1:600	7,200
2-\$20 w/cupid	\$40	1:12,000	360
3-\$40	\$40	1:12,000	360
3-\$214	\$214	1:13,333	324

Cupid = Double the prize

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Valentine's Day Doubler instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Valentine's Day Doubler, prize money from winning Pennsylvania Valentine's Day Doubler 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 Valentine's Day Doubler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Valentine's Day Doubler or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 99-200. Filed for public inspection February 5, 1999, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. § 513(e)(7), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Parcel 4—Bridgeville Borough, Allegheny County. This parcel contains approximately 5,966 square feet ± of vacant land situated at 437 Chartiers Street, Bridgeville, PA.

It has been determined that the land is no longer needed for present or future Transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Raymond S. Hack, P.E., District Engineer, Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Pa 15017.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-201. Filed for public inspection February 5, 1999, 9:00 a.m.]

### Notice to All Consultants; Anticipated Consultants Solicitations

During the first six (6) months of 1999 the Department of Transportation anticipates soliciting Letters of Interest from Consultant firms interested in providing work and services for the following specific project agreements or open-end contracts:

#### Engineering District 1-0

1. S. R. 0079, Section A05  
Crawford County  
Construction Inspection
2. S. R. 3008, Section B00  
Venango County  
Construction Inspection
3. S. R. 0080, Section A01  
Venango County  
Construction Inspection
4. Open-End Contract  
Construction Inspection
5. S. R. 4034, Section A60  
Erie County  
Final Design and Construction Consultation
6. S. R. 4034, Section A70  
Erie County  
Final Design and Construction Consultation
7. S. R. 3006, Section B03  
Erie County  
Preliminary Engineering, Final Design and Construction Consultation
8. S. R. 0090, Section B00  
Erie County  
Preliminary Engineering, Final Design and Construction Consultation
9. Powell Avenue  
Erie County  
Preliminary Engineering and Environmental Assessment
10. South Hills Road  
Erie County  
Preliminary Engineering and Environmental Assessment

#### Engineering District 2-0

1. S. R. 0322, Section C08  
Centre County  
Final Design  
Centre Street Extension
2. S. R. 0322, Section C09  
Centre County  
Final Design  
Ninth Street Connector
3. S. R. 0322, Section A03  
Centre County  
Final Design  
Bridge Replacement over Moshannon Creek

#### Engineering District 3-0

1. Open-End Contract  
Environmental Studies
2. S. R. 1022, Section 003  
Bradford County  
Design and Environmental Studies  
Ulster Bridge over the Susquehanna River
3. S. R. 0054, Section 037  
Northumberland County  
Final Design  
Climbing lane from Danville to Elysburg
4. Open-End Contract  
Engineering Services
5. S. R. 2024, Section 001  
Bradford County  
Airport Road Bridge, PMS #039C071
6. Lycoming County  
Airport Access Road
7. Lycoming County  
Lycoming Mall Interchange
8. S. R. 0522, Section 043  
Snyder County  
Preliminary Engineering and Final Design  
Bridge Replacement
9. S. R. 35021  
Snyder County  
Preliminary Engineering and Final Design  
Bridge Replacement
10. S. R. 405063  
Lycoming County  
Preliminary Engineering and Final Design  
Bridge Replacement

#### Engineering District 4-0

1. S. R. 2005, Section 371  
Luzerne County  
Carey Avenue Bridge
2. S. R. 029, Section 770  
Wyoming County  
Bridge Replacement
3. S. R. 2001, Sections 401 and 402  
Pike County  
Highway Rehabilitation
4. Four (4) Open-End Contracts  
Engineering and Environmental Services

## Engineering District 5-0

1. S. R. 4028, Section 01B  
Berks County  
Preliminary Engineering and Final Design  
State Street Bridge
2. S. R. 0061  
Berks County  
Corridor feasibility study for S. R. 61
3. S. R. 0061  
Berks County  
Preliminary Engineering and Final Design  
Safety upgrade of S. R. 61
4. S. R. 4025  
Lehigh County  
Preliminary Engineering and Final Design  
Frantz Bridge
5. S. R. 0080  
Monroe County  
Preliminary Engineering and Final Design  
I-80 Bridges
6. S. R. 0080  
Monroe County  
Study  
I-80 Welcome Center
7. S. R. 1018, Section 02B  
Northampton County  
Preliminary Engineering and Final Design  
Mesinger Street Bridge

## Engineering District 8-0

1. S. R. 0394  
Adams County  
Preliminary Engineering and Final Design  
Shrivers Corner Bridge
2. S. R. 2013, Section B04  
Adams County  
Preliminary Engineering and Final Design  
Alloway Creek Bridge
3. S. R. 1022  
Lebanon County  
Preliminary Engineering and Final Design  
S. R. 1022/Swatara Creek
4. S. R. 2017  
Dauphin County  
Manada Bottom Bridge 2
5. S. R. 0422  
Dauphin County  
Preliminary Engineering and Final Design  
Derry Township Signals
6. S. R. 0081, Section 023  
Lebanon County  
Preliminary Engineering and Final Design  
Reconstruction

## Engineering District 9-0

1. S. R. 2007, Section OLD  
Blair County  
Oldtown Run Bridge
2. S. R. 0056, Section PH1  
Bedford County  
PA 56 Improvements
3. S. R. 0026, Section SOU  
Huntingdon County  
Raystown Access Improvements

4. S. R. 0219, Section 022  
Somerset County  
South Somerset Resurfacing
5. I-70  
Fulton County  
Resurfacing
6. S. R. 1030, Sec. CYB  
Bedford County  
Cyphor Bridge
7. S. R. 1023, Section CCB  
Cambria County  
Clearfield Creek Bridge
8. S. R. 0453, Section WID  
Huntingdon County  
PA 453 Widening
9. S. R. 0056  
Cambria County  
West-End Bypass of Johnstown
10. S. R. 4021, Section N09  
Cambria County  
Reconstruct No. 9 Road (HAIDA)
11. S. R. 0030, Section 007  
Bedford County  
Bedford to Everett 5 lane widening
12. S. R. 0026  
Huntingdon County  
Huntingdon to Centre Co. Improvements
13. S. R. 0219  
Somerset County  
Meyersdale to Maryland
14. S. R. 9900, Section STF  
Cambria County  
Saint Francis Roadway Restoration
15. S. R. 0219  
Cambria County  
Carrolltown to Clearfield Co.
16. Open-End Contract  
Construction Inspection
17. Open-End Contract  
Environmental/Engineering
18. Open-End Contract  
Right of Way and/or Utility Services

## Engineering District 10-0

1. Open-End Contract  
Engineering - Environmental Services
2. Open-End Contract  
Right-of-Way and Utilities Services
3. Open-End  
Design Management
4. Open-End  
Construction Management
5. S. R. 0022, Section 491  
Indiana County  
Final Design  
Penn View

## Engineering District 11-0

1. S. R. 0079, Section 35M  
Allegheny County  
Preliminary Engineering and Final Design  
S. R. 51 to I-279

2. S. R. 0224, Section L02  
Lawrence County  
Preliminary Engineering and Final Design  
State Street Bridge
3. S. R. 0048  
Allegheny County  
Preliminary Engineering and Final Design  
Mossie Boulevard Bridge
4. S. R. 0088, Section 40M  
Allegheny County  
Construction Inspection
5. S. R. 0088, Section 042  
Allegheny County  
Construction Inspection
6. S. R. 0068, Section B03  
Beaver County  
Construction Inspection
7. S. R. 2057, Section A02  
Allegheny County  
Construction Inspection
8. S. R. 0028, Section 036  
Allegheny County  
Construction Inspection
9. S. R. 1001, Section A13  
Allegheny County  
Construction Inspection
10. S. R. 0030, Section B05  
Beaver County  
Construction Inspection
11. S. R. 0048, Section A10  
Allegheny County  
Construction Inspection
12. S. R. 0065, Section B08  
Beaver County  
Construction Inspection
13. S. R. 3160, Section A03  
Allegheny County  
Construction Inspection

This advance notification is being provided by the Department of Transportation to allow the Consultants to begin building their team prior to the actual advertisement in the *Pennsylvania Bulletin*. The response time to submit a letter of interest on the above projects/open-end contracts will be six (6) calendar days.

Letters of Interest are not requested at this time. Specific advertisements will appear in future issues of the *Pennsylvania Bulletin*.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-202. Filed for public inspection February 5, 1999, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Consideration of Changes to Special Regulation Designations

The Fish and Boat Commission (Commission) recently approved guidelines with regard to encouraging public

participation on possible changes to the designation of stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65, the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the new guidelines, a notice concerning the proposed designation or redesignation of a stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

The Commission currently is considering the designation or redesignation of the following stream sections or lakes as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2000:

*58 Pa. Code § 65.4b. All-Tackle Selective Harvest Program:*

The Commission is considering designating the following water as regulated and managed under the All-Tackle Selective Harvest Program and adding it to the list of waters subject to this regulation:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Clinton	Rauchtown Creek	1.2 mile section from the confluence of Krape Run and Rocky Run downstream to the SR 0880 crossing located upstream of the State Park Picnic Area

*58 Pa. Code § 65.6. Delayed Harvest Artificial Lures Only Areas:*

The Commission is considering redesignating the limits of the following water that is currently regulated and managed under the Delayed Harvest Artificial Lures Only Program:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Susquehanna	Salt Lick Creek	0.15 mile downstream of the T-638 bridge downstream to the downstream boundary of State Game Lands No. 35, a distance of 1.45 miles.

*58 Pa. Code § 65.10 Select Trout Stocked Lake Program:*

The Commission is considering designating the following lake as regulated and managed under the Select Trout Stocked Lake Program and adding it to the list of waters subject to this regulation:

<i>County</i>	<i>Water</i>
Tioga	Beechwood Lake

At this time, the Commission is soliciting public input concerning these designations and redesignations. Persons with comments, objections or suggestions concerning the designations and redesignations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 by no later than March 8, 1999. If the Commission does

not receive any public comments, the proposed designations and redesignations will become final.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-203. Filed for public inspection February 5, 1999, 9:00 a.m.]

### Special Designation

The Executive Director, acting under the authority of 58 Pa. Code § 65.21 (relating to waters limited to specific

purposes—exclusive use areas), designates a 850-foot section of Wykoff Run, Cameron County, from its mouth upstream 850 feet to the railroad bridge, as being for the exclusive use of children 12 and under.

This designation shall be effective when the water is so posted after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-204. Filed for public inspection February 5, 1999, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Regulatory Review

Executive Order 1996-1, which was signed by Governor Ridge on February 6, 1996, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the sixth publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ADMINISTRATION</b>			
No regulations being developed or considered at this date.			
<b>AGING</b>			
PA Code Title VI Chapter 11 Older Adult Daily Living Centers	July 2000, as proposed.	This regulation will, as part of the Cross-System Licensing Project, be consolidated with regulations from DPW and DOH and published as part of regulations to be proposed as Adolescent and Adult Day Center Licensing Regulations. Review is also occurring as a result of passage of Acts 169-96 and 13-97 and of Executive Order 1996-1.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 15 Protective Services For Older Adults	September 1999, as proposed.	This regulation is being reviewed as a result of passage of Acts 169-96 and 13-97 and of Executive Order 1996-1; it received preliminary stakeholder review in May, 1998; the Department will make a report to the General Assembly on this topic by June 30, 1999, as required by law.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 21 Domiciliary Care Services for Adults	June 2000, as proposed.	Review is occurring as a part of a Departmental evaluation and updating process for this community -based living arrangement.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 3 Fair Hearings and Appeals	December 1999, as proposed.	This regulation has been initially reviewed by stakeholders. Review is occurring in response to passage of Acts 169-96 and 13-97 and as a result of Executive Order 1996-1.	Robert Hussar 717-783-6207

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>AGRICULTURE</b>			
Agricultural Land Conservation Assistance Grant Program 7 Pa. Code Chapter 138h	February, 1999, as proposed.	This regulation will amend current regulations to refine the criteria pursuant to which the Department awards grants for farmland protection projects of Statewide scope. The draft proposed regulation is currently under review at the Office of General Counsel.	Raymond Pickering (717) 783-3167
"Clean and Green" Regulations 7 Pa. Code Chapter 137	July, 1999, as proposed.	The Department plans to revise the regulations promulgated under the "Clean and Green Law" (72 P. S. §§ 5490.1-5490.13) to promote uniform and consistent interpretation and enforcement of the Act statewide. Act 156 of 1998 (effective December 21, 1998) revised the Act and established new responsibilities for the Department and county assessors.	Raymond Pickering (717) 783-3167
Statement of Policy: Interim Guidelines under the "Clean and Green Law"	Effective by June 19, 1999	The "Clean and Green Law" was recently amended, and requires the promulgation of interim guidelines by June 19, 1999 to implement the amendments. Formal regulations are required by April 30, 2001.	Raymond Pickering (717) 783-3167
Agricultural Conservation Easement Purchase Program	September, 1999, as proposed.	Act 138 of 1998 amended the Agricultural Area Security Law by permitting local government unit participation in agricultural conservation easement purchases. The regulations at 7 Pa. Code Chapter 138e must be revised to implement this statutory change.	Raymond Pickering (717) 783-3167
Consolidation/Update of Retail Food Store Regulations	January, 2000, as proposed.	This regulation would provide the retail food industry needed and requested guidance for the safe handling of food. The Food Act (31 P. S. §§ 20.1-20.18) is the statutory basis for this regulation.	Lenchen Radle (717) 772-3234
Food Employee Certification 7 Pa. Code Chapter 83	June, 1999, as final.	This regulation is required by the Food Employee Certification Act (3 Pa.C.S. §§ 6501-6510), and will establish standards for training of certain food industry personnel.	Martha Melton (717) 782-8354
Maple Products	July, 2000, as proposed.	This regulation is required by the Maple Products Act (3 Pa.C.S. §§ 6101-6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products.	Lenchen Radle (717) 772-3234
Harness Racing Commission	June, 1999, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186-190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Richard Sharbaugh (717) 787-5196
Horse Racing Commission	April, 1999, as final.	This regulation will revise several definitions, as well as clarify provisions related to "coupled entries" and trifecta races.	Benjamin H. Nolt, Jr. (717) 787-1942

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Bureau of Market Development. Standards for Grading Veal Calves	March, 1999, as proposed.	The regulation would bring the Commonwealth's standards for grading veal calves into conformity with USDA standards. The regulation would amend current regulatory authority at 7 Pa. Code Chapter 101 by deleting standards for grading veal calves and adopting USDA standards by reference.	Bradley Jones (717) 787-6041
Land application of soil and groundwater contaminated with agricultural chemicals	June 1999, as proposed.	This regulation is required under the Land Recycling and Environmental Remediation Standards Act, at 35 P. S. § 6026.101 et seq. This regulation would allow soil and groundwater contaminated with agricultural chemicals to be treated and re-applied upon agricultural lands.	Phillip M. Pitzer (717) 772-5206
Farm Safety and Occupational Health Grant Program	June, 1999, as proposed.	This regulation is needed to replace an existing statement of policy published in the March 16, 1996 Pa. Bulletin. This regulation would formalize the statement of policy by which the Farm Safety and Occupational Health Grant Program operates. The Program awards grants to fund projects to increase the knowledge and awareness of farm safety measures and occupational health issues among the Commonwealth's rural youth.	Phillip M. Pitzer (717) 772-5206
Fruit Tree Improvement Program	December, 2000, as proposed.	This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers.	Ruth Welliver (717) 787-5609
Certification of Virus-Tested Geraniums	September, 1999, as proposed.	This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 Pa. Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically-important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services.	Ruth Welliver (717) 787-5609
Swimming Pool Certification	June, 1999, as proposed.	This regulation will address the EPA's recent reclassification of Chlorine as an "anti-microbial" rather than a pesticide. Since the substance is no longer considered a pesticide the Department will no longer regulate persons who apply it.	David M. Scott (717) 772-5214

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Dog Law	July, 1999, as proposed.	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 21, 23, 25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et seq.) is the statutory basis for this regulation.	Richard Hess (717) 787-4833
Weights, Measures and Standards	February, 1999, as final.	This regulation is intended to update the Department's regulatory authority and make it consistent with the provisions of the Consolidated Weights and Measures Act (3 Pa.C.S. §§ 4101-4193).	Charles Bruckner (717) 787-6772
Domestic Animals	October, 1999, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301-2389).	John Enck, DVM (717) 783-6677
Aquaculture Development	December, 1999, as proposed.	This regulation will implement the requirements of the recently enacted Aquacultural Development Law.	John Enck, DVM (717) 783-6677
<b>BANKING</b>			
Secondary Mortgage Loan Act regulations.	Summer 1999, as proposed.	Section 16(1) of the Secondary Mortgage Loan Act ("SMLA"), 7 P. S. § 6616(1), provides authority for the Department to promulgate regulations applicable to licensees and applicants for licenses under the SMLA. The Department has evaluated the need for regulatory guidance to be provided to second mortgage residential lenders, brokers sponsoring brokers, and broker's agents under the SMLA.	Laurie S. Kennedy, (717) 787-1471
Amendments to the Leeway Investments regulations for Pennsylvania state-chartered banking institutions.	Spring 1999, as proposed.	The existing leeway investments regulations are located at 10 Pa. Code §§ 27.1 - 27.4. These regulations were promulgated pursuant to authority stated in sections 103(a), 307, 311(d)(vi), and 504(b)(x) of the Banking Code of 1965, as amended, 7 P. S. §§ 103(a), 307, 311(d)(vi), and 504(b)(x), and can be amended pursuant to the same statutory authority. Leeway investments are made by Pennsylvania state-chartered banks in stock, bonds, notes, or debentures of corporations formed to promote the public welfare and community development, expand the economy, or provide for social reform. The Department has evaluated the need for additional regulatory guidance in the context of modernizing leeway investment authority for Pennsylvania state-chartered banking institutions, including amending the parameters for Pennsylvania state-chartered banking institutions.	David H. Bleicken (717) 787-1471
Amendments to existing Consumer Discount Company Act regulations.	Spring 1999, as proposed.	Section 12 of the Consumer Discount Company Act ("CDCA") 7 P. S. § 6212, provides authority for the Department to promulgate regulations applicable to consumer discount companies. Act 167 of 1998 amended section 13.Q of the CDCA in such manner as to warrant amendment of an existing regulation at 10 Pa. Code § 41.3(1).	Reginald S. Evanst (717) 787-1471

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
"Other investments" regulations for Pennsylvania state-chartered banking institutions.	Spring 1999, as proposed.	Sections 103(a) and 315(g) of the Banking Code of 1965, as amended, 7 P. S. §§ 103(a) and 315(g), provide authority for the Department to promulgate regulations to allow Pennsylvania state-chartered banking institutions to make investments not otherwise authorized by the Banking Code. The Department has evaluated the need for such regulatory guidance and authority in the context of modernizing investment authority for Pennsylvania state-chartered banking institutions.	Reginald S. Evans (717) 787-1471
<b>BUDGET</b>			
No regulations being developed or considered at this date.			
<b>COMMUNITY &amp; ECONOMIC DEVELOPMENT</b>			
Tax-Exempt Bond Allocation	Fall, 1999, as proposed.	The existing regulation and statement of policy will be rescinded and replaced with new regulations as a result of the passage of Act 100 of 1998, which repealed the act of December 20, 1985 (P. L. 483, No. 113), known as the Tax-Exempt Bond Allocation Act and established new Tax-Exempt Bond Allocation provisions.	Jill B. Busch (717) 720-7314
Commercial Motion Picture Sales; Tax Exemption Certificate 12 Pa.Code Chapter 33	Fall 1999, as proposed.	The regulation will prescribe a Pennsylvania Exemption Certificate (FORM REV-1220) as the form to be used by producers of commercial motion pictures, who are qualified to take advantage of the PA Sales and Use Tax exclusion provided by Section 204(54) of the Tax Reform Code of 1971.	Jill B. Busch (717) 720-7314
<b>COMMISSION ON CRIME AND DELINQUENCY</b>			
No regulations being developed or considered at this date.			
<b>CONSERVATION &amp; NATURAL RESOURCES</b>			
Conservation of Native Wild Plants	September 1999, as proposed.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Daniel A. Devlin (717) 787-3444
State Forest Rules and Regulations	December 1999, as proposed.	This proposal is an update to the State Forest Rules and Regulations which were published in the PA Bulletin December 5, 1998. Due to the controversy and confusion caused by two sections which had been in the proposed rulemaking of the State Forest Rules and Regulations - Section 21.26 (1) Horses and Pack Animals; Section 21.27 (1) Bicycles and Persons - Powered Vehicles, these sections were deleted from the final rulemaking of the State Forest Rules and Regulations in order to address these issues and concerns separately. The Department is currently in consultation with a user work group to redraft these two sections of the regulation.	Michael Palko (717) 783-7941

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>CORRECTIONS</b>			
Motivational Boot Camp Act 61 P. S. Section 1221 et seq.	February 1999, as proposed	The regulations will address boot camp administration, establishment of selection committees, inmate selection criteria, programming and supervision, inmate discipline and staff training.	Victoria S. Freimuth (717) 975-4860
Revisions to the existing regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	February 1999, as proposed.	The regulation will be revised to eliminate unnecessary regulations and modernize necessary regulations, particularly those affecting the transfer of inmates between state and county correctional facilities.	William M. Reznor (717) 975-4876
Review and/or revision of all current Department of Corrections regulations contained in Title 37 of the Pennsylvania Code.	Publication as proposed regulations is anticipated within next 6 months.	The purpose of the review is to ensure that the Department's regulations are consistent with current legal standards concerning prison administration and operation. The legal basis for the action is found at Section 506 of The Administrative Code of 1929, 71 P. S. § 186, which grants the Commissioner of Corrections the authority to prescribe regulations for the Department that are not inconsistent with law.	J.D. Shutt (717) 975-4860
<b>EDUCATION</b>			
Pupil Personnel Services Pupil Attendance Students 22 Pa. Code, Chapters 7, 11, 12	August 1999, as proposed.	These proposed revisions to existing chapters of regulations are necessary to align provisions of Chapter 12 in compliance with recently-enacted legislation and court decisions; to accurately reflect current practices; delete non-regulatory language; and eliminate non-regulatory provisions. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14) Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Special Education Services and Programs 22 Pa. Code, Chapter 14 and 22 Pa. Code, Chapter 342	May 1999, as proposed.	These regulations are necessary to establish procedures for the identification of students who are in need of special education services and programs and to set forth requirements and procedures for the delivery of those services and programs. The review of these current regulations will focus on current federal and state law regarding special education services and programs to ensure compliance, consistent and accurate terminology and application of existing provisions. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14) (24 P. S. §§ 1-101—26-2606-B).	Peter Garland (717) 787-3787
School Buildings 22 Pa. Code, Chapter 21	August 1999, as proposed.	These regulations are necessary to provide uniform standards and procedures for seeking Departmental approval in school building projects. The proposed revisions are necessary to provide clarification and to reflect current practice. These revisions are proposed under authority of the Public School Code of 1949 (P. L. 30, No.14) Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Higher Education General Provisions, Foreign Corporation Standards, Institutional Approval, Program Approval - 22 Pa. Code, Chapters 31, 36, 40, 42	February 1999, as proposed.	These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions are necessary to clarify the intent of the chapters, modify the time frame during which new institutions must achieve accreditation, update provisions for library and learning resources, and amend regulations to accommodate for-profit baccalaureate and higher education. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No.14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Branch Campuses for State-supported Institutions - 22 Pa. Code, Chapters 34	June 1999, as proposed.	These regulations are necessary to establish procedures for the approval of branch campuses. Review and revision are necessary to ensure that the regulations are consistent with current practice and terminology. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Gifted Education 22 Pa. Code, Chapter 16	April 1999, as final.	These regulations establish separate rules for programs and services for gifted students apart from those established for other special needs students. Special education regulations (Chapters 14 and 342) are largely driven by federal action. Gifted education is a state program. Separation of enabling regulations will permit greater efficiency and effectiveness in program operations. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B —26-2606-B.	Peter Garland (717) 787-3787
Certification of Professional Personnel 22 Pa. Code, Chapter 49	March 1999, as final.	These regulations and revisions are necessary to ensure that those individuals preparing to be teachers receive a quality education and are competent to teach in the disciplines and areas for which they are certified. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14) Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
General Standards for Preparation of Professional Educators 22 Pa. Code, Chapter 354	January 1999, as proposed.	These standards will provide general requirements for programs which prepare professional educators in the Commonwealth. Pennsylvania colleges and universities must meet these standards to obtain or retain Pennsylvania Department of Education approval to conduct professional educator programs leading to Pennsylvania certification. These regulations are being promulgated under authority of 22 Pa. Code, Chapter 49.	Samuel Marcus (717) 783-6794

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
College and University Security 22 Pa. Code, Chapter 33	March 1999, as proposed.	These regulations govern the responsibility of institutions of higher education for the provisions of college and university security information and the collection and reporting of crime statistics. Revisions are necessary to incorporate provisions for the establishment of and access to daily campus crime logs. These regulations are promulgated under authority of the College and University Security Information Act (P. L. 443, No. 73)(24 P. S. §§ 2502-1 to 2502-5).	Peter Garland (717) 787-3787
Program Standards and Eligibility Criteria for the Higher Education Opportunity Act 22 Pa. Code, Chapter 44	March 1999, as final.	These regulations establish program requirements and eligibility criteria for Act 101 programs in colleges and universities. Revisions update eligibility criteria to reflect current income levels. These regulations are promulgated under authority of (P. L. 423, No. 101 § 3 and 4)(24 P. S. § 2510-303, § 2510-304).	Peter Garland (717) 787-3787
Community Colleges 22 Pa. Code, Chapter 35	February 1999, as proposed.	These regulations govern the establishment and operation of community colleges and technical institutes. Revisions to reflect current practice are proposed in the formula calculating Full-Time Equivalent (FTE) Enrollments for reimbursement purposes. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
<b>EMERGENCY MANAGEMENT AGENCY</b>			
4 Pa. Code Chapter 116 "Radiation Emergency Response Fund"	July 1, 1999, as final.	Needed to simplify grant program. Radiation Protection Act.	Mark Goodwin 717-651-2010
4 Pa. Code Chapter 117 "Radiation Transportation Emergency Response Fund"	July 1, 1999, as final.	Needed to simplify grant program. Radiation Protection Act.	Mark Goodwin 717-651-2010
4 Pa. Code Chapter 120b "Public Safety Emergency Telephone Program"	December 1, 1999, as proposed.	Required by Public Safety Emergency Telephone Act	Mark Goodwin 717-651-2010
4 Pa. Code Chapter 120c "Training and Certification Standards for 911 Emergency Communications Personnel"	December 1, 1999, as proposed.	Required by Public Safety Emergency Telephone Act	Mark Goodwin 717-651-2010
4 Pa. Code Chapter 120d "911 performance Review and Quality Assurance Standards"	December 1, 1999, as proposed.	Required by Public Safety Emergency Telephone Act	Mark Goodwin 717-651-2010

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ENVIRONMENTAL HEARING BOARD</b>			
25 PA Code §§ 1021	March 1999, as proposed.	Revisions to the Board's Rules of Practice and Procedure have been proposed by the Board with the expectation that the proposals will be published in the Pennsylvania Bulletin this spring. These revisions and additions to Chapter 1021 are meant to improve the practice and procedure before the Board and to provide the regulated community, the Department of Environmental Protection, and other potential litigants with more specific guidance on how to represent their interests before the Board. The legal basis for the regulation is § 5 of the Environmental Hearing Board Act (35 P. S. § 7515).	Kimberly Hafner 717-787-3483
<b>ENVIRONMENTAL PROTECTION</b>			
Special Protection Waters (Antidegradation) Program Clean Streams Law	May 1999, as final to the EQB.	This proposal has been developed to streamline & improve the existing program and to address EPA disapproval issues. EPA promulgated regulations for Pennsylvania in December 1996. The EQB received over 1,700 comments on its proposed rulemaking which was published March 22, 1997. The Department considered and responded to the comments and published an Advance Notice of Final Rulemaking (ANFR) on January 23, 1999. The Water Resources Advisory Committee (WRAC) was briefed on the ANFR and will review the draft final rulemaking.	Carol Young, 717-787-4686
Chapters 91, 97 & 101 - Wastewater Management Clean Streams Law	August 1999, as final to the EQB.	This proposal has been developed as a result of the Regulatory Basics Initiative (RBI) and Executive Order 1996-1 and consolidates references to related water pollution control requirements into a single source, Chapter 91. The proposal will provide the regulated community and DEP greater flexibility in implementing pollution prevention measures and will provide authority for DEP to issue general water quality management permits. The Water Resources Advisory Committee (WRAC) approved this proposal in February 1997. The proposal was discussed with the Agricultural Advisory Board (AAB) in October 1997. Several sections of this rulemaking pertain to animal manure (manure storage and land application). As a result, DEP delayed this final rulemaking until the Concentrated Animal Feeding Operation (CAFO) strategy was finalized.	Milt Lauch, 717-787-8184

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 72, Amendments to SEO Application Requirements for Certification Sewage Facilities Act	December 1998, as proposed to the EQB.	This proposal streamlines the application requirements for certification of sewage enforcement officers (SEOs) by reducing the 40-day time period in which applicants must wait to take the SEO exam following completion of successful precertification training. DEP plans to expand the precertification program and offer the opportunity for successful candidates to take the exam immediately following precertification training. The amendment is supported by the State Board for Certification of Sewage Enforcement Officers and the Sewage Advisory Committee. Publication of the proposed rulemaking is anticipated in February 1999 with a 30-day public comment period.	Jay Africa, 717-783-2941
Chapters 92, 93, 95, 96 & 97 - Water Quality Amendments Clean Streams Law	October 1999, as final to the EQB.	These revisions address several of the principles of the RBI and Executive Order 1996-1. The revisions reorganize these chapters into permitting, water quality standards and implementation chapters respectively and will make several modifications to the programs. The WRAC will review drafts of the final rulemaking. The AAB will also be briefed on the draft final rulemaking.	Carol Young, 717-787-4686
Chapter 102, Erosion Control Clean Streams Law	May 1999, as final to the EQB.	This rulemaking includes minor revisions such as eliminating obsolete terms, simplifying technical requirements for control facilities, updating and clarifying permit requirements to reflect current Federal NPDES permit requirements for construction activities, revising requirements that may be interpreted as more restrictive than Federal requirements, and establishing a minimum area of disturbance to require the development of an erosion and sedimentation control plan. An Advance Notice of Final Rulemaking will be published in February or March 1999. The WRAC and the AAB will review drafts of the final rulemaking.	Ken Murin, 717-787-6827
Chapter 105, Dam Safety and Waterway Management Clean Streams Law, Dam Safety and Encroachment Act	August 1999, as proposed to the EQB.	Revisions will be proposed to simplify and clarify the regulations, streamline the process for minor wetland encroachments, establish discretion to issue expedited permit decisions during site visits, simplify the application fee schedule, and clarify the Chapters 105 and 106 programs by consolidating rules and procedures for stream channels, floodways and floodplains into one regulation. The Wetlands Protection Advisory Committee (WetPAC) is thoroughly reviewing the issues. The AAB is also being briefed on developments. A date for EQB consideration of a proposed rulemaking remains uncertain at this time pending WetPAC's deliberations.	Ken Reisinger, 717-787-6827

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Bottled Water Systems Permit by Rule Safe Drinking Water Act	February 1999, as final to the EQB.	These amendments to Chapter 109 incorporate a permit by rule for bottled water systems meeting specified criteria to streamline the permitting process. DEP formed a working group of stakeholders and other interested parties to assist in identifying and selecting implementation options. The amendments also include some changes pertaining to streamlining approval of new labels and clarifying reporting requirements as well as changes resulting from the RBI and Executive Order 1996-1. The WRAC reviewed the draft final amendments.	John Wroblewski, 717-787-9037
Chapters 260-270 - Comprehensive Hazardous Waste Amendments Solid Waste Management Act	February 1999, as final to the EQB.	The amendments are a major initiative to update Pennsylvania's hazardous waste regulations and to bring the state program into conformance with the federal RCRA program by adopting large portions of the federal regulations by reference. The Solid Waste Advisory Committee (SWAC) reviewed the draft final amendments.	Rick Shipman, 717-787-6239
Municipal Waste Amendments Solid Waste Management Act	September 1999, as final to the EQB.	This proposal changes the environmental assessment requirements to evaluate known and potential environmental harms vs. social and economic benefits; includes revisions to ICW permit by rule and general permit requirements; includes standards for nuisance minimization and control; modifies the closure requirements and assessment and abatement standards to be consistent with the Act 2 regulations and federal Subtitle D criteria; revises the planning and grant procedures; revises isolation distances; changes the equivalency review procedure for municipal waste permits so that once approval is given, it may be applicable statewide; revises the facility design and operating standards for composting facilities to be more performance based; revises leachate sampling requirements to delete parameters from quarterly sampling if groundwater protection will not be compromised; and allows for leachate holding tanks and trucking for some processing facilities in lieu of connection to sewer systems or building treatment plants. The draft final rulemaking will be reviewed by SWAC in March 1999.	Bill Pounds, 717-787-7564

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Residual Waste Amendments Solid Waste Management Act	July 1999, as final to the EQB.	This proposal changes the definition of waste and related terms to be similar to the solid waste definitions in RCRA Subtitle C; revises definitions and final closure standards to be consistent with the Act 2 regulations; allows for industry wide coproduct determinations and recycling of scrap metal; revises performance standards for odor, noise and other nuisance control; revises isolation distances; modifies the environmental assessment requirements; revises the permit application fee and simplifies the approval process for demonstration facilities; revises the facility design and operating standards for composting facilities to be more performance based; revises leachate sampling requirements to delete parameters from quarterly sampling if groundwater protection will not be compromised; allows for leachate holding tanks and trucking for some processing facilities in lieu of connection to sewer systems or building treatment plants; and modifies the attenuating soil requirements at landfills to allow for equivalency modeling based upon site specific conditions. The draft final regulations will be reviewed by SWAC in March 1999.	Bill Pounds, 717-787-7564
Waste Oil Amendments Solid Waste Management Act	February 1999, as proposed to the EQB.	This proposal consolidates the requirements for the management of used oil into one chapter. The SWAC approved the draft amendments.	Bill Pounds, 717-787-7564
Universal Waste Rule - Addition of Wastes Solid Waste Management Act	May 1999, as proposed to the EQB.	The Universal Waste Rule allows certain hazardous wastes to be managed under requirements that are less prescriptive than full RCRA hazardous waste Subtitle C regulation. This proposal adds fluorescent tubes, unbroken mercury lamps and mercury-containing devices to the list of wastes managed as universal wastes. These items were petitioned for inclusion by Advanced Environmental Recycling Corporation in August 1997. The draft final rulemaking will be reviewed by SWAC in March 1999.	Rick Shipman, 717-787-6239
Amendments to Nitrogen Oxides (NO <sub>x</sub> ) Allowance Requirements Air Pollution Control Act	December 1998, as proposed to the EQB.	The proposal corrects accounting errors contained in Appendix E of the NO <sub>x</sub> allowance regulations published November 1, 1997. The amendments also add missing sources to Appendix E; clarify that the definition of "NO <sub>x</sub> -affected source" is applicable to fossil-fired operating units which generate greater than 15 MW of electricity; eliminate the special allocation for Washington Power project since its plan approval expired; deletes the listing of "baseline MMBtu" in Appendix E and modifies the listing of "baseline NO <sub>x</sub> lb/MMBtu." The AQTAC approved the draft final amendments. Publication is anticipated in February or March 1999. A 60-day public comment period and three public hearings will be held.	Dean Van Orden, 717-787-4310

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Nitrogen Oxides (NOx) SIP Call Air Pollution Control Act	February 1999, as proposed to the EQB.	This proposal is necessary for Pennsylvania to adopt a NOx reduction program for large stationary sources to achieve the emission reductions required by EPA's Section 110 State Implementation Plan (SIP) Call which was finalized October 27, 1998. The SIP Call was promulgated to mitigate interstate transport of ozone and its precursors which is interfering with the ability of many states to attain the one- and eight-hour National Ambient Air Quality Standards (NAAQS). The proposal was discussed with AQTAC.	Dean Van Orden, 717-787-4310
Malodors - RBI #3 Air Pollution Control Act	August 1999, as final to the EQB.	The malodors regulations will be modified to clarify the definition of "malodor," add a definition for "odor investigation" and add a technology limitation to resolve malodor problems. In view of the significant number of comments received on the proposed rulemaking, DEP plans to publish an Advance Notice of Final Rulemaking and hold additional meetings and hearings. Drafts of the final rulemaking will be reviewed by AQTAC.	Terry Black, 717-787-4310
New Source Review Air Pollution Control Act	Contingent on EPA action.	The Department's existing new source review regulations will be reorganized and reformatted to make the requirements clear to the regulated community and to facilitate the creation and use of emission reduction credits. The Department will incorporate proposed changes in the Federal new source review requirements as necessary. Drafts of the proposal will be reviewed by the AQTAC. EPA has proposed in its draft new source review (NSR) regulations a number of mechanisms related to generation and use of Emission Reduction Credits (ERC's), and the use of an "area wide" plantwide applicability limit (PAL) to address trading issues. The proposed rules were issued in July 1996; however, EPA has not yet issued final rules. With the uncertainty of the nature of the final rules, the Department cannot proceed with revisions of the existing trading regulations until the final EPA rule is promulgated.	Terry Black, 717-787-4310
Gasoline Volatility Requirements - Low RVP Air Pollution Control Act	April 1999, as final to the EQB.	The Commonwealth is required to implement control strategies to demonstrate that the Pittsburgh-Beaver Valley Area will achieve the national ambient air quality standards (NAAQS) for ozone. The Department proposes to delete the term "federal reformulated gasoline or RFG" and eliminate RFG from the term "compliant fuel." The proposed regulation will limit the volatility of gasoline sold in the Pittsburgh-Beaver Valley Area each year between May 1 and September 15. The proposal requires the sale of 7.8 Reid vapor pressure (RVP) gasoline. In addition, the Department proposes to clarify the records retention requirements in Section 126.302(c) that records be kept on site. The AQTAC will review a draft of the final rulemaking.	Terry Black 717-787-4310

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Surface Coating Processes Air Pollution Control Act	November 1999, as final to the EQB.	This regulation will simplify the calculation procedure for determining compliance with Chapter 129 and consider small source exemptions to the extent possible without degrading air quality. The AQTAC approved the draft regulations. Publication of the proposed rulemaking is anticipated in March 1999.	Terry Black, 717-787-4310
Mobile Equipment Repair and Refinishing Air Pollution Control Act	August 1999, as final to the EQB.	The Southwest and Southeast Ozone Stakeholder Working Groups recommended that DEP adopt Programs to reduce VOC emissions from automobile refinishing. The proposed regulations establish maximum VOC content levels for automobile refinish materials used in the Commonwealth. The proposed regulation also establishes permitting requirements, pollution prevention and work practice standards. DEP is developing public information materials to inform the regulated industry of the proposed requirements. DEP published the proposal in August 1998 and conducted statewide public information meetings and hearings during the public comment period. The AQTAC will review the draft final regulations.	Terry Black, 717-787-4310
Degreasing Operations Air Pollution Control Act	May 1999, as proposed to the EQB.	The Southwest and Southeast Ozone Stakeholder Working Groups recommended that DEP adopt Programs to reduce VOC emissions from degreasing operations. The proposed regulations will establish requirements for solvent cleaning operations not presently regulated by the provisions of Section 129.63. A stakeholder group consisting of degreaser manufacturers and operators, solvent suppliers and environmental groups met several times over an eight-month period to develop a draft regulation. The AQTAC will review the draft proposed rulemaking.	Terry Black, 717-787-4310
Chapter 240, Radon Certification Radon Certification Act	Date undetermined.	DEP conducted workshops attended by selected individuals from the Pennsylvania certified radon community to discuss possible amendments to the current regulations which appear to be of concern to the regulated community and which do not fully address new technologies that were developed since the effective date of the 1991 radon certification regulations in Chapter 240. Meanwhile, EPA privatized its Radon Proficiency Program in October 1998. The National Environmental Health Association (NEHA) was selected to run a one-year pilot test of the EPA draft criteria document for the Certification of Radon Service Providers, the Accreditation of Radon Chambers and Laboratories, and the Approval of Measurement Devices. DEP's Radon Division is working closely with the NEHA on efforts to establish certification exams and other criteria that could possibly parallel suggested changes in DEP Radon Certification regulations.	Michael Pyles, 717-783-3594

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiological Health (Chapters 215, 217, 219, 220, 224, 225, 226, 230 and 232) Radiation Protection Act	October 1999, as proposed to the EQB.	The Department is updating its regulations for the control of radioactive material in preparation for becoming an Agreement State with the U.S. Nuclear Regulatory Commission (NRC). One of the NRC requirements for the agreement is to have and maintain compatible regulations with the NRC. The proposed regulations address industrial radiography, well logging, irradiators, medical uses, transportation and packaging, protection standards and licensing. The Department will consult with the Radiation Protection Advisory Committee in developing these regulations.	Stuart Levin, 717-787-3720
Chapter 86, Subchapters A and D - General Provisions and Areas Unsuitable for Mining Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act	July 1999, as final to the EQB.	The amendments address regulations which are more stringent than federal requirements, lack clarity, and which are inconsistent with language used in federal regulations. An Advance Notice of Final Rulemaking was published on January 30, 1999. The Mining and Reclamation Advisory Board (MRAB) reviewed the ANFR and will review the draft final rulemaking.	David Hogeman, 717-787-4761
Storage, Handling and Use of Explosives Explosives Act, Surface Mining Control and Reclamation Act (SMCRA), and Noncoal SMCRA	December 1999, as proposed to the EQB.	Amendments are being proposed to reflect changes that have occurred in the industry and the experience DEP has gained in implementing the program since the regulations in Chapters 210 and 211 were developed in 1972. The proposed amendments will address requirements which are needlessly more stringent and burdensome than federal requirements; will incorporate technological advances resulting from research on the effects of blasting on structures; and will enhance DEP's ability to prevent issuance of blasters' licenses to previous violators. DEP conducted public outreach meetings from September through December 1998.	Gary Byron, 717-783-9580
<b>GENERAL SERVICES</b>			
Surplus State Property 4 Pa. Code, Chapter 41	Fall, 1999, as proposed.	With the enactment of the Commonwealth Procurement Code (Act 57 of 1998) this Chapter must be substantially amended. Further, there is a need for review and revision of these regulations to implement improvements in the transfer and disposition of state surplus property.	Barbara L. Shelton (717) 787-5295
Responsibility 4 Pa. Code Chapter 60	Spring, 1999, as proposed.	This chapter must be amended to conform with the legislative changes produced by Act 57.	Gary F. Ankabrandt (717) 783-1982
Instructions to Bidders 4 Pa. Code, Chapter 61	Spring, 1999, as proposed.	This Chapter has been superseded and should be repealed because such instructions should not be set out in regulatory form. There is a need for flexibility which can be of benefit to the Department as well as bidders.	Merle H. Ryan (717) 787-7095
General Conditions of the Construction Contract 4 Pa. Code, Chapter 63	Spring, 1999, as proposed.	See comment for Chapter 61.	Merle H. Ryan (717) 787-7095
State Art Commission 4 Pa Code, Chapter 65	Spring, 1999, as proposed.	The legislation creating the State Art Commission was sunsetted.	Merle H. Ryan (717) 787-7095

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Emergency Construction Repairs 4 Pa. Code, Chapter 67	Fall, 1999, as proposed.	The regulation should be amended to more accurately reflect present practice and to delete contract provisions. Such provisions should not be in regulatory form and their deletion will serve the same purpose as noted for Chapter 61.	Merle H. Ryan (717) 787-7095
Contract Compliance 4 Pa. Code, Chapter 68	Spring, 1999, as proposed.	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services	John R. McCarty (717) 783-8720
Methods of Awarding Contracts 4 Pa. Code, Chapter 69	Fall, 1999, as proposed.	With the enactment of the Commonwealth Procurement Code (Act 57) it is necessary to conform this Chapter with the changes in the law and to address other procurement areas affected by Act 57.	Barbara L. Shelton (717) 787-5295
Commonwealth Parking Facilities 4 Pa. Code, Chapter 71	Summer, 1999, as proposed.	Amendments are required because parking locations have been changed.	Ronald L. Coy (717) 783-5028
Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73	Summer, 1999, as proposed.	The regulation will be amended to eliminate the requirement for a Pennsylvania license to drive a state vehicle and will permit out-of-state licenses.	Gary F. Ankabrandt (717) 783-1982
Processing Subscriptions and Sales of Pennsylvania Code and Related Publications 4 Pa. Code, Chapter 81	Summer, 1999, as proposed.	These regulations should be repealed since the Department of General Services' Bureau of Management Services no longer has responsibility for the processing of subscriptions and orders for the PA Code.	John R. McCarty (717) 783-8720
First Amendment Rights 4 Pa. Code, Chapter 86	Summer, 1999, as proposed.	The amendment will extend coverage of the statement of policy to the Philadelphia State Office Building, Pittsburgh State Office Building, Scranton State Office Building, and Reading State Office Building.	Gregory C. Santoro (717) 787-5599
Death Benefits for Survivors of Firemen and Law Enforcement Officers - 4 Pa. Code, Chapter 89	Summer, 1999, as proposed.	Since Act 101 of June 24, 1976 (P. L. 424) was amended by Act 161 of 1994 (P. L. 1373), the regulations must be amended to reflect the legislative changes.	Ronald L. Coy (717) 783-5028
<b>HEALTH</b>			
Emergency Medical Services 28 Pa. Code § 1001.1 et seq.	February 1999, as proposed.	The amendments to existing regulations will enhance the operation of the Emergency Medical Services System in the Commonwealth. Pursuant to the Emergency Medical Services Act, 35 P. S. §§ 6921-6938.	Kenneth E. Brody 717-783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	May 1999, as proposed.	The amendments to existing regulations will make them consistent with current public health practices for the control of communicable and other reportable conditions. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1-521.21.	Yvette Kostelac 717-783-2500
Personnel Administration in County Health Departments 28 Pa. Code § 13.1 et seq. State Aid to Local Health Departments 28 Pa. Code § 15.1 et seq.	No publication anticipated in the next six months.	The amendments to existing regulations will make them consistent with current local health administration practices. Pursuant to the Local Health Administration Law, 16 P. S. §§ 12001-12028.	John Middleton 717-783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Drug and Alcohol Confidentiality 4 Pa. Code § 255.1 et seq. and § 257.1 et seq.	March 1999, as proposed.	These regulations are being reviewed for updating and to address concerns regarding availability of records of patients being treated for drug and alcohol related problems. Pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act, 71 P. S. §§ 1690.101-1690.115.	Keith Fickel 717-783-2500
Drug and Alcohol Facility Physical Plant Standards 28 Pa. Code § 705.1 - 705.29	February 1999, as proposed.	The amendments to existing regulations will establish uniform standards for all residential and non-residential services. Pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act, 71 P. S. §§ 1690.101-1690.115.	Keith Fickel 717-783-2500
Organized Camps and Campgrounds 28 Pa. Code § 19.1	No publication anticipated in the next six months.	These regulations are being considered for review and updating in part because of the transfer of authority for certain environmental regulations from the former Department of Environment Resources to the Department of Health. Pursuant to 71 P. S. § 532 and 71 P. S. §§ 1340.101 et seq.	Nan Lipton 717-783-2500
Environmental Health Assessment 28 Pa. Code § 17.1 et seq.	No publication anticipated in the next six months.	These regulations are being considered for review and updating in part because of the transfer of authority for certain environmental regulations from the former Department of Environment Resources to the Department of Health. Pursuant to 71 P. S. § 532 and 71 P. S. §§ 1340.101 et seq.	Nan Lipton 717-783-2500
Head Injury Program	May 1999, as proposed.	These new regulations will facilitate the implementation of this program. Pursuant to the Emergency Medical Services Act, 35 P. S. § 6934(e).	John Middleton 717-783-2500
Special Supplemental Food Program for Women, Infants and Children (WIC Program) 28 Pa. Code § 1101. et seq.	Spring 1999, as final-omitted.	New regulations to address the selection of stores to participate in the food delivery system of the WIC Program. Necessitated as a result of the Commonwealth Court decision in Giant Food Stores, Inc. v. Commonwealth of Pennsylvania, Department of Health, 713 A.2d 177 (Pa. Cmwlth. 1998). The regulations will also revise existing regulations addressing the process for administrative appeals by applicants and participants of the WIC Program, retail stores and local agencies which may be adversely affected by Department decisions.	Lesia E. Tressler 717-783-2500
Public Bathing Place Lifeguard Requirements 28 Pa. Code § 18.1; § 18.42	February 1999, as proposed.	The amendments to existing regulations will provide lifeguard requirements for recreational swimming establishments, and add requirements for lifeguard certification and factors to be considered in determining adequate lifeguard coverage. Pursuant to Act 75 of 1998, P. L. 531, amending 35 P. S. §§ 672-680 (the Public Bathing Law).	Nan Lipton 717-783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Managed Care Organizations 28 Pa. Code § 9.1 et seq.	September 1999, as proposed.	The amendments to existing regulations will update standards governing health maintenance organizations, and supersede statements of policy pertaining to integrated delivery systems and improving quality health care accountability and protection for managed care organizations. Pursuant to the Health Maintenance Organization Act, 40 P. S. §§ 1551-1567, and Act 68 of 1998, amending the Insurance Company Law of 1921, 40 P. S. § 341 et seq.	Lori McLaughlin 717-783-2500
Dental Laboratories 28 Pa. Code § 25.301 et seq.	No publication anticipated in the next six months.	These new regulations are needed to establish standards for the operation of laboratories in dental offices. Pursuant to the Controlled Substance, Drug, Device and Cosmetic Act, 35 P. S. § 780-101 et seq.	Keith Fickel 717-783-2500
Health Facility Licensure— Long Term Care Facilities 28 Pa. Code § 201.1 et seq.	March 1999, as final.	The amendments to existing regulations will update standards regulating long term nursing care facilities, and will incorporate many of the federal long term care certification regulations. Pursuant to the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	James T. Steele, Jr. 717-783-2500
Health Facility Licensure— Ambulatory Surgical Facilities 28 Pa. Code § 551.1 et seq.	March 1999, as final.	The amendments to existing regulations will update the standards for ambulatory surgical facilities. Review occurred due to sunset of Certificate of Need. Pursuant to the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	James T. Steele, Jr. 717-783-2500
Health Facility Licensure— General & Special Hospitals & Health Planning 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq.	May 1999, as final-omitted.	Repeal of chapters on health planning (federal program and certificate of need), as statutory authority for both chapters has terminated. Pursuant to the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	James T. Steele, Jr. 717-783-2500
Health Facility Licensure— General Administrative Chapter & General and Special Hospitals 28 Pa. Code § 101.1 et seq.	No publication anticipated in the next six months.	The amendments to existing regulations will update the licensure standards for general and special hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	James T. Steele, Jr. 717-783-2500
Health Facility Licensure — Hospice	No publication anticipated in the next six months.	New regulations to require the licensure of health care facilities falling within the definition of "hospice". Pursuant to Act 95 of 1998, amending the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	John Middleton 717-783-2500
Home Health Care Agencies 28 Pa. Code § 601.1 et seq.	July 1999, as proposed.	The amendments to existing regulations will provide for consistency with federal conditions of participation in Medicare programs. Pursuant to the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	Carol Somerset-Griffie 717-783-2500
Birth Centers 28 Pa. Code § 501.1 et seq.	July 1999, as proposed.	The amendments to existing regulations will incorporate proposed newborn screening regulations. Pursuant to the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	Carol Somerset-Griffie 717-783-2500
<b>HOUSING FINANCE AGENCY</b>			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>INFRASTRUCTURE INVESTMENT AUTHORITY</b>			
Pennsylvania Infrastructure Investment Authority Financial Assistance, 25 Pa Code Chapter 963, Chapter 965, Water Pollution Control Revolving Fund	Spring/Summer 1999, as proposed.	The need for these amendments are twofold: First certain amendments to Chapter 963 will notify the public of certain less onerous regulatory requirements for obtaining a Letter of No Prejudice. Second, certain other amendments to existing regulations are necessary to clarify and inform the public of current agency policy, procedure and program requirements. The grant of authority to amend 25 Pa. Code Chapters 963 and 965 is set forth in Section 6(4)(i) of the Pennsylvania Infrastructure Investment Authority Act, 35 P. S. § 751.6(4)(i).	Brion Johnson (717) 783-6798  Jayne B. Blake (717) 783-6776
<b>INSPECTOR GENERAL</b>			
No regulations being developed or considered at this date.			
<b>INSURANCE</b>			
Definitions and Logistics, 31 Pa. Code, (NEW Chapter 2)	March 1999, as proposed.	Common definitions used by the Department will allow elimination of repetitive terms throughout the Insurance Department's regulations.	Peter J. Salvatore, 717-787-4429
Allocation of Joint Expenses, 31 Pa. Code, Chapter 3, §§ 3.1-3.6	July 1999, as proposed.	Amend to be consistent with current NAIC accounting instructions and to expand the scope of the regulations to include life and health insurers in holding company systems.	Peter J. Salvatore, 717-787-4429
Miscellaneous (Relating to Uniform Classification of Expenses), 31 Pa. Code, Chapter 11, §§ 11.1-11.7	July 1999, as proposed.	Repeal §§ 11.2 and 11.5-7 to eliminate outdated, unnecessary regulations and amend § 11.4 to clarify current NAIC accounting instructions for electronic data processing expenses.	Peter J. Salvatore, 717-787-4429
Costs of Examinations (EDP Expenses), 31 Pa. Code, Chapter 12, §§ 12.1-12.7	October 1999, as proposed.	Amend to clarify the various types of costs incurred in the conduct of department examinations.	Peter J. Salvatore, 717-787-4429
Stock Ownership Statements, 31 Pa. Code, Chapter 21, §§ 21.1-21.103	July 1999, as proposed.	Amend to update requirements relating to Stock Ownership Statements consistent with NAIC model language.	Peter J. Salvatore, 717-787-4429
Proxies, Consents and Authorizations, 31 Pa. Code, Chapter 23, §§ 23.1-23.96	July 1999, as proposed.	Amend to update requirements relating to Proxies, Consents and Authorizations consistent with NAIC model language.	Peter J. Salvatore, 717-787-4429
Acquisitions of Capital Stock (Insurance Company Holding Law) , 31 Pa. Code, Chapter 25, §§ 25.1-25.23	May 1999, as proposed.	Amend to be consistent with 1993 amendments to the authorizing statute and to eliminate unnecessary filing requirements	Peter J. Salvatore, 717-787-4429
Advances to Mutual, Stock and Life Companies (NEW Chapter 105a)	June 1999, as proposed.	New regulation to address surplus notes issued by mutual stock and life companies consistent with authorizing statute adopted in 1992.	Peter J. Salvatore, 717-787-4429
Assigned Risk Plan, 31 Pa. Code, Chapter 33, § 33.29	April 1999, as final.	Repeal current regulation and replace regulation with new chapter (31 Pa. Code, Chapter 67a) to be consistent with Pennsylvania Assigned Risk Plan	Peter J. Salvatore, 717-787-4429
Surplus Lines, Chapter 35, §§ 35.1-35.22	April 1999, as final.	Repeal current regulations, 31 Pa. Code, Chapters 35 (and Chapter 123) and replace with one updated regulation relating to surplus lines insurance consistent with 1992 statutory amendments.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Producer Licensing, 31 Pa. Code, Chapter 37, §§ 37.1-37.84	August 1999, as proposed.	Amend 31 Pa. Code, Chapter 37, Agent Certificates of Qualification and Broker Licenses, consistent with statutory amendments in Act 72 of 1996 and 40 of 1997.	Peter J. Salvatore, 717-787-4429
Producer Licensing, 31 Pa. Code, Chapter 39, §§ 39.1-39.22	August 1999, as proposed.	Amend Chapter 39 relating to continuing education for agents and brokers consistent with statutory amendments in Act 72 of 1996.	Peter J. Salvatore, 717-787-4429
Reserves of Beneficial Societies, 31 Pa. Code, Chapter 43, §§ 43.1-43.2	November 1999, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Advertising of Insurance, 31 Pa. Code, Chapter 51, §§ 51.1-51.61	April 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Special Rules of Administrative, Practice and Procedure, 31 Pa. Code, Chapter 56, §§ 56.1-56.3	April 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Objections and Procedure for Hearings on Reports of Examination, 31 Pa. Code, Chapter 58, §§ 58.1-58.3	July 1999, as proposed.	Repeal to eliminate outdated, unnecessary requirements consistent with the new examination law adopted in 1992 (40 P. S. §§ 323.1 - 323.8).	Peter J. Salvatore, 717-787-4429
Cancellations and Refusal to Renew Homeowners Insurance, 31 Pa. Code, Chapter 59, §§ 59.1- 59.13	March 1999, as proposed.	Amended language to regulation and statute is being drafted pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Notices for and Appeals of Cancellations and Refusals to Renew Automobile Insurance Policies, 31 Pa. Code, Chapter 61, §§ 61.1-61.14	June 1999, as proposed.	Modify regulation consistent with the statute (40 P. S. §§ 1008.1 et seq.). The regulations provide guidance to automobile insurers relating to cancellations and nonrenewals of certain automobile insurance policies, and the available administrative process to secure an administrative review of such terminations.	Peter J. Salvatore, 717-787-4429
Physical Damage Appraisers, 31 Pa. Code, Chapter 62, §§ 62.1-62.4	February 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Uninsured Motorist Coverage, 31 Pa. Code, Chapter 63, §§ 63.1-63.3	September 1999, as proposed.	Amend pursuant to Executive Order 1996-1 and pending filing before the Department.	Peter J. Salvatore, 717-787-4429
Private Passenger Automobile Policy Forms, 31 Pa. Code, Chapter 64, §§ 64.1-64.14	September 1999, as final.	Repeal pursuant to Executive order 1996-1.	Peter J. Salvatore, 717-787-4429
Charter Amendments, 31 Pa. Code, Chapter 65, §§ 65.21-26	July 1999, as proposed.	Amend to eliminate outdated, unnecessary provisions relating to minimum capital and surplus requirements pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Collision Loss Settlements, 31 Pa. Code, Chapter 65, §§ 65.11-14	April 1999, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Motor Vehicle Financial Responsibility Law - Evidence of Financial Responsibility, 31 Pa. Code, Chapter 67, §§ 67.21-28	April 1999, as final.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Pennsylvania Assigned Risk Consumer Protections, (NEW Chapter 67a)	April 1999, as final.	Amend pursuant to Executive Order 1996-1. This will replace 31 Pa. Code § 33.29.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Life Insurance Illustrations (New)	October 1999, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore, 717-787-4429
Replace Life Insurance Annuities, 31 Pa. Code, Chapter 81, §§ 81.1-9	April 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Variable Life Insurance, 31 Pa. Code, Chapter 82, §§ 82.1-91	September 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Disclosure in Solicitation of Life Insurance, 31 Pa. Code, Chapter 83, §§ 83.1-57	April 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Mortality Tables Used in Determining Nonforfeiture Standards, 31 Pa. Code, Chapter 84, §§ 84.1-6	April 1999, as final.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Minimum Reserve Standards, 31 Pa. Code, Chapter 84a, §§ 84a.1-84a.8	April 1999, as final.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Actuarial Opinion & Accumulation Contracts, 31 Pa. Code, Chapter 84b, §§ 84b.1-84b.11	November 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Variable Annuity & Accumulation Contracts, 31 Pa. Code, Chapter 85, §§ 85.1-85.40	September 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Premium & Retirement Deposit Fund, 31 Pa. Code, Chapter 86, §§ 86.1-86.12	April 1999, as final.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Requirements for Life Policies and Sales Practices, 31 Pa. Code, Chapter 87, §§ 87.1-87.42	May 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Individual Accident & Sickness Minimum Standards, 31 Pa. Code, Chapter 88, §§ 88.1-88.195	April 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Accident and Health Insurance Regulation, 31 Pa. Code, Chapter 89, §§ 89.1-89.11 and § 89.17	April 1999, as proposed.	Changes will be promulgated regarding the deregulation of rates and forms filings for accident and health insurance, as a result of Act 159 of 1996. Changes will be made pursuant to the health care provisions of the Federal Health Insurance Portability and Accountability Act of 1996.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Preparation of Forms, etc., 31 Pa. Code, Chapter 89, §§ 89.12-16, 89.18-89.62 and 89.101	May 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Medicare Supplement, 31 Pa. Code, Chapter 89, §§ 89.777,89.890 and Appendix E	February 1999, as proposed.	Amend regulation to add Medicare Select provisions.	Peter J. Salvatore, 717-787-4429
Separate Accounts for Principle and Interest Guarantees, 31 Pa. Code, Chapter 90a, §§ 90a.1-90a.31	September 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Cash Advances to Insurance Companies 31 Pa. Code, Chapter 105, §§ 105.1-105.2	June 1999, as proposed.	Amend to reflect statutory amendments adopted in 1992 and 1995 and to eliminate outdated, unnecessary provisions relating to cash advancements to insurance companies pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Policies Covering Personal Property Pledged as Collateral, 31 Pa. Code, Chapter 112, §§ 112.1-112.12	March 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Consent to Rate Filings, 31 Pa. Code, Chapter 113, §§ 113.1-113.9	March 1999, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Public Adjusters, 31 Pa. Code, Chapter 115, §§ 115.1-115.8	May 1999, as proposed.	The regulation was initially promulgated to clarify the requirements of public adjuster contracts. The authorizing statute, Act 72, was amended in 1983 (63 P. S. §§ 1601-1608), and the Insurance Department seeks to modify Chapter 115 to be consistent with the revised statutory language. Additionally, three sections have been proposed for deletion since they mirror the Act.	Peter J. Salvatore, 717-787-4429
Discounting Workers' Compensation Loss Reserves, 31 Pa. Code, Chapter 116, §§ 116.1-116.9	May 1999, as proposed.	Blend regulations on discounting of loss reserves into one regulation consistent with Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Discounting Medical Malpractice Loss Reserve, 31 Pa. Code, Chapter 118, §§ 118.1-118.6	May 1999, as proposed.	Blend regulations on discounting of loss reserves into one regulation consistent with Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Surplus Lines, 31 Pa. Code, Chapter 123, §§ 123.1-123.63	April 1999, as final.	Repeal current regulations, 31 Pa. Code, Chapters 123 (and Chapter 35) and replace with one updated regulation relating to surplus lines insurance consistent with 1992 statutory amendments.	Peter J. Salvatore, 717-787-4429
Surplus Lines, 31 Pa. Code, (NEW Chapter 124, §§ 124.1-124.10)	April 1999, as final.	Repeal two current regulations, 31 Pa. Code, Chapters 35 and 123 and replace with one updated regulation relating to surplus lines insurance consistent with 1992 statutory amendments.	Peter J. Salvatore, 717-787-4429
Title Insurance, 31 Pa. Code, Chapter 125, §§ 125.1-125.9	February 1999, as final.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Management Contracts or Exclusive General Agent Agreements, 31 Pa. Code, Chapter 127, §§ 127.1-127.8	July 1999, as proposed.	Amend pursuant to Executive Order 1996-1	Peter J. Salvatore, 717-787-4429
Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1-133.12	March 1999, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Description of Reserves - Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1-139.3	June 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices, 31 Pa. Code, Chapter 146, §§ 146.1-146.10	June 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Securities Held Under Custodial Agreements, 31 Pa. Code, Chapter 148, §§ 148.1-148.4	May 1999, as proposed.	Amend to eliminate unnecessary forms, add uniform requirements relating to custodial agreements and duties of custodians and update provisions relating to permissible custodians.	Peter J. Salvatore, 717-787-4429
Continuing Care Providers, 31 Pa. Code, Chapter 151, §§ 151.1-151.14	July 1999, as proposed.	Amend to be consistent with 1996 statutory amendments relating to the order of distribution of assets in insolvencies and to provide for the voluntary surrender of a certificate of authority.	Peter J. Salvatore, 717-787-4429
Contractual Agreements with Integrated Delivery Systems, 31 Pa. Code, Chapter 152, §§ 152.1-152.25	September 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Managed Care Plans - Quality Health Care Accountability and Protections of Act 68 of 1998, 31 Pa. Code, (NEW Chapter 154)	June 1999, as proposed.	Regulations are necessary to address outstanding issues and to fully implement the requirements of Act 68.	Peter J. Salvatore, 717-787-4429
Health Maintenance Organizations, 31 Pa Code, Chapters 301, §§ 301.1-301.126	April 1999, as proposed.	Amend pursuant to Executive order 1996-1.	Peter J. Salvatore, 717-787-4429
Underground Storage Tank Indemnification Fund - Fee Regulation, 25 Pa. Code, Chapter 971, §§ 971.1-971.4	April 1999, as proposed.	Repeal the existing regulation for the Underground Storage Tank Indemnification Fund (USTIF). This will be combined with Chapters 973 and 975 into a new regulation, Chapter 977.	Peter J. Salvatore, 717-787-4429
Underground Storage Tank Indemnification Fund - Fee Collections Regulation, Chapter 973, §§ 973.1-973.12	April 1999, as proposed.	Repeal the existing regulation for the Underground Storage Tank Indemnification Fund (USTIF). This will be combined with Chapters 971 and 975 into a new regulation, Chapter 977.	Peter J. Salvatore, 717-787-4429
Underground Storage Tank Indemnification Fund - Voluntary Heating Oil Tank Program, 25 Pa. Code, Chapter 975, §§ 975.1-975.6	April 1999, as proposed.	Repeal the existing regulation for the Underground Storage Tank Indemnification Fund (USTIF). This will be combined with Chapters 971 and 973 into a new regulation, Chapter 977	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Underground Storage Tank Indemnification Fund - Claims Regulation, 25 Pa. Code, (NEW Chapter 977)	April 1999, as proposed.	Requires underground storage tank owners be in compliance with certain leak detection standards in order to obtain claims coverage from the Underground Storage Tank Indemnification Fund. The proposed regulation establishes requirements for owners to file such claims. This will combine most of 25 Pa. Code, Chapters 971, 973 and 975.	Peter J. Salvatore, 717-787-4429
<b>LABOR AND INDUSTRY</b>			
Workers' Compensation Bureau; Workers' Compensation Judges and Workers' Compensation Appeal Board 34 Pa. Code Chapters 131 and 111	Summer 1999, as proposed.	These rules have not been updated in many years; they need to reflect the changes in the law and practice of workers' compensation.	Thomas J. Kuzma (717) 783-4467
Work-place Safety Committee Certification; Evaluation of Accident/Illness Prevention Services & Programs of Insurers and Self-insureds; Qualifications of Accident/Illness Prevention Service Providers 34 Pa. Code Chapter 129	May 1999, as proposed.	The rulemaking implements the health and safety provisions of Article X of the Workers' Compensation Act. The proposed rulemaking specifies the safety committee certification application and renewal processes and establishes the necessary program components and evaluation criteria for accident and illness prevention programs maintained or provided by licensed insurers and self-insured employers. In addition, the regulation ensures the uniform application of the provisions of Article X.	Len Negley (717) 772-1917
Workers' Compensation Assessment Regulations	February 1999, as final.	These regulations are required to define new assessments on employers as specified in Act 57 of 1997. Proposed regulations published September 5, 1998.	Thomas J. Kuzma (717) 783-4467
Underground Storage Facilities	October 1999, as proposed.	This regulation will address requirements for natural or man-made caverns used for LPG storage.	James Varhola (717) 787-3329
Dry Cleaning	June 1999, as proposed.	Dry Cleaning Law, Act of December 19, 1990, P. L. 1387, No. 214, 35 P. S. § 1270.1 et seq. This regulation is to regulate the construction, operation and maintenance of dry cleaning plants.	Edward Leister (717) 787-3323
Elevators and Lifting Devices NOTE: Dependent upon passage of Legislation. Legislation did not pass during the 1997-98 legislative session. This is postponed until passed by the legislature.	December 1999, as proposed.	The new regulation will amend the current standards to include ANSI/ASME A17.1, B20.1 and other national consensus standards. There is a need to update standards to bring them in line with national standards.	James Varhola (717) 787-3329

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Personal Care Homes Housing Immobile Residents 34 Pa. Code Chapters 49, 55 & 56.	June 1999, as proposed.	The regulation is a result of the Act of December 21, 1988, P. L. 1883, No. 185, which permitted the housing of immobile persons in personal care homes. The current Fire and Panic Regulations for personal care homes require personal care home occupants to be both physically and mentally capable of taking appropriate measures for self preservation with minimal supervision in the event of a fire. They are not designed to provide a fire safe environment for immobile persons. The proposed regulations will require the installation of an automatic sprinkler system in personal care homes which house immobile residents.	Edward L. Leister, (717) 787-3323
Asbestos Occupations Accreditation and Certification	June 1999, as proposed.	Act of December 19, 1990, P. L. 05, No. 194, 63 P. S. §§ 2101-2112. This regulation established the Department's worker certification and training provider accreditation program. It also sets up training course requirements. It is based on the Environmental Protection Agency's model plan.	Sharon Lawson (717) 772-3396
<b>MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND</b>			
Payment and Collection of Fund Surcharge 31 PA.Code §§ 242.1 et. seq.	January 2000, as proposed.	This regulation will further clarify the basis upon which the Medical Professional Liability Catastrophe Loss Fund's surcharge is to be paid. The regulation will be consistent with the statute as it relates to the procedure for levying, payment and collection of the surcharge, and the date on which it is to be remitted to the Fund. Statutory authority 40 P. S. §§ 1301.701 et. seq.	Arthur McNulty 717-783-3770
<b>MILITARY AND VETERANS AFFAIRS</b>			
State Veterans Home 43 Pa.Code Section 7.1 et. seq.	July 1999, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Eclemus Wright, Jr. 717-861-8503
<b>PARDONS</b>			
No regulations being developed or considered at this date.			
<b>PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM</b>			
16 Pa. Code Chapters 81, 83, 85, 87 and 91	No publication anticipated in next six months	These regulations are in the process of review as a result of Executive Order 1996-1.	James B. Allen (717) 787-2065
<b>PROBATION AND PAROLE</b>			
Definitions 37 PA. Code, Chapter 61.1	June 1999, as proposed.	Definitions amended pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208
Confidentiality of records 37 Pa. Code, Chapter 61.2	June 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Vicki Wilken 717-787-6208
37 Pa. Code Chapter 63.1, 63.2 and 63.3	June 1999, as proposed.	Amend pursuant to Executive Order 1996-1 and to update terms to conform to statutory changes..	Vicki Wilken 717-787-6208
General conditions of parole 37 PA. Code, Chapter 63.4	June 1999, as proposed.	Amend pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Special conditions of parole 37 Pa. Code, Chapter 63.5	June 1999, as proposed.	Amend pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208
General conditions of special probation or parole 37 Pa. Code, Chapter 65.4	June 1999, as proposed.	These regulations are being reviewed pursuant to Executive Order 1996-1.	Vicki Wilken 717-787-6208
37 Pa. Code -Chapter 65.5, 65.6, 65.7, 67.1, 67.2 and 67.3	June 1999, as proposed.	Amend pursuant to Executive Order 1996-1 and to update terms to conform to statutory changes.	Vicki Wilken 717-787-6208
General 37 Pa. Code, Chapter 69.1	June 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Vicki Wilken 717-787-6208
37 Pa. Code - Chapter 69.2 and 69.3	June 1999, as proposed.	Repeal pursuant to Executive Order 1996-1.	Vicki Wilken 717-787-6208
37 Pa. Code Chapter 71.1, 71.2, 71.3, 71.4, 71.5, 73.1, 75.1, 75.2 and 75.3	June 1999, as proposed.	Amend pursuant to Executive Order 1996-1 and to update terms to conform to statutory changes.	Vicki Wilken 717-787-6208
Presumptive ranges for technical parole violators. 37 Pa. Code, Chapter 75.4	June 1999, as proposed.	Amend pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208
<b>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM</b>			
No regulations being developed or considered at this date			
<b>PUBLIC WELFARE</b>			
Child Protective Services Law	February 1999, as final	This regulation incorporates the amendments to the child protective services law as a result of Act 151 of 1994 and Act 10 (Special Services No. 1) of 1995. The major changes are: provisions for investigating reports of suspected sexual abuse or exploitation or serious bodily injury by a school employee against a student; screening applicants for employment in schools against childline files to determine whether or not their names are on file as an abuser; and reports of neglect.	Tom Vracarich (717) 783-2209
Child Residential and Day Treatment Facility	March 1999, as final	This regulation consolidates eight chapters of existing chapters, or portions of chapters, into one chapter of health and safety protections. The regulations address contemporary changes in the fields of residential care and day treatment. The emphasis is on protecting the health, safety and well-being of children served. The Department's legal basis for the regulations is Article IX and X of the Public Welfare Code, Act of June 13, 1967 (P. L. 31, No. 21) (62 P. S. § 901-922 and 1001 and 1080).	Tom Vracarich (717) 783-2209
Child Day Care Services	December 1999, as proposed	This regulation is proposed in response to Governor's Executive Order 1996-1 and to strengthen health and safety requirements in the regulation. The regulation will impact child day care centers, group day care homes and family day care homes. 55 Pa. Code, Chapter 3300, Specialized Day Care Service for Children with Disabilities, will be rescinded in order to comply with the provisions of the Americans With Disabilities Act.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical assistance estate recovery	April 1999, as proposed	This regulation will codify the department's collection practices to recover correctly paid ma from the estates of certain deceased recipients age 55 or older who receive Medical Assistance for nursing facility care (includes Intermediate Care Facilities/MR and Intermediate Care Facilities/Other Related Conditions), home and community based services, and related hospital prescription drug services. Changes effective August 15, 1994 and are the result of OBRA' 93 and Act 1994-49.	Tom Vracarich (717) 783-2209
Disclosure of social security number	April 1999, as final	This regulation incorporates federal requirements that applicants for and recipients of benefits administered by the Department of Public Welfare are required to disclose or apply for a social security number as a condition of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Continuation of Medical Assistance throughout pregnancy.	October 1999, as final-omitted	This regulation codifies the provision that Medical Assistance coverage will be continued for pregnant women throughout their pregnancy and postpartum period, regardless of changes in family income that occur after the authorization of MA or cash assistance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Lump sum payments	June 1999, as final	This final regulation will require that any balance remaining of a lump sum that has been treated as income in the calendar month of receipt for the Medical Assistance eligibility determination is treated as a resource in subsequent months. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Exclusion of Resources-Medical Assistance children	April 1999, as final-omitted	This regulation codifies the provision that resources are excluded in the Medical Assistance eligibility determination process for supplemental security income (SSI) related, general assistance (GA) related, and TANF-related persons under 21 years of age and for SSI-related, TANF-related, and GA-related families with children under 21 years of age. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Workfare/Community Service	January 2000, as proposed	The revisions clarify who may be assigned and the priority and factors to be considered in making Workfare program assignments, define responsibilities of county assistance offices and project operators regarding participation expenses and program requirements, and provide for grievance rights for Workfare recipients and regular employees. Provisions of Act 1995-20 will also be incorporated into this regulation package. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
General Assistance Restructure - Act 1994-49	March 1999, as final-omitted	This regulation incorporates provisions of Act 1994-49 including acceptance of written verification of medical disability for chronically needy non-financial eligibility determination; 60-day residency requirement; savings designated for educational purposes; and certain medical services which are no longer compensable expenses. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Elimination of transitionally needy component of general assistance program.	March 1999, as final-omitted	This regulation codifies the elimination of cash assistance payments to persons in the GA-Transitional Needy ("TN") category. References to both the TN and chronically needy (CN) components are deleted since there is no longer a need to differentiate between GA program requirements. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Act 1996-35 - General eligibility changes	March 1999, as final-omitted	This regulation codifies statutory changes to eligibility conditions for General Assistance benefits, including the following expanding the eligibility determination period to 30 days; establishing a period of residency; imposing ineligibility periods based on welfare fraud convictions; limiting Medically Needy Only/Medical Assistance ("MNO/MA") eligibility to certain groups; and revising the methodology used to determine eligibility for retroactive MNO/MA. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Elimination of PACE requirement	October 1999, as final-omitted	This regulation codifies the elimination of the deduction from income for the PACE program and the mandate to enroll in the PACE program as required by Title XIX. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Real property liens	November 1999, as proposed	This regulation codifies the elimination of the requirement that applicants who own real property, including mobile homes, which are used as their primary residence, will no longer be required to sign a lien encumbering their residence as a condition of eligibility for cash assistance. The Department intends to rescind 55 Pa. Code Chapter 257, regarding Reimbursement. Instead, the Department will propose a new chapter governing reimbursement policy for cash assistance recipients and applicants who own personal property. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Criminal history	April 1999, as final-omitted	This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs, and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Act 1996-35 - Provisions Effective March 3, 1997	March 1999, as final-omitted	This regulation incorporates provisions of the TANF program implemented 3/3/97 by NORC including establishing RESET; requiring applicants and recipients to enter into an agreement of mutual responsibility with the department; and further defining Title IV-D cooperation requirements and procedures for TANF and GA applicants and recipients. Act 1996-35 provisions applicable to the TANF program may not be implemented until federal approval is received. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Act 1996-35 - Community Service	October 1999, as final	This proposed regulation would provide that a person who verifies they are actively engaged in volunteer community services for 100 hours per month can qualify for MNO-MA benefits if otherwise eligible. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Medical support rights	September 1999, as proposed	This regulation will require Medical Assistance applicants/ recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Annuity rule	June 2000, as final-omitted	This regulation codifies the provision that in addition to the current provision permitting the institutionalized spouse to provide part of his monthly income to the community spouse whose income is below the minimum monthly maintenance needs allowance, either the institutionalized spouse or their representative may file an appeal and seek an administrative order permitting the protection of additional resources to enable the community spouse to purchase an annuity that will generate sufficient income to bring her income up to the minimum monthly maintenance needs allowance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Intentional Program Violations	April 1999, as final-omitted	This regulation incorporates federal mandates by the U.S. Department of Agriculture and the U.S. Department of Health and Human Services that individuals found to have committed an intentional program violation be subject to an immediate disqualification penalty regardless of the individual's current eligibility status for benefits. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client groups.	Tom Vracarich (717) 783-2209
Expansion of Income Limits - Qualifying Individuals 1 and 2	August 1999, as final-omitted	This regulation codifies the revisions needed to comply with the Balanced Budget Act of 1997 for the expansion of Medicare Part B premiums. Full payment of the Medicare Part B premium is available to individuals with income at 120% of the Federal Poverty Income Guidelines (FPIG) but less than 135% of the FPIG. Partial payment of the premium is available to individuals with income at 135% of the FPIG but less than 175% of the FPIG. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Medical Assistance Closure	November 1999, as proposed	This proposed regulation removes references to the closing of MA benefits using the cash payment date schedule to designate the closure date. The proposed regulations state that Medical Assistance benefit eligibility ends after the required notice is forwarded to the recipient and the corresponding appeal period expires. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Early and Periodic Screening Diagnosis Treatment (EPSDT)	July 1999, as final-omitted	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance (Medical Assistance) State Plan. This regulation will be reviewed by the medical assistance advisory committee (MAAC) which includes representatives of professional provider associations, providers, the health law project, the welfare rights organization, consumers, and client advocacy groups.	Tom Vracarich (717) 783-2209
Medical Assistance case management services	July 1999, as final-omitted	This final regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
General Assistance Restructure - Act 1994-49	March 1999, as final-omitted	This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service; and (3) prescription drugs except legend birth control drugs. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Discontinue coverage - infertility	May 1999, as final-omitted	This final regulation codifies Act 1994-49 provisions that discontinues payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Residential Treatment Facilities (RTF) for mental health services	July 1999, as final-omitted	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Pharmaceutical services drug coverage	July 1999, as final-omitted	This regulation provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
\$150 deductible for General Assistance recipients	May 1999, as final-omitted	This regulation implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Early Intervention Services	May 1999, as proposed	This regulation will establish program regulations for early intervention services in keeping with the Federal regulations under the Individuals with Disabilities Education Act (IDEA) and Act 212 of 1990. Early intervention services regulations are called for by the Legislative Budget and Financing Committee Report on early intervention services.	Tom Vracarich (717) 783-2209
MH Wraparound	July 1999, as final-omitted	This final regulation codifies requirements necessary to receive reimbursement for medically necessary outpatient wraparound mental health services for individuals under 21 years of age with a diagnosis of mental illness or emotional disturbance. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Family Planning	May 1999, as final-omitted	This final regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Physician Assistant/Midwife	May 1999, as final-omitted	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Discontinuance of the Mandatory Second Opinion Program	May 1999, as final-omitted	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
D&A Clinics	May 1999, as final-omitted	This final regulation revises the enrollment policy for outpatient drug and alcohol clinics. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Capital Component Payment for Replacement Beds	July 1999, as final	This regulation takes the policy as set forth in the Statement of Policy and promulgates it into the regulations. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
Intergovernmental Transfer	June 1999, as final-omitted	This regulation will extend the county nursing facility Transition Rates according to the Intergovernmental Transfer Agreement. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
New Definition of "Emergency Medical Condition"	July 1999, as final-omitted	This final regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
<b>REVENUE</b>			
Books, Publications and Advertising Materials 61 Pa. Code § 31.29	Fall 1999, as final.	The Department is amending § 31.29 (relating to books, printed matter and advertising materials) in response to statutory changes and inquiries from the public.	Douglas A. Berguson 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Compensation; Allowable Deductions From Gross Compensation and Deferred Compensation Arrangements 61 Pa. Code §§ 101.6, 101.6a and 101.6b	Fall 1999, as proposed.	The Department is amending §§ 101.6 and adding 101.6a and 101.6b to set forth its interpretation of current case law and current policy in the areas of compensation; commonly recognized old age or retirement benefits; reimbursements of business expenses; and guaranteed payments.	Douglas A. Berguson 717-787-1382
Credits Against Tax; Estimated Tax 61 Pa. Code §§ 111.2 - 111.5, 115.1 - 115.5, 115.8, 115.9 and 115.11 - 115.12	Winter 2000, as proposed.	This regulation sets forth the Department's policy relating to taxes for which credit is not allowed; other conditions for allowance of the credit for taxes paid to other states; limitations on the amount of the credit for taxes paid to other states; proof requirements; jointly paid estimated tax; and application of overpayments of estimated tax. This regulation is necessary to delete obsolete text; add language consistent with statutory changes; and provide additional guidance in areas that have been subject to questions from the public.	Douglas A. Berguson 717-787-1382
Commercial Motion Pictures 61 Pa. Code § 32.38	Summer 1999, as final.	The Department is setting forth its interpretation of section 2 of Act 7-1997, section 204(54) (72 P. S. § 7204(54)) regarding the sales and use tax exclusion for the sale at retail to or use by a producer of commercial motion pictures of any tangible personal property directly used in the production of a feature-length commercial motion picture distributed to a national audience.	Douglas A. Berguson 717-787-1382
Computer Software and Related Transactions 61 Pa. Code § 31.33	Fall 1999, as proposed.	Pursuant to Act 7-1997, various types of computer services are no longer subject to sales and use tax on or after July 1, 1997. However, certain computer related transactions remain subject to tax. This regulation provides guidance concerning these transactions.	Douglas A. Berguson 717-787-1382
Definitions; Net Profits and Regulated Investment Companies 61 Pa. Code §§ 101.1, 103.12 and 155.30	Summer 1999, as final.	Section 101.1 (relating to definitions) is being amended by replacing the existing definitions of "employee" and "employer" with new definitions consistent with the requirements of 72 P. S. § 7301(g) and (h). The definition of "income" is being expanded to implement the provisions of 72 P. S. § 7602(f)(2)(A) and reflect recent holdings in <i>Morgan v. Commonwealth</i> , 42 Pa. Commonwealth Ct. 557, 400 A.2d 1384 (1979) and <i>Wettach v. Commonwealth</i> , 153 Pa. Commonwealth Ct. 293, 620 A.2d 730 (1993). Section 103.12 (relating to net profits) is also being amended to reflect <i>Morgan</i> and <i>Wettach</i> . The definition of "personal income tax income" set forth in § 155.30(b)(4) (relating to regulated investment companies) is being amended to provide that the term means income computed in the same manner and on the same basis as the income of an individual under Article V. Personal Income Tax.	Douglas A. Berguson 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Disclaimers of Nonprobate Taxable Assets 61 Pa. Code § 93.81	Summer 1999, as final.	The regulation sets forth specific conditions that must be met in order for a disclaimer executed in regard to nonprobate taxable assets and nontrust assets of resident decedents to be valid for Pennsylvania inheritance tax purposes. Based on the decision and order received from the Commonwealth Court In Re Estate of Bernecker, 654 A.2d 246 (Pa. Commonwealth 1995), the Department is revising its policy on the effectiveness of disclaimers of nonprobate taxable assets for Pennsylvania inheritance tax purposes.	Douglas A. Berguson 717-787-1382
File-by-phone (TeleFile) System and Federal and State Electronic Tax Filing Program 61 Pa. Code §§ 117.19 - 117.21	Fall 1999, as proposed.	The file-by-phone (TeleFile) program involves the filing of a Pennsylvania personal income tax return by phone. The Federal and State electronic tax filing program involves the filing of a Pennsylvania personal income tax return as part of the Federal and State Electronic Filing Program.	Douglas A. Berguson 717-787-1382
Lawn Care Services 61 Pa. Code §§ 55.6 and 60.2	Summer 1999, as proposed.	This regulation sets forth the Department's interpretation of Act 22-1991 (72 P. S. §§ 7201(k)(17), (o)(15) and (jj)) relating to lawn care services.	Douglas A. Berguson 717-787-1382
Local Tax 61 Pa. Code §§ 60.16, and 95.1 - 95.303	Fall 1999, as proposed.	This regulation sets forth the Department's interpretation of sections 501-509 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (53 P. S. §§ 12720.501 - 12720.509), sections 3150-B - 3157-B of the Second Class County Code (16 P. S. §§ 6150-B - 6157-B) and section 201-A of the Tax Reform Code of 1971 (72 P. S. § 7201-A). Currently the Department's interpretation is set forth as a pronouncement and codified at 61 Pa. Code § 60.16 (relating to local sales, use and hotel occupancy tax). The Department has concluded that its policy relating to local sales, use and hotel occupancy tax should be set forth as a regulation. Therefore, In addition to proposing to add Chapter 95. Local Tax, the Department is also proposing to delete the pronouncement set forth at § 60.16.	Douglas A. Berguson 717-787-1382
Payments for Employee Welfare Benefit Plans and Cafeteria Plans 61 Pa. Code §§ 101.1, 101.6 and 101.7	Winter 1999, as final.	The amendments to §§ 101.1, 101.6, and 101.7 are being added to explain how employee welfare benefit programs and other wage and salary supplemental programs are taxed and to implement amendments to section 301(d) of the Tax Reform Code of 1971 (72 P. S. § 7306(d)) under Act 7-1997.	Douglas A. Berguson 717-787-1382
Sales and Use Tax Amendments 61 Pa. Code §§ 7.3, 7.6, 31.4, 31.5, 31.7, 31.26, 32.1 - 32.5, 32.21, 32.22, 32.31 - 32.37, 33.1, 33.2, 33.4, 42.1, 42.3, 44.2, 45.1, 46.9, 47.18 and 58.13	Fall 1999, as final.	The Department is proposing numerous amendments to the Pennsylvania Code, Title 61. This regulatory package is the result, In part, of a comprehensive review of sales and use tax regulations In light of legislative changes from 1991 to the present.	Douglas A. Berguson 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Telecommunications Service 61 Pa. Code §§ 31.1, 31.24, 48.1 and 55.8	Summer 1999, as final.	This regulation sets forth the Department's interpretation of the 1991 statutory changes set forth in section 201(m), 202(c) and 204(5) of the Tax Reform Code of 1971 (72 P. S. §§ 7201(m), 7202(c) and 7204(5)) regarding telephone, telegraph and telecommunications services.	Douglas A. Berguson 717-787-1382
Utility Gross Receipts Tax 61 Pa. Code §§ 160.21 - 160.43	Spring 1999, as proposed	The Department is proposing this regulation to clarify the changes to the utility gross receipts tax brought about by utility deregulation (Act 138-1996) codified in Title 15 and Title 66. This regulation will also provide guidance and clarity to out-of-state businesses and the emerging industry.	Douglas A. Berguson 717-787-1382
Vending Machines 61 Pa. Code § 31.28	Summer 1999, as proposed	This regulation sets forth the Department's interpretation of Act 45-1998 as it relates to vending machines.	Douglas A. Berguson 717-787-1382
<b>SECURITIES COMMISSION</b>			
Licensing Regulations 64 Pa. Code § 303 - § 404	June 1999, as proposed.	The Commission plans to amend this regulation to conform its requirements to the state preemption provisions of the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
"Notice to Purchasers under Section 207(m)" 64 Pa. Code § 207.130	March 1999, as proposed.	This amendment would implement provisions of Act 126 of 1994. Act 126 of 1994 amended Section 207(m) and deleted its application to transactions under Sections 203(e) and (r) of the 1972 Act while also making the furnishing of a notice reciting the withdrawal rights under Section 207(m) a condition of the exemption in Section 203(d). Act 126 also gave the Commission explicit authority to adopt a regulation specifying the form and manner in which a 207(m) notice has to be given.	G. Philip Rutledge (717) 783-5130
"Limited offerings" 64 Pa. Code § 203.041	March 1999, as proposed.	Commission proposes to repeal Form 203-D and Form D Supplement and replace them with Form E which will allow issuers to use only one form to claim the exemptions afforded by Section 203(d), (s) or (t).	G. Philip Rutledge (717) 783-5130.
"Electronic signatures" 64 Pa. Code § 207.141	Spring 1999, as proposed.	Commission proposes to adopt a rule governing use of electronic or digital signatures on materials required to be filed with the Commission.	G. Philip Rutledge (717) 783-5130.
<b>STATE</b>			
Bureau of Commissions, Elections and Legislation	May 1999, as proposed.	The Department proposes comprehensive revisions to regulations at 4 Pa. Code to eliminate obsolete provisions, reflect recent statutory changes and reflect changes to campaign finance reporting as a result of the computerization initiative. Amendments will be proposed pursuant to the Pennsylvania Voter Registration Act (25 P. S. § 961.301), the Pennsylvania Election Code (25 P. S. § 2601 et seq) and Campaign Expense Reporting Law (25 P. S. § 3241 et seq)	Richard Filling, (717) 787-5280

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State Athletic Commission 58 Pa. Code, Chapter 21	June 1999, as proposed.	Comprehensive revisions to 58 Pa. Code will reflect statutory changes to the Pennsylvania Athletic Code and changes in commission procedures. The regulations will be promulgated pursuant to the Pennsylvania Athletic Code (5 Pa.C.S. § 101 et seq).	Greg Sirb (717) 787-5720
Navigation Commission for the Delaware River and Its Navigable Tributaries - 13 Pa. Code Ch. 201-209.	May 1999, as proposed.	Proposed comprehensive revisions will enhance navigational safety, eliminate obsolete regulations and reflect statutory changes pursuant to 55 P. S. § 31 and 71 P. S. § 670.2(4).	Larry Boyle, (717) 787-6458
Bureau of Professional and Occupational Affairs - Schedule of Civil Penalties for Act 48 - State Boards of Accountancy, Architects, Auctioneers, Professional Engineers, Land Surveyors and Geologists, and Dentistry -49 Pa. Code, Chapter 43	February 1999, as proposed.	The Boards propose to provide for civil penalties for violations pertaining to the conduct or operation of a business or facility licensed by the Board. Statutory authority: 63 P. S. § 2205(a).	Beth Sender Michlovitz (717) 783-7200
State Board of Auctioneer Examiners -Approved Course of Study -49 Pa. Code § 1.11.	No publication anticipated in next six months.	The proposal would establish standards for school course practicum work in auctioneering. The regulation will permit the Board to verify the minimum level of education the Board believes necessary for licensure. Legal authority for the regulation is Section 32, 63 P. S. § 734.32.	Linda Dinger (717) 783-3397
Sponsorship of Apprentices - 49 Pa. Code § 1.31.	No publication anticipated in next six months.	The proposal would require sponsors to provide minimum training of apprentices and document their supervision. The regulation is needed to provide objective standards for sponsors to follow in training and supervising apprentices whom they employ and whose apprenticeship qualifies them for licensure. Legal authority for the regulation is Section 32, 63 P. S. § 734.32.	
State Board of Barber Examiners - General Revisions - 49 Pa. Code, Chapter 3.	February 1999, as proposed.	The Board proposes to revise and update its entire chapter and repeal antiquated provisions. Statutory authority: 63 P. S. § 566.4(b).	Sara Sulpizio (717) 783-3402
Barber Shop Trainees - 49 Pa. Code §§ 3.70, 3.72, 3.87.	February 1999, as proposed.	The regulations will provide for the training of students in barber shops. Statutory authority: 63 P. S. § 566.4(b).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Chiropractic - Sexual Misconduct - 49 Pa. Code § 5.54.	No publication anticipated in next six months.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. Statutory authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	Deb Smith (717) 783-7156
Peer Review - 49 Pa. Code § 5.55.	No publication anticipated in next six months.	The proposal would regulate standards for review of chiropractic treatment. The proposal would assure that when chiropractic diagnosis and treatment are subject to utilization review by chiropractors, appropriate standards will be employed. Statutory authority: Section 302(3), 63 P. S. § 625.302(3).	
Radiologic Procedures Exam Fee - 49 Pa. Code § 5.6.	April 1999, as final.	The Board will reduce the fee charged to applicants who take the radiologic procedures examination because of contractual scheduling changes. Statutory authority: 63 P. S. § 625.1101.	
State Board of Cosmetology - Disinfection, Equipment and Supplies; - 49 Pa. Code §§ 7.71, 7.71a, 7.71b, 7.105, 7.113a and 7.114.	No publication anticipated in next six months.	These regulations reflect improved industry standards for disinfecting and sterilizing equipment required to be available in cosmetology shops. Minimum safety and sanitation standards are authorized under Section 11 of the Cosmetology Law, 63 P. S. § 517.	Sara Sulpizio (717) 783-7130
General Revisions - 49 Pa. Code, Chapter 7.	No publication anticipated in next six months.	These regulations will revise and update current rules and repeal outdated provisions. Statutory authority: 63 P. S. § 517.	
Safe use of Chemicals - 49 Pa. Code § 7.96.	No publication anticipated in next six months.	The Board will update and broaden standards to require licensees to follow manufacturers' instructions and FDA restrictions when using chemicals on clients. Statutory authority: 63 P. S. § 517.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Accountancy - Continuing Education Program Sponsors - 49 Pa. Code §§ 11.1, 11.4, 11.64, 11.65, 11.66, 11.70-11.73, 11.80.	April 1999, as proposed.	The regulations would require approved continuing education program sponsors to renew approval biennially and authorize the Board to conduct audits of approved programs. The regulations ensure that continuing education programs meet licensure renewal needs. Statutory authority: 63 P. S. § 9.3(10).	Dorna Thorpe (717) 783-1404
Commissions and Referral Fees - 49 Pa. Code § 11.24.	April 1999, as proposed.	The regulation would codify rules for the written disclosure licensees must make in order to pay or receive commissions and referral fees in connection with the referral or recommendation of products and services. The regulation complies with 1997 amendments to the C.P.A. Law. Statutory authority: 63 P. S. § 9.12(p).	
General Revisions - 49 Pa. Code, Ch. 11.	June 1999, as proposed.	The regulations would revise or repeal existing requirements in compliance with comprehensive amendments to the C.P.A. Law effective February 3, 1997. Statutory authority: 63 P. S. § 9.3(10)-(12).	
Peer Review - 49 Pa. Code, §§ 11.81-11.88.	April 1999, as proposed.	The regulations would set forth requirements for public accounting firms which must undergo peer review, standards for the conduct of peer reviews, and confidentiality provisions. The regulation implements 1997 amendments to the C.P.A. Law. Statutory authority: 63 P. S. § 9.8i.	
State Board of Funeral Directors - Pre-need Requirements - 49 Pa. Code, Chapter 13.	No publication anticipated in next six months.	The Board will update current regulations in order to provide clear and concise guidance to licensees regarding pre-need monies and contracts. Legal authority: Section 16(a) of the Law, 63 P. S. § 479.16(a).	Cheryl Lyne (717) 783-3397
State Board of Landscape Architects - Continuing Education - 49 Pa. Code § 15.71-15.83.	July 1999, as final.	The amendments establish procedures and standards for continuing education as a condition of biennial renewal. The Board is required to adopt regulations establishing requirements of continuing education as a condition for renewal of a license under Section 9.1 of the Landscape Architects' Registration Law, Act of January 24, 1966, P. L. (1965) 1527, added by the Act of December 7, 1994, P. L. 774, 63 P. S. § 909.1.	Shirley Klinger (717) 772-8528
Examination Fees - 49 Pa. Code § 15.12.	March 1999, as final.	The amendments revise fees for the C.L.A.R.B. examination pursuant to contract for administrations in June 1999 and thereafter. The Board is required to administer this examination under Sections 4(2) and 4(3) of the Landscape Architects' Registration Law, 63 P. S. §§ 904(2) and 904(3).	
General Revisions; Seals - 49 Pa. Code § 15.1 et seq.	No publication anticipated in next six months.	In compliance with Executive Order 1996-1, the Board will propose updated standards relating to licensees' seals to reflect new technology. Statutory authority: 63 P. S. §§ 904(9) and 909.	

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State Board of Medicine - Sexual Misconduct - 49 Pa. Code, Chapter 16.	August 1999, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 8 of the Medical Practice Act, Act of December 20, 1985, P. L. 457, as amended, 63 P. S. § 422.8.	Cindy Warner (717) 783-1400
Certified Registered Nurse Practitioners (CRNPs) - 49 Pa. Code § 18.21.	September 1999, as proposed.	The Board will collaborate with the State Board of Nursing for joint promulgation of standards and criteria by which CRNPs could write prescriptions for medical therapeutic measures. Prescriptive authority of the CRNP is provided under Section 15 of the Medical Practice Act, 63 P. S. § 422.15.	
Requirements for approval of educational programs for Certified Registered Nurse Practitioners (CRNP) - 49 Pa. Code § 18.41.	No publication anticipated in next six months.	This regulation would require that all CRNP programs applying for approval by the Board meet specific criteria prior to approval. The regulations will assist educational institutions in developing programs in advanced practice nursing which will qualify graduates for certification as CRNPs. The Board has authority to jointly promulgate with the Nurse Board under Section 15(b) of the Medical Practice Act, 63 P. S. § 422.15(b).	
General Delegation - 49 Pa. Code, Ch. 16.	No publication anticipated in next six months	This regulation would establish standards for the delegation of medical services to qualified personnel. Statutory authority: 17(b) of the Medical Practice Act, 63 P. S. § 422.17(b).	
State Board of Vehicle Manufacturers, Dealers and Salespersons - General Provisions, Licensure, Facility requirements - 49 Pa. Code §§ 19.1-19.23.	June 1999, as proposed.	The Board will revise its regulations to repeal outdated provisions and take into account industry-wide changes in business practices. The amendments are needed to conform to the 1996 amendments to the Board of Vehicles Act. The Board has authority to promulgate regulations under Section 4(9) of the Board of Vehicles Act, Act of December 22, 1983, as amended, 63 P. S. § 818.4(9).	Teresa Woodall (717) 783-1697
Verification/Certification Fees - 49 Pa. Code § 19.4.	March 1999, as proposed.	This regulation apportions costs of providing Board services to specific applicants and licensees, instead of imposing those costs on the general licensee population through biennial renewal fees. Statutory authority: Section 30 of the Board of Vehicles Act, 63 P. S. § 818.30.	

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State Board of Nursing - Requirements for approval of educational programs for Certified Registered Nurse Practitioners (CRNP) - 49 Pa. Code § 21.271.	No publication anticipated in next six months.	This regulation would require that all CRNP programs applying for approval by the Board meet specific criteria prior to approval. The regulations authorized under Section 6.1 of the Professional Nursing Law, 63 P. S. § 216.1, will assist educational institutions in developing programs in advanced practice nursing which will qualify graduates for certification as CRNPs. The Board has authority to jointly promulgate with the Medical Board under Section 2(1) of the Law, 63 P. S. § 212(1).	Ann Steffanic (717) 783-7142
Nursing Functions - 49 Pa. Code §§ 21.11, 21.12, 21.13, 21.14, 21.15, 21.16, 21.145.	April 1999, as final.	These regulations would authorize licensed practical nurses to accept oral orders for medical and therapeutic regimens; update, clarify, and repeal unnecessary language pertaining to registered nurses and authorize licensed practical nurses as well as registered nurses to administer drugs. The regulation of the practice of nursing and licensed practical nursing is authorized under Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k) and Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
RN general revisions - 49 Pa. Code §§ 21.1 - 21.126.	April 1999, as proposed.	These regulations will update or repeal outdated provisions pertaining to registered nurses and consolidate all regulatory provisions pertaining to registered nurse education programs. Revisions to the regulations are authorized by Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
LPN general revisions - 49 Pa. Code §§ 21.141 - 21.234.	October 1999, as proposed.	These regulations will update or repeal outdated provisions pertaining to licensed practical nurses and consolidate all regulatory provisions pertaining to practical nurse education programs. Revisions to the Practical Nurse Law are authorized under Section 17.6, 63 P. S. § 667.6.	

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CRNP prescriptive privileges 49 Pa. Code §§ 21.151 - 21.351.	September 1999, as proposed.	These regulations, to be promulgated by both the State Board of Medicine and the State Board of Nursing, would authorize CRNPs to prescribe medications in cooperation with a licensed physician. These regulations, authorized under Section 2 and 2.1 under the Professional Nursing Law, 63 P. S. §§ 212 and 212.1(k), and Section 15 of the Medical Practice Act of 1985, 63 P. S. § 422.15, will clarify and update current, ambiguous provisions regarding CRNPs' prescriptive authority.	Ann Steffanic (717) 783-7142
Sexual Misconduct - 49 Pa. Code §§ 21.18 and 21.148.	April 1999, as final.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
Verification/Certification Fees - 49 Pa. Code §§ 21.5 and 21.147.	March 1999, as proposed.	This regulation apportions costs of providing Board services to specific applicants and licensees, instead of imposing those costs on the general licensee population through biennial renewal fees. Statutory authority: 63 P. S. §§ 221.2 and 667.5.	
State Board of Optometry - Sexual Misconduct - 49 Pa. Code, Chapter 23.	June 1999, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 3(a)(14) of the Optometric Practice and Licensure Act, Act of June 6, 1980, P. L. 197, as amended, 63 P. S. § 244.3(a)(14).	Deb Smith (717) 783-7155
General Revisions - 49 Pa. Code, Chapter 23.	No publication anticipated in next six months.	The Board proposes to revise regulations concerning fee sharing, corporate and fictitious name practice, specialty advertising and reciprocity. The Board intends to remove regulations which unduly burden optometrists in the business structure of practices and in procedures related to reciprocal licensure, as well as to clarify the parameters of specialty advertising. Statutory authority: Section 3(a)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(a)(14).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Osteopathic Medicine - Sexual Misconduct - 49 Pa. Code, Chapter 25.	June 1999, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16.	Gina Bittner (717) 783-4858
Verification/Certification Fees - 49 Pa. Code § 25.231.	March 1999, as proposed.	This regulation apportions costs of providing Board services to specific applicants and licensees, instead of imposing those costs on the general licensee population through biennial renewal fees. Statutory authority: 63 P. S. § 271.13a(a).	
State Board of Pharmacy - Fees - 49 Pa. Code § 27.91.	March 1999, as proposed.	The amendments revise fees for applications for initial pharmacist licenses, new pharmacy permits, intern registrations, changes in pharmacy permits, reinspections, verifications of licenses and certifications of exam scores and internship hours, which have not been revised since 1988. Statutory Authority: 63 P. S. § 390-8.2.	Rita T. Solie (717) 783-7156
Internship Requirements - 49 Pa. Code § 27.26.	No publication anticipated in next six months.	The Board proposes to expand avenues for internship training to provide flexibility for students and pharmacy applicants seeking practical experience prerequisite to licensure. Statutory authority: 63 P. S. §§ 390-3(c), (e) and (f), and 390-6(k)(9).	
State Board of Podiatry - Sexual Misconduct - 49 Pa. Code, Chapter 29.	September 1999, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 16(a)(3) of the Podiatry Practice Act, Act of March 2, 1956, P. L. (1955) 1206, 63 P. S. § 42.16(a)(3).	Gina Bittner (717) 783-4858
State Board of Veterinary Medicine - Advertising Emergency Services - 49 Pa. Code § 31.21.	June 1999, as final.	The regulation will require all veterinarians who advertise emergency services or 24-hour veterinary care, to include in any advertisement information indicating the hours when emergency services are available, and whether a veterinarian will be on call or on the premises. Statutory authority: 63 P. S. § 485.5(2).	Robert Kline (717) 783-1389
Application Fees - 49 Pa. Code § 31.41.	March 1999, as final.	Proposed rulemaking published 5/16/98 will increase application fees for veterinarians and animal health technicians, the temporary permit fee and the continuing education program approval fee. Statutory authority: 63 P. S. § 485.13.	
Verification/Certification Fees - 49 Pa. Code § 31.41.	March 1999, as proposed.	This regulation apportions costs of providing Board services to specific applicants and licensees, instead of imposing those costs on the general licensee population through biennial renewal fees. Statutory authority: Section 13 of the Veterinary Practice Act, 63 P. S. § 485.13.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Dentistry - Sexual Misconduct - 49 Pa. Code, Chapter 33.	No publication anticipated in next six months.	Reports of sexual misconduct by health care practitioners are on the rise. This regulation will provide licensees with guidance in this area, as authorized under Section 3(o) of the Dental Law, 63 P. S. § 122(o).	June Barner (717) 783-7162
Advertising - 49 Pa. Code § 33.203(b)(4).	No publication anticipated in next six months.	The regulation will amend outdated provisions, clarify dental specialties and add a provision regarding the advertising of dental referral services. Section 4.1(a)(10) of the Dental Law prohibits false, misleading or deceptive advertising. The Board believes that the failure to advise patients that a dentist pays a fee for participation in a dental referral service falls within that prohibition and should be included in Section 33.203(b) of the regulations. The regulation will also update this provision consistent with Act 113 of 1996.	
Expanded Function Dental Assistants - 49 Pa. Code, Chapter 33.	No publication anticipated in next six months.	The regulations will establish certification standards for expanded function dental assistants including minimum standards of conduct and practice, under 1994 amendments to the Dental Law. Statutory authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
Continuing Professional Education - 49 Pa. Code, Chapter 33.	May 1999, as final.	This regulation will establish continuing education regulations for dentists, dental hygienists and expanded function dental assistants. The regulations are required under Act 113 of 1996, which amended Section 3(j) of the Dental Law, 63 P. S. § 122(j).	
Lasers - 49 Pa. Code, Chapter 33.	No publication anticipated in next six months.	The regulation will codify the existing statement of policy and clarify educational requirements for the use of lasers in a dental office. Statutory authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
Verification/Certification Fees - 49 Pa. Code § 33.3.	March 1999, as proposed.	This regulation apportions costs of providing Board services to specific applicants and licensees, instead of imposing those costs on the general licensee population through biennial renewal fees. Statutory authority: Section 4 of the Dental Law, 63 P. S. § 123.	
State Real Estate Commission - General Revisions - 49 Pa. Code, Chapter 35.	February 1999, as proposed.	The Commission plans a comprehensive amendment to Chapter 35 to bring existing regulations up to date with current policies. Statutory authority: 63 P. S. § 455.404.	Debra Sopko (717) 783-3658
Educational Standards - 49 Pa. Code, Chapter 35.	Summer 1999, as proposed.	The Commission plans to update current rules pertaining to the approval of schools and school directors, curriculum, etc. and revise continuing education requirements. Statutory authority: 63 P. S. § 455.404.	
Continuing Education Deadline- 49 Pa. Code, Chapter 35.	Spring 1999, as proposed.	The Commission plans to amend current rules pertaining to continuing education deadlines. Statutory authority: 63 P. S. § 455.404.	
Agency Disclosures - 49 Pa. Code, Chapter 35.	Summer 1999, as proposed.	This regulation will implement disclosure requirements of Act 112 of 1998 pertaining to agency relationships. Statutory authority: 63 P. S. § 455.404.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Certified Real Estate Appraisers - Experience Options for Certification 49 Pa. Code § 36.13.	April 1999, as proposed.	The regulation would revise qualifying experience for certification as an appraiser; impose supervisory and record keeping duties on appraisers who supervise appraisal assistants; and require appraisal reports submitted as qualifying experience by applicants to conform to the Uniform Standards of Professional Appraisal Practice (USPAP). The regulation complies with standards established for state appraiser boards by the Appraiser Qualifications Board (AQB), a federal regulatory body. Statutory authority: 63 P. S. § 457.5(2).	Cheryl Lyne (717) 783-3397
Standards of Practice - 49 Pa. Code § 36.51.	April 1999, as proposed.	The regulation would require all certified general appraisers, residential appraisers and broker/appraisers to comply with the USPAP unless the Board has adopted supplemental practice standards. The regulation also would require all certificate holders to conduct a complete interior and exterior inspection of a property when performing an appraisal, unless an interior inspection is not feasible or physically possible. Statutory authority: 63 P. S. § 457.5 (2).	
Broker/Appraiser Fees - 49 Pa. Code § 36.6.	April 1999, as final.	The regulation would establish an application fee and initial certification fee for the newly created certification class of broker/appraiser. The fees will help to defray expenses of the Board associated with regulating broker/appraisers. Statutory authority: 63 P. S. §§ 457.5(6) and 457.9(c).	
Continuing Education - 49 Pa. Code §§ 36.41, 36.42, 36.261 and 36.262.	April 1999, as final.	The regulations would raise biennial continuing education requirements for certified general and residential appraisers and certified Pennsylvania evaluators; and require all certificate-holders to complete minimum hours on the USPAP and the Board's statutory and regulatory requirements, in compliance with AQB rules. Statutory authority: 63 P. S. § 457.5(2).	Cheryl Lyne (717) 783-3397
Pre-certification Education and Experience - 49 Pa. Code §§ 36.11 and 36.12.	June 1999, as final.	The regulations would raise the experience and education requirements for certification as a residential appraiser and general appraiser to comply with standards established by the AQB that took effect January 1, 1998, pursuant to federal rules. Statutory authority: 63 P. S. § 457.5(2).	
State Registration Board for Professional Engineers, Land Surveyors and Geologists -Appeal Period -49 Pa. Code § 37.102.	April 1999, as final.	The amendment will bring Board regulation governing appeal period into compliance with applicable Pennsylvania Rules of Appellate Procedure. Statutory authority: 63 P. S. § 151(1).	Shirley Klinger (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Examiners of Nursing Home Administrators - Experience and Education Requirements - 49 Pa. Code § 39.5.	No publication anticipated in next six months.	The regulation will clarify education and experience requirements for licensure and remove outdated and confusing provisions. Statutory authority: Section 4(c) of the Nursing Home Administrators License Act, 63 P. S. § 1104(c).	Melissa Wilson (717) 783-7155
Temporary Permits - 49 Pa. Code § 39.17.	No publication anticipated in next six months.	The regulation will update and clarify Board requirements for temporary permits. Statutory authority: Section 14 of the Nursing Home Administrators License Act, 63 P. S. § 1114.	
General Revisions - 49 Pa. Code §§ 39.1-39.91.	No publication anticipated in next six months.	These regulations will update and repeal outdated provisions of current regulations, including definitions, subject matter for examinations, approved programs of study, and licensure renewal. Statutory authority: Sections 4 and 9 of the Law, 63 P. S. §§ 1104 and 1109.	
Continuing Education - 49 Pa. Code §§ 39.31-39.71.	March 1999, as proposed	The regulation will amend and clarify the continuing education requirement in Section 9 of the Nursing Home Administrators License Act, 63 P. S. § 1109.	
Application/Certification/Verification Fees - 49 Pa. Code § 39.72.	Spring 1999, as proposed.	This regulation apportions costs of providing Board services to specific applicants and licensees, instead of imposing those costs on the general licensee population through biennial renewal fees. Statutory authority: Section 7.1 of the Law, 63 P. S. § 1108.	
State Board of Examiners in Speech-Language and Hearing - Assistants - 49 Pa. Code, Chapter 45	No publication anticipated in next six months.	The proposal will bring current regulations into compliance with current national standards, by modifying requirements for supervision of assistants. Statutory authority: 63 P. S. § 1705(2).	Clara Flinchum (717) 783-2454
State Board of Physical Therapy - Physical Therapists - 49 Pa. Code §§ 40.11, 40.13, 40.15, 40.17, 40.18 and 40.21-40.24.	March 1999, as proposed.	Regulations correct and revise existing regulations regarding physical therapists. Proposed under Section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).	Robert Kline (717) 783-7134
Sexual Misconduct - 49 Pa. Code, Chapter 40.	March 1999, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Sections 3, 5 and 10 of the Act, 63 P. S. § 1303, 1305 and 1310.	
Application/Verification/Certification Fees - 49 Pa. Code § 40.5.	February 1999, as proposed.	This regulation apportions costs of providing Board services to specific applicants and licensees, instead of imposing those costs on the general licensee population through biennial renewal fees. Statutory authority: 63 P. S. § 1308.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Psychology - Postdoctoral Experience - 49 Pa. Code § 41.31(c)(1)(ii)(E).	No publication anticipated in next six months.	The regulation establishes necessary experience for licensure. The Board plans to clarify its intent that an individual working two jobs need only meet with his/her respective supervisors one hour per week to satisfy the two hours/week requirement of this paragraph. Statutory authority: 63 P. S. § 1203.2(2).	Melissa Wilson (717) 783-7155
Professional records - 49 Pa. Code § 41.57.	No publication anticipated in next six months.	This regulation establishes minimum requirements for records which psychologists must maintain. The Board plans to add language to its existing regulation to address a psychologist's responsibility to release information to clients and to authorize psychologists to charge a fee for reasonable costs of copying. Statutory authority: 63 P. S. § 1203.2(2).	
Definitions/ "Sexual Intimacies" - 49 Pa. Code § 41.61.	Spring, 1999, as final.	The regulation will establish specific prohibitions against sexual intimacies with current client/patients and other individuals encountered by a psychologist in the course of professional practice. The regulation will also establish related standards and procedural matters and bar psychologists who have been disciplined for engaging in prohibited sexual intimacies from participation in the impaired professional program. Statutory authority: 63 P. S. § 1203.2(2).	
Application/Certification/ Verification Fees - 49 Pa. Code § 41.12.	Spring 1999, as proposed.	This regulation apportions costs of providing Board services to specific applicants and licensees, instead of imposing those costs on the general licensee population through biennial renewal fees. The Board is authorized to determine all fees necessary for administration of the act under 63 P. S. § 1203.2(2).	
Examination Fees - 49 Pa. Code § 41.12.	Spring 1999, as final.	This regulation establishes the fees set by contract for the licensure examination. 63 P. S. § 1203.2(2).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Occupational Therapy Education and Licensure - Oral Orders - 49 Pa. Code § 42.25.	No publication anticipated in next six months.	The Board proposes to specify circumstances under which occupational therapists may accept oral orders for services, and procedures to be followed, to clarify for Department of Health-licensed health care facilities that occupational therapists, under Department rules, are ".authorized by appropriate statutes and the State Board in the Bureau of Professional and Occupational Affairs" to receive such orders. Statutory authority: Sections 5(b) and 14 of the Occupational Therapy Practice Act, 63 P. S. §§ 1505(b) and 1514.	Clara Flinchum (717) 783-1389
General Revisions - 49 Pa. Code, Chapter 42.	No publication anticipated in next six months.	The Board proposes to revise its chapter by updating certain provisions and deleting outdated or redundant language. The Board has authority to adopt the regulations necessary to perform its duties and for the proper administration of the law under Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).	
Verification/Certification Fees - 49 Pa. Code § 42.17(a)(4).	March 1999, as proposed.	This regulation apportions costs of providing Board services to specific applicants and licensees, instead of imposing those costs on the general licensee population through biennial renewal fees. The Board is authorized to determine all fees necessary for administration of the act under Section 17(a) of the Occupational Therapy Practice Act, 63 P. S. § 1517(a).	
State Board of Social Work Examiners - Unprofessional Conduct and Sexual Misconduct - 49 Pa. Code, Chapter 47.	No publication anticipated in the next six months.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations establishing standards of professional practice and conduct under Section 6(2) of the Social Workers' Practice Act, Act of July 9, 1987, P. L. 220, 63 P. S. § 1906(2).	Clara Flinchum (717) 783-1389
Continuing Education 49 Pa. Code § 47.32.	No publication anticipated in the next six months.	The regulation would limit home-study or self-study continuing education programs to no more than 10 of the 30 hours required for biennial renewal of a license. The regulation is necessary to improve the effectiveness of the Board's continuing education in programs that provide for interaction among presenters and attendees. Statutory authority: 63 P. S. § 1918 (a).	
Verification/Certification Fees - 49 Pa. Code § 47.4.	March 1999, as proposed.	This regulation apportions costs of providing Board services to specific applicants and licensees, instead of imposing those costs on the general licensee population through biennial renewal fees. Statutory authority: Section 18 of the Social Workers' Practice Act, 63 P. S. § 1918.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>STATE EMPLOYEES' RETIREMENT SYSTEM</b>			
No regulations being developed or considered at this date.			
<b>STATE POLICE</b>			
Firearm Regulations Standards for licensed retail dealers Chapter 31	March 1999, as final.	The provisions of this chapter set forth regulations for the storage of firearms, rifles, and shotguns by licensed retail dealers in the event a clear and present danger to public safety is found to exist by the Commissioner of the State Police within this Commonwealth during the hours when licensed retail dealers are closed for business. The provisions of this chapter apply to all licensed retail dealers and their designated employees.	Ronald E. Plesco 717-772-0905
Procedures & Specifications for firearm record forms Chapter 33	March 1999, as final.	The regulations provide for the administration of the provisions of the Uniform Firearms Act for the implementation of the Pennsylvania Instant Check System (PICS) in order to approve or deny the sale or transfer of firearms and licenses to carry a firearm in accordance with the provisions of the UFA. The regulations also ensure the identity, confidentiality, and security of all information collected and disseminated by the PICS in accordance with the UFA.	
Procedures for the receipt and processing of DNA samples for the state DNA database. Chapter 58	July 1998, as final.	This chapter sets forth policy and procedures for the collection, submission, preservation, analysis, and dissemination of information or records relating to DNA samples from individuals convicted of a felony sex offense or other specified offenses.	Chris Tomsey 724-832-3299
Regulatory amendments to clarify various aspects of the Municipal Police Officers' Education and Training Commission regulations, Chapter 203	March, 1999, as final.	The provisions of this chapter set forth regulations for the administration of the training program for municipal police by the Municipal Police Officers' Education and Training Commission. The proposed amendments correct various aspects of existing regulations and suspend the vision standard until disposition of pending litigation.	Major Richard Mooney 717-533-5987
<b>STATE SYSTEM OF HIGHER EDUCATION</b>			
No regulations being developed or considered at this date.			
<b>TRANSPORTATION</b>			
Manufacturer, Dealers and Miscellaneous Motor Vehicle Businesses Registration Plates Chapter 53	April 2000, as final.	Amendments are needed based on revisions to related sections of the Vehicle Code and Industry/Department concerns. Proposed package with the Department's Legal Counsel.	Linley Oberman (717) 787-2780
60 - Permanent Registration of Fleet Vehicles	September 1999, as proposed.	Proposed amendments required to modify fee schedules associated with House Bill 67 (Act 3 of 1997).	Tom Zamboni (717) 787-3977
School Buses and School Vehicles Chapter 171	April, 1999, as proposed.	Amendments are needed to clarify previous revisions and to address concerns raised by the School Bus Vehicle Industry and related Associations. The Department has prepared draft amendments based on recommendations received by various associations. Proposed Regulatory package final draft to be reviewed by Legal Counsel.	Mike Kistler (717) 783-4534

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers Chapter 83	April 1999, as proposed.	As a result of a Pa Supreme Court decision (Clayton v.s. Department of Transportation), additional waivers to seizure disorder provisions must be adopted. The Department's Medical Advisory Board is in the process of approving proposed amendments.	Mike Kistler (717) 783-4534
Liquid Fuels Tax Chapter 449	October 1999, as proposed.	Regulatory review committee has been formed. Drafts of that result have been discussed with legal counsel.	Dick Zerbe (717) 787-2183
School Bus Drivers Chapter 71	April 1999, as proposed.	Creates waivers for school bus drivers, with medical conditions, who pose no significant danger to driving. The Department's Medical Advisory Board is in the process of approving proposed amendments.	Mike Kistler (717) 783-4534
Work Zone Traffic Control Devices Chapter 203	June 1999, as proposed deletion.	Repeal this chapter since it typically is more stringent than federal standards included in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). Some current provisions not included in the MUTCD would be incorporated into Chapter 211.	Art Breneman (717) 787-3620
Official Traffic Control Devices Chapter 211	June, 1999, as proposed.	Repeal the current chapter since it duplicates federal standards included in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). Adopt the MUTCD by reference, and provide some additional criteria unique to the Commonwealth.	Art Breneman (717) 787-3620
Hold-Down and Tie-Down Devices for Junked Vehicles and Vehicle Hulks Chapter 181	March 1999, as proposed.	Repeal - incorporate provisions in Chapter 231	Daniel Smyser (717) 787-7445
Engineering and Traffic Studies Chapter 201	June, 1999, as proposed.	Repeal this chapter since it typically is more stringent than federal standards included in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). Some current provisions not included in the MUTCD would be incorporated into Chapter 211.	Art Breneman (717) 787-3620
Intrastate Motor Carrier Safety Requirements Chapter 231	March 1999, as proposed.	Incorporate new Federal provisions, and provisions from Chapter 181.	Daniel Smyser (717) 787-7445
Hazardous Materials Transportation Chapter 403	March 1999, as proposed.	Incorporate new Federal provisions and eliminate registration requirement.	Daniel Smyser (717) 787-7445
Airport Rating Licensing - Chapter 471	June 1999, as proposed.	Amendment is needed to correct inconsistencies between Federal and State requirements and to correct inconsistencies within the regulation itself. It is necessary to more clearly define the requirements and to react to the operating environment.	Kathy Reiz (717) 705-1234
Financial Responsibility Obligations of Insurance Companies & Vehicle Owners - Chapter 221	January 1999, as proposed.	Proposed amendment would mandate the reporting of new business policies written by automobile insurance companies. This will assist in the enforcement of mandatory financial responsibility insurance laws.	Rich Bettinger (717) 787-7767

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Consultant Highway Design Errors Chapter 455	July 1999, as proposed	Since there is no legal need for this chapter, the Department proposes to delete Chapter 455 and propose a Department policy to address consultant design errors.	Charles Allwein (717) 783-9309

[Pa.B. Doc. No. 99-205. Filed for public inspection February 5, 1999, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following 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.

#### *Final-Omitted*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-708	State Board of Certified Real Estate Appraisers Continuing Education	1/25/99

#### *Final-Form*

16A-707	State Board of Certified Real Estate Appraisers Broker/Appraiser Fees	4/7/98
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JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-206. Filed for public inspection February 5, 1999, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

The Albright Care Services, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Riverwoods for the Aging, in Lewisburg, PA. The initial filing was received on January 21, 1999, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act of June 18, 1984, P. L. 391, No. 82, as amended. Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department within 15 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 to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Michael S. Graeff, Insurance Company Licensing Specialist, Insur-

ance Department, 1345 Strawberry Square, Harrisburg, PA 17120 or by fax (717) 787-8557.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-207. Filed for public inspection February 5, 1999, 9:00 a.m.]

### Application for Voluntary Surrender of Pennsylvania Certificate of Authority to Operate a Health Maintenance Organization

Riverside Health Plan, Inc., a domestic health maintenance organization, has submitted an application for approval to surrender its Insurance Department Certificate of Authority. Persons wishing to comment on the grounds of public or private interest concerning the surrender, are invited to submit a written statement to the Insurance Department (Department) within 15 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, Chief, Company Licensing Division, Room 1311 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or by e-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-208. Filed for public inspection February 5, 1999, 9:00 a.m.]

### Notice to all Surplus Lines Agents and Interested Parties; Export List of Insurance Coverages

In May 1998, the Insurance Commissioner (Commissioner) determined that certain insurance coverages were generally unavailable in the authorized market and declared those coverages as exportable. A list of exportable coverages was published at 28 Pa.B. 2467 (May 23, 1998). Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

The Commissioner declared that the export list would remain in effect until revised or superseded by a subsequent list.

At this time, the Commissioner is soliciting comments regarding the current export list. Persons may request in writing that a coverage be added or removed from the list.

Persons wishing to comment on the Commissioner's current export list are invited to submit a written statement within 30 days from the date of this publication. Each written statement must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Regulation of Companies, Insurance Department, 1345 Strawberry Square, Harrisburg, PA, 17120; fax (717) 787-8557; e-mail <http://www.cbybee@ins.state.pa.us>. After consideration of all comments received, the Commissioner will publish a notice in the *Pennsylvania Bulletin* providing a 15-day opportunity to comment on proposed changes before formal publication of the revised list.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-209. Filed for public inspection February 5, 1999, 9:00 a.m.]

### Old Guard Insurance Company; Homeowners Rate Filing

On January 22, 1999, the Insurance Department received from Old Guard Insurance Company a filing for a proposed rate level change for homeowners insurance.

The company requests an overall 5.0% increase amounting to \$732,000 annually, to be effective March 1, 1999.

Unless formal administrative action is taken prior to March 23, 1999, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

All interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, (E-mail: [xlu@ins.state.pa.us](mailto:xlu@ins.state.pa.us)) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-210. Filed for public inspection February 5, 1999, 9:00 a.m.]

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

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3

(relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

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

Appeal of Terrie L. Schmidt; file no. 98-181-08798; State Farm Mutual Insurance Co.; doc. no. P99-01-015; February 23, 1999, at 10 a.m.;

Appeal of Thomas D. Jones; file no. 98-308-72378; Nationwide Mutual Insurance Co.; doc. no. P199-01-023; February 23, 1999, at 1 p.m.;

Appeal of Paul and Sandra Steinfield; file no. 98-265-35386; State Farm Mutual Insurance Company; doc. no. PH99-01-025; February 25, 1999, at 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-211. Filed for public inspection February 5, 1999, 9:00 a.m.]

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

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

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

Appeal of Alex and Eileen Rogachevsky; file no. 98-210-35731; Everett Cash Mutual Insurance Co.; doc. no. PH99-01-022; February 25, 1999, at 10 a.m.

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

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

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

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 99-212. Filed for public inspection February 5, 1999, 9:00 a.m.]

### The Travelers Indemnity Company; Homeowners Rate Filing

On January 20, 1999, the Insurance Department received from The Travelers Indemnity Company a filing for a proposed rate level and rule change for homeowners insurance.

The company requests an overall 7.4% increase amounting to \$1,815,000 annually, to be effective March 20, 1999.

Unless formal administrative action is taken prior to March 21, 1999, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

All interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg,

PA 17120, (E-mail: xlu@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 99-213. Filed for public inspection February 5, 1999, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0264, 352 Butler Street, Pittsburgh, PA 15223-2105.

*Lease Expiration Date:* February 28, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space serving Etna Borough or Shaler Township, South of Saxonburg Boulevard on Route 8. Off-street parking and good loading facilities are preferred.

*Proposals due:* March 5, 1999 at 12:00 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222

**Contact:** Tom Deal, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #9206, Kenmawr Plaza, 510 Pine Hollow Road, McKees Rocks, PA 15136-1659.

*Lease Expiration Date:* February 29, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in a shopping center environment in the Pine Hollow Road area of Kennedy Township.

*Proposals due:* March 5, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222

**Contact:** George Danis, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #9213, 2356 Golden Mile Highway, Pittsburgh, PA 15239-2710.

*Lease Expiration Date:* May 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,200 net useable square feet of new or existing retail commercial space serving Plum Borough on Route 286 between Sandune Drive and Old Frankstown Road. Off-street parking and good loading facilities are required.

*Proposals due:* March 5, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222

**Contact:** Tom Deal, (412) 565-5130

Blair County, Wine & Spirits Shoppe #0709, Pleasant Valley Shopping Center, 3415 Pleasant Valley Boulevard, Altoona, PA 16602-6413.

*Lease Expiration Date:* April 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space within .50 mile of the Logan Boulevard and Plank Road intersection. Off-street parking and good loading facilities are required.

*Proposals due:* March 5, 1999 at 12:00 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222

**Contact:** Tom Deal, (412) 565-5130

Cambria County, Wine & Spirits Shoppe #1103, 910 Philadelphia Avenue, Barnesboro, PA 15714-1325.

*Lease Expiration Date:* April 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,600 net useable square feet of new or existing retail commercial space serving Barnesboro area. Off-street parking and good loading facilities are preferred.

*Proposals due:* March 5, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222

**Contact:** Tom Deal, (412) 565-5130

Blair County, Wine & Spirits Shoppe #1104, 101 Park Avenue, Cresson, PA 16630-1166.

*Lease Expiration Date:* April 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space serving Cresson area. Off-street parking and good loading facilities are preferred.

*Proposals due:* March 5, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222

**Contact:** Tom Deal, (412) 565-5130

Erie County, Wine & Spirits Shoppe #2502, 105 W. 18th Street, Erie, PA 16501-2103.

*Lease Expiration Date:* April 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,100 net useable square feet of new or existing retail commercial space in a shopping center environment in downtown Erie, South of 12th Street and North of 20th Street. Location must have free, off-street parking and access for semi-trailer deliveries.

*Proposals due:* March 5, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222

**Contact:** Bruce VanDyke, (412) 565-5130

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 99-214. Filed for public inspection February 5, 1999, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before March 1, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00115561. Travel With Comfort, Inc.** (210 Walnut Street, Coatesville, Chester County, PA 19360), a corporation of the State of Delaware—persons in paratransit service from points in the city and county of Philadelphia, to State and Federal correctional institutions in Pennsylvania, and return.

**A-00115503, F. 2. George E. Sullenberger, t/d/b/a All Occasion Limo Service** (RR 2, Box 341, Mill Hall, Clinton County, PA 17751)—persons in limousine service between points in the county of Clinton, and from points in the said county, to points in Pennsylvania, and return.

**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-00115565. Executrans Services, Inc.** (191 North Union Avenue, Lansdowne, Delaware County, PA 19050), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the city and county of Philadelphia, and within an airline distance of 10 statute miles of the limits thereof, and from said territory, to points in Pennsylvania, and return, subject to the following condition: that no right, power or privilege is granted to provide service to or from points in Delaware County except that service may be provided from points in Tinicum Township; which is to be a transfer of the right authorized Dave Schultz Champion Limousines, Inc., under the certificate issued at A-00110993, subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., Two Penn



# 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

**1468238** Agricultural supplies—28,200 bag wildlife food and cover seed mixture (approximately 14,100/10 lb. bags); 880 bag wildlife food and cover seed mixture (approximately 440/50 lb. bags).

**Department:** Game Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1471388** Agricultural supplies—22,000 each five foot light brown colored tree shelters; 10,500 each four foot light brown colored tree shelters; 300 each two foot light brown colored tree shelters.

**Department:** Forestry  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1458118** Motor vehicles, trailers and cycles—1 each latest model van body truck.

**Department:** Corrections  
**Location:** Camp Hill, Cumberland County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1472138** Motor vehicles, trailers and cycles—1999 model 15 passenger van wagon Class III, Type 5.

**Department:** Military Affairs  
**Location:** Spring City, Chester County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1478048** Motor vehicles, trailers and cycles—1 unit replacement trailer for LP gas volumetric meter prover, including labor and expertise to remove prover from an existing trailer and reinstall on replacement trailer, replacement trailer to generally conform to the specification of existing trailer.

**Department:** Agriculture  
**Location:** Summerville, Cumberland County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1474238** Paper and printing—1390.4M PGC-L-900 1999 General Back Tags; 4M PGC-L-541 1999 Extra Deer and Turkey Harvest report cards; 1010M PGC-L-901 1999 Resident Adult Hunting License stamps; 7M PGC-L-916 1999 Resident Landowner Hunting License stamps; 150M PGC-L-902 1999 Resident Junior Hunting License stamps; 99M PGC-L-903 1999 Residents Senior Hunting License stamps; 9M PGC-L-913 1999 Resident Senior Lifetime Hunting License stamps; 82M PGC-L-914 1999 Resident Senior Lifetime Renewal Hunting License stamps; 89M PGC-L-904 1999 Nonresident Hunting License stamps; 10M GC-L-912 1999 Junior Nonresident Hunting License stamps; 380 M PGC-L-537 1999 Resident Archery Hunting License stamps; 133.08 PGC-L-540 1999 Resident Muzzleloader Hunting License stamp; 15M PGC-L-542 1999 7-Day Nonresident Small Game Hunting Licenses; 69M PGC-L-906 1999 Furtakers Back Tags; 35M PGC-L-907 1999 Adult Resident Furtaker License stamps; 15M PGC-L-908 1999 Junior Resident Furtaker License stamps; 13M PGC-L-909 1999 Senior Resident Furtaker License stamps; 1,400 each PGC-L-915 1999 Resident Senior Lifetime Furtaker; 1,800 each PGC-L-911 1999 Adult Nonresident Furtaker License stamp; 1,200 each PGC-L-911 1999 Junior Nonresident Furtaker License stamps; 195M PGC-L-543 1999 Resident Migratory Game Bird License; 1532M PGC-L-544 1999 Resident Bear License Tags; 14M PGC-L-545 1999 Nonresident Bear License Tags; 850M PGC-L-538 1999 Antlerless Deer Tags; 3.5M 1999 Replacement Antlerless Deer Tags; 3.5M 1999 Armed Forces Antlerless Deer Tags; 2M 1999 Disabled Veteran Antlerless Deer Tags.

**Department:** Game Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1401118** Special industry machinery and supplies—1 each Kensol Franklin Systems Model 8500 "Linear Wedge" 15 ton hot stamping press or approved equal.

**Department:** Correctional Industries  
**Location:** Camp Hill, Cumberland County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1244118** Textiles—40,000 yards chambray width 60", color powder blue Pantone 14-4214TP.

**Department:** Correctional Industries  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**5228** Construction and building materials—7 each hollow metal doors; 7 each hollow metal frames and related hardware to be supplied to the Torrance State Hospital.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Torrance, Westmoreland County, PA  
**Duration:** FY 98—99  
**Contact:** Torrance State Hospital, Nancy E. Byers, (724) 459-4677

**1033** Fire fighting, rescue and safety equipment—Contractor to provide self-contained breathing apparatus, MSA 30-minute custom 4500 MMR air mask, with 45CU foot fully wound carbon composite cylinder, black rhino harness and silicone rubber ultra elite facepiece with nose cup and speed-on head harness with mask mounted regulator, no case must be NFPA approved.

**Department:** Corrections  
**Location:** Frackville, Schuylkill County, PA  
**Duration:** FY 98—99  
**Contact:** State Correctional Institution Frackville, Mary Lou Neverosky, (570) 874-4516, Ext. 112

**1113** Household and commercial furnishings and appliances—1 each Hobart Gas Grissle Model No. GG072-S with legs or approved equal; 4 Savory toaster Model No. C-40VS variable speed, electric, vertical conveyor, 240 volts, 20 amps or approved equal; 2 Wilbur Curtis coffee brewers Model No. RU1000 fully automatic twin urns, unlimited brewing time each liner—13 min brews per 4 hours, US gallons per hour (40); wattage 208—240 volts, 1 phase 15KW or approved equal.

**Department:** Corrections  
**Location:** Pittsburgh, Allegheny, PA  
**Duration:** FY 98—99  
**Contact:** State Correctional Institution Pittsburgh, Carol Schaeffer, (412) 761-1955, Ext. 291

**1247** Household and commercial furnishings and appliances—Vertical cutter/mixer Stephan Model VCM 44.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Selinsgrove, Snyder County, PA  
**Duration:** FY 98—99  
**Contact:** Selinsgrove Center, Arletta Ney, (570) 372-5070

**67062** Plumbing, heating and sanitation equipment—6 SHC-2 one-piece replacement stainless steel shower cabinets 30" x 30" x 82" high (Metcraft or equal). The shower cabinets will be installed by the Institution.

**Department:** Corrections  
**Location:** Greensburg, Westmoreland County, PA  
**Duration:** FY 98—99  
**Contact:** State Correctional Institution Greensburg, Jack Loughry, (724) 853-3502

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## SERVICES

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### Advertising—01

**SP 3800010** Professional services to plan, research and write text to produce Wayside Interpretive Exhibits in PA State Parks and Forests. Vendor must be located within a 300 mile radius of Harrisburg, PA.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of State Parks, Various State Park and Forest locations throughout Pennsylvania  
**Duration:** July 1, 1999 through June 30, 2004  
**Contact:** Cory Gaiski, (717) 783-7060

### Audio/Video—04

**01-99** Telephone maintenance for Seimens Telephone Eclipse Saturn III EPABY equipment. Site visit is required. Details can be obtained through the Purchasing Department.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA 18661  
**Duration:** October 01, 1999—September 30, 2004  
**Contact:** Sandra A. Repak, Purchasing Agent, (570) 443-4232

**HUN 327** The contractor shall provide radio maintenance and repair services for mobile, portable and stationary two-way communications equipment, including required testing. Specifications and requirements are on file with the Purchasing Department of the using agency.

**Department:** Corrections  
**Location:** State Correctional Institution, 1100 Pike Street, Huntingdon, PA 16654  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Robert Jessell, Purchasing Agent, (814) 643-2400

### Computer Related Services—08

**024** Data entry information provided by local governments, county governments, municipal authorities and school districts. Data to be entered onto an existing Commonwealth CMIC/CTC mainframe system. The following is required: interpret data, enter data, conduct limited research, code the data and perform follow-up activities with local governments in the following systems: annual audits, audits of municipal authorities, survey of financial conditions, report of elected officials, tax information report and the school tax information report.

**Department:** Community and Economic Development  
**Location:** 325 Forum Building, Harrisburg, PA 17120  
**Duration:** 5 years, renewable for an additional 5 years  
**Contact:** Kim T. Coon, (717) 787-8169

**RFP No. IT9802** The State System of Higher Education is soliciting proposals for general academic full text database. Please contact Linda Venneri at (717) 720-4135 to receive an RFP package. Proposals must be submitted by 4 p.m. on March 29, 1999.

**Department:** State System of Higher Education  
**Location:** 2986 North Second Street, Harrisburg, PA 17110  
**Duration:** Indeterminate 1998—99  
**Contact:** Linda Venneri, (717) 720-4135

**SP 1881810001** The Commonwealth of Pennsylvania, Department of Revenue, Bureau of Imaging and Document Management desires to engage vendor services to provide data entry and verification of Pennsylvania Motor Carrier records. Bid proposals to be submitted for transaction codes 060, 061, 062, 063, 064, 022, 023, 040, 041, 042, 043, 044, 045, 046, 047 and 081, price per thousand records. Prices and daily production volume must be stated in terms of 850 character records and firm for the period of April 1, 1999 to March 31, 2000. Records are to be recorded on 9 track 1600 B.P.I. magnetic tape.

**Department:** Revenue  
**Location:** Bureau of Imaging and Document Management, 1854 Brookwood Street, Harrisburg, PA 17104  
**Duration:** April 1, 1999 to March 31, 2000  
**Contact:** William A. Lupp, (717) 772-5465

**SP 1881810002** The Commonwealth of Pennsylvania, Department of Revenue, Bureau of Imaging and Document Management desires to engage vendor services to provide data entry and verification of Pennsylvania inheritance tax records. Bid proposals to be submitted for transaction codes 140, 411, 130, 115, 241, 340, 145, 338 and 408, price per thousand records. Prices and daily production volume must be stated in terms of 350 character records and firm for the period of April 1, 1999 to March 31, 2000. Records are to be recorded on 9 track 1600 B.P.I. magnetic tape.

**Department:** Revenue  
**Location:** Bureau of Imaging and Document Management, 1854 Brookwood Street, Harrisburg, PA 17104  
**Duration:** April 1, 1999 to March 31, 2000  
**Contact:** William A. Lupp, (717) 772-5465

**Software** During the week of February 15, 1999, Indiana University of Pennsylvania will release a Request for Quotation for license and maintenance of Sun Microsystems, Inc. Scholarpac III software. Persons who are interested in receiving a copy of the RFQ, please fax, mail or e-mail the following information: company name, address, telephone number, fax number and contact person. This information must be sent to the attention of Barbara Cerovich, Contract Administrator IUP, Robertshaw Building, 650 South 13th Street, Indiana, PA 15705, fax (724) 357-2670; e-mail Cerovich@grove.IUP.edu.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Duration:** 60 months  
**Contact:** Barbara Cerovich, (724) 357-3077

**Construction—09**

**Contract No. FDC-311-206** Pave park office parking lots (traffic line painting—10,500 l. f.; ID2 wearing—320 tons, BCBC—550 tons; and 2A aggregate—200 tons). All work is located at Prince Gallitzin State Park.

**Department:** Conservation and Natural Resources  
**Location:** White Township, Cambria County, PA  
**Duration:** Indeterminate 1998—99  
**Contact:** Construction Management Section, (717) 787-5055

**IN-782** Computer Room Stapleton Library. Remove existing ceilings, roof deck sections, insulation ductwork thermostats, VAV boxes, smoke detectors, light fixtures, conduit, wiring, and the like, to furnish and install new rigid board insulation, hollow metal frames, gypsum board, steel studs, solid core wood doors, hardware, heat pumps, ductwork, dampers, piping, insulation conduit wiring, light fixtures, telephone/data equipment, CATV cabling, and the like. Notice to Contractors may be requested from IUP. Phone: (724) 357-2289; fax: (724) 357-6480; Internet: <http://www.iup.edu/engcons>.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (724) 357-4851

**WC 708** West Chester University is soliciting sealed bids for an Open-Ended Paving Contract. Work will include the removal and replacement of existing and installation of new concrete curbs, asphalt and concrete sidewalks, parking lots, roadways, wheel chair ramps and integral curb-sidewalks. The concrete will be issued for a 1-year period with two 2-year options for renewal (5 year total), in an amount not to exceed \$250,000 per year. Work orders will be issued in an amount not to exceed \$50,000 per order. Prevailing wages will apply.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** One year with two 2-year options for renewal  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**Elevator Maintenance—13**

**LH-MNT-2060** Contractor to provide inspection as required and repairs as needed to all elevators located at State Correctional Institution at Laurel Highlands. An onsite visit is required. Complete 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 01, 1999 to June 30, 2001  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**SCI-01** Coal Bucket Elevator Repairs—The contractor shall provide all labor, tools, material and equipment (including aerial equipment) to repair coal bucket elevator on coal silo at the State Correctional Institution at Smithfield. Work is to include the fabrication of housing sections and fasteners. Site visit will be required.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** February 15, 1999 through June 30, 1999  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125

**SP134399007** Elevator maintenance service—on call from facility on as-needed basis. Please fax requests to: Becky Clapper, Purchasing Agent, fax (814) 696-5395.

**Department:** Military and Veterans Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** July 01, 1999 through June 30, 2000  
**Contact:** Becky Clapper, Purchasing Agent, (814) 696-5210

**Engineering Services—14**

**Contract No. FDC-SUR-E2** Retention of Consultant Surveying/Engineering Firm for various topographic and cross sectional surveys. Survey information will be provided to the Bureau of Facility Design and Construction for design of new facilities and rehabilitation of existing facilities on State Park and/or State Forest lands throughout Eastern Pennsylvania.

**Department:** Conservation and Natural Resources  
**Location:** Eastern Pennsylvania  
**Duration:** One year with renewal option of 3 additional years  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-SUR-W2** Retention of Consultant Surveying/Engineering Firm for various topographic and cross sectional surveys. Survey information will be provided to the Bureau of Facility Design and Construction for design of new facilities and rehabilitation of existing facilities on State Park and/or State Forest lands throughout Western Pennsylvania.

**Department:** Conservation and Natural Resources  
**Location:** Western Pennsylvania  
**Duration:** One year with renewal option of 3 additional years  
**Contact:** Construction Management Section, (717) 787-5055

**Environmental Maintenance Services—15**

**OSM 54(3703)101.1** Backfilling strip pits and opening, North Donaldson, involves approximately 495,500 c. y. of grading, 39.5 acres of seeding, 5,720 c. y. ditch excavation and 5,090 c. y. rock lining. One hundred percent (100%) of this project is financed by the Federal government; Federal funds available for this program total \$20.4 million for Pennsylvania's 1997 AML Grant.

**Department:** Environmental Protection  
**Location:** Frailey Township, Schuylkill County, PA  
**Duration:** 450 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**OSM 54(4038)102.1** Mine drainage abatement, Ashland, involves approximately 375 c. y. of subsurface drain excavation, 500 s. y. of seeding, clearing and grubbing, 225 c. y. compacted backfill and 500 l. f. of corrugated polyethylene pipe. One hundred percent (100%) of this project is financed by the Federal government; Federal funds available for this program total \$20.4 million for Pennsylvania's 1997 AML Grant.

**Department:** Environmental Protection  
**Location:** Ashland Borough, Schuylkill County, PA  
**Duration:** 80 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**X94623** Drill a new domestic water well on a property located in Olanta, PA.

**Department:** Environmental Protection  
**Location:** Olanta, PA  
**Duration:** Upon execution through June 30, 1999  
**Contact:** Ally Hubler, (717) 787-2471

### Financial and Insurance Consulting—17

**1999-01** The Insurance Department is preparing a list of prequalified contractors to perform information systems auditing services relating to the examination function of the Department. Examples of work to be performed include, but is not limited to: evaluate information systems used by insurance companies, including the level of information technology sophistication; evaluate the source code of computer applications written or used by insurance companies for the recording or reporting of information affecting their financial condition; provide documentation of any finds relating to security or control deficiencies in the insurance companies' information system environment; assist in the implementation of computer-assisted audit techniques; provide the Department with information regarding the company's database structures and applications; assist in the evaluation of responses received by the Department from insurance companies to the Year 2000 survey; and testify regarding specific findings. A copy of the Request for Qualification (RFQ) may be obtained by calling Dixie Steigleman at (717) 787-4298. Responses are due by 5 p.m. on March 15, 1999.

**Department:** Insurance  
**Location:** 13th Floor, Strawberry Square, Harrisburg, PA 17120  
**Duration:** July 1, 1999 to June 30, 2004  
**Contact:** Tracey Pontius, (717) 787-6469

### Firefighting Services—18

**LH-DSFM-0679** Contractor to provide equipment maintenance and repair to the Pyrotronics computerized fire alarm system X13 on time and material basis when requested by State Correctional Institution at Laurel Highlands. Service to include all active electronics and related equipment located at the institution. An onsite visit is required. Complete 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 01, 1999 to June 30, 2000  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

### Food—19

**786-98** Baked goods and pastries, various types for delivery April through June. For details, request bid proposal, Inquiry No. 786-98.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** April 5, 1999 through June 30, 1999  
**Contact:** Sue Brown, Purchasing Agent, (610) 313-1026

**787-98** Bread and rolls, various types, for delivery from April, 1999 through June, 1999. Request bid proposal, Inquiry No. 787-98 for more specifics.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** April, 1999—June, 1999  
**Contact:** Sue Brown, Purchasing Agent, (610) 313-1026

**99004** Produce—fresh fruits and vegetables, ready-to-use vegetables. Items to be bid monthly or as needed. For the period of February 1, 1999 through December 31, 1999.

**Department:** Corrections  
**Location:** State Correctional Institution at Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** February 1, 1999—December 31, 1999  
**Contact:** Jackie Newson, Purchasing Agent, (610) 490-4370

**99005** Frozen eggs. For the period of February 1, 1999 through December 31, 1999.

**Department:** Corrections  
**Location:** State Correctional Institution at Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** February 1, 1999—December 31, 1999  
**Contact:** Jackie Newson, Purchasing Agent, (610) 490-4370

**99006** Poultry and poultry products—chicken fryers, turkey roast, ground turkey. For the period of February 1, 1999 through December 31, 1999.

**Department:** Corrections  
**Location:** State Correctional Institution at Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** February 1, 1999—December 31, 1999  
**Contact:** Jackie Newson, Purchasing Agent, (610) 490-4370

**99007** Eggs, shell—white, Grade A, medium, naturals, PA Spec. E-10, Eff. 05-01-74, 30 dozen per carton, will be bid above or below top wholesale price as published in the Tuesday edition of the USDA Poultry Market News egg report for the week prior to the week delivery is made.

**Department:** Corrections  
**Location:** State Correctional Institution at Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** February 1, 1999—December 31, 1999  
**Contact:** Jackie Newson, Purchasing Agent II, (610) 490-4370

**99008** Frozen items—vegetables, bakery products, entrees, pizza, and the like. For the period of February 1, 1999 through December 31, 1999.

**Department:** Corrections  
**Location:** State Correctional Institution at Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** February 1, 1999—December 31, 1999  
**Contact:** Jackie Newson, Purchasing Agent II, (610) 490-4370

**99009** Bread and roll base—including but not limited to Half-N-Half rye bread maker and flour conditioner, base; yeast, Bak-Krisp instant bread and roll base; Half-N-Half wheat bread base; and No. 20 dinner roll base. Items to be bid periodically. For the period of July 1, 1999 through December 31, 2000.

**Department:** Corrections  
**Location:** State Correctional Institution at Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** July 1, 1999—December 31, 2000  
**Contact:** Jackie Newson, Purchasing Agent II, (610) 490-4370

**99010** Processed meats: including but not limited to, turkey ham, turkey bologna, turkey salad, beef, Lebanon bologna, bacon, turkey franks, veal patties and Pullman hams for the period of February 1, 1999 through December 31, 1999.

**Department:** Corrections  
**Location:** State Correctional Institution at Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** February 1, 1999—December 31, 1999  
**Contact:** Jackie Newson, Purchasing Agent II, (610) 490-4370

**99011** Ice cream—for the period of February 1, 1999 through December 31, 1999.

**Department:** Corrections  
**Location:** State Correctional Institution at Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** February 1, 1999—December 31, 1999  
**Contact:** Jackie Newson, Purchasing Agent II, (610) 490-4370

**99012** Dairy products—including yogurt, cottage cheese, orange juice, grapefruit juice for the period of July 1, 1999—June 30, 2000.

**Department:** Corrections  
**Location:** State Correctional Institution at Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** July 1, 1999—June 30, 2000  
**Contact:** Jackie Newson, Purchasing Agent II, (610) 490-4370

**99013** Fish and seafood: haddock and cod, breaded and unbreaded; minced clams, and other seafood as required by this institution. For the period of February 1, 1999 through December 31, 1999.

**Department:** Corrections  
**Location:** State Correctional Institution at Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** February 1, 1999—December 31, 1999  
**Contact:** Jackie Newson, Purchasing Agent II, (610) 490-4370

**CRE-FS-0233** Frozen vegetables—Food group consisting of broccoli spears, cauliflower, lima beans, carrots, mixed vegetables, french fried potatoes, tater tots, peas, and similar items as required. Quarterly bids—monthly deliveries—monthly awards. Bid proposal on file within agency prior to quarterly solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

**CRE-FS-0234** Fresh produce—Food group consisting of approximately 15—25 items, monthly bids—monthly contract awards—weekly deliveries. Garlic, lettuce, red salad mix, celery, cucumbers, carrots, oranges, apples, potatoes, onions, mushrooms, kale, spinach, bananas, cabbage, grapefruit, tomatoes, peppers, and similar items including watermelon, tangerines, cantaloupe, and the like. Bid proposal on file within agency prior to monthly solicitation. All produce must be delivered by 9:30 a.m. on scheduled delivery dates.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

**CRE-FS-0235** Poultry and poultry products—approximate requirements: turkey roasts, chicken, drumsticks, chicken breast fillets, turkeys (as required) and similar items as required. Quarterly bids—monthly awards—monthly deliveries. Quantities and items as required. Bid proposal on file within agency prior to quarterly solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

**CRE-FS-0236** Processed meats (beef/pork products)—Frankfurters (all beef and turkey franks), beef livers, sliced turkey ham, turkey salami (no pork products), bologna (all beef), hams, various Polish sausage, ground veal breaded patties, frozen, and similar items as required. Quarterly bids—monthly deliveries. Bid proposal on file within agency prior to quarterly solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

**CRE-FS-0237** Liquid eggs/egg products—quarterly bids—monthly awards—monthly deliveries. Quantities as required. Bid proposals on file within agency prior to quarterly bid solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

**CRE-FS-0238** Dry beans—various types—baby limas, blackeyed peas, pinto beans and other related items as required. Quarterly bids—monthly awards—monthly deliveries. Bid proposal on file within agency prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

**CRE-FS-0239** Ice cream/coffee creamers/cottage cheese/ice tea—quarterly bids—monthly awards. Ice cream, vanilla and Neapolitan slices, sherbet, ice cream sandwiches and similar items as required (no pork products). Coffee creamers, 1/2 oz. size, cottage cheese, large curd; iced tea (1/2 pint containers)—all quantities as needed. Bid proposal on file with agency prior to quarterly solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

**CRE-FS-0240** Cheese—consisting of yellow white American cheese, shredded mozzarella, provolone, Swiss and various block cheeses and related items as required. Quarterly bids—monthly awards—monthly deliveries. Quantities as needed. Bid proposals on file within agency prior to quarterly solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

**CRE-FS-0241** Fish and seafood—as needed only—approximate requirements—haddock, batter dipped cod, pollock, as required and similar items as required. Tuna, solid water packed (when not available from Statewide contract). Quarterly bids—monthly awards—monthly deliveries. Quantities and items as required. Bid proposal on file within agency prior to monthly solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

**CRE-0242** Protein alternative products—as needed only, to include, but not limited to, soy burgers, grainburgers, garden burgers, dry mixes, soy products. Quantities as required. Bid on file in agency purchasing department.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

**CRE-FS-0243** Estimated requirements for bakery products, to include, but not limited to white bread, wheat bread, buns and rolls and related products as required. To be bid monthly and/or quarterly. Bid on file in agency purchasing department.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** February 1, 1999 to June 30, 1999  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

**CRE-FS-0244** Estimated requirements for bakery products, to include, but not limited to white bread, wheat bread, buns and rolls and related products as required. To be bid monthly and/or quarterly. Bid on file in agency purchasing department.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

## HVAC—22

**No. 42** Kohler Model No. 100ROZJ81 emergency generator to be furnished and unloaded at job site at Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657.

**Department:** Public Welfare  
**Location:** Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657  
**Duration:** January 1, 1999 to June 30, 1999  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**No. 43** Kohler Model No. 80RZ81 emergency generator to be furnished and unloaded at job site at North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821 (Reed Building).

**Department:** Public Welfare  
**Location:** North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821  
**Duration:** January 1, 1999 to June 30, 1999  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**03-99** Refrigeration maintenance. Details can be obtained through the Purchasing Department.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA 18661  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Sandra A. Repak, Purchasing Agent, (570) 443-4232

**00716-000-98-AS-2** Repairs to boiler. Provide repairs to a Cleaver Brooks Package Boiler to include: replacement of all boiler tubes, gaskets for doors and inspection ports, testing and tune-up; installation of new water softener for boiler make-up water; repiping the condensate tank vent, and confirm that deaerator is operational. 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, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120, Attention: Judi Yingling (717) 772-2401 or fax (717) 783-1073. Proposals are due on Wednesday, February 24, 1999 at 10 a.m. Bid opening will be held in 5th Floor, Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA 17120.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Pennsylvania Lumber Museum, P. O. Box K, Galeton, PA 16922  
**Duration:** March 1, 1999 to October 31, 1999  
**Contact:** Judi Yingling or Kent Steinbrunner, (717) 772-2401

**Contract No. FDC-310-515** Complete installation of electrical hookups throughout campsites (includes landscaping and paving restoration). Work is in Pine Grove Furnace State Park.

**Department:** Conservation and Natural Resources  
**Location:** Cooke Township, Cumberland County, PA  
**Duration:** Complete work by May 26, 1999  
**Contact:** Construction Management Section, (717) 787-5055

**Electrical Contract** Work under this contract includes, but is not limited to, furnishing material, equipment and labor necessary to service, maintain, replace, repair or relocate existing or planned electrical services, devices, fixtures, appurtenances and/or systems in or on Department buildings or stockpile areas. A bid package can be obtained by phone at (717) 272-6636 or by fax (717) 272-5712.

**Department:** Transportation  
**Location:** 1445 Cumberland Street, Lebanon, Lebanon County, PA 17042 and surrounding stockpiles located in Lebanon County  
**Duration:** 2 year contract  
**Contact:** Jodi Corbin, (717) 272-6636

### Janitorial Services—23

**Bid No. 7844** Furnish all labor, equipment and materials to perform janitorial services including empty waste baskets; clean lavatories; sweep floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year and shampoo carpets at the Harrisburg Tactical Narcotic Unit, Team III, Water Works Building, 614 North Front Street, Harrisburg, PA. Detailed work schedule and bid must be obtained from Facility Management Division at (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Harrisburg Tactical Narcotic Unit Team III, Water Works Building, 614 North Front Street, Harrisburg, PA 17101  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7845** Furnish all equipment, materials and labor to perform janitorial services including empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year; shampoo carpets, and the like, at the Pennsylvania State Police, Fern Ridge Station, SR 0115, 1/4 mile north of I-80, Exit 43, Blakeslee, PA 18610. Detailed work schedule and bid must be obtained from Facility Management Division at (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Fern Ridge Station, HC No. 1, Box 1327, Blakeslee, PA 18610  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7846** Furnish all equipment, materials and labor to perform janitorial services including empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside to include snow removal from sidewalks, as required; semiannual housecleaning at the discretion of the Officer in Charge or his representative at the Northwest Training Center. Detailed work schedule and bid must be obtained from Facility Management Division at (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Northwest Training Center, 195 Valley View Drive, R. D. 3, Box 785-D, Meadville, PA 16335  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7847** Furnish all equipment, materials and labor to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, semiannual housecleaning at the discretion of the Officer in Charge or his representative at the Northeast Training Center, 1989 Wyoming Avenue, Forty Fort, PA 18704-4336. Detailed work schedule and bid must be obtained from Facility Management Division at (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Northeast Training Center, 1989 Wyoming Avenue, Forty Fort, PA 18704-4336  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7848** Furnish all labor, equipment and materials to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpets, and the like, at the Pennsylvania State Police, Punxsutawney Liquor Control Enforcement, P. O. Box 497, 305 Sutton Street, Punxsutawney, PA 15767-0497. Detailed work schedule and bid must be obtained from Facility Management Division at (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Punxsutawney Liquor Control Enforcement, P. O. Box 497, 305 Sutton Street, Punxsutawney, PA 15767-0497  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7849** Furnish all equipment, materials and labor to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, semiannual housecleaning at the discretion of the Station Commander or his designated representative to include the removal and disposal of trash at the Montoursville Helicopter Storage Facility, Williamsport Lycoming County Airport, Montoursville, PA 17754. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Montoursville Helicopter Storage, Williamsport Lycoming County Airport, Montoursville, PA 17754  
**Duration:** July 1, 1999 to June 30, 2000  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7850** Furnish all labor, equipment and materials to perform services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpets, and the like, at the Pennsylvania State Police, Mansfield Station, 1745 Valley Road, Mansfield, PA 16933-0230. Detailed bid specifications and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Mansfield Station, 1745 Valley Road, Mansfield, PA 16933-0230  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7851** Furnish all equipment, materials and labor to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, semiannual housecleaning at the discretion of the Station Commander or his designated representative at the Towanda Station, R. D. 1, Route 6, Towanda, PA 18848. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Towanda Station, R. D. 1, Route 6, Towanda, PA 18848  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7852** Furnish all equipment, materials and labor to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpets and remove snow from sidewalks as required at the Uniontown Station, R. D. 1, Box 1, Gaddis Crossroads, Lemont Furnace, PA 15456. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Uniontown Station, R. D. 1, Box 1, Gaddis Crossroads, Lemont Furnace, PA 15456  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7853** Furnish all equipment, materials and labor to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpets, and the like, at the New Castle Station, R. D. 2, Box 467, New Castle, PA 16101. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, New Castle Station, R. D. 2, Box 467, New Castle, PA 16101-9125  
**Duration:** July 1, 1999 to June 30, 2001  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7854** Furnish all equipment, materials and labor to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, semi-housecleaning at the discretion of the Station Commander or his designated representative at the Kane Station, R. R. 1, Box 189-A, Kane, PA 16735. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Kane Station, R. R. 1, Box 189-A, Kane, PA 16735  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

### Laboratory Services—24

**02-99** Laboratory services including routine, multiphasic and specialized analyses. Details can be obtained through the Purchasing Department.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA 18661  
**Duration:** September 1, 1999—August 31, 2004  
**Contact:** Sandra A. Repak, Purchasing Agent, (570) 443-4232

**Lodging/Meeting—27**

**2010980006** The Pennsylvania State Police is seeking a facility to conduct a 3-day conference within a 15-mile radius of State College, PA on May 25, 26, 27, 1999. Must provide a common meeting area and small meeting rooms, lodging rooms, break refreshments, breakfast, lunch and dinner for approximately 50 attendees. Complete details will be sent to all interested bidders.

**Department:** State Police  
**Location:** State College, PA area  
**Duration:** May 25, 26, 27, 1999  
**Contact:** Diane Bolden, Procurement and Supply Division, (717) 783-5485

**CTS-1999A** Lodging/meeting facilities/meals for May 16—21, 1999 for 70 individuals. Applicants should be located within the greater Harrisburg area. Call for bid specifications. Deadline for submission of bids is 4 p.m. Friday, February 19, 1999.

**Department:** Education  
**Location:** Greater Harrisburg Area, PA  
**Duration:** May 16—21, 1999  
**Contact:** Kim Swarner, (717) 783-6777

**Mailing Services—28**

**350005** The PA Department of Transportation is soliciting bids to provide traceable mail service (with daily pick-up) that would provide guaranteed 1-day and 2-day air and ground delivery to any address in the continental United States. To obtain a bid package, fax the following information to Tina Chubb at (717) 783-7971: Name and/or Company Name, Complete Address (no Post Office numbers if possible), telephone and fax numbers. Please include in the request a reference to 350005. We anticipate a multi-year contract.

**Department:** Transportation  
**Location:** Various addresses in the Continental United States  
**Duration:** Multi-year  
**Contact:** Tarasa Hill, (717) 783-0483

**Medical Services—29**

**No. 8339** Oral surgeon for Ebensburg and Altoona Centers. The contracted oral surgeon will extract teeth and provide a diagnosis and treatment plan for pathological conditions as requested by the Ebensburg and Altoona Center's staff dentist. Teeth to be extracted will be noted by the Center's staff dentist. Generally they will fall into one of the following categories: impactions, broken and nonrestorable teeth, teeth that the staff dentist is unable to extract due to an individual's need of I.V. sedation. Oral surgeon will also be contacted to provide a diagnosis and treatment for pathological conditions associated with dentition and soft tissues of oral cavity.

**Department:** Public Welfare  
**Location:** Ebensburg and Altoona Centers: Ebensburg Center, Route 22 West, Ebensburg, Cambria County, PA and Altoona Center, 1515 Fourth Street, Altoona, Blair County, PA  
**Duration:** Indeterminate 1998—99  
**Contact:** Cora Davis, Purchasing Agent I, (814) 472-0288

**134399006** Emergency ambulance service as required for residents transport to veterans hospital and/or one of the local hospitals as ordered by physicians. Note: low response time of 10 minutes required due to medical necessity. Fax your request to: Becky Clapper, Purchasing Agent, (814) 696-5395.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Route 220 at Meadows Intersection, Hollidaysburg, PA 16648-0319  
**Duration:** July 01, 1999 through June 30, 2000  
**Contact:** Becky Clapper, Purchasing Agent, (814) 696-5210

**HUN 326** The contractor shall provide the supplemental services of a licensed dentist for clinic work in the Institution Medical Department at the Institution, as needed. Specifications and duties are on file in the Purchasing Department of the using agency.

**Department:** Corrections  
**Location:** State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654  
**Duration:** July 01, 1999 to June 30, 2002 (minimum 12 months)  
**Contact:** Robert Jessell, Purchasing Agent, (814) 643-2400

**HUN 328** Contractor shall provide for dental laboratory services for inmate dental prosthesis.

**Department:** Corrections  
**Location:** State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654  
**Duration:** July 01, 1999 to June 30, 2002  
**Contact:** Robert Jessell, Purchasing Agent, (814) 643-2400

**LH-DEN-046** Contractor to furnish all labor, materials and supplies required to provide dental laboratory services for inmates as prescribed by dental clinic at State Correctional Institution at Laurel Highlands. Repairs and relines to have 4 day turn-around time (includes mailing time).

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1999 to June 30, 2002  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**PSYCH-031** This contract shall provide sex offender treatment services to the inmate population located at the State Correctional Institution at Coal Township.

**Department:** Corrections  
**Location:** State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866  
**Duration:** 3 years—July 1, 1999 through June 30, 2002  
**Contact:** Nancy A. Lasko, Purchasing Agent, (570) 644-7890, Ext. 142

**Property Maintenance—33**

**2-0-00342** The Pennsylvania Department of Transportation will be selling timber to be harvested from the median of I-80, 2 miles west of Exit 28 near village of Carroll. Winning bidder will purchase standing timber as marked on trees according to contract specifications. (Clinton County).

**Department:** Transportation  
**Location:** I-80 Median, 2 miles west of Exit 28 near village of Carroll  
**Duration:** March 15, 1999 to May 15, 2000  
**Contact:** C. D. Nelson, (814) 765-0409

**8-99-21 M** Roadside mowing services, Cumberland County. All requests for bid packages must be received by fax at (717) 772-0975 (Attn: Bill Tyson) or telephone, (717) 787-7600, 7:30 a.m.—3:30 p.m., Monday through Friday.

**Department:** Transportation  
**Location:** Cumberland County, PA  
**Duration:** July 1999—June 2000, 1 year with four 1-year renewals  
**Contact:** Bill Tyson, (717) 787-7600

**8-99-23 M** Roadside mowing services, I-81 in Cumberland and Franklin Counties. All requests for bid packages must be received by fax at (717) 772-0975 (Attn: Bill Tyson) or telephone, (717) 787-7600, 7:30 a.m.—3:30 p.m., Monday—Friday.

**Department:** Transportation  
**Location:** I-81, Cumberland and Franklin County, PA  
**Duration:** April 1999—March 2000, 1 year with four 1-year renewals  
**Contact:** Bill Tyson, (717) 787-7600

**8-99-82 M** Roadside mowing services, Northern Lebanon County. All requests for bid packages must be received by fax at (717) 772-0975 (Attn: Bill Tyson) or telephone, (717) 787-7600, 7:30 a.m.—3:30 p.m., Monday—Friday.

**Department:** Transportation  
**Location:** Northern Lebanon County, PA  
**Duration:** April 1999—March 2000, 1 year with four 1-year renewals  
**Contact:** Bill Tyson, (717) 787-7600

**8-99-457 M** The Department requires the mowing of grasses and weeds along limited access highways in York, Dauphin and Lancaster Counties. All requests for bid packages must be received by fax at (717) 772-0975 (Attn: Bill Tyson) or telephone, (717) 787-7600, 7:30 a.m.—3:30 p.m., Monday—Friday.

**Department:** Transportation  
**Location:** York County, Dauphin County and Lancaster County, PA  
**Duration:** 1 year with four 1-year renewals  
**Contact:** Bill Tyson, (717) 787-7600

**5650-1000-000** Furnish and install a "Carlisle Mechanically Fastened Roof" or approved equal, so as to reroof approximately 3,900 square feet built-up roof on maintenance building. Sealed bids will be received in the Beltzville State Park Office, 2950 Pohopoco Drive, Lehigh, PA 18235, until 2 p.m., prevailing time, on February 19, 1999, and then publicly opened and read. Obtain bid documents by contacting the park office at (610) 377-0045.

**Department:** Conservation and Natural Resources  
**Location:** Beltzville State Park, Lehigh, Carbon County, PA  
**Duration:** Work to be completed within 90 days after notice to proceed  
**Contact:** Vendor Services Section, (717) 787-2199 or (717) 787-4705

**401-BL-567.1** President's Residence (Buckalew) Exterior Painting—Provide all labor, equipment and material necessary to prepare and paint exterior siding, trim, metal roofs and railings on house as identified on drawings. Replace any rotted wood (soffit areas identified on drawings). Encapsulate areas with lead paint (identified on drawings). To obtain bid documents, a \$25 nonrefundable deposit should be sent to Robert A. Lack Architecture and Design, 230 Market Street, Lewisburg, PA 17837, (570) 524-2300. All prebid information and bid dates will be included in the bid documents, it is anticipated that bids will be released first week of February 1999.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA  
**Duration:** 42 days  
**Contact:** Joseph C. Quinn, (570) 389-4311

**00671-000-98-SMS** Masonry Repairs. Masonry restorations and repairs at various buildings at Old Economy Village. A mandatory prebid meeting and sign in will be held on February 26, 1999 at 10 a.m. at the Old Economy Visitor Center for all firms interested in submitting bids for the project. No bids will be accepted by contractors who do not make the mandatory prebid. For directions, contact the site at (724) 266-4500. All interested bidders should submit a request for a bid package in writing to: PA Historical and Museum Commission, Old Economy Village, 1401 Church Street, Ambridge, PA 15003-2298. Proposals are due on Tuesday, March 16, 1999 at 10 a.m.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Old Economy Village, 14th and Church Streets, Ambridge, PA 15003  
**Duration:** March 1, 1999 to June 30, 1999  
**Contact:** Site, (724) 266-4500

**00689-000-98-AS-1** Repairs and Painting of Plaster at the Judson House. Repairs to plaster, removal of wallpaper and painting at the Judson House. A mandatory prebid meeting and sign in will be held on February 25, 1999 at 1 p.m. at the Judson House, Waterford, PA for all firms interested in submitting bids for the project. No bids will be accepted by contractors who do not make the mandatory prebid. For directions, contact the site at (717) 772-4992. All interested bidders should submit a request for a bid package in writing to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120, Attn: Judi Yingling. Proposals are due on Tuesday, March 16, 1999 at 10 a.m. Bid opening will be held in 5th Floor, Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA 17120.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Judson House, Box 622, Waterford, PA 16441  
**Duration:** March 1, 1999 to October 31, 1999  
**Contact:** Judi Yingling or Ted Strosser, (717) 772-2401

**MR 0800-56** Roadside mowing of primary and secondary highways throughout Franklin County. All requests for bid packages must be received by fax at (717) 772-0975 (Attn: Bill Tyson) or telephone, (717) 787-7600, 7:30 a.m.—3:30 p.m., Monday—Friday.

**Department:** Transportation  
**Location:** Franklin County, PA  
**Duration:** 1 year with four 1-year renewals  
**Contact:** William Tyson, (717) 787-7600

**SP-38-6300-8-005** Construct a foundation for a campground washhouse, including footers, foundation walls, concrete slab and connections to the existing water and sewer lines.

**Department:** Conservation and Natural Resources  
**Location:** State Parks Region No. 3, Caledonia State Park, 40 Rocky Mountain Road, Fayetteville, PA 17222-9610  
**Duration:** Completion time—45 days after Notice to Proceed  
**Contact:** James L. Ross, (814) 733-9123

**SP-81741001** Paint the interior of the Cherrywood Building located on the grounds of Harrisburg State Hospital. Specifications will be available from the Procurement Office.

**Department:** Public Welfare  
**Location:** Cherrywood Building, Harrisburg State Hospital, Building No. 33, Harrisburg, PA 17105  
**Duration:** Estimated March 01, 1999 to September 14, 1999  
**Contact:** Kathy A. King-McCarthy, (717) 705-3878

## Real Estate Services—35

**96** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Agriculture with 6,373 useable square feet of new or existing office space with parking for 15 vehicles, in Berks, Bucks, Lehigh and Montgomery Counties, PA within the following boundaries: North: I-476, South: Route 422, East: I-476 to Route 113 to Route 29 and West: Route 100 to Route 29. Proposals due: April 5, 1999. Solicitation No.: 92776.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1998—99  
**Contact:** John A. Hocker, (717) 787-4394

## Sanitation—36

**Project No. 646** One—2 cubic yard container and one—6 cubic yard container, weekly pick-up, monthly billing.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 1720 East Caracas Avenue, Hershey, Dauphin County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**065001** Receive from PennDOT material that the PennDOT maintenance crews pick up from the shoulders of I-95, I-76, I-676, Route 63, US Route 1 and other State routes within the City of Philadelphia, PA. Materials to be disposed of can include construction debris, demolition waste, stumps, tree limbs, mattresses, chairs, furniture, logs and appliances. Car and truck tires will not be included on this contract. Due to travel time restrictions on crews, disposal site must have capability to take possession of the trash within the City of Philadelphia.

**Department:** Transportation  
**Location:** Philadelphia County, PA  
**Duration:** May 01, 1999 to April 30, 2000  
**Contact:** Charles Stone, (610) 964-6520

**0620-198** Placement of two 4 cubic yard dumpsters—pickup of said dumpsters two times per week (52 weeks per year) and one 20 cubic yard dumpster pickup on demand (52 times per year) for a total of 260 pickups in contract period.

**Department:** Transportation  
**Location:** PennDOT, 401 Montgomery Avenue, West Chester, PA 19380  
**Duration:** July 1, 1999 to June 30, 2001  
**Contact:** Charles Stone, (610) 964-6520

**LH-MNT-2047** Contractor to provide sewage testing service to include necessary materials and instructions for collection of weekly sewage testing at State Correctional Institution at Laurel Highlands. Complete 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 01, 1999 to June 30, 2001  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-MNT-2048** Contractor to provide removal and disposal of liquid sludge as needed at the State Correctional Institution at Laurel Highlands. A total estimated quantity of 60,000 gallons of liquid sludge is to be removed. Complete 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 01, 1999 to June 30, 2000  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**9999 4400 010** The contractor will provide services for removal and recycling of food wastes for the purpose of livestock raising from the State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, Schuylkill County, PA. Bid must be requested in writing.

**Department:** Corrections  
**Location:** State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, Schuylkill County, PA  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Ann M. Gavala, Purchasing, (570) 773-2158, fax (570) 621-3096

**Vehicle/Heavy Equipment—38**

**181157** Rental of Bobcat with bucket, sweeper and auger attachments. Contractor to provide above for 1 week and/or a 4-week period of time as needed by Warren State Hospital. Complete terms and conditions may be obtained by contacting the hospital. Award to be made on a 3-year aggregate basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099  
**Duration:** Anticipated July 01, 1999—June 30, 2002  
**Contact:** JD Sample, (814) 726-4448

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**Miscellaneous—39**

**No. 44** Provide locking hardware needed to change existing locking system to Best locking system at North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821.

**Department:** Public Welfare  
**Location:** North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821  
**Duration:** January 1, 1999 to June 30, 1999  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

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**ITQ-358003** The PA Department of Transportation (PennDOT) is issuing an Invitation to Qualify (ITQ) to prequalify contractors interested in providing Design-Related training services (for example, training instruction, course development, student and instructor training manuals, and the like). The initial qualification enrollment period will close March 17, 1999. To be considered for work under the initial enrollment, contractors must request and submit a completed application on or before March 17, 1999. Contractors may submit an application after March 17, 1999, but are encouraged to request an application now to meet that original enrollment date. To obtain qualification information, fax the following information to Tina Chubb, (717) 783-7971: Name and/or Company Name, Complete Address (no Post Office numbers if possible), Telephone and fax numbers. Include in your request a reference to ITQ-358003.

**Department:** Transportation  
**Location:** Statewide—all counties  
**Duration:** 5 years with renewal options  
**Contact:** Tarasa Hill, (717) 783-0483

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**LH-MNT-2039** Contractor to provide maintenance and service on control Tritronics and Rosemount instruments and controls located at the boiler plant at State Correctional Institution at Laurel Highlands. An onsite visit is required. Complete 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 01, 1999 to June 30, 2001  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

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**SP-3821208002** Provide 210 ton of ID-3 wearing course for 1,275 square yards parking area at Sinnemahoning State Park. Bids will be opened at the Northcentral Regional Office of Bureau of Facility Design and Construction, R. R. 4, Box 212, Emporium, PA 15834, Cameron County, on Friday, February 19, 1999 at 2 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Facility Design and Construction, Sinnemahoning State Park, R. R. 1, Box 172, Austin, PA 16720  
**Duration:** February 12, 1999—June 30, 1999  
**Contact:** Gene A. Strick, Regional Engineer, (814) 486-5637

[Pa.B. Doc. No. 99-219. Filed for public inspection February 5, 1999, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
0036-09	01/20/99	Boyer Printing and Binding Co., Inc.	206,815.14
0088-07	02/01/99	Dupli Enve- lope and Graphics	783,129.40
5850-01 Sup No. 6	01/27/99	Computer In- tegration Group	100,000.00
7350-09	01/27/99	XPEDX/ Harrisburg Division	387,021.90

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
7350-09	01/27/99	Alling & Cory	172,490.26
7350-09	01/27/99	Feeser's, Inc.	168,986.90
7520-10	02/01/99	Camden Bag and Paper Co.	15,908.50
7520-10	02/01/99	Adolph Sufrin, Inc.	37,199.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 99-220. Filed for public inspection February 5, 1999, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF LABOR AND INDUSTRY

### Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act

Under 34 Pa. Code § 127.667(b) (relating to compensation policy) the Department of Labor and Industry, Bureau of Workers' Compensation hereby gives notice of the range of fees charged by Utilization Review Organizations (UROs) and Peer Review Organizations (PROs) for services performed under the Workers' Compensation Act during 1998.

<i>URO/PRO</i>	<i>Range of Fees</i>	
	<i>Min. \$</i>	<i>Max. \$</i>
A. E. Maxwell Associates	\$85.00	\$605.00
Action, Inc.	\$135.00	\$1,659.76
Advanced Rehabilitation Management, Inc.	\$207.50	\$650.50
American Claims Review, Inc.	\$100.00	\$650.00
C.A.B. Medical Consultants	\$150.00	\$660.98
Caduceus Review, Inc.	\$236.28	\$654.95
Caduceus-Lex Medical Auditing, Inc.	\$262.21	\$577.41
Cambridge Medical Consultants, Inc.	\$187.50	\$519.17
CEC Associates, Inc.	\$144.12	\$595.89
CEC, Inc.	\$150.00	\$660.00
Centra Med	\$165.00	\$586.00
Chiro Med Review Company	\$25.00	\$1,245.00
Concentra Managed Care Inc. d/b/a Claims Review Associates	\$150.00	\$566.62
Consensus	\$150.00	\$550.00
Consolidated Service Group, Inc. d/b/a Consolidated Rehabilitation Company	\$215.00	\$612.87
Corvel Corporation	\$96.15	\$738.07
Crawford Care Management Services c/o Crawford & Company	\$100.00	\$708.50
D & D Medical Review Services	\$466.94	\$735.18
Delaware Valley Peer Review Organization	\$189.70	\$908.29
Doctors Review Services, Inc.	\$125.00	\$825.00
Emerson and Emerson	\$175.00	\$655.00
F Tearpock Martini & Associates, Inc.	\$540.44	\$800.00
Hajduk & Associates	\$500.00	\$525.21
Health Care Dimensions, Inc.	\$153.09	\$693.48
Healthsouth d/b/a Disability Management Associates	\$185.00	\$585.00
Hoover Rehabilitation Services, Inc.	\$389.77	\$813.35
II Opinion, Inc/VRS	\$152.50	\$1,474.00
Ikor Incorporated t/a Pegasus Administrators	\$463.82	\$727.87
IMX Medical Management Services	\$178.41	\$771.52
Independent Medical Consultants	\$150.00	\$600.00
Industrial Rehabilitation Associates c/o RJP Enterprises, Inc.	\$152.70	\$595.00
International Healthcare Consultants	\$113.00	\$597.00

<i>URO/PRO</i>	<i>Range of Fees</i>	
	<i>Min. \$</i>	<i>Max. \$</i>
Kenneth Frank Enterprises	\$240.00	\$790.00
Keystone Peer Review Organization, Inc.	\$200.00	\$675.00
Laurel Rehabilitation Services, Inc.	\$155.32	\$597.02
LRC Rehabilitation Consultants	\$212.61	\$877.36
McCabe & Scarlata, Inc. t/d/b/a Options	\$100.00	\$1,256.54
Med Tech Reviews	\$100.00	\$650.00
Medical Evaluation Specialists	\$150.00	\$675.00
Medical Review Associates	\$225.00	\$650.00
Medical Service & Evaluation Company	\$525.00	\$775.00
Medimax, Inc.	\$191.62	\$695.00
Orland Corporation d/b/a WRS	\$127.47	\$1,065.84
PA Association of Chiropractic Consultants & Examiners	\$159.37	\$691.40
Paul Leonard M. Ed.D., P.C.	\$200.00	\$728.79
Peer Net, Inc.	\$143.77	\$724.22
Peer, Inc.	\$100.00	\$650.00
Penn Executive Diagnostic Center, Inc.	\$100.00	\$800.00
Penn National Review, Inc.	\$250.00	\$950.00
Perspective Consulting, Inc.	\$150.00	\$650.00
Pittsburgh Medical Assessment	\$150.00	\$623.00
Primecor	\$250.00	\$510.00
Professional Claims Management, Inc.	\$200.00	\$837.00
Professional Medical Consultants, Inc.	\$220.00	\$915.21
QRS Managed Care Services	\$500.00	\$562.80
Quality Assurance Reviews	\$100.00	\$675.00
Reasonable Insurance Consultations Evaluations	\$175.14	\$690.80
Rehabilitation Auditing & Placement Services	\$192.64	\$828.29
Rehabilitation Planning, Inc.	\$150.00	\$642.01
Rehabit, Inc.	\$145.82	\$769.33
Resource Opportunities, Inc.	\$332.19	\$1,598.11
Solomon Associates, Inc.	\$200.00	\$775.00
Star Pro Peer Review Organization	\$375.00	\$500.00
T & G Reviews	\$150.00	\$695.00
Target Pro, Inc.	\$150.00	\$600.00
The PT Group	\$100.00	\$695.00
Tom Sawchaks, Inc. Action of Pennsylvania	\$200.00	\$580.00
Tri-State IME, Inc.	\$225.00	\$825.00
Tri-State Rehabilitation Group, Inc.	\$155.32	\$941.69
U.S. Medical Review, Inc.	\$87.50	\$585.00
Unified Care Management, Inc. d/b/a Medical Review Network	\$82.13	\$614.30
United Medical Philadelphia	\$75.00	\$544.58
Villanova Rehabilitation Consultants, Inc.	\$195.00	\$751.00
West Penn IME, Inc.	\$377.50	\$1,099.33
WMR Resources, Inc.	\$200.00	\$816.00
Workwell Physical Medicine, Inc.	\$124.50	\$682.82

<i>URO/PRO</i>	<i>Range of Fees</i>	
	<i>Min. \$</i>	<i>Max. \$</i>
Worldwide Auditing Services	\$195.00	\$616.00
Zabinski Robert C., D.C.	\$250.00	\$750.00

JOHNNY J. BUTLER,  
*Secretary*

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