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PENNSYLVANIA BULLETIN

Volume 30
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Department of Banking
Department of Conservation and Natural
Resources
Department of Environmental Protection
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Department of Public Welfare
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Insurance Department
Liquor Control Board
Office of Attorney General
Pennsylvania Public Utility Commission
Public School Employes' Retirement Board
Turnpike Commission

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

No. 303, February 2000

PENNSYLVANIA



BULLETIN

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

**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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Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

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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 255—LOCAL COURT RULES

LANCASTER COUNTY

Rules of Criminal Procedure Nos. 107 and 2002A;
CPJ 7; Page 1350

Administrative Order

And Now, January 18, 2000, effective thirty (30) days after publication of this Order in the *Pennsylvania Bulletin*, Lancaster County Rule of Criminal Procedure No. 101A is rescinded and Lancaster County Rules of Criminal Procedure Nos. 107 and 2002A are adopted as follows:

***Rule No. 107.** Approval of Police Complaints and Arrest Warrants by Attorney for the Commonwealth.

The District Attorney of Lancaster County having filed a certification pursuant to Pa.R.Crim.P. 107, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the following crimes:

- (1) Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
- (2) Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
- (3) Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
- (4) Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
- (5) Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732;
- (6) Homicide by Vehicle While Driving Under Influence in violation of 75 Pa.C.S.A. Section 3735;
- (7) Rape in violation of 18 Pa.C.S.A. Section 3121;
- (8) Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;
- (9) Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;
- (10) Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;
- (11) Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;
- (12) Crimes Against Unborn Child in violation of 18 Pa.C.S.A. Chapter 26;
- (13) Arson in violation of 18 Pa.C.S.A. Section 3301;
- (14) Obscene and Other Sexual Materials in violation of 18 Pa.C.S.A. Section 5903; and
- (15) Violation of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. Section 780-113 (30),

(Delivery or Possession with Intent to Deliver a Controlled Substance) shall not hereafter be accepted by any judicial officer, unless the complaints and affidavits have the approval of an attorney for the Commonwealth prior to filing.

***Rule No. 2002A.** Approval of Search Warrant Applications by Attorney for the Commonwealth.

The District Attorney of Lancaster County having filed a certification pursuant to Pa.R.Crim.P. 2002A, search warrants for the following crimes:

- (1) Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
- (2) Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
- (3) Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
- (4) Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
- (5) Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732;
- (6) Homicide by Vehicle While Driving Under Influence in violation of 75 Pa.C.S.A. Section 3735;
- (7) Rape in violation of 18 Pa.C.S.A. Section 3121;
- (8) Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;
- (9) Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;
- (10) Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;
- (11) Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;
- (12) Crimes Against Unborn Child in violation of 18 Pa.C.S.A. Chapter 26;
- (13) Arson in violation of 18 Pa.C.S.A. Section 3301;
- (14) Obscene and Other Sexual Materials in violation of 18 Pa.C.S.A. Section 5903; and
- (15) Violation of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. Section 780-113 (30), (Delivery or Possession with Intent to Deliver a Controlled Substance) shall not hereafter be issued by any judicial officer, unless the search warrant applications have the approval of an attorney for the Commonwealth before filing.

By the Court

MICHAEL A. GEORGELIS,
President Judge

[Pa.B. Doc. No. 00-236. Filed for public inspection February 11, 2000, 9:00 a.m.]

RULES AND REGULATIONS

Title 37—LAW

OFFICE OF ATTORNEY GENERAL

[37 PA. CODE CH. 309]

Dog Purchaser Protection

The Office of Attorney General (OAG) has adopted Chapter 309 (relating to dog purchaser protection), to read as set forth in Annex A.

Effective Date

These final-form regulations will go into effect upon publication in the *Pennsylvania Bulletin* as final rule-making.

Contact Person

The contact person concerning this rulemaking is Frank T. Donaghue, Chief Deputy Attorney General, Bureau of Consumer Protection, 14th Floor, Strawberry Square, Harrisburg, PA 17120, (717) 787-9707.

Statutory Authority

This rulemaking is made under the authority of section 9.3(g)(1) of the Unfair Trade Practices and Consumer Protection Law (act) (73 P. S. § 201-9.3(g)(1)).

Purpose of the Rulemaking

This rulemaking implements section 9.3(g)(1) of the act which requires the Attorney General to promulgate regulations specifying the information to be contained in the notice to prospective dog purchasers which must be conspicuously posted at the seller's place of business.

Summary of Public Comments and Changes

Written comments, suggestions and objections regarding the proposed regulations were requested within a 30 day period following publication of proposed rulemaking.

Comments were received from Senator Stewart Greenleaf (Chairperson of Senate Judiciary Committee and prime sponsor of the act), Pet Industry Joint Advisory Council, Pennsylvania Legislative Animal Network, Pennsylvania Federation of Dog Clubs, Inc., Bucks County SPCA, Park City Pet Center, Inc., Mr. and Mrs. Charles Smith and the Independent Regulatory Review Commission (IRRC). Following is a summary of the major comments received and the OAG's response to those comments.

Comment: IRRC and several commentators suggested that the word "breeding" be deleted from the definition of "kennel."

Response: This change was made.

Comment: IRRC suggested the inclusion of the statutory definition of "veterinarian."

Response: This change was made.

Comment: IRRC suggested that § 309.2 (relating to notice to be posted) be split into two subsections.

Response: This change was made.

Comment: IRRC suggested that the paragraphs of the notice be numbered instead of bulleted.

Response: This change was made.

Comment: IRRC and another commentator suggested the inclusion of language to clarify that the notice is a summary of the act and not a complete rendition.

Response: This change was made.

Comment: IRRC and two other commentators were concerned that the language in paragraphs one and two of the notice were not consistent with the act.

Response: IRRC suggested changes that addressed these concerns and these changes were made.

Comment: IRRC and another commentator believed that paragraph (3) of the notice did not clearly state the purchaser's rights relative to a veterinarian's examination within 10 days of purchase and the fact that a dog will not be unfit for purchase on account of injury sustained or illness most likely contracted subsequent to the date of sale.

Response: IRRC suggested changes that addressed these concerns and these changes were made.

Comment: IRRC and another commentator suggested that paragraph (4) did not clearly state that the purchaser is entitled to a refund or other listed remedies for a defect only if it adversely affects the animal's health.

Response: IRRC suggested changes that addressed these concerns and these changes were made.

Comment: IRRC suggested that paragraph (5) should emphasize the 2-business-day rule and include illness, defect or death.

Response: This change was made.

Comment: IRRC commented that section 9.3(c) of the act, which deals with the 2-business-days notice requirement, does not provide guidance for the delivery of the notice. IRRC further stated that the OAG should insert language in this regulation to provide the guidance.

Response: The OAG has inserted language in paragraph (5) pursuant to IRRC's comments. The language inserted is based upon language in section 7(a) of the act (73 P. S. § 201-7).

Comment: IRRC and several commentators pointed out a misplaced disclosure clause in paragraph (5). It was suggested this disclosure clause be included in paragraphs (3) and (4).

Response: This change was made.

Comment: IRRC commented that section 9.3(b)(1) of the act states that the purchaser may receive "a complete refund of the purchase price, not including the Sales Tax." According to IRRC the typical practice for refunds is to include the Sales Tax because the sale becomes null and void. IRRC suggested that the OAG, the Department of Revenue and the General Assembly should examine section 9.3(b)(1) of the act for consistency with other statutes and regulations relating to Sales Tax refunds.

Response: The OAG has contacted the General Assembly to initiate an examination of section 9.3(b)(1) as suggested by IRRC.

Comment: IRRC suggested that the OAG initiate a separate rulemaking to create OAG-approved forms for the certifications and other documents referred to in the act.

Response: The OAG is considering promulgating additional regulations pursuant to IRRC's suggestion, under section 3.1 of the act.

Comment: IRRC and several commentators suggested that the OAG determine a minimum size for the required notice.

Response: This change was made.

Comment: IRRC and two commentators suggested that the OAG stipulate that the notice must be readily visible in areas where dogs are displayed for sale or where payments are made for dog purchases.

Response: This change was made.

Comment: IRRC suggested that language be added stating that the notice must be legible and that the notice be posted with minimum standards for typeset size.

Response: This change was made.

Benefits, Costs and Compliance

Benefits—The citizens of this Commonwealth will benefit from these regulations because it protects purchasers of dogs from unfair trade practices of dog sellers.

Compliance Costs—Affected sellers who advertise or represent that a dog is registered or registerable are required to post a public notice as set forth in Annex A, at their place of business. Costs of posting the notice are negligible and are to be borne by the seller.

Paperwork Requirements

The regulatory provisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions. The private sector will have minimal paperwork in the form of posting of a public notice.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 8, 1999, the OAG submitted a copy of the notice of proposed rulemaking to IRRC and to the Chairpersons of the House and Senate Judiciary Committees for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the OAG also provided IRRC and the Committees with copies of all comments received. In preparing these final-form regulations, the OAG has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(a)), these final-form regulations were deemed approved by the House and Senate Committees on December 27, 1999. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 6, 2000, and approved the final-form regulations.

Sunset Date

The information required to be contained in the form of notice as set forth in Annex A is fixed by statute. Therefore, no sunset date is proposed for these regulations.

Findings

The OAG finds that:

(1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Office of Attorney General, acting under the authorizing statutes, orders that:

(a) The regulations of the OAG, 37 Pa. Code Chapter 309, are amended by adding §§ 309.1 and 309.2 to read as set forth in Annex A.

(b) The OAG has reviewed the regulations for approval as to form and legality as required by law.

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

(d) The regulations adopted by this order shall take effect upon final publication in the *Pennsylvania Bulletin*.

GERALD J. PAPPERT,

First Deputy Attorney General

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 465 (January 22, 2000).)

Fiscal Note: Fiscal Note 59-6 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 37. LAW

PART V. BUREAU OF CONSUMER PROTECTION

CHAPTER 309. DOG PURCHASER PROTECTION

Sec.
309.1. Definitions.
309.2. Notice to be posted.

§ 309.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings:

Kennel—A kennel as defined in section 102 of the Dog Law (3 P. S. § 459-101) or a dealer licensed by the United States Department of Agriculture under section 4 of the Animal Welfare Act (7 U.S.C.A. § 2134).

Pet shop—A pet shop-kennel as defined in section 102 of the Dog Law.

Seller—A kennel, pet shop operator or other individual who sells dogs to the public and who owns or operates a kennel or pet shop licensed by the Department of Agriculture or the United States Department of Agriculture. The term does not include nonprofit kennels as defined under section 102 of the Dog Law.

Veterinarian—An individual licensed under the laws of the Commonwealth or another state to practice veterinary medicine and surgery.

§ 309.2. Notice to be posted.

(a) A seller to whom this chapter applies shall keep posted at all times the following notice, in the following form:

Public Notice

This notice shall be conspicuously posted in the place of business of persons subject to this section as enforced by the Pennsylvania Office of Attorney General. This disclosure of rights is a summary of Pennsylvania law. A written notice setting forth the rights provided under Section 9.3 of the Unfair Trade Practices and Consumer Protection Law shall be provided to you at the time of the

sale. A civil penalty of up to \$1,000 shall be levied for each violation in addition to any other penalty under this law.

(1) A seller shall provide you with a health record for the dog at the time of sale. The health record must contain information as required by the law (73 P. S. § 201-9.3(a)(1)).

(2) The seller shall provide a health certificate issued by a veterinarian within 21 days prior to the date of sale or a guarantee of good health issued and signed by the seller. The health certificate and the guarantee of good health must contain information as required by the law. 73 P. S. § 201-9.3(a)(2)(i); 73 P. S. § 201-9.3(a)(2)(ii).

(3) To preserve your rights under the law, you must take your newly purchased dog to a licensed veterinarian for examination within 10 days of purchase. If a veterinarian determines, within 10 days of purchase, that your dog is clinically ill or has died from an injury sustained or illness likely to have been contracted on or before the date of sale and delivery, you have the following options:

- (i) Return the dog for a complete refund;
- (ii) Return the dog for a replacement dog of equal value; or
- (iii) Retain the dog and receive reimbursement for reasonable veterinary fees, not exceeding the purchase price. These options do not apply where a seller, who has provided a health certificate issued by a veterinarian, discloses in writing at the time of sale the health problem for which the buyer later seeks to return the dog.

(4) If, within 30 days of purchase, a licensed veterinarian determines that your dog has a congenital or hereditary defect which adversely affects the animal's health or that your dog died from a congenital or hereditary defect, you have the same options as outlined in section 3 (above).

(5) Within 2 business days of a veterinarian's certification of your dog's illness, defect or death, you must notify, in writing, the seller of the name, address and telephone number of the examining veterinarian. Such notice shall be effective upon depositing the same in the United States mail or upon other service which provides the seller the required information. Failure to notify the seller within 2 business days will result in forfeiture of rights.

(6) Refunds or reimbursements shall be made no later than 14 days after the seller receives the veterinarian certification. Veterinarian certification shall be presented to the seller not later than 5 days after you receive it.

(7) Registerable Dogs—If the seller does not provide within 120 days all documentation to effect registration, you may exercise one of the following options:

- (i) Return the dog and receive a full refund of the purchase price; or
- (ii) Retain the dog and receive a 50% refund of the purchase price.

(8) If registerable, the seller shall provide at the time of sale: the breeder's name and address, the name and registration number of the dam and sire, and the name and address of the pedigree registry organization where the dam and sire are registered.

For further information concerning your rights under section 9.3 of the Unfair Trade Practices and Consumer

Protection Law, contact: Pennsylvania Office of Attorney General, Consumer Protection Hotline (800) 441-2555, www.attorneygeneral.gov.

(b) The notice in subsection (a) must be:

(1) Visible where dogs for purchase are displayed or where payments are made for dog purchases at the seller's place of business.

(2) A minimum size of 8.5 inches by 14 inches.

(3) In plain language and legible.

(4) A minimum 12 point typeset for the body of the notice and a minimum 48 point typeset for the title "Public Notice."

[Pa.B. Doc. No. 00-237. Filed for public inspection February 11, 2000, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CHS. 141 AND 143]

Hunting Hours; Conditions for Appointment

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 5, 1999, meeting, adopted the following changes:

Amend § 141.4 (relating to hunting hours) by making an editorial change to paragraph (2). The proposed change is required as a result of the deletion of a paragraph and resulting renumbering of the paragraphs.

Amend § 143.27 (relating to conditions for appointment) by raising the minimum security required for license issuing agents.

These amendments are adopted under the authority of 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Amendment to § 141.4

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on October 5, 1999, proposed, and at its January 11, 2000, meeting finally adopted, an editorial change to § 141.4. The change is required as a result of the deletion of a subparagraph and resulting renumbering of the subsections by a regulation finally adopted at the Commission's June 8, 1999, meeting. This change was adopted under sections 322(c)(1) and 2102(a) of the code (relating to powers and duties of commission; and regulations).

2. Purpose and Authority

At its June 8, 1999, meeting, the Commission expanded hunting hours for hunting mourning doves by deleting paragraph (1) of § 141.4. In doing so, the Commission failed to change a reference in then paragraph (3) to paragraph (2), which became paragraph (1). The adopted change will remedy this situation.

Section 322(c)(1) of the code empowers the Commission to fix daily shooting or taking hours. Section 2102(a) of the code authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife in this Commonwealth. The change was adopted under this authority.

3. Regulatory Requirements

The amendments do not result in additional regulatory requirements but rather only clarify the existing regulation.

4. Persons Affected

The amendment is editorial in nature and will not impact anyone.

5. Comment Response Summary

No official comments were received with regard to the adopted change.

6. Cost and Paperwork Requirements

The amendments should not result in any additional cost or paperwork.

Amendment to § 143.27

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth and administer its license issuing system, the Commission at its meeting held on October 5, 1999, proposed, and at its January 11, 2000, meeting finally adopted, changing § 143.27 to raise the minimum security required for license issuing agents from \$10,000 to \$18,000. This change was adopted under section 2722(g) of the code (relating to authorized license-issuing agents).

2. Purpose and Authority

With the July 1, 1999, effective date of amendments to the code providing for license fee increases, many hunting license issuing agents discovered that they did not have sufficient security to allow them to obtain adequate supplies of licenses for issuance. In addition to reducing the availability of licenses, this resulted in greater workload for the agents and the Commission by reason of the need to order licenses more frequently. As a result, the Commission has decided to amend § 143.27 to raise the minimum security to be posted by agents from \$10,000 to \$18,000.

Section 2722(g) of the code directs the Commission to adopt regulations for the administration, control and performance of license issuance. The amendment is made under that authority.

3. Regulatory Requirements

The amendment increases the amount of security which must be posted by most hunting license issuing agents but should reduce the amount of time and effort required to order licenses.

4. Persons Affected

Hunting license issuing agents who must post bonds will be affected by the change.

5. Comment and Response Summary

No official comments were received with regard to the amendment.

6. Cost and Paperwork Requirements

The amendment will result in additional cost to agents for security. At the same time, it should decrease the amount of paperwork and ordering costs. Also, agents did receive a fee increase when the license fees were increased.

Effective Date

The amendment is effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

Contact Person

For further information on the amendment, contact William L. Hutson, Director, Bureau of Law Enforcement, (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 141 and 143, are amended by amending § 141.4 to read as set forth at 29 Pa.B. 6118 and by amending § 143.27 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, 29 Pa.B. 6118 and Annex A, and deposit them with the Legislative Reference Bureau as required by law.

(c) This order is effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-114 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter B. APPOINTMENT OF AGENTS

§ 143.27. Conditions for appointment.

A person desiring consideration for appointment as an agent shall meet the following conditions:

(1) Be a resident of this Commonwealth or an entity registered to do business in this Commonwealth.

(2) Operate a bona fide sporting goods sales outlet where the public expects to find this service.

(3) Be open to the public during reasonable daylight and evening hours.

(4) Not operate on a seasonal or part-time basis.

(5) Agree to and demonstrate ability to provide full license service and cooperation to the public throughout the entire license sales period, and keep records required by the Commission and by statute.

(6) Provide security to the Commission in an amount of at least \$18,000.

[Pa.B. Doc. No. 00-238. Filed for public inspection February 11, 2000, 9:00 a.m.]

**[58 PA. CODE CH. 147]
Special Permits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 5, 1999, meeting, adopted the following changes:

Amend Chapter 147, Subchapter R (relating to deer control) to provide more relief to qualified farmers and expand opportunities for junior resident license holders.

These amendments are adopted under the authority of 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Amendment to Subchapter R

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its October 5, 1999, meeting, proposed, and at its January 11, 2000, meeting, finally adopted, changing Subchapter R to relax several requirements. The changes involve the authorization of twice the number of subpermits, the issuance of subpermits to residents under 18 years of age and to those who qualify for license and fee exemptions and reporting on a monthly rather than weekly basis. These changes were adopted under authority contained in section 2901(b) of the code (relating to regulations for permits).

2. *Purpose and Authority*

Regulations currently in place for the issuance of agricultural deer control permits authorize the issuance of a maximum of one subpermit for every 10 acres under cultivation (§ 147.553), prohibit issuance of subpermits to residents under 18 years of age (§ 147.554), do not provide for issuance of subpermits to individuals exempt from license and fee requirements and require weekly reports of activities conducted under the permits (§ 147.557). As a result of comments and input received from the agricultural community, the Commission decided to propose and finally adopt changes in the requirements as outlined.

Section 2901(b) of the code authorizes the Commission to promulgate regulations for the issuance of a permit. This provides the authority for the adopted changes.

3. *Regulatory Requirements*

The adopted changes relax existing requirements.

4. *Persons Affected*

Persons wishing to obtain an agricultural deer control permit and their subpermittees will be affected by the changes.

5. *Comment and Response Summary*

No official comments were received with regard to the adopted change.

6. *Cost and Paperwork Requirement*

The amendments will increase the number of subpermits that can be issued but will reduce the number of required reports.

7. *Effective Date*

These amendments will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. *Contact Person*

For further information on the amendments contact William L. Hutson, Director, Bureau of Law Enforcement, (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.554 and 147.557 to read as set forth at 29 Pa.B. 6340, and by amending §§ 147.553 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, 29 Pa.B. 6340 and Annex A, and deposit them with the Legislative Reference Bureau as required by law.

(c) This order is effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-115 remains valid for the final adoption of the subject regulations.

**Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS
Subchapter R. DEER CONTROL
AGRICULTURE**

§ 147.553. Permit.

The deer control permit authorizes the permittee to enlist the aid of a limited number of subpermits. The maximum number of subpermits issued will be no more than one for every 5 acres of land that is under cultivation and enrolled in the Deer Damage Area Program unless the wildlife conservation officer recommends an increase in the number due to warranted circumstances.

[Pa.B. Doc. No. 00-239. Filed for public inspection February 11, 2000, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CHS. 3 AND 7]

Importation and Intrastate Transportation of Animals; Brucellosis

The Department of Agriculture (Department), under the specific authority conferred by the Domestic Animal Law (act), 3 Pa.C.S. §§ 2302, 2321, 2323 and 2325 proposes to amend §§ 3.103, 7.1, 7.47 and 7.72—7.74. These proposed amendments are intended to update the Department's policy on diagnostic testing techniques used to detect the presence of Equine Infectious Anemia (EIA) and the use of vaccines intended for the prevention of Brucellosis. Section 2302 of the act (relating to finding, policy and purpose) states that "animal health is a major economic interest in the Commonwealth." In addition, section 2302 of the act delineates the policy and purpose of the act. The policy of the act is to "assure the health and welfare of animals kept in captivity, to prevent and control diseases . . . and to provide desirable management practices for the production, keeping and use of domestic animals." The purpose of the act is to "give the department authority to implement this policy." Section 2321(a) of the act (relating to dangerous transmissible diseases) designates Brucellosis and EIA as dangerous transmissible diseases. Section 2321(e) of the act confers upon the Department the power to "establish regulations addressing the specific . . . prevention, . . . testing, control and eradication measures which it determines are necessary with respect to any dangerous transmissible disease." Section 2325 of the act (relating to use of biologicals, antibiotics, genetic material, chemicals, diagnostic agents and other substances) further defines the Department's authority to prescribe testing techniques and regulate the use of vaccines. Section 2323 of the act (relating to health requirements) sets forth the Department's authority to establish health standards for the importation or intrastate movement of domestic animals in this Commonwealth.

Background

EIA is an infectious disease of equines caused by a virus. The current regulation, in § 3.103 (relating to agar gel immunodiffusion blood test), require equidae imported into this Commonwealth to be negative to an agar gel immunodiffusion blood test (Coggins Test). While the Coggins Test is a proven and effective testing device for EIA, a new and reportedly as effective test has been developed. This new test is an enzyme linked immunosorbent assay test (commonly called the ELISA Test). The ELISA Test is a screening device that recognizes the presence of the virus responsible for EIA. The ELISA Test is widely used to test for the presence of viruses and foreign substances in equidae. It is a scientifically proven and accepted test and is used to screen equidae for EIA in surrounding states. The inability of the Commonwealth to accept the results of ELISA tests has placed it at a great disadvantage with regard to surrounding states. Horse owners who wish to transport their horses into this Commonwealth are required to have a Coggins Test administered and to wait for the results of that test even if they have proof of a negative ELISA Test for EIA. This delay discourages owners from breeding,

raising or carrying on other activities economically beneficial to the Commonwealth and the equine industry in this Commonwealth. Given the fact that the ELISA Test has been shown to be an effective screening device for EIA, additional testing and the delays caused by it are unnecessary to protect the health of the equine population in this Commonwealth and are economically inefficient. Therefore, the Department proposes to amend Chapter 3 (relating to health requirements for importation and intrastate transportation of animals) to allow for the use and acceptance of both the Coggins Test and the ELISA Test. In addition, language will be added to allow the Department more flexibility to respond to continuing advances in science and medical technology.

Brucellosis is an infectious disease of animals and man that can cause premature birthing or miscarriages in animals and undulating or remittent fevers and joint swelling in humans. A recent advance in vaccine technology has rendered the current vaccine—Strain 19 brucella abortus (Strain 19)—prescribed by regulation obsolete and relatively inefficient in the management of this disease. Until recently, Strain 19 vaccine was the standard vaccine used to vaccinate for Brucellosis in the United States. While Strain 19 vaccine has served the domestic animal industry well, it has two disadvantages. Its major disadvantage is causing a significant number of animals to react positively to the standard Brucellosis tests. This disadvantage has limited Strain 19 vaccine's usefulness and has slowed eradication and control efforts. The second disadvantage suffered by Strain 19 vaccine is that it limits the age at which domestic animals can be vaccinated. A newly developed vaccine—Strain RB 51—is now available and approved for use. Strain RB 51 vaccine is reportedly as effective as Strain 19 vaccine and does not cause a reaction, or false positive, with the standard Brucellosis tests. In addition, Strain RB 51 will allow the Department to broaden the age range for vaccination of calves from the current 4 to 8 months of age range to a 4 to 12 months of age range. A prompt and expedited application of this new technology will provide increased protection to this Commonwealth's extensive cattle population and will decrease the costs incurred by the Department to administer additional tests when false positives occur. Therefore, the Department proposes that the use of Strain 19 be discontinued and that Strain RB 51 be used for the routine vaccination of cattle and any other species of domestic animal for which the vaccine is approved. In addition, language will be added to allow the Department more flexibility to respond to continuing advances in science and medical technology.

In the interest of continuing to carry out the policy of the act, to assure the health and welfare of domestic animals and thereby secure the economic well being of the domestic animal industry, the Department proposes to amend §§ 3.103, 7.1, 7.47 and 7.72—7.74 to effectuate the changes previously discussed.

The major features of the proposed amendments are summarized as follows:

Summary of Major Features

Proposed § 3.1 (relating to definitions) adds the definition of "Pennsylvania State Veterinarian" and "Secretary." These terms are recurring terms in this chapter and needed to be defined in order to add clarity.

The proposal to § 3.103 (relating to Agar gel immunodiffusion blood test) changes the heading to read

"Test methods." This section sets forth the acceptable testing techniques and the documentation required for importing equine into this Commonwealth. The amendments to this section allow the Department to accept the results of tests other than the Coggins Test. Specifically, the proposed amendments allow the Department to accept the results of the ELISA Test. In addition, the amendments allow the Secretary to designate other tests as acceptable through publication of an order in the *Pennsylvania Bulletin*. The Department would be required to amend the regulations to bring them into conformity with the order, within 1 year of the effective date of the order. A subsection was added to address the procedures to be followed in case of inconsistent test results.

Proposed § 7.1. (relating to definitions) adds and defines various recurring terms such as "accredited veterinarian," "Pennsylvania State Veterinarian" and "Secretary."

Proposed § 7.47. (relating to herd additions) deletes the provision designating Strain 19 as the official vaccine to be used for Brucellosis vaccinations. In addition, it adds a sentence referencing Subchapter H (relating to vaccination), which designates a new vaccine, Strain RB 51, as the official vaccine to be used for Brucellosis vaccinations.

Proposed § 7.72. (relating to procedure) deletes the sentence in subsection (a) referencing Strain 19 and designates Strain RB 51 vaccine as the only Brucellosis vaccine authorized for use within this Commonwealth. In addition, the proposed amendments allow the Secretary to designate other vaccines as acceptable through publication of an order in the *Pennsylvania Bulletin*. The Department would be required to amend the regulations to bring them into conformity with the order, within 1 year of the effective date of the order. Subsection (b) is retitled and allows Strain 19 to be used with express written permission of the Pennsylvania State Veterinarian. Subsection (c) is retitled and expands the time period for an official vaccination. A subsection (d) was added and requires vaccinations to be administered by an accredited veterinarian. Subsection (e) is added and replaces existing subsection (c). This subsection was amended to allow veterinarians to charge for the cost of the vaccine as well as the cost of their services.

Proposed § 7.73. (relating to identification of calves) amendments to this section change and add to the identification requirements.

Proposed § 7.74. (relating to vaccination report) amendments to this section extend the time period in which reports must be submitted to the Department and reduces the number of copies of vaccination reports that are required to be sent to the Department.

Fiscal Impact

Commonwealth

The proposed amendments will impose minimal costs and have minimal fiscal impact upon the Commonwealth. The Commonwealth will realize a reduction in costs as a result of the use of Strain RB 51 vaccine. Strain 19 vaccine causes a number of cattle to test falsely positive each year. The cost of each false positive test is approximately \$400 for the Commonwealth and \$300 for the producer. These falsely positive tests will not occur in cattle vaccinated with Strain RB 51 vaccine. Savings relative to the ELISA Test are not easily quantified. However, acceptance of the ELISA test will eliminate the cost of performing a Coggins Test on animals which have already been screened for EIA through the use of an ELISA Test. The Department will benefit from not having

to conduct additional testing. In addition, it will result in a decreased regulatory workload, since there will be fewer import violations to investigate and manage.

Political Subdivisions

The proposed amendments will impose no costs and have no fiscal impact upon political subdivisions.

Private Sector

The proposed amendments will impose minimal costs on private sector organizations and individuals. There will not be an increased cost to the regulated community. Cost of vaccinations will be essentially the same. Approximately 30 cattle test falsely positive each year. Each false positive case costs the farmer approximately \$300 in special handling, early culling and reduced value of the animal. These costs will be eliminated with the use of Strain RB 51 vaccine. The proposed amendments will potentially affect approximately 1,800 accredited veterinarians who may be required to vaccinate calves for Brucellosis. However, these veterinarians, the Commonwealth and the industry would eventually be forced to use Strain RB 51 vaccine because the same company makes both the new and old vaccines and Strain 19 vaccine is being phased out of use throughout the United States. Adoption of the ELISA Test will not result in any increased cost. Pleasure horse and racehorse owners and trainers and equine veterinarians will be required to comply. However, the ELISA Test is accepted and used by a majority of states and therefore, the majority of owners, trainers and other persons in the equine industry already use and comply with ELISA testing. There is a potential savings in terms of the elimination of additional testing and reduced turnaround time for test results. In many cases, horse owners have been required to conduct the additional Coggins Test at their expense. Also, there have been instances when horses that were entered in a race were denied entrance to the track because of failure to meet the Commonwealth's rigid and unnecessary EIA requirements. These instances result in lost opportunities to race and to recoup training expenses.

General Public

The proposed amendments will impose no costs and have no fiscal impact on the general public. The farm community and the general public should benefit through reduced costs to the industry and the Commonwealth. The continued use of Strain 19 vaccine would result in continued low, but significant number, of false positive animals, which will continue to be a regulatory burden and expense to the cattle industry and the Department. Strain 19 vaccine can also cause infection in humans and is a health risk that veterinary practitioners have faced over the years. Delay in changing the EIA import requirements will perpetuate the ongoing problem of horses which are entered to race being turned away from the track, and will continue to impose an undue hardship on horse owners and the equine industry in this Commonwealth. The equine industry in this Commonwealth will benefit by coming into conformity with surrounding states with regard to accepted testing and screening techniques. Decreased costs and increased opportunities in both industries will benefit the general public.

Paperwork Requirements

The proposed amendments will not result in an appreciable increase of paperwork. The Department has already developed the appropriate forms and procedures to administer the EIA testing program and the Brucellosis vaccination program. Only small changes will be required.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 31, 2000, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs 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 agency in compliance with Executive Order 1996-1 "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

Contact Person

Further information is available by contacting the Department of Agriculture, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attn: Dr. Phillip Debok (717) 783-8555.

Effective Date

These proposed amendments would become effective upon publication in the *Pennsylvania Bulletin*.

SAMUEL E. HAYES, Jr.,
Secretary

Fiscal Note: 2-128. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART I. BUREAU OF ANIMAL HEALTH AND DIAGNOSTIC SERVICES

CHAPTER 3. HEALTH REQUIREMENTS FOR IMPORTATION AND INTRASTATE TRANSPORTATION OF ANIMALS

Subchapter A. GENERAL PROVISIONS

§ 3.1. Definitions.

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

* * * * *

Pennsylvania State Veterinarian—The Director of the Bureau of Animal Health and Diagnostic Services of the Department.

* * * * *

Secretary—The Secretary of the Department.

* * * * *

Subchapter D. IMPORTATION OF HORSES, MULES, ASSES AND OTHER EQUIDAE
EQUINE INFECTIOUS ANEMIA

§ 3.103. [Agar gel immunodiffusion blood test] Test methods.

(a) **Testing required.** Equidae imported into this Commonwealth for other than immediate slaughter shall be negative to [an] either of the following:

(1) **An official agar gel immunodiffusion blood test** (commonly called [The] the Coggins Test), conducted by a Federally-approved laboratory within 12 months prior to date of entry.

(2) **An enzyme linked immuno sorbent assay test** (commonly called the ELISA Test), conducted by a Federally-approved laboratory within 12 months prior to date of entry.

(b) **Documentation required.** A copy of the official test shall accompany the animal to its final destination.

[(b)] (c) **Inconsistent results.** If an equid receives more than one of the tests described in subsection (a), and one test shows a negative result and another a positive result, the equid may not be imported into this Commonwealth unless permission is granted by the Pennsylvania State Veterinarian.

(d) **Designation of other tests as acceptable.** If the Secretary determines that a test other than the tests described in subsection (a) is adequate to detect equine infectious anemia and is appropriate for use in equidae imported into this Commonwealth, the Secretary may so designate that test by publishing an order to that effect in the *Pennsylvania Bulletin*. The order shall take effect upon publication and the Department will, within 1 year of the effective date of that order, amend this section to bring it into conformity with the published order.

(e) **Exception.** Foals under 6 months of age, accompanied by dam with negative agar gel immunodiffusion test, a negative enzyme linked immunosorbent assay test or some other test approved by the Secretary and published in the *Pennsylvania Bulletin*, do not require a negative test.

CHAPTER 7. BRUCELLOSIS REGULATIONS

Subchapter A. GENERAL PROVISIONS

§ 7.1. Definitions.

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

Accredited veterinarian—A licensed veterinarian jointly accredited by APHIS-USDA and the Department in the state the veterinarian is licensed to perform official duties on behalf of APHIS-USDA or the Department in the state the veterinarian is licensed to practice veterinary medicine. See accreditation standards established by 9 CFR Parts 160 and 161 (relating to definition of terms; and requirements and standards for accredited veterinarians; and suspension or revocation of such accreditation).

* * * * *

Pennsylvania State Veterinarian—The Director of the Bureau of Animal Health and Diagnostic Services of the Department.

* * * * *

Secretary—The Secretary of the Department.

* * * * *

Subchapter E. INDIVIDUAL CERTIFIED BRUCELLOSIS HERD PLAN

§ 7.47. Herd additions.

* * * * *

(c) Animals officially vaccinated [with brucella abortus vaccine, Strain 19] in accordance with Subchapter H (relating to vaccination), and under 18 months of age, may enter a herd without a blood test but shall be accompanied by a health certificate.

Subchapter H. [CALFHOOD] VACCINATION

§ 7.72. Procedure.

(a) [Only accredited veterinarians selected by the owner may vaccinate female calves with Strain 19 brucella abortus vaccine.] *Designation of vaccine.* Strain RB 51 vaccine is hereby designated the only brucellosis vaccine authorized for use within this Commonwealth. If the Secretary determines that some other brucellosis vaccine is appropriate for use in cattle in this Commonwealth, the Secretary may so designate that vaccine by publishing an order to that effect in the *Pennsylvania Bulletin*. The order shall take effect upon publication and the Department will, within 1 year of the effective date of that order, amend this section to bring it into conformity with the published order.

(b) *State veterinarian approval required.* Strain 19 vaccine may only be used with the express written permission of the Pennsylvania State Veterinarian.

[(b)] (c) *Official vaccination.* An official vaccination shall consist of [an approved] Strain RB 51 vaccine administered to female calves from 4 through [8] 12 months of age ([120—269] 120—365 days). A vaccination of cattle over the age of 12 months (365 days) will not be considered an official vaccination unless done with the guidance and express written permission of the Pennsylvania State Veterinarian.

(d) *Veterinarian to administer vaccine.* An official vaccination may only be administered by an accredited veterinarian.

[(c)] (e) *Veterinarian fees.* Accredited veterinarians shall be permitted to charge the herd owner for [the cost of the services] their services and the vaccine.

§ 7.73. Identification of calves.

(a) *Tattoo required.* Veterinarians vaccinating calves shall tattoo [with] in the right ear the letter “R”, followed by a United States Registered V Shield[, including “V,” in the right ear, preceded by the numeral of the quarter of the year and], followed by the last number of the year.

(b) *Official state vaccination tag or official breed registry tattoo required.* An orange official State vaccination tag shall be placed in the right ear. If

the calf has an official breed registry tattoo, an official State vaccination tag is not required.

(c) *Identification on vaccination report.* Calves shall be identified on the vaccination report by [the] date of birth, official [Pennsylvania ear tag in the right ear,] State vaccination tag number and, or when applicable, their breed registration number or registration number of the dam.

§ 7.74. Vaccination report.

Vaccinations shall be reported to the Department within [7] 30 days following vaccination of the calves. The reports shall be made on forms provided by the Department. The original and [two copies] one copy shall be forwarded to the Department, one copy given to the herd owner for [his] the owner’s records and one copy retained by the veterinarian.

[Pa.B. Doc. No. 00-240. Filed for public inspection February 11, 2000, 9:00 a.m.]

[7 PA. CODE CH. 138i]

Farm Safety and Occupational Health Tuition Assistance Program

The Department of Agriculture (Department), under the specific authority conferred by sections 5 and 6 of the Farm Safety and Occupational Health Act (act) (3 P.S. §§ 1905 and 1906), proposes to adopt Chapter 138i (relating to Farm Safety and Occupational Health Tuition Assistance Program (Program)). Section 5 of the act delineates the duties of the Secretary of Agriculture (Secretary) and directs the Secretary to “. . . adopt and promulgate any regulations which may be necessary to implement and administer the act.” Section 6(a) of the act allows the Secretary to establish a grant program to provide tuition assistance to rural emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production to attend farm safety and occupational health training and emergency response programs. Section 6(d) of the act requires the Secretary to adopt and promulgate regulations to govern the awarding of grants under section 6 of the act.

The proposed regulations establish the procedures governing the submission, processing and review of grant applications. In addition, they set forth the documentation required to accompany applications, eligibility criteria, criteria for determining grant amounts and verification, cancellation, notification and reporting requirements.

Background

This Commonwealth’s approximately 51,000 farms are the foundation of a \$35 billion industry, employing over 650,000 workers in farming and related services, food processing and food wholesale and retail sales. The National Safety Council reports agriculture as this Nation’s most hazardous industry with a work death rate 22% higher than the second most hazardous industry, mining and quarrying. Farming accounts for over 80% of agriculture’s injury toll. From 1990 through 1995 at least 249 Commonwealth citizens have lost their life to hazards associated with farming. The victims included 17 infants, toddlers and preschoolers—all under 5 years of age. Another 29 victims were at least 75 years of age. The oldest was 89 years old. In 1994, a Statewide survey

showed one in every ten farm operations in the State had at least one recordable work-related injury. Even more startling was that approximately 5% of those injuries resulted in some type of permanent disability to the victim. The numbers evidence the need for farm safety and occupational health programs. In 1994 alone, there was a total of 5,100 injuries and 250 permanent disability injuries related to farming.

The purpose of the Program is to provide tuition assistance to rural emergency service providers and members of the farm community to assist them and encourage their attendance at farm safety and occupational health programs and seminars intended to facilitate avoidance and elimination of farming hazards. The Program will compliment the Farm Safety and Occupational Health Grant Program, which exists as a statement of policy in Chapter 138g, but will be supplanted by regulations that are currently in the proposal stage and the proposed Farm Safety and Occupational Health Developmental and Instructional Program intended to be established as Chapter 138j.

(Editor's Note: For the text of the proposed rulemaking concerning Chapter 138k (relating to Farm Safety Occupational Health Grant Program) see 30 Pa.B. 781 (February 12, 2000). For the text of the proposed rulemaking concerning Chapter 138j (relating to Farm Safety and Occupational Health Developmental and Instructional Program) see 30 Pa.B. 776 (February 12, 2000).)

In the interest of continuing to carry out its statutory duties and promoting the development and implementation of technical and educational farm safety programs that benefit the farming community, the Department has promulgated this proposed rulemaking. This proposed rulemaking is intended to establish reasonable guidelines, standards, criteria and procedures for the administration and implementation of grants under the Program.

Summary of Major Features

Proposed § 138i.1. (relating to authority) delineates the Secretary's authority to establish the Program and sets forth the Secretary's power and duty to adopt and promulgate regulations to govern the awarding of grants under section 6 of the act.

Proposed § 138i.2. (relating to program objectives) sets forth that the objective of the Program is to provide tuition assistance to rural emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production, to allow them to attend farm safety and occupational health programs and emergency response programs. It stipulates that grants will be awarded on a funds available basis and through a competitive application process.

Proposed § 138i.3. (relating to definitions) defines various recurring terms such as "Board," "farm," "farm laborers," "members of farm families," "project," "rural emergency service provider" and "Secretary."

Proposed § 138i.4. (relating to limitations on grants) defines who is an eligible applicant, describes the proper use of grant funds and sets forth the procedure for substitution of person or project. This section specifically delineates the total dollar amount an eligible applicant may be awarded in tuition assistance. Each applicant may receive up to \$100 in tuition assistance per calendar year. This section also sets forth restrictions on the use of grant funds.

Proposed § 138i.5. (relating to general conditions) provides that a grant recipient will be required to sign the

approved grant application form, which shall then constitute the grant agreement. Additionally, this section sets forth default, verification and failure to verify provisions.

Proposed § 138i.6. (relating to applications generally) provides that an eligible applicant shall submit an application prepared by the Department and provides information regarding how to obtain an application and who to contact for assistance. This section notifies the applicant that additional information may be requested by the Secretary and that the application shall be received prior to the date of the project the applicant wishes to attend.

Proposed § 138i.7. (relating to processing of applications) describes the procedure for processing applications and delineates review and approval powers of the Secretary and the Board. This section sets forth processing requirements for applications which are incomplete or contain inaccurate information.

Proposed § 138i.8. (relating to review of application) delineates the specific information that shall be included in a grant application, defines applicant eligibility criteria and sets forth the factors to be considered by the Secretary in selecting grant recipients.

Proposed § 138i.9. (relating to conflicts of interest) sets forth the legal provisions a Board member shall follow to avoid a conflict of interest, when the Board member or his agent or employe is a grant applicant.

Proposed § 138i.10. (relating to notice of disposition of applications) sets forth the type of notice required and the time periods for notification.

Proposed § 138i.11. (relating to recordkeeping) describes the type of records which shall be kept by the grant recipient and the time period for which those records shall be kept. This section also provides for inspection and audit of those records by the Department.

Proposed § 138i.12. (relating to grant cancellation) provides for the cancellation of a grant when funds have not been spent in accordance with the grant agreement or this chapter or upon failure of the recipient to satisfy the verification requirements of this chapter.

Proposed § 138i.13. (relating to right of recovery) sets forth the Department's right to make a claim for grant money not expended in accordance with the act, the grant agreement or the regulations.

These proposed regulations set forth the basic process by which the Department will exercise its administrative discretion with respect to the expenditure of the funds appropriated to it by the General Assembly for Farm Safety and Occupational Health Programs.

Fiscal Impact

Commonwealth

The proposed regulations will impose minimal costs and have minimal fiscal impact upon the Commonwealth, including projected increases in program costs. The Department has an appropriation for use in developing the various Farm Safety and Occupational Health Grant Programs allowed under section 6 of the act. The Secretary, with the advice of the Board, will determine the amount of funds to allocate to each grant program promulgated under section 6 of the act.

Political Subdivisions

The proposed regulations will impose no costs and have no fiscal impact upon political subdivisions.

Private Sector

The proposed regulations will impose minimal costs on those organizations or individuals who are interested in applying for Program grants. The costs that may be associated with the regulations would involve the time spent to obtain and fill out a grant application. Organizations and individuals receiving grants would benefit by receiving funds to cover tuition costs associated with attending some farm safety and occupational health programs. The private sector may also benefit through the realization of reduced health care and occupational costs resulting from increased attendance at the educational and preventative programs espoused by the act and these proposed regulations.

General Public

The proposed regulations will impose no costs and have no fiscal impact on the general public. The farm community and the general public should benefit through the reduction of health care and occupational costs which are likely to result from increased attendance at educational and preventative programs such as those espoused by the act and these regulations.

Paperwork Requirements

The proposed regulations will not result in an appreciable increase of paperwork. The Department will have to develop a grant application form to administer the Program. However, the administrative provisions of the Program are very similar to the administrative provisions of the Farm Safety and Occupational Program and the Department has already developed a grant application form and grant agreement for use in administering the Farm Safety and Occupational Program and has administered that Program, under Chapter 138g, since 1996.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 31, 2000, the Department submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

Contact Person

Further information is available by contacting the Department of Agriculture, Farm Safety and Occupation Health Grant Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attn: John Tacelosky (717) 772-5217.

Effective Date

These proposed regulations will become effective upon publication as final-form in the *Pennsylvania Bulletin*.

SAMUEL E. HAYES, Jr.,
Secretary

Fiscal Note: 2-123. (1) General Fund; (2) Implementing Year 1999-00 is \$20,000; (3) 1st Succeeding Year 2000-01 is \$20,000; 2nd Succeeding Year 2001-02 is \$20,000; 3rd Succeeding Year 2002-03 is \$20,000; 4th Succeeding Year 2003-04 is \$20,000; 5th Succeeding Year 2004-05 is \$20,000; (4) Fiscal Year 1998-99 \$N/A; Fiscal Year 1997-98 \$N/A; Fiscal Year 1996-97 \$N/A; (7) Farm Safety; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART V-C. FARMLAND AND FOREST LAND

CHAPTER 138i. FARM SAFETY AND OCCUPATIONAL HEALTH TUITION ASSISTANCE PROGRAM

- Sec.
- 138i.1. Authority.
- 138i.2. Program objectives.
- 138i.3. Definitions.
- 138i.4. Limitation on grants.
- 138i.5. General conditions.
- 138i.6. Applications.
- 138i.7. Processing of applications.
- 138i.8. Review of applications.
- 138i.9. Conflict of interest.
- 138i.10. Notice of disposition of application.
- 138i.11. Recordkeeping.
- 138i.12. Grant cancellation.
- 138i.13. Right of recovery.

§ 138i.1. Authority.

The act bestows upon the Secretary the power and duty to "... administer the provisions of this act and . . . adopt and promulgate any regulations which may be necessary to implement and administer this act" (3 P. S. § 1905). In addition, section 6(a) of the act (3 P. S. § 1906(a)) allows the Secretary to establish a grant program to provide tuition assistance to certain individuals and groups to attend farm safety and occupational health training and emergency response programs. Section 6(d) of the act directs the Secretary to adopt and promulgate regulations to govern the awarding of grants under section 6 of the act.

§ 138i.2. Program objectives.

(a) *Purpose.* The purpose of the Program is to provide tuition assistance to rural emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production, to allow them to attend farm safety and occupational health projects and emergency response programs.

(b) *Competitive program.* The Program is competitive. Grant applications and related documents will be collected by the Department and reviewed by the Secretary or a designee. Grants will be awarded annually.

(c) *Funds available basis.* Grants will not be awarded unless funds are available.

§ 138i.3. Definitions.

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

Act—The Farm Safety and Occupational Health Act (3 P. S. §§ 1901—1915).

Agricultural production—The production for commercial purposes of crops, livestock and livestock products. The term includes the processing or retail marketing of these crops, livestock or livestock products if more than 50% of the processed or merchandised products are produced by the farmer.

Board—The Farm Safety and Occupational Health Advisory Board.

Department—The Department of Agriculture of the Commonwealth.

Farm—Land in this Commonwealth which is being used for agricultural production, including all farm structures, buildings, facilities and farm family residences situated on the land.

Farmer—A person who is engaged in agricultural production for commercial purposes.

Farm laborer—An individual employed by a farmer in raising, cultivating, fertilizing, seeding, planting, pruning, harvesting, gathering, washing, sorting, weighing or handling, drying, packing, packaging, grading, storing or delivering to market in its unmanufactured state, an agricultural commodity as defined in 3 Pa.C.S. Chapter 45 (relating to Agricultural Commodities Marketing) or a farm product as defined in 1 Pa.C.S. § 1991 (relating to definitions).

Members of farm families—Any son, daughter or spouse of a farmer or any lineal relation of the farmer who works on the farm or any collateral relation of the first degree who works on the farm.

Person—An individual, partnership, corporation, association or other form of business enterprise.

Program—The Farm Safety and Occupational Health Tuition Assistance Program.

Project—Any course, training, program, activity or event pertaining to farm safety and occupational health or emergency response programs.

Rural emergency services providers—An employe, agent member or officer of a paid or volunteer fire company, ambulance service or rescue squad located in or servicing a rural area of this Commonwealth which is regularly engaged in providing emergency medical care and transportation, fire protection services or rescue services.

Secretary—The Secretary of Agriculture of the Commonwealth.

Volunteer ambulance services—A nonprofit chartered corporation, association or organization located in this Commonwealth and which is regularly engaged in the services of providing emergency medical care and transportation of patients.

Volunteer fire company—A nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection services and other voluntary emergency services within this Commonwealth.

Volunteer rescue squad—A nonprofit chartered corporation, association or organization located in this Commonwealth which provides rescue services within this Commonwealth.

§ 138i.4. Limitation on grants.

(a) *Tuition assistance.* The Program will award grants to provide tuition assistance to approved applicants under this chapter. The Program will provide grants of up to \$100 per calendar year to an approved applicant.

(b) *Eligible applicants.* An eligible applicant may apply for more than one Program grant per year. However, an eligible applicant may not be awarded more than \$100 in tuition assistance grants in any calendar year.

(c) *Recipient's use of Program grant funds.* A recipient of a Program grant may only use the funds to cover or supplement the cost of tuition for the specific project delineated in the recipient's grant application.

(d) *Substitution of person.* Once an applicant has been approved to receive tuition reimbursement for a specific project, no other person or project may be substituted. Any change in person or project shall require submission and review of a new application.

(e) *Eligible courses, programs, training, activities or events.* Program grants may be awarded to cover or supplement tuition for the types of projects delineated in section 4(b) of the act (3 P. S. § 1904(b)).

(f) *Additional limitations.*

(1) Program grant funds may only be used to provide tuition assistance for farm safety and occupational health projects or emergency response programs administered within the geographic boundaries of this Commonwealth.

(2) Program grant funds may not be used to cover the cost of travel, lodging or any other expenses incurred by the grant recipient other than the cost of tuition.

(3) Program grant funds may not be used for or applied to any training, programs, activities, certification or licensing requirement or events pertaining to the Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.21—111.60) or Chapters 128 and 128a (relating to pesticides; and chemsweep pesticide disposal program—statement of policy).

(4) Program grant funds shall be awarded to reimburse the tuition expenses of an approved applicant who submits the documentation required by this chapter.

§ 138i.5. General conditions.

(a) *Grant agreement.* The approved, signed application for a Program grant shall constitute the grant agreement. The recipient of a Program grant shall sign the application which shall set forth the amount of the grant and other terms and conditions as the Department may reasonably require. Upon completion of all the terms of the agreement, a reimbursement check will be issued in the name of the recipient and mailed to the address indicated on the recipient's approved and signed application.

(b) *Default.* Any recipient of a Program grant who fails to abide by the terms of the grant agreement or the provisions of the act or this chapter shall be in default. The Secretary may waive a default after consultation with the Board in the event of a physical disability suffered by the recipient or as a result of other extenuating circumstances.

(c) *Verification.* To receive a Program reimbursement payment, a recipient shall, within 2 weeks of the completion of the specific project delineated in the recipient's grant application, submit to the Department a final report which includes a written receipt evidencing the cost of tuition and records or any other pertinent documentation evidencing the grant recipient's attendance and the program agenda. At the same time, the applicant shall also submit a narrative report of at least one page but not more than two pages, describing the effectiveness of the project and the experience gained and personal knowledge acquired.

(d) *Failure to verify.* If the required receipts, records and documentation are not submitted within the 2 week period, the Program grant recipient shall be deemed to have defaulted. The Secretary may direct that no Program grant funds be paid to the defaulting recipient. The Secretary may extend the verification deadline if the Secretary determines the grant recipient has made a reasonable effort to verify, but the verification was incomplete, or for extenuating circumstances.

§ 138i.6. Applications.

(a) *Application required.* An interested rural emergency service provider, farmer, member of a farm family, farm laborer or anyone else involved in agricultural production within this Commonwealth, may submit a grant application to the Department.

(b) *Obtaining an application and assistance.* An application for a grant under this chapter shall be made on a form prepared by the Department. For applications and for assistance, contact the Farm Safety and Occupational Health Grant Program, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110.

(c) *Additional information.* The Secretary or a designee may require an applicant to submit additional documentation to complete, verify or clarify the application.

(d) *Application deadline.* Applications for grants under this chapter shall be received by the Department prior to the date of the project the applicant wishes to attend.

§ 138i.7. Processing of applications.

(a) *Review by the Secretary.* Upon receipt of an application for a Program grant and the required supporting documentation, the Secretary or a designee will review this information for completeness and accuracy. The Secretary or a designee has the power to approve, approve with special conditions or reject applications and issue grants in accordance with the general considerations and criteria of the act and this chapter. If the Secretary or a designee determines the application is incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is requested, processing of the application will cease until the applicant supplies the requested data. The Secretary or a designee will terminate the processing of an incomplete application when the additional data requested is not supplied within 10 days of the request for such data. The Secretary or a designee may exercise judgement in approving applications and in determining the distribution of grants so that the widest possible audience becomes acquainted with farm safety and occupational health practices and techniques espoused by the act and this chapter. The Secretary or a designee may impose restrictions or special conditions upon the issuance of a grant.

(b) *Board.* The Board shall recommend program priorities to the Secretary. Additionally, the Board shall recommend the amount of funds to be allocated for Program grants.

§ 138i.8. Review of applications.

(a) *Evaluation.* The Secretary or a designee will evaluate an application based on the applicant eligibility and grant application requirements, as well as the factors in the act and this chapter.

(b) *Applicant eligibility.* To be eligible for a Program grant, the applicant shall be a rural emergency service provider, farmer, member of a farm family or farm laborer or be otherwise involved in agricultural production. An

emergency service provider shall submit an application for each individual member for which it wishes to receive a Program grant. Each member for which it receives a Program grant shall comply with the criteria established by the act and this chapter, including the verification criteria.

(c) *Grant application requirements.* An application for a Program grant will not be considered by the Secretary or a designee unless the following items are attached:

(1) A detailed description of the farm safety project to be attended by the applicant, including documentation delineating the focus of the project.

(2) A reasonable and accurate statement of the estimated or actual cost of tuition.

(3) Information regarding the skills, knowledge or experience to be gained from the project.

(4) Documentation regarding the name and location of the person administering the project.

(d) *Factors.* Factors to be considered by the Secretary or a designee in selecting grant recipients include the following:

(1) The relevance of the project to farm safety or rural health issues.

(2) The innovativeness of the project.

(3) The effect the project will have on hazard elimination.

(4) The scope of the project and how it relates to program components delineated in section 4(b) of the act (3 P. S. § 1904(b)).

(5) The number and type of people or groups who will be affected by the project as described in the application.

(6) The impact upon and the value and benefits to the agricultural community of the project described in the application.

(7) The continual and progressive nature of the project and the benefits and knowledge gained therefrom.

(8) The value to those who work directly with farm accident victims.

(9) Whether the applicant has been the recipient of a Program grant within the same year.

(10) The availability of funding to the applicant from a source other than the Program.

(11) The priorities as the Secretary, in consultation with the Board, set in accordance with section 4(c) of the act.

§ 138i.9. Conflict of interest.

A member of the Board may apply for a grant if all decisions regarding the grant application are subject to 65 Pa.C.S. § 1103(j) (relating to restricted activities) and the action does not violate the State Adverse Interest Act (71 P. S. §§ 776.1—776.9) or 4 Pa. Code Chapter 7, Subchapter K (relating to code of conduct for appointed officials and State employees).

§ 138i.10. Notice of disposition of application.

(a) *Applications deemed complete.* The Secretary will notify grant applicants within 30 days of receipt of their completed grant application of a decision to approve, approve with special conditions or reject the grant. This notice will be sent by regular mail to the address indicated by the applicant on the grant application.

(b) *Applications deemed incomplete.* Within 30 days of receipt of a grant application, the Secretary or a designee will notify the applicant of a decision to reject the grant application or notify the applicant of a deficiency in the grant application and request additional data. If additional data is requested, notification shall be in writing and detail the additional data needed. The Secretary will follow the action prescribed in § 138i.7(a) (relating to processing of applications).

§ 138i.11. Recordkeeping.

A Program grant recipient shall maintain all receipts, supporting documents, final reports and other documents pertaining to the project and the Program grant. These records shall be retained for 1 year beginning at the conclusion of the project. The records shall be made available to the Department upon request.

§ 138i.12. Grant cancellation.

A Program grant may be canceled by the Secretary upon a determination that the funds were not properly used, or upon failure of the recipient to satisfy the verification requirements of this chapter.

§ 138i.13. Right of recovery.

The Department has the right to make a claim for and receive from the grant recipient moneys not expended in accordance with the act, the grant agreement of this chapter.

[Pa.B. Doc. No. 00-241. Filed for public inspection February 11, 2000, 9:00 a.m.]

[7 PA. CODE CH. 138j]

Farm Safety and Occupational Health Developmental and Instructional Program

The Department of Agriculture (Department), under the specific authority conferred by sections 5 and 6 of the Farm Safety and Occupational Health Act (act) (3 P. S. §§ 1905 and 1906) proposes to adopt Chapter 138j (relating to Farm Safety and Occupational Health Developmental and Instructional Program) (Program). Section 5 of the act delineates the duties of the Secretary of Agriculture (Secretary) and directs the Secretary to "... adopt and promulgate any regulations which may be necessary to implement and administer the act." Section 6(c)(1) of the act allows the Secretary to establish a grant program for the purpose of awarding grants to the Pennsylvania Fire Academy, public and private colleges and universities, community colleges and vocational and technical schools which provide technical courses of instruction in farm safety and occupational health to emergency service providers and the farm community or which develop farm safety and occupational health training programs for implementation by the Department. Section 6(d) of the act requires the Secretary to adopt and promulgate regulations to govern the awarding of grants under section 6 of the act.

The proposed regulations establish the procedures governing the submission, processing and review of grant applications. In addition, this proposed chapter sets forth the documentation required to accompany the applications, eligibility criteria, criteria for determining grant amounts and verification, cancellation, notification and reporting requirements.

Background

This Commonwealth's approximately 51,000 farms are the foundation of a \$35 billion industry, employing over 650,000 workers in farming and related services, food processing and food wholesale and retail sales. The National Safety Council reports agriculture as this Nation's most hazardous industry with a work death rate 22% higher than the second most hazardous industry, mining and quarrying. Farming accounts for over 80% of agriculture's injury toll. From 1990 through 1995, at least 249 Commonwealth citizens have lost their lives to hazards associated with farming. The victims included 17 infants, toddlers and preschoolers—all under 5 years of age. Another 29 victims were at least 75 years of age. The oldest was 89 years of age. In 1994, a Statewide survey showed one in every ten farm operations in the State had at least one recordable work-related injury. Even more startling was that approximately 5% of those injuries resulted in some type of permanent disability to the victim. The numbers evidence the need for farm safety and occupational health programs. In 1994 alone, there was a total of 5,100 injuries and 250 permanent disability injuries related to farming.

The act bestows upon the Secretary the authority to establish a grant program to provide grants of up to \$30,000 to organizations, colleges, universities and vocational and technical schools which provide technical courses in farm safety and occupational health. The purpose of this Program is to provide funding for technical and educational programs, directed toward the farm community, which will increase awareness of potential farm hazards and provide information and technical support intended to facilitate avoidance and elimination of these hazards. This Program will compliment the Farm Safety and Occupational Health Grant Program, which exists as a statement of policy in Chapter 138g, but will be supplanted by regulations that are currently in the proposal stage. (*Editor's Note:* For text of the proposed rulemaking concerning Chapter 138k (relating to Farm Safety and Occupational Health Grant Program, see 30 Pa.B. 781 (February 12, 2000).)

Therefore, in the interest of continuing to carry out its statutory duties and promoting the development and implementation of technical and educational farm safety programs that benefit the farming community, the Department has promulgated this proposed rulemaking. This proposed rulemaking is intended to establish reasonable guidelines, standards, criteria and procedures for the administration and implementation of grants under the Program.

Summary of Major Features

Proposed § 138j.1 (relating to authority) delineates the Secretary's authority to establish this Program and sets forth the Secretary's power and duty to adopt and promulgate regulations to govern the awarding of grants under section 6 of the act.

Proposed § 138j.2 (relating to program objectives) sets forth that the objective of this grant Program is to fund the development and implementation of programs which will increase the awareness of farm safety and occupational health issues among the farm community. The awarding of the grant moneys are on a funds available basis and through a competitive application process.

Proposed § 138j.3 (relating to definitions) defines various recurring terms such as "farm," "farm laborers," "members of farm families," "emergency service provider" and "project."

Proposed § 138j.4 (relating to limitations on grants) describes the type of organization and project which is eligible for a grant award. This section specifically delineates that eligible applicants may be awarded financial assistance in amounts of up to \$30,000. This section also sets forth restrictions on the use of grant funds.

Proposed § 138j.5 (relating to general conditions) provides that a grant recipient is required to sign a grant agreement and sets forth default, verification and failure to verify provisions.

Proposed § 138j.6 (relating to applications generally) provides that an eligible applicant shall submit an application prepared by the Department and provides information regarding how to obtain an application and who to contact for assistance. This section notifies the applicant that additional information may be requested by the Secretary and that the application deadline will be October 31, of the year preceding the fiscal year in which the grant funds are sought.

Proposed § 138j.7 (relating to processing of applications) describes the procedure for processing applications and delineates review and approval powers of the Secretary and the Board. This section sets forth processing requirements for applications which are incomplete or contain inaccurate information.

Proposed § 138j.8 (relating to review of application) delineates the specific information that must be included in a grant application, defines applicant eligibility requirements and sets forth the factors to be considered by the Secretary in selecting grant recipients.

Proposed § 138j.9 (relating to conflicts of interest) sets forth the legal provisions a Board member shall follow to avoid a conflict of interest, when the Board member or his agent or employe is a grant applicant.

Proposed § 138j.10 (relating to notice of disposition of applications) sets forth type of notice required and the time periods for notification.

Proposed § 138j.11 (relating to recordkeeping) describes the type of records which shall be kept by the grant recipient and the time period for which those records shall be kept. This section also provides for inspection and audit of those records by the Department.

Proposed § 138j.12 (relating to grant cancellation) provides for the cancellation of a grant when funds are not being or have not been spent in accordance with the grant agreement or these regulations.

Proposed § 138j.13 (relating to right of recovery) sets forth the Department's right to make a claim for grant money not expended in accordance with the act, the grant agreement or the regulations.

Proposed § 138j.14 (relating to deficits) provides that the Department's financial obligation is limited to the amount of the grant.

These proposed regulations set forth the basic process by which the Department may exercise its administrative discretion with respect to the expenditure of the funds appropriated to it by the General Assembly for Farm Safety and Occupational Health Programs.

Fiscal Impact

Commonwealth

The proposed regulations will impose minimal costs and have minimal fiscal impact upon the Commonwealth, including projected increases in program costs. The Department has an appropriation for use in developing the

various farm safety and occupational health grant programs allowed under section 6 of the act. The Secretary with the advice of the Board will determine the amount of funds to allocate to each grant program promulgated under section 6 of the act.

Political Subdivisions

The proposed regulations will impose no costs and have no fiscal impact upon political subdivisions.

Private Sector

The proposed regulations will impose minimal costs on those organizations who are interested in applying for grant moneys. The costs which may be associated with the regulations would involve the time spent to obtain and fill out a grant application. Organizations receiving grants would benefit by receiving funds to cover all or part of the costs associated with developing or developing and implementing the projects set forth in their grant application. The private sector will also benefit through the realization of reduced health care and occupational costs associated with educational and preventative programs such as those espoused by the act and these proposed regulations.

General Public

The proposed regulations will impose no costs and have no fiscal impact on the general public. The farm community and the general public should benefit through the reduction of health care and occupational costs which are likely to be associated with educational and preventative programs such as those espoused by the act and these proposed regulations.

Paperwork Requirements

The proposed regulations will not result in an appreciable increase of paperwork. The Department will have to develop a grant application form and a grant agreement to administer the Program. However, the administrative provisions of the Program are very similar to the administrative provisions of the Farm Safety and Occupational Health Grant Program and the Department has already developed a grant application form and grant agreement for use in administering the Farm Safety and Occupational Health Grant Program and has administered that program, under Chapter 138g, since 1996.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 31, 2000, the Department submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1 (Regulatory Review and Promulgation). A copy of this material is available to the public upon request.

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

Contact Person

Further information is available by contacting the Department of Agriculture, Farm Safety and Occupation Health Grant Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attn: John Tancelosky (717) 772-5217.

Effective Date

These proposed regulations will be effective upon final publication in the *Pennsylvania Bulletin*.

SAMUEL E. HAYES, Jr.,
Secretary

Fiscal Note: 2-122. (1) General Fund; (2) Implementing Year 1999-00 is \$40,000; (3) 1st Succeeding Year 2000-01 is \$40,000; 2nd Succeeding Year 2001-02 is \$40,000; 3rd Succeeding Year 2002-03 is \$40,000; 4th Succeeding Year 2003-04 is \$40,000; 5th Succeeding Year 2004-05 is \$40,000; (4) Fiscal Year 1998-99 \$N/A; Fiscal Year 1997-98 \$N/A; Fiscal Year 1996-97 \$N/A; (7) Farm Safety; (8) recommends adoption.

Annex A**TITLE 7. AGRICULTURE****PART V-C. FARMLAND AND FOREST LAND****CHAPTER 138j. FARM SAFETY AND OCCUPATIONAL HEALTH DEVELOPMENTAL AND INSTRUCTIONAL PROGRAM GRANTS**

Sec.	
138j.1.	Authority.
138j.2.	Program objectives.
138j.3.	Definitions.
138j.4.	Limitation on grants.
138j.5.	General conditions.
138j.6.	Applications.
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138j.8.	Notice of disposition of application.
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138j.11.	Recordkeeping.
138j.12.	Grant cancellation.
138j.13.	Right of recovery.
138j.14.	Deficits.

§ 138j.1. Authority.

The act bestows upon the Secretary of Agriculture of the Commonwealth, the power and duty to "... administer the provisions of this act and ... adopt and promulgate any regulations which may be necessary to implement and administer this act" (3 P.S. § 1905). In addition, section 6(c)(1) of the act (3 P.S. § 1906(c)(1)) allows the Secretary to establish a grant program to provide financial assistance to certain groups, academies, institutions, colleges and schools which implement or develop farm safety projects that comply with the criteria delineated in the act. Section 6(d) of the act directs the Secretary to adopt and promulgate regulations to govern the awarding of grants.

§ 138j.2. Program objectives.

(a) *Purpose.* The purpose of the Program is to provide financial assistance to the Pennsylvania Fire Academy, public or private colleges or universities, community colleges, or vocational or technical schools within this Commonwealth, that provide technical courses of instruction in farm safety and occupational health to emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production or which develop farm safety and occupational health training programs for implementation by the Department.

(b) *Competitive program.* The Program is competitive. Grant applications and related documents will be col-

lected by the Department and reviewed by the Secretary or a designee. Grants will be awarded annually.

(c) *Funds available basis.* Grants will not be awarded unless funds are available.

§ 138j.3. Definitions.

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

Act—The Farm Safety and Occupational Health Act (3 P.S. §§ 1901—1915).

Agricultural production—The production for commercial purposes of crops, livestock and livestock products. The term includes the processing or retail marketing of the crops, livestock or livestock products if more than 50% of the processed or merchandised products are produced by the farmer.

Board—The Farm Safety and Occupational Health Advisory Board.

Department—The Department of Agriculture of the Commonwealth.

Emergency service provider—An employe, agent, member or officer of a paid or volunteer fire company, ambulance service or rescue squad located in this Commonwealth which is regularly engaged in providing emergency medical care and transportation, fire protection services or rescue services.

Farm—Land in this Commonwealth which is being used for agricultural production, including all farm structures, buildings, facilities and farm family residences situated on the land.

Farmer—A person who is engaged in agricultural production for commercial purposes.

Farm laborers—An individual employed by a farmer in raising, cultivating, fertilizing, seeding, planting, pruning, harvesting, gathering, washing, sorting, weighing or handling, drying, packing, packaging, grading, storing or delivering to market in its unmanufactured state, any agricultural commodity as defined in 3 Pa.C.S. Chapter 45 (relating to Agricultural Commodities Marketing) or any farm product as defined in 1 Pa.C.S. § 1991 (relating to definitions).

Members of farm families—Any son, daughter or spouse of a farmer or any lineal relation of the farmer who works on the farm or any collateral relation of the first degree who works on the farm.

Person—An individual, partnership, corporation, association or other form of business enterprise.

Program—The Farm Safety and Occupational Health Developmental and Instructional Program.

Project—A course, training, program, activity or event or the development of such, pertaining to farm safety and occupational health programs delineated in the act and this chapter.

Secretary—The Secretary of Agriculture of the Commonwealth.

Volunteer ambulance services—A nonprofit chartered corporation, association or organization located in this Commonwealth and which is regularly engaged in the services of providing emergency medical care and transportation of patients.

Volunteer fire company—A nonprofit chartered corporation, association or organization located in this Common-

wealth which provides fire protection services and other voluntary emergency services within this Commonwealth.

Volunteer rescue squad—A nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection services and other voluntary emergency services within this Commonwealth.

§ 138j.4. Limitation on grants.

(a) *Financial assistance.* The Program will award grants to provide financial assistance of up to \$30,000 to the Pennsylvania Fire Academy, public or private colleges or universities, community colleges, or vocational or technical schools within this Commonwealth, that provide technical courses of instruction in farm safety and occupational health to emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production, or which develop farm safety and occupational health training programs for implementation by the Department.

(b) *Eligible applicants.* Eligible applicants may apply for more than one Program grant per year. However, an eligible applicant may not be awarded more than \$30,000 dollars in Program grants in any fiscal year.

(c) *Recipient's use of FSDIP grant funds.* A recipient of a Program grant may only use the funds to cover the costs of the specific project delineated in the recipient's approved grant application and signed grant agreement.

(d) *Eligible projects.* Program grants may be awarded to provide financial assistance for implementation or development of the types of projects in section 4(b) of the act (3 P. S. § 1904(b)) and in this chapter.

(e) *Additional limitations.*

(1) Program grant funds may only be used to provide financial assistance for projects administered within the geographic boundaries of this Commonwealth.

(2) Program grant funds may not be used for or applied to any training, programs, activities, certification or licensing requirements or events pertaining to the Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.21—111.60) or its attendant regulations. See Chapters 128 and 128a (relating to pesticides; and chemsweep pesticide disposal program—statement of policy).

§ 138j.5. General conditions.

(a) *Grant agreement.* The recipient of a Program grant shall sign a grant agreement setting forth the amount of the grant and other terms and conditions the Department may reasonably require.

(b) *Default.* A recipient of a Program grant who fails to abide by the terms of the grant agreement or the act or this chapter shall be in default. In the event of a default, the Secretary may cancel the grant and seek recovery of the grant funds as set forth in § 138j.13 (relating to right of recovery). The Secretary may waive a default, after consultation with the Board, in the event of a physical disability suffered by the recipient or as a result of other extenuating circumstances.

(c) *Verification.* Within 3 months of the project completion date specified in the grant agreement, the recipient shall submit to the Department a final report which shall include written receipts, records and other pertinent documentation evidencing the project's costs. In addition, a grant recipient shall submit to the Department a final report including pertinent documentation and a narrative report describing the project objectives and accomplishments.

(d) *Failure to verify.* If the required receipts, records and documentation are not submitted within the 3 month period or a portion of the grant proceeds are not accounted for, the Secretary or a designee may demand the recipient repay the entire amount of the grant or a lesser amount. The demand will be made in writing and delineate the deficiencies in the verification documents. The recipient shall have 30 days, from the receipt of written notice, to remedy the stated deficiencies or payment shall be due within 60 days of the written demand.

§ 138j.6. Applications.

(a) *Eligible applicants.* The Pennsylvania Fire Academy or an interested public or private college or university, a community college, or a vocational or technical school within this Commonwealth may submit a grant application to the Department.

(b) *Obtaining an application and assistance.* An application for a grant under this chapter shall be made on a form prepared by the Department. For applications and for assistance, contact the Farm Safety and Occupational Health Grant Program, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110.

(c) *Additional information.* The Secretary or a designee may require an applicant to submit additional documentation to complete, verify or clarify the application.

(d) *Application deadline.* Applications for grants under this chapter shall be submitted to the Department by October 31 of each year.

§ 138j.7. Processing of applications.

(a) *Review by the Secretary.* Upon receipt of an application for a Program grant and the required supporting documentation, the Secretary or a designee will review this information for completeness and accuracy. The Secretary or a designee has the power to approve, approve with special conditions or reject applications and issue grants in accordance with the general considerations and criteria of the act and this chapter. If the Secretary or a designee determines the application is incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is requested, processing of the application will cease until the applicant supplies the requested data. The Secretary or a designee will terminate the processing of an incomplete application when the additional data requested is not supplied within 10 days of the request for the data.

(b) *Approval power.* The Secretary or a designee may exercise his judgement in approving applications and in determining the distribution of grants so that the widest possible audience becomes acquainted with farm safety and occupational health practices and techniques espoused by the act and this chapter. The Secretary or a designee may impose restrictions or special conditions upon the issuance of a grant.

(c) *Board.* The Board shall recommend program priorities to the Secretary. Additionally, the Board shall recommend the amount of funds to be allocated for Program grants.

§ 138j.8. Notice of disposition of application.

(a) *Applications deemed complete.* The Secretary will notify grant applicants within 30 days of receipt of their completed grant application of a decision to approve, approve with special conditions or reject the grant. This notice will be sent by regular mail to the address indicated by the applicant on the grant application.

Recipients will receive a grant agreement which shall be executed by the recipient and the Department prior to the release of funds.

(b) *Applications deemed incomplete.* Within 30 days of receipt of a grant application, the Secretary or a designee will notify the applicant of a decision to reject the grant application or notify the applicant of a deficiency in the grant application and request additional data. If additional data is requested, notification shall be in writing and detail the additional data needed. The Secretary will follow the action prescribed in § 138i.7(a) (relating to processing of applications).

§ 138j.9. Review of applications.

(a) *Evaluation.* The Secretary or a designee will evaluate an application based on the applicant's eligibility and grant application requirements, as well as the factors set forth in the act and this chapter.

(b) *Eligible applicants.* To be eligible for a Program grant, the applicant shall provide technical courses of instruction in farm safety and occupational health to emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production or the applicant shall develop a farm safety and occupational health training program for implementation by the Department. Only the following groups, organizations and institutions are eligible to apply for a Program grant:

- (1) The Pennsylvania Fire Academy.
- (2) A public or private college or university.
- (3) A community college.
- (4) A vocational or technical school.

(c) *Grant application requirements.* An application for a Program grant will not be considered by the Secretary or a designee unless the following items are attached:

(1) A detailed description of the project, including objectives and goals to be funded by the grant.

(2) A reasonable and accurate statement of the estimated cost of the project. The statement shall include a separate breakdown of the personnel portion of the costs, the materials portion of the costs and any other necessary or anticipated costs associated with the project. The applicant shall provide any documentation or financial statements available to support the estimated project costs.

(3) A statement regarding the amount of tuition to be charged for the courses.

(4) Information regarding the breadth of the project, including the individuals or groups to be served by the project and the geographic area to be served by the project.

(5) Information regarding the skills, knowledge or experience to be gained from the project.

(6) Documentation regarding the name and location of the applicant administering the project.

(7) A copy of the official organization board minutes when action was taken on the project or a signed statement attesting to the applicant's commitment to the project.

(8) A biographical sketch of the primary persons involved in the project which indicates skills, knowledge, training and prior experience of the persons developing or administering, or both, the project.

(d) *Factors.* Factors to be considered by the Secretary or a designee in selecting grant recipients include the following:

(1) The relevance of the project to farm safety or rural health issues.

(2) The innovativeness of the project.

(3) The effect the project will have on hazard elimination.

(4) The scope and duration of the project and how it relates to program components in section 4(b) of the act (3 P. S. § 1904(b)).

(5) The number and type of people or groups who will be affected by the project. A project which involves a wide range of age groups, encourages cooperation between existing community groups and organizations and provides incentives for new groups or organizations to become involved in farm safety and occupational health programs and training will be given priority.

(6) The impact of and the value and benefits bestowed upon the agricultural community by the project.

(7) The continual and progressive nature of the project and the benefits and knowledge to be gained therefrom.

(8) The value to the emergency providers.

(9) Whether the applicant has been the recipient of a Program grant within the same year.

(10) The availability of funding to the applicant from a source other than the Program.

(11) The amount of tuition the applicant intends to charge for the courses.

(12) The priorities as the Secretary, in consultation with the Board, set in accordance with section 4(c) of the act.

§ 138j.10. Conflict of interest.

A member of the Board may apply for a grant provided all decisions regarding the grant application are subject to 65 Pa.C.S. § 1103(j) (relating to restricted activities) and the action does not violate the State Adverse Interest Act (71 P. S. §§ 776.1—776.9), or 4 Pa. Code Chapter 7, Subchapter K (relating to code of conduct for appointed officials and state employees).

§ 138j.11. Recordkeeping.

A Program grant recipient shall maintain all books, records, receipts, supporting documents, financial statements, final reports and other documents pertaining to the project, the project costs and the Program grant. These records shall be retained for 3 years beginning at the end of the grant year. The books, records, receipts, supporting documents, financial statements, final reports and other documents shall be maintained according to generally accepted accounting principles. The records shall be made available to the Department or its agent upon request.

§ 138j.12. Grant cancellation.

A Program grant may be canceled by the Secretary upon a determination that the funds are not being or were not properly used. Upon cancellation, the Secretary may seek recovery of the grant funds as delineated in § 138j.13 (relating to right of recovery).

§ 138j.13. Right of recovery.

The Department has the right to make a claim for and receive from the grant recipient money not expended in accordance with the act, the grant agreement or this

chapter, and may demand the return of the grant sum, or a portion thereof, plus legal interest thereon.

§ 138j.14. Deficits.

The Department's financial obligation is limited to the amount of the grant. The Department is not responsible for funding any cost overruns incurred by the grant recipient.

[Pa.B. Doc. No. 00-242. Filed for public inspection February 11, 2000, 9:00 a.m.]

[7 PA. CODE CH. 138k]

Farm Safety and Occupational Health Grant Program

The Department of Agriculture (Department), under the specific authority conferred by sections 5 and 6 of the Farm Safety and Occupational Health Act (act) (3 P. S. §§ 1905 and 1906) proposes to adopt Chapter 138k (relating to Farm Safety and Occupational Health Grant Program). Section 5 of the act delineates the duties of the Secretary of Agriculture (Secretary) and directs the Secretary to "... adopt and promulgate any regulations which may be necessary to implement and administer the act." Section 6(c)(2) of the act allows the Secretary to establish a grant program for the purpose of awarding grants to Statewide farm organizations and volunteer fire companies, ambulance services and rescue squads for providing farm safety, occupational health and emergency response programs. Section 6(d) of the act requires the Secretary to adopt and promulgate regulations to govern the awarding of grants under section 6 of the act.

The proposed regulations establish the procedures governing the submission, processing and review of grant applications. In addition, it sets forth the documentation required to accompany the applications, eligibility criteria, criteria for determining grant amounts and notification and reporting requirements.

Background

The Commonwealth's approximately 51,000 farms are the foundation of a \$35 billion industry, employing over 650,000 workers in farming and related services, food processing and food wholesale and retail sales. The National Safety Council reports agriculture as this Nation's most hazardous industry with a work death rate 22% higher than the second most hazardous industry, mining and quarrying. Farming accounts for over 80% of agriculture's injury toll. From 1990 through 1995, at least 249 Commonwealth citizens have lost their life to hazards associated with farming. The victims included 17 infants, toddlers and preschoolers—all under 5 years of age. Another 29 victims were at least 75 years of age. The oldest was 89 years of age. In 1994, a Statewide survey showed one in every ten farm operations in the State had at least one recordable work-related injury. Even more startling was that approximately 5% of those injuries resulted in some type of permanent disability to the victim. The numbers evidence the need for farm safety and occupational health programs. In 1994 alone, there was a total of 5,100 injuries and 250 permanent disability injuries related to farming.

The Farm Safety and Occupational Health (FSOH) Program was first developed and implemented by the Department in 1996. The Department administered the Program under a statement of policy in Chapter 138g,

authorized under section 13 of the act (3 P. S. § 1913). The Program has proven to be an effective program.

The core concept of the FSOH Program was to provide the maximum educational outreach to the farm community, as well as, quick medical responses to farm emergencies at the minimum costs. The FSOH Program has been successful in providing educational and technical assistance to the agriculture community and in disseminating information regarding best management farm safety practices to those engaged in production agriculture. As such, the FSOH Program has become a very important component in assuring the success of the act.

Therefore, in the interest of continuing to carry out its statutory duties and promoting the development and implementation of best management farm safety practices and quick medical responses to farm emergencies, the Department has promulgated these proposed regulations. These regulations are intended to establish reasonable guidelines, standards, criteria and procedures for the continued administration and implementation of the FSOH Program. Given the success of the FSOH Program to date, the language of the proposed regulations is virtually unchanged from that of the statement of policy in Chapter 138g.

The only changes appear in §§ 138k.5 and 138k.6(a)(3) and (b)(11) (relating to application deadline; and review of application). The changes require applications to be submitted by October 31 of the year preceding the fiscal year in which grant funds are sought and require an applicant to disclose the amount of tuition it intends to charge for courses which would be administered under the programs delineated in the grant application.

Summary of Major Features

Proposed § 138k.1 (relating to program objectives) sets forth that the objective of the grant program is to fund projects which will increase the awareness of farm safety and occupational health issues and other issues specific to emergency response programs. The awarding of the grant moneys are on a funds available basis and through a competitive application process.

Proposed § 138k.2 (relating to definitions) defines various recurring terms such as "Statewide farm organizations," "volunteer fire company," "volunteer ambulance services" and "volunteer rescue squad."

Proposed § 138k.3 (relating to limitations on grants) describes the type of organization which is eligible for the grant awards. This section specifically delineates that eligible applicants may be awarded financial assistance in amounts of up to \$2,500.

Proposed § 138k.4 (relating to applications generally) provides that an application is required and from whom organizations may request applications.

Proposed § 138k.5 (relating to application deadline) provides that the application deadline will be October 31 of the year proceeding the fiscal year in which grant funds are sought.

Proposed § 138k.6 (relating to review of application) sets forth the grant application requirements and the factors which the Board or the Secretary may consider in reviewing grant applications.

Proposed § 138k.7 (relating to disposition of application) describes the time frame for notification of rejection or approval of the application and the procedure by which the Secretary will notify the applicant.

Proposed § 138k.8 (relating to recordkeeping) describes what type of records shall be kept by the grant recipient and for how long those records shall be kept. This section also provides for inspection and audit of those records by the Department.

Proposed § 138k.9 (relating to verification of use) requires a grant recipient to document the expenditures of grant funds within 3 months of project completion. This section also specifically delineates the ramifications of failure to provide the documentation.

Proposed § 138k.10 (relating to grant cancellation) provides for the cancellation of a grant which is not being spent in accordance with the grant agreement and the repayment thereof.

These proposed regulations set forth the basic process by which the Department may exercise its administrative discretion with respect to the expenditure of the funds appropriated to it by the General Assembly for farm safety and occupational health programs.

These proposed regulations are intended to supplant the current statement of policy in Chapter 138g under which the FSOH Program is being administered.

Fiscal Impact

Commonwealth

The proposed regulations will impose minimal costs and have minimal fiscal impact upon the Commonwealth, including projected increases in program costs. The Department has an appropriation for use in developing the FSOH Program.

Political Subdivisions

The proposed regulations will impose no costs and have no fiscal impact upon political subdivisions.

Private Sector

The proposed regulations will impose minimal costs on those organizations that are interested in applying for grant moneys. The costs most likely will be associated with attending and participating in farm safety training programs.

General Public

The proposed regulations will impose no costs and have no fiscal impact on the general public.

Paperwork Requirements

The proposed regulations will not result in an appreciable increase of paperwork. The Department has developed a grant application form for use in administering the FSOH Program and has administered the program, under a statement of policy, since 1996.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 31, 2000, the Department submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1 (Regulatory Review and Promulgation). A copy of this material is available to the public upon request.

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

Contact Person

Further information is available by contacting the Department of Agriculture, Farm Safety and Occupation Health Grant Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attn: John Tacosky (717) 772-5217.

Effective Date

These proposed regulations will be effective upon final publication as final-form in the *Pennsylvania Bulletin*.

SAMUEL E. HAYES, Jr.,
Secretary

Fiscal Note: 2-119. No fiscal impact; (8) recommends adoption. Funds are included in the 1999-00 budget for these grants. Grants are limited to the amount of money available for these grants.

Annex A

TITLE 7. AGRICULTURE

PART V-C. FARMLAND AND FOREST LAND

(Editor's Note: As part of this proposal the Department intends to delete the statement of policy in Chapter 138g which appears at 7 Pa. Code pages 138g-1—138g-5, serial pages (222551) to (222555).)

CHAPTER 138g. (Reserved)

§§ 138g.1—138g.10. (Reserved).

CHAPTER 138k. FARM SAFETY AND OCCUPATIONAL HEALTH GRANT PROGRAM

Sec.	
138k.1.	Program objectives.
138k.2.	Definitions.
138k.3.	Limitations on grants.
138k.4.	Applications generally.
138k.5.	Application deadline.
138k.6.	Review of application.
138k.7.	Notice of disposition of application.
138k.8.	Recordkeeping.
138k.9.	Verification of use.
138k.10.	Grant cancellation.

§ 138k.1. Program objectives.

(a) *Purpose.* The purpose of the FSOH Grant Program is to fund projects which will increase the knowledge and awareness of farm safety measures and occupational health issues in this Commonwealth, in particular, among the rural youth of this Commonwealth.

(b) *Competitive program.* The FSOH Grant Program is competitive. Grant requests and related documentation will be collected by the Department and reviewed by the Board and Secretary. Grants will be awarded annually.

(c) *Funds available basis.* Grants will not be awarded unless funds are available for this purpose.

§ 138k.2. Definitions.

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

Act—The Farm Safety and Occupational Health Act (3 P. S. §§ 1901—1915).

Board—The Farm Safety and Occupational Health Advisory Board.

Department—The Department of Agriculture of the Commonwealth.

FSOH Grant Program—The Farm Safety and Occupational Health Grant Program.

Secretary—The Secretary of Agriculture of the Commonwealth.

Statewide farm organizations—The term includes any of the following organizations located in this Commonwealth:

- (i) Farmers organizations.
- (ii) Dairy organizations.
- (iii) Livestock and poultry organizations.
- (iv) Veterinary associations.
- (v) Commodity organizations.
- (vi) Food industry organizations.
- (vii) Horticulture and agronomy organizations.
- (viii) Agricultural promotional organizations.
- (ix) Agricultural equipment organizations, including a local, county or regional chapter thereof.

Volunteer ambulance services—A nonprofit chartered corporation, association or organization located in this Commonwealth and which is regularly engaged in the services of providing emergency medical care and transportation of patients.

Volunteer fire company—A nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection services and other voluntary emergency services within this Commonwealth.

Volunteer rescue squad—A nonprofit chartered corporation, association or organization located in this Commonwealth which provides rescue services in this Commonwealth.

§ 138k.3. Limitations on grants.

(a) *Financial assistance.* The FSOH Grant Program will award financial assistance, of up to \$2,500, to Statewide farm organizations, volunteer fire companies, ambulance services and rescue squads within this Commonwealth that wish to develop and deliver farm safety, occupational health and emergency response programs.

(b) *Eligible applicants.* Eligible applicants will not be awarded more than one \$2,500 grant per State fiscal year. An applicant may submit more than one type of grant application.

(c) *Recipient's use of FSOH grant funds.* Grants awarded to an organization may be used only for the specific project/event/activity described in the grant application. Grants shall only be used to fund projects within the geographic boundaries of this Commonwealth and may be awarded for the following types of projects:

- (1) Projects related to methods of preventing or mitigating farm accidents.
- (2) Educational programs relating to agricultural equipment safety programs for farm youth.
- (3) Educational seminars or field demonstrations relating to first aid programs for farm youth.
- (4) Agriculture safety training programs at day camps and demonstration projects for farm youth.

(5) Development and implementation of age-appropriate rural school curricula.

(6) Fire/educational safety programs specific to farms.

(7) Development and implementation of age-appropriate adult farmer and farm worker safety training programs.

(8) Farm related emergency response training programs.

§ 138k.4. Applications generally.

(a) *Application required.* Interested Statewide farm organizations, volunteer fire companies, ambulance services and rescue squads within this Commonwealth may submit grant applications to the Department at the address in subsection (b).

(b) *Obtaining an application and technical assistance.* Application for grants under this chapter shall be made on forms prepared by the Department. For applications and for assistance, contact the Farm Safety and Occupational Health Grant Program, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110, (717) 787-4843.

(c) *Additional information.* The Board and the Secretary may require that an applicant submit additional documentation to complete, verify or clarify the application.

§ 138k.5. Application deadline.

An application for a grant under this chapter shall be received by the Department at the address in § 138k.4(b) (relating to applications generally) by October 31 of the year preceding the fiscal year in which the grant funds are sought.

§ 138k.6. Review of application.

(a) *Grant application requirements.* The Board or the Secretary will not consider an application for a grant unless the following items are attached:

- (1) A detailed description of the project to be funded by the grant.
- (2) A reasonable and accurate statement of the estimated cost of the project. A separate breakdown on the labor portion of the cost, on the materials portion of the cost, and on any other type of expense anticipated shall be provided.
- (3) A statement regarding the amount of tuition to be charged for the courses.
- (4) A copy of the official organization board minutes when action was taken on this project.
- (5) Information of the project or area to be served by the proposed project. Maps or other geographic aids may be attached.
- (6) A biographical sketch of primary persons involved in the project which indicates skills, knowledge and prior experience required for the completion of the project.

(b) *Factors.* Factors to be considered by the Board or the Secretary in selecting grant recipients include the following:

- (1) The relevance of the project to farm safety or rural health issues.
- (2) The innovativeness of the project.
- (3) The scope of the project and the number of people who will be affected by the project as described in the application.

(4) The value to the agricultural community of the project described in the application.

(5) The willingness of the applicant to make in kind or financial contributions, or both, to the project.

(6) The availability of funding for the project from a source other than the FSOH Grant Program.

(7) The impact the project will have upon rural youth or farmers, growers or producers within this Commonwealth.

(8) The value to those who work directly with farm accident victims.

(9) Whether the applicant has been, in whole or in part, the recipient of another grant under the act within the same State fiscal year.

(10) Whether a local, county or regional farm organization is affiliated with a Statewide farm organization.

(11) The amount of tuition the applicant intends to charge for the courses administered under the project.

(c) *Approval power.* The Secretary may impose restrictions or special conditions upon the issuance of a grant. The Secretary will review the recommendations of the Board, but will have final authority to accept or reject these recommendations.

§ 138k.7. Notice of disposition of application.

Grant applicants will be notified by the Secretary within 30 days of a decision to reject or approve the grant. This notice will be sent by regular mail to the address indicated by the applicant on the grant application. Recipients will receive a grant agreement which shall be executed by the recipient and the Department prior to the release of funds. Grant money shall be used within 1 year of the date of the grant agreement unless an extension is granted by the Secretary.

§ 138k.8. Recordkeeping.

Financial records, supporting documents, statistical records and other records pertaining to the project shall be retained for 3 years beginning at the end of the grant year. The records and documents shall be available for inspection or audit at all reasonable times by the Department or its authorized representative.

§ 138k.9. Verification of use.

(a) *Verification.* An organization receiving a grant shall maintain books, records and other evidence pertaining to costs incurred for expenditures associated with the project funded by the grant. The books and records shall be maintained according to generally accepted accounting principles. Within 3 months of the project completion date specified in the grant agreement, the recipient shall submit to the Department written receipts for the project costs. Grant recipients shall provide to the Department a final report, which includes pertinent documentation, as well as a narrative report describing the effectiveness of the project, experience gained and knowledge acquired.

(b) *Failure to verify use.* If required receipts or documentation, or both, are not submitted to the Department as described in subsection (a), the Secretary may demand, in writing, the return by the grant recipient of the entire grant sum or a lesser amount, plus appropriate legal interest. The grant recipient shall repay a sum demanded by the Department within 60 days of a written demand.

§ 138k.10. Grant cancellation.

The Department may cancel a grant if the Secretary determines that grant funds are not being spent in

accordance with the terms and conditions of the grant agreement. In the event of cancellation, the Department may demand the return of the grant sum, or a portion thereof, plus legal interest thereon.

[Pa.B. Doc. No. 00-243. Filed for public inspection February 11, 2000, 9:00 a.m.]

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 31]

Sales and Use Tax; Computer Software, Hardware and Related Transactions

The Department of Revenue (Department), under authority contained in section 270 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7270), proposes to adopt § 31.33 (relating to computer software, hardware and related transactions) to read as set forth in Annex A.

Purpose of Regulation

Under the act of May 7, 1997 (P. L. 85, No. 7), various types of computer services are no longer subject to Sales and Use Tax on or after July 1, 1997. However, certain computer software, hardware and related transactions remain subject to tax. The purpose of this proposed regulation is to provide guidance concerning these transactions.

Explanation of Regulatory Requirements

Subsection (a) sets forth definitions of various terms utilized in the section. The application of tax as it relates to computer hardware is addressed in subsection (b)(1). The application of tax as it relates to computer software, including canned and custom software, is addressed in subsection (b)(2). Exemptions from taxation are addressed in subsection (c).

Affected Parties

Taxpayers obligated to collect or remit Sales and Use Tax relating to computer software and hardware transactions could be affected by the regulation.

Fiscal Impact

The Department has determined that the proposed regulation will have no fiscal impact on the Commonwealth.

Paperwork

The proposed regulation will not generate additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The proposed regulation will become effective upon final publication in the *Pennsylvania Bulletin*. The regulation is scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed regulation to Anita M. Doucette, Office of Chief Counsel, PA Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of 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 February 1, 2000, the Department submitted a copy of this proposed regulation to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. In addition to submitting the proposal, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-392. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

Article II. SALES AND USE TAX

CHAPTER 31. IMPOSITION

§ 31.33. Computer software, hardware and related transactions.

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Canned software—All computer software that does not qualify as custom software.

Computer hardware—

(i) Any assembly of physical equipment that is united and regulated by interaction or interdependence to accomplish a set of specific computer system functions.

(ii) The term includes any connected equipment which enables the computer to store, retrieve or communicate to or from a person, another computer or another device, the results of computer operations, computer programs or computer data.

(iii) The term also includes associated parts, which encompass any component of computer system hardware that is used in connection with and that is necessary to the performance of the hardware's operation.

(iv) Examples of computer hardware are: microcomputers; minicomputers; main-frame computers; personal computers; external hard drives; portable disk drives; memory chip; compact disc read only memory (CD-ROM) drives; external modems; printers; scanners; servers; monitors; keyboards; mice; microphone; network interfaces; network hubs; network routers; motherboards; daughterboards; central processing units; controller cards;

internal hard drives; digitizer; internal modems; network interface cards; sound cards; video cards; and network wiring and cables.

Custom software—Computer software designed, created and developed for and to the specifications of an original purchaser.

Original purchaser—The first person for whom the custom software was designed, created and developed, and to whom it was transferred in a sale at retail.

Storage media—The term includes hard disks, compact disks, floppy disks, magnetic tape, cards and another tangible medium used for the storage of computer readable information.

(b) *Application.*

(1) *Computer hardware.*

(i) The sale at retail or use of computer hardware is subject to tax.

(ii) The sale at retail or use of the services of repairing, altering or cleaning computer hardware is subject to tax.

(iii) The sale at retail or use of maintenance, service and warranty contracts for computer hardware constitutes prepayment for services to tangible personal property and is subject to tax.

(2) *Computer software.*

(i) *Canned software.* The sale at retail or use of canned software, including updates, enhancements and upgrades is subject to tax.

(A) Canned software includes custom software that is transferred pursuant to a sale at retail to any person other than the original purchaser.

(B) Computer software designed, created and developed to adapt or modify canned software to the specific needs of a particular customer does not convert the canned software to custom software. Charges for the custom software or modifications must be reasonable and shall be separately stated on the sales invoice or statement to the customer in order to be exempt from tax.

(C) A vendor's transfer for consideration to a purchaser of the temporary ownership, possession or custody of a storage medium containing canned software for the purpose of being used or recorded by either the purchaser or vendor on the purchaser's computer hardware is subject to tax.

(D) The sale at retail or use of a canned software maintenance contract constitutes a prepayment for services to tangible personal property and is subject to tax. If a canned software maintenance agreement provides that the purchaser is entitled to receive both taxable components, such as canned software updates, enhancements, upgrades, or error corrections, and nontaxable components, such as consultation, support or training services, the charge for the nontaxable component is not subject to tax if that charge is separately stated on the sales invoice.

(ii) *Custom software.* The sale at retail or use of custom software is not subject to tax. The sale at retail or use of custom software constitutes a purchase of a nontaxable computer programming service.

(A) The sale at retail or use of multiple copies or licenses of custom software to the original purchaser is not subject to tax.

(B) The sale at retail or use of custom software installation, custom software repair and maintenance, custom

software updates, enhancements and upgrades that constitute custom software is not subject to tax.

(C) A custom software vendor's purchase of storage media used to transfer custom software to its customers, and the vendor's purchase of any related materials, including documentation and training manuals that are transferred to the customer as part of the sale at retail of custom software, are subject to tax when purchased by the custom software vendor.

(c) *Exemptions from tax.*

(1) The sale at retail or use of canned software and computer hardware is exempt if purchased by qualified charitable organizations, volunteer fire companies, religious organizations and nonprofit educational institutions, unless the software is used in an unrelated trade or business; by the Federal government; or by the Commonwealth, its instrumentalities or political subdivisions, including public school districts.

(2) The manufacturing, research, mining, processing, public utility, farming, dairying, agriculture, horticulture or floriculture exemptions from tax apply to the purchase of canned computer software and computer hardware predominantly and directly used in these operations.

(3) In accordance with section 201(c)(5) of the TRC (72 P. S. § 7201(c)(5)), the manufacturing and research ex-

emption from tax applies to the sale at retail or use of tangible personal property or taxable services by a person engaged in the business of manufacturing or researching canned software, if the property is predominately and directly used by the purchaser in the manufacture or research of canned software.

(i) The creation of custom software does not qualify as manufacturing or research.

(ii) When a purchaser of tangible personal property uses the property to both manufacture canned software and create custom software, the purchaser has the burden of establishing that the tangible personal property is predominately used in the manufacturing or research of canned software.

(4) The sale at retail of canned software and computer hardware to a vendor who will transfer ownership, custody or possession of the canned software or computer hardware for a consideration in the ordinary course of its business is exempt from tax as a sale for resale. Canned software or computer hardware used by a vendor in producing a separate computer product for resale or in providing a service does not qualify as a sale for resale.

[Pa.B. Doc. No. 00-244. Filed for public inspection February 11, 2000, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Research Project Contractors

The Department of Agriculture is soliciting names of research institutions which have an interest in conducting agricultural research during the period July 1, 2000 to June 30, 2001 and continuing. Institutions which respond will be provided with a preproposal format and a list of research topic areas. Institutions which responded for fiscal year 1999-00 will automatically receive a solici-

tation and do not need to respond this year. The Department of Agriculture, through a selection process, will decide which projects are to be placed under contract. Interested parties should submit their name, address and telephone number to Fred Wertz, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110 or call (717) 783-3577.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 00-245. Filed for public inspection February 11, 2000, 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 February 1, 2000.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-1-99	The Madison Bank Blue Bell Montgomery County	Pennsylvania Business Campus 100 Gibraltar Road Horsham Montgomery County	Opened
1-24-00	Millennium Bank Malvern Chester County	653 Skippack Pike Blue Bell Montgomery County	Opened
2-1-00	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 5005 Edgemont Ave. Brookhaven Delaware County	Filed
2-1-00	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 4160 Monument Road Philadelphia Philadelphia County	Filed
2-1-00	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 840 Cottman Avenue Philadelphia Philadelphia County	Filed
2-1-00	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 8700 Frankford Avenue Philadelphia Philadelphia County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-26-00	Peoples State Bank of Wyalusing Wyalusing Bradford County	<i>To:</i> 110 Main Street Ulster Bradford County <i>From:</i> 111 Main Street Ulster Bradford County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
1-28-00	Firsttrust Savings Bank Flourtown Montgomery County	To change the principal place of business from: Flourtown Shopping Center, Bethlehem Pike, Flourtown, Montgomery County; to: 15 East Ridge Pike, Conshohocken, Montgomery County	Effective

SAVINGS INSTITUTIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
1-27-00	East Stroudsburg Savings Association Stroudsburg Monroe County Purchase of Assets/Assumption of Liabilities of one Branch Office of Pioneer American Bank, N.A., Carbondale, Located at: Mr. Z's Supermarket Route 611 Stroudsburg Monroe County	Stroudsburg	Filed

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-31-00	Atlantic Credit Union, Newtown Square, and Teamsters Local 312 Federal Credit Union, Chester Surviving Institution— Atlantic Credit Union Newtown Square	Newton Square	Filed

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 00-246. Filed for public inspection February 11, 2000, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council; Meeting Notice

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Wednesday, February 23, 2000. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DENNIS DEMARA,
Chairperson

[Pa.B. Doc. No. 00-247. Filed for public inspection February 11, 2000, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

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

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

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

PA 0026816. Sewage, **East Norriton-Plymouth-Whitpain Joint Sewer Authority**, 200 Ross Street, Norristown, PA 19401.

This application is for renewal of an NPDES permit to discharge treated sewage and stormwater from East Norriton-Plymouth-Whitpain Joint Sewer Authority wastewater treatment plant in Plymouth Township, **Montgomery County**. This is an existing discharge to the 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 8.1 mgd are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)	20	30	40
Total Residual Chlorine (issuance—year 2)	monitor/report	monitor/report	monitor/report
Total Residual Chlorine (year 3—expiration)	0.5		1.2
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 Copper	monitor/report		
Total Zinc	monitor/report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Lead	monitor/report		
Total Silver	monitor/report		

The proposed effluent limits for Outfall 002 (stormwater) are as follows:

<i>Parameter</i>	<i>Annual Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
C-Biochemical Oxygen Demand (5-Day)	monitor/report	monitor/report
Chemical Oxygen Demand	monitor/report	monitor/report
Oil and Grease	monitor/report	monitor/report
Total Suspended Solids	monitor/report	monitor/report
pH	monitor/report	monitor/report
Total Kjeldahl Nitrogen	monitor/report	monitor/report
Total Phosphorus	monitor/report	monitor/report
Iron (Dissolved)	monitor/report	monitor/report

Other Conditions:

The EPA waiver is not in effect.

Conditions for future permit modification.

Implementation of industrial pretreatment program requirements.

Effective disinfection.

PA 0053112. Sewage, **Robert F. Childs**, 31 Millitia Hill Road, Warrington, PA 18976.

This application is for renewal of an NPDES permit to discharge treated sewage from Robert F. Childs single residential sewage treatment plant in Doylestown Township, **Bucks County**. This is an existing discharge to unnamed tributary to Neshaminy Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	16	32
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

Other Conditions:

The EPA Waiver is in effect.

Effective disinfection.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.

PA 0039861. Industrial waste, SIC: 2121, **Reconstituted Tobacco**.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater, cooling water into a wet weather channel to Catawissa Creek in Banks Township, **Carbon County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Water Company located on the Susquehanna River.

Outfall 001

The proposed effluent limits based on a design flow of 0.086 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>
CBOD ₅	7.0
Total Suspended Solids	5.4
Dissolved Oxygen	minimum of 6.0 at all times
pH	6.0 to 9.0 standard units at all times

Outfall 101

The proposed effluent limits based on a design flow of 0.044 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>
CBOD ₅	In no case shall the arithmetic means of the effluent values of CBOD ₅ and TSS discharged during a period of 30 consecutive days exceed 15% of respective arithmetic means of the influent values for those parameters during the same time period, except as specifically authorized by the permitting authority.
Total Suspended Solids	

The EPA waiver is in effect.

PA 0026042. Sewerage, **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into the Lehigh River and Saucon Creek in the City of Bethlehem, **Northampton County**.

The proposed effluent limits based on an average flow of 20.0 mgd are as follows:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(6-1 to 10-31)	5.0		10
(11-1 to 5-31)	15		30
Fecal Coliform	200 colonies/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	0.5		1.3
Total Copper	0.10	0.20	0.25

The EPA waiver is not in effect.

The proposed effluent for Outfall 006 which is plant emergency discharge:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(6-1 to 10-31)	5.0		10
(11-1 to 5-31)	15		30
Fecal Coliform	200 colonies/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	0.50		1.30
Total Copper	0.10	0.20	0.25

The proposed effluent for Outfalls 003, 004 and 005 which are plant overflows are as follows:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		monitor and report
Total Suspended Solids		monitor and report
Fecal Coliform		monitor and report
pH		monitor and report

Sampling shall take place on an hourly basis at each outfall location for the duration of the discharge.

Other Requirements: Pretreatment condition, combined sewer overflows condition, Whole Effluent Toxicity Test Condition.

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

PA 0088340. Sewerage, SIC: 4952, **Robert C. Filson**, TJ's Inc., 2270 Pottshill Road, Etters, PA 17319.

This application is for issuance of an NPDES permit for an existing discharge of treated sewage to Buck Run, in Buffalo Township, **Perry County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0019 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
5-day CBOD	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0 to 9.0 inclusive	
Fecal Coliforms	200/100 ml as a geometric average	
(5-1 to 9-30)	100,000/100 ml as a geometric average	
(10-1 to 4-30)		

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

The EPA waiver is in effect.

PA 0086754. Industrial waste, SIC: 3691, **East Penn Manufacturing Company, Inc.**, Deka Road, Lyon Station, PA 19536.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Sacony Creek, in Richmond Township, **Berks County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was City of Reading located on Maiden Creek. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.15 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	0.09	0.18	0.23
Total Lead	0.03	0.06	0.08
Total Iron	monitor and report	monitor and report	—
Total Antimony	0.05	0.10	0.12
Total Arsenic	0.23	0.46	0.57
Total Zinc	0.60	1.20	1.50
NH ₃ -N	5.0	10	12
CBOD ₅	19	38	47
Total Dissolved Solids	1,000	2,000	2,500
Total Suspended Solids	30	60	75
pH	6.0 to 9.0 at all times		

The proposed interim effluent limits for Outfalls 002, 003, 004, 005 and 006 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper		monitor and report	
Total Lead		monitor and report	
Total Iron		monitor and report	
Total Antimony		monitor and report	
Total Arsenic		monitor and report	
Total Zinc		monitor and report	
CBOD ₅		monitor and report	
Total Dissolved Solids		monitor and report	
Total Suspended Solids		monitor and report	
Oil and Grease		monitor and report	
Total Nitrogen		monitor and report	
Sulfate		monitor and report	
pH		monitor and report	

The proposed final effluent limits for Outfalls 002, 003, 004, 005 and 006 are:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
Total Copper	1.0
Total Lead	0.05

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
Total Iron	0.30
Total Antimony	0.01
Total Arsenic	0.00002
Total Zinc	5.0
CBOD ₅	25
Total Dissolved Solids	500
Total Suspended Solids	30
Oil and Grease	15
Total Nitrogen	10
Sulfate	250
pH	between 6.5 to 8.5 s.u. at all times

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

The EPA waiver is in effect.

PA 0044741. Industrial waste, SIC: 2033, **Hanover Foods Corporation**, P. O. Box 334, Hanover, PA 17331-0334.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Oil Creek, in Penn Township, **York County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Supply Company located in Wrightsville Borough, York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfalls 001 and 003 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitor and report	
CBOD ₅	10	20	25
Total Residual Chlorine (Interim)		monitor and report	
(Final)	0.5	XXX	1.5
pH		6.0 to 9.0	

<i>Parameter</i>	<i>Period</i>	<i>Allowable Temp (°F)</i>
Temperature	Jan 1-31	91
	Feb 1-29	96
	Mar 1-31	110
	Apr 1-30	110
	May 1-31	110
	Jun 1-30	110
	Jul 1-31	110
	Aug 1-31	110
	Sep 1-30	110
	Oct 1-31	110
	Nov 1-30	91
	Dec 1-31	80

The proposed effluent limits for Outfall 005 is:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitor and report	
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
NH ₃ -N			
(5-1 to 10-31)	1.3	2.6	3.25
(11-1 to 4-30)	3.9	7.8	9.75
Dissolved Oxygen		minimum of 5.0 at all times	
Total Residual Chlorine (Interim)		monitor and report	
(Final)	0.1	XXX	0.3
pH		6.0 to 9.0	

The proposed effluent limits for Outfalls 006 and 007 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			shall be monitored
CBOD ₅			shall be monitored
COD			shall be monitored
Oil and Grease			shall be monitored
pH (s.u.)			shall be monitored
Total Suspended Solids			shall be monitored
Total Kjeldahl Nitrogen as N			shall be monitored
Total Phosphorus as P			shall be monitored
Dissolved Iron			shall be monitored

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

The EPA waiver is in effect.

PA 0085219. Industrial waste, SIC: 4941, **Department of Conservation and Natural Resources**, Bureau of State Parks, Gifford Pinchot State Park, 2200 Rosstown Road, Lewisberry, PA 17339-9787.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Beaver Creek (Conewago Lake), in Warrington Township, **York County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Company located in Wrightsville Borough, York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.16001 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			XXX
Total Suspended Solids	30	60	75
Total Iron	2	4	5
Total Aluminum	4	8	10
Total Manganese	1	2	2.5

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

The EPA waiver is in effect.

Proposed Permit Renewal

Dauberton Manor, Inc. (New Oxford Manor Mobile Home Village) has applied to renew its current NPDES Permit, **PA 0080284**, to allow the continued discharge of controlled wastewaters into the waters of the Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew the permit, subject to the current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions, under waiver provision 40 CFR 123.

Persons wishing to comment on the proposed permit are invited to submit a statement to the following address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered before taking a final permit action. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Regional Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Department of Environmental Protection, Southcentral Regional Office, Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

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 permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file in the Regional Office. Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3666.

PA 0009725. Industrial waste, SIC: 3399, **Jersey Shore Steel Company**, P. O. Box 5055, Jersey Shore, PA 17740.

This proposed action is for issuance of an NPDES permit for an existing discharge of industrial contact and noncontact cooling water to unnamed drainage ditch to the West Branch of the Susquehanna River in Pine Creek Township, **Clinton 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, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is Pennsylvania American Water Company located at Milton on the West Branch of the Susquehanna River, 48 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.3 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor		
Total Suspended Solids	55	145	185
Oil and Grease	15		30
Total Iron	monitor		
pH	6.0 to 9.0 at all times		

Other Conditions: None.

The EPA waiver is in effect.

PA 0113361. Sewerage, SIC: 4952, **Sandy Township**, P. O. Box 267, Dubois, PA 15801.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Unnamed Tributary of Limestone Run in Sandy Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Kittanning Suburban Water Authority located at Kittanning.

The proposed effluent limits for Outfall 001 based on a design flow of 0.009 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Total Cl ₂ Residual	2.0		4.7
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0 to 9.0 at all times		

The EPA waiver is in effect.

PA 0111821. Industrial waste, SIC: 3743, **A C F Industries, Inc.**, P. O. Box 109, Milton, PA 17847.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to Storm Drain to West Branch Susquehanna River in Milton Borough, **Northumberland 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, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001 based on a design flow of 0.19 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>
Oil and Grease	15		30	
pH	6.0—9.0 at all times			

The proposed effluent limits for Outfall 101 based on a design flow of 0.00043 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lbs/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
TSS	31	60	75		
Oil and Grease	15		30		
Total Chromium	1.71	2.77	4.28		
Total Copper	2.07	3.38	5.18		
Total Nickel	2.38	3.98	5.95		
Total Zinc	1.48	2.61	3.70		
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

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

PA 0094960. Sewage, **William Barnes**, Box 337, Eighty Four, PA 15330.

This application is for renewal of an NPDES permit to discharge treated sewage from Barnes Sewage Treatment Plant in Somerset Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Chartiers Creek, which are classified as a high quality 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 Western Pennsylvania Water Authority.

Outfall 001: existing discharge, design flow of .0023 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0024392. Sewage. **Borough of Rouseville**, 8 Main Street, P. O. Box 317, Rouseville, PA 16344-0317.

This application is for renewal of an NPDES Permit to discharge treated sewage to Oil Creek in Rouseville Borough, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Water Company on the Allegheny River located at Emlenton, approximately 40 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.24 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	CBOD ₅	25	40
TSS	30	45	60
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	100,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.64
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0221791. Sewage. **Cranberry Township (Alcorne Point Subdivision)**, P. O. Box 378, Seneca, PA 16346.

This application is for renewal of NPDES Permit to discharge treated sewage to the Allegheny River in Cranberry Township, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Oil City potable well field on the Allegheny River located at Oil City, approximately 0.8 mile below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.0035 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
TSS	20	40
Fecal Coliform (all year)	200/100 ml as a geometric average	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0103021. Sewage. **Bear Lake Inn**, P. O. Box 132, Bear Lake, PA 16402. This application is for a renewal of an NPDES Permit to discharge treated sewage to the Unnamed Tributary to Pine Valley Creek in Bear Lake Borough, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Allegheny River located at Emlenton, approximately 96 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.00341 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
TSS	30	60
Ammonia-Nitrogen		
(5-1 to 10-31)	4	8
(11-1 to 4-30)	12	24
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	3,600/100 ml as a geometric average	
Total Residual Chlorine	0.49	1.1
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0085979	803 Development Group, LTD 732 Bell Lane Berryville, VA 22611	Franklin County Montgomery Township	UNT to Licking Creek	TRC
PA0081361	MESCO, Inc. Memphord Estates Sewerage Company Inc. 148 South Baltimore Street Dillsburg, PA 17019-1008	York County Monaghan Township	Stony Run	TRC
PA0086550	Michael Conrad 18 Michael Lane Alburtis, PA 18011-2610	Berks County Longswamp Township	Tributary of Swabia Creek	TRC
PA0086622	Caldwell Dev. Inc. Newport Plaza 434 N. Front Street Wormleysburg, PA 17043	Perry County Howe Township	UNT to Juniata River	TRC
PA0029866	Cumberland Valley School District 6746 Carlisle Pike Mechanicsburg, PA 17055	Cumberland County Silver Spring Township	UNT to Conodoguinet Creek	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law (Part II Permits)

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483.

TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

A. 0200201. Industrial waste, **Allegheny Energy Unit 1 and Unit 2 L.L.C.**, 800 Cabin Hill Drive, Greensburg, PA 15601. Application for the construction and operation of an oil/water separator unit to serve the Allegheny Energy Units 1 and 2 located in Springdale Township, **Allegheny County**.

A. 0278408. Sewerage. **Upper Allegheny Joint Sanitary Authority**, 320 Fourth Avenue, Tarentum, PA 15084. Application for the modification and operation of sewers and appurtenances and Outfall and headwall to serve the Upper Allegheny WWTP located in East Deer Township, **Allegheny County**.

A. 0377406. Sewerage, **Sugar Creek Rest Inc.**, R. R. 2, Box 80, Worthington, PA 15262. Application for the construction and operate modifications to the sewage treatment plant to serve the Sugar Creek Rest STP located in Sugar Creek Township, **Armstrong County**.

A. 6599407. Sewerage. **Rostraver Township Sewer Authority**, 202 Port Royal Road, Belle Vernon, PA 15012. Application for the construction and operation of sewers and appurtenances to serve the West Fellsburg Area

located in Rostraver Township, **Westmoreland County**. The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

WQM Permit No. 6200402, Sewage. Hickory Creek Wilderness Ranch, P. O. Box 93, Tidioute, DA 16351. This project is for the construction and operation of a small flow treatment facility in Limestone Township, **Warren County**.

WQM Permit No. 2500402. Sewage. City of Erie, Glenwood Park Avenue Relief Sewer, 626 State Street, Erie, PA 16501-1128. This project is for the replacement of 12-inch diameter sewer with 18-inch diameter sewer along Glenwood Park Avenue and to the Academy Sewer in the City of Erie, **Erie County**.

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER FROM OIL AND GAS ACTIVITIES

Southwest Regional Office: Regional Oil and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA 0228222. Industrial waste, SIC: 1389, Hart Resource Technologies, Inc., P. O. Box 232, Creekside, PA 15732.

This application is for issuance of an NPDES permit to discharge brine generated during the production of natural gas wells to the West Branch Susquehanna River in Pike Township, **Clearfield County**. This is a new discharge.

The receiving stream is classified for warm water fish and the Statewide list. For the purpose of evaluating effluent requirements for TDS, the existing downstream water supply considered during the evaluation is located in Shawville, PA approximately 21 miles downstream of the discharge point.

The proposed discharge limits for Outfall No. 001 are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow		0.042mgd	
Total Iron (mg/l)	3.5		7
Oil and Grease (mg/l)	15		30
TSS (mg/l)	30		60
Acidity (mg/l)	monitor only		
Alkalinity (mg/l)	greater than acidity		
pH	6 to 9 at all times		
TDS (mg/l)	17,402 lb/day		34,804 lb/day
Chloride (mg/l)	monitor only		
Barium (ug/l)	monitor only		
Cadmium (ug/l)	monitor only		
Copper (ug/l)	monitor only		
Lead (ug/l)	monitor only		

Part C: Other requirements

Special Condition was added to require the discharge to be uniform over a 24-hour period. The proposed limits for Outfall No. 002 are: Discharge shall consist solely of uncontaminated stormwater runoff. The EPA waiver is in effect.

INDIVIDUAL PERMITS (PAS)

NPDES Individual

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office

or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department's Regional Office indicated above the application.

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

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

Wayne County Conservation District, District Manager, Ag Service Center, 470 Sunrise Avenue, Honesdale, PA 18431, (570) 253-0930.

NPDES Permit PAS107418. Stormwater. **Richard Dimmitt**, 25191 US Hwy. 19N, Clearwater, FL 33763, has applied to discharge stormwater from a construction activity located in Damascus Township, **Wayne County**, to North Branch Calkins Creek.

SAFE DRINKING WATER

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

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

Permit No. 0199505. Public water supply. **Castle Hill MHP**, Straban, **Adams County**. *Responsible Official:* Castle Hill MHP, 2500 Block Old Harrisburg Rd., Gettysburg, PA 17325. *Type of Facility:* Applicant seeks a construction permit to add a 15,000 gallon finished water storage tank and two finished water pumps. *Consulting Engineer:* David J. Rimmel, 20 Erford Rd., Suite 215, Lemoyne, PA 17043. Application received October 21, 1999.

Permit No. 6799506. Public water supply. **James Dorwart**, 1375 Old Quaker Road, Etters, PA 17319, Fairview Township, **York County**. *Responsible Official:* James Dorwart. *Type of Facility:* This application seeks approval to install use Well No. 2 at a rate up to 90 gallons per minute. Treatment will be provided utilizing existing, previously permitted facilities. *Consulting Engineer:* Jerry Stahlman, PE, Stallman & Stahlman, Inc., 139 E. Market St., York, PA 17401. Application received November 29, 1999.

Permit No. 2899504. Public water supply. **Scott Water Company**, Greene Township, **Franklin County**. *Responsible Official:* Clyde A. Scott, 2915 Johnson Drive, Chambersburg, PA 17201. *Type of Facility:* Application seeks to use Well No. 2 at a rate of 27 gallons per minute. Treatment will be provided by existing, previously permitted facilities. *Consulting Engineer:* Max E. Stoner, PE, Glace Associates, Inc., 3705 Trindle Road, Camp Hill, PA 17011-4334. Application received December 27, 1999.

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

A. 0800501. The Department has received a permit application from **Consumers Pennsylvania Water Company**, Roaring Creek Division, 204 East Sunbury Street, Shamokin, PA 17872, Athens Township, **Bradford County**, for improvements to the Water Company's Well No. 19.

A. 1400501. The Department has received a permit application from **Aaronsburg Water Pipes, Inc.**, P. O. Box 234, Aaronsburg, PA 16820, Haines Township,

Centre County. The permit is for construction of a water filtration facility, finished water reservoir and associated improvements.

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

A. 4399502. Public water supply. **Summit Road Mobile Home Park**, S. Summit Road, Maysville, PA 16125. This proposal involves the well development and the construction of required treatment facilities to provide potable water to the park in West Salem Township, **Mercer County**.

A. 6199501. Public water supply. **Franklin General Authority**, 430 Thirteenth Street, Franklin, PA 16323. This proposal involves the installation of a polyphosphate sequestering agent to provide anticorrosion treatment to the Elk Street Extension and the 9th Street treatment plant in the City of Franklin, **Venango 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, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in 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.

Wagner Gourmet Foods Site, Ivyland Borough, **Bucks County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet background standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Intelligencer Record* on November 30, 1999.

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

Former Westinghouse Facility—Lot 1B, Borough of Trafford, **Allegheny and Westmoreland Counties**. Richard K. Smith, CBS Corporation, 11 Stanwix Street, Pittsburgh, PA 15222, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PAHs and other. The applicant proposes to remediate the site to meet the site specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Penn-Trafford News* on October 6, 1999.

Former Westinghouse Facility—Lot 1A, Borough of Trafford, **Allegheny and Westmoreland Counties**. Richard K. Smith, CBS Corporation, 11 Stanwix Street, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, solvents 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 *Penn-Trafford News* on October 6, 1999.

Former Westinghouse Facility—Lot 1C, Borough of Trafford, **Allegheny and Westmoreland Counties**. Richard K. Smith, CBS Corporation, 11 Stanwix Street, Pittsburgh, PA 15222, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with solvents, PAHs, lead, pesticides, PCBs and heavy metals. 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 *Penn-Trafford News* on October 6, 1999.

Former Westinghouse Facility—Lot 3, Borough of Trafford, **Allegheny and Westmoreland Counties**. Richard K. Smith, CBS Corporation, 11 Stanwix Street, Pittsburgh, PA 15222, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with

PCBs, lead, heavy metals, pesticides, solvents, BTEX, PAHs and other. The applicant proposes to remediate the site to meet the site specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Penn-Trafford News* on October 6, 1999.

Timken Latrobe Cap Works Site, City of Latrobe, Derry Township, **Westmoreland County**. Timken Latrobe Steel, 2626 Ligonier Street, Latrobe, PA 15650 and Mark Lenz, Loyalhanna Environmental Services, Inc., Suite 301, Arnold Palmer Regional Airport, 200 Pleasant Unity Road, Latrobe, PA 15650, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with heavy metals. 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 *Latrobe Bulletin* on December 13, 1999.

Valley Vulcan Mold Site, City of Latrobe, **Westmoreland County**. Twin Ridge Industrial Development Corporation, R. D. 3, Box 34, Latrobe, PA 15650 and Mark Lenz, Suite 301, Arnold Palmer Regional Airport, 200 Pleasant Unity Road, Latrobe, PA 15650, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with heavy metals. 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 *Latrobe Bulletin* on December 15, 1999.

Swissvale Auto Surplus Parts, Borough of Swissvale, **Allegheny County**. Keith Welks, Phoenix Land Recycling Company, 105 North Front Street, Suite 106, Harrisburg, PA 17101 and Francis Kalik, c/o Thomas Landye, Esq., 3500 First Interstate Tower, Portland, OR 97201, has submitted a Notice of Intent to Remediate soil contaminated with PCBs, lead, heavy metals and dioxin. 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 *Pittsburgh Post Gazette* on December 27, 1999.

Lubriquip, Inc., Stowe Township, **Allegheny County**. Richard Nyce, Lubriquip, Inc., 18901 Cranwood Parkway, Cleveland, OH 44128, has submitted a Notice of Intent to Remediate groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the site specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the West Edition of the *Pittsburgh Post Gazette* on December 29, 1999.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications submitted 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.

Northcentral Regional Office, Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653.

A. 101315. Millville Transfer Station, Theodore Heaps, Jr. (P. O. Box 208, 388 Jerseytown Rd., Millville, PA 17846). Major modification for an additional waste storage area and operational changes to existing transfer station located in Madison Township, **Columbia County**, received in the regional office on January 21, 2000.

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

A. 101532. Weavertown Transport Leasing, Inc., 3866 Millers Run Road, McDonald, PA 15057-2858. Weavertown Transfer Facility, Route 50 (P. O. Box 411, L. R. 50), Cecil, PA 15321. An application for a permit renewal of a transfer facility in Cecil Township, **Washington County** was received in the Regional Office on January 26, 2000.

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. 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, (570) 826-2531.

40-302-139: RAD Woodworking Co., Inc. (P. O. Box 531, Maple Street, Nescopeck, PA 18635), for operation of a wood fired boiler in Nescopeck Township, **Luzerne County**.

48-328-001A: Sithe Northeast Generating Co., Inc. (1001 Broad Street, Johnstown, PA 15906) for operation of a utility boiler at the Portland facility in Upper Mount Bethel Township, **Northampton County**.

39-318-098A: Victaulic Co. of America (P. O. Box 31, Easton, PA 18044-0031) for operation of spray paint operation in Allentown, **Lehigh County**.

40-308-001: Koehler-Bright Star, Inc. (380 Stewart Road, Wilkes-Barre, PA 18706-1459) for operation of a battery manufacturing operation in Hanover Township, **Luzerne County**.

48-313-085: Medeva Pharmaceuticals Pennsylvania, Inc. (P. O. Box 21170, Lehigh Valley, PA 18002-1170) for operation of an anesthetics manufacturing process in Hanover Township, **Northampton County**.

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

22-03029: Chemtron Railway Products, Inc. (5600 Stillwell, Kansas City, MO 64120-1239) for operation of a rail welding unit controlled by a dust collector at 2115 South Front Street, Steelton Borough, **Dauphin County**.

Northcentral Regional Office, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

49-302-061: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821-0600) for operation of three 100,000 pound per hour natural gas/no. 2 fuel oil-fired boilers equipped with low NOx burners and flue gas recirculation, a 1340 horsepower emergency diesel generator and a 500,000 gallon capacity no. 2 fuel oil storage tank in Riverside Borough, **Northumberland County**. The nitrogen oxides emissions from all three boilers combined will not exceed 118.8 tons in any 12-consecutive month period, the carbon monoxide emissions will not exceed 131.2 tons in any 12-consecutive month period, the sulfur dioxide emissions will not exceed 148.4 tons in any 12-consecutive month period, the volatile organic compound emissions will not exceed 9.0 tons in any 12-consecutive month period, the particulate matter emissions will not exceed 47.6 tons in any 12-consecutive month period and the PM10 emissions will not exceed 47.6 tons in any 12-consecutive month period. The nitrogen oxides emissions from the emergency generator will not exceed 9.6 tons in any 12-consecutive month period, the carbon monoxide emissions will not exceed 1.1 tons in any 12-consecutive month period, the sulfur dioxide emissions will not exceed 1.2 tons in any 12-consecutive month period, the volatile organic compound emissions will not exceed .2 ton in any 12-consecutive month period, the particulate matter emissions will not exceed .3 ton in any 12-consecutive month period and the PM10 emissions will not exceed .3 ton in any 12-consecutive month period. The volatile organic compound emissions from the fuel oil storage tank will not exceed .01 tons in any 12-consecutive month period. The boilers are subject to Subpart Db of the Federal Standards of Performance for New Stationary Sources and the fuel oil storage tank is subject to Subpart Kb of the Federal Standards of Performance for New Stationary Sources.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, 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 persons submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

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

TVOP-65-00693: USA Waste Services Inc., Valley Landfill (Route 32, Box 282A, Pleasant Valley Road, Irwin, PA 15642) for their municipal solid waste landfill in Penn Township, **Westmoreland County**. Company operates landfill, gas control system and soil processing system at this site.

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-23-0089: FPL Energy Marcus Hook, L.P. (Blueball Avenue and Ethylene Blvd., Marcus Hook, PA 19061) for construction of a 750 Megawatt (MW) Combined Cycle in Marcus Hook Borough, **Delaware County**.

PA-23-0088: Southco, Inc. (210 North Brinton Lake Road, Concordville, PA 19331) for construction of two emergency generators in Concord Township, **Delaware County**.

PA-09-0125A: Naceville Materials (5031 Pt. Pleasant Pike, Doylestown, PA 18901) for modification of a crushing plant in Plumstead Township, **Bucks County**.

OP-46-0035: SmithKline Beecham Pharmaceuticals (709 Swedeland Road, King of Prussia, PA 19406) for

a minor operating permit modification of two emergency generators in Upper Merion Township, **Montgomery County**.

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

54-305-014: Gilberton Power Co. (50 Eleanor Avenue, Frackville, PA 17931) for reactivation of a fuel preparation plant in Mahanoy Township, **Schuylkill County**.

13-313-030A: Ametek/Westchester Plastics (Box 9, Green Acres Industrial Park, Nesquehoning, PA 18240) for modification of an extruder ZSK92 in Nesquehoning Borough, **Carbon County**.

13-313-026A: Ametek/Westchester Plastics (Box 9, Green Acres Industrial Park, Nesquehoning, PA 18240) for modification of an extruder ZSK90 in Nesquehoning Borough, **Carbon County**.

66-315-039: Procter & Gamble Paper Products Co. (P. O. Box 32, Mehoopany, PA 18629) for construction of a diaper production drum filter on Route 87 in Washington Township, **Wyoming County**.

66-315-040: Procter & Gamble Paper Products Co. (P. O. Box 32, Mehoopany, PA 18629) for construction of a diaper production delivery system on Route 87 in Washington Township, **Wyoming County**.

40-310-029B: Slusser Brothers Trucking and Excavating Co. (125 North Warren Street, West Hazleton, PA 18201) for modification of a stone crushing plant at Small Mountain Quarry in Dorrance Township, **Luzerne County**.

40-399-042: Wyoming Valley Sanitary Authority (P. O. Box 33A, Wilkes-Barre, PA 18203) for modification of sludge holding tanks on Wilkes Barre Street in Hanover Township, **Luzerne County**.

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

06-01003H: Lucent Technologies, Inc. (P. O. Box 13396, Reading, PA 19612-3396) for an acid sink controlled by a wet scrubber in Muhlenberg Township, **Berks County**.

22-05025A: Eldorado Properties Corp. (P. O. Box 2621, Harrisburg, PA 17105) for reclassification of storage tank at the Highspire Terminal in Swatara Township, **Dauphin County**. This source is subject to 40 CFR Part 60, Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels.

PA-44-05014: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for installation of a portable drum mix asphalt plant in Armagh Township, **Mifflin County**. This source is subject to 40 CFR Part 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.

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

PA-03-206B: Rosebud Mining Co. (R. R. 1, Box 379A, Kittanning, PA 16201) for operation of a coal preparation facility at the Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County**.

PA-11-436A: Penn Cambria School District (205 6th Street, Cresson, PA 16630) for operation of Middle School facility in Gallitzin Borough, **Cambria County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

10-307-040A: AK Steel Corporation (Route 8 South, P. O. Box 832, Butler, PA 16003) to revise the opacity limitation in accordance with 25 Pa. Code § 123.45 (relating to alternative opacity limitations) for the No. 3 Tandem Cold Mill in Butler, **Butler County**. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44 (relating to public notice). The permit will be subject to the following conditions:

1. The source is subject to 25 Pa. Code § 123.41 (relating to limitations) for visible emissions except when the mill is producing Tran-Cor H (TCH) and Regulated Grain Oriented (RGO) types of steel.

When producing TCH and RGO, the following visible emission limits shall not be exceeded:

One minute average opacity not to be exceeded at any time 43%.

Opacity not to be exceeded more than 3 minutes in 1 hour 34%.

Hourly average opacity not to be exceeded at any time 31%.

2. The company shall keep records of when TCH and RGO types of steel are being produced. These records shall be kept for a period of 2 years. The records shall be made readily available to Department personnel upon request.

These conditions will satisfy the requirements of 25 Pa. Code § 127.12b (relating to plan approval terms and conditions) and will demonstrate the Best Available Technology for the source.

For additional information contact Lori McNabb or Devendra Verma at (814) 332-6940 or by writing the Department at the previously listed address.

Philadelphia Department of Public Health, Air Management Services, 321 University Ave., Philadelphia, PA 19104, (215) 685-7584.

99128 and 99093: Sun Co. (3144 Passyunk Avenue, Philadelphia, PA 19145) for addition of equipment to the alkylation unit in the City of Philadelphia, **Philadelphia County**.

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 applica-

tion 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, 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 previously-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.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

Coal Applications Received

65950106. V. P. Smith Company, Inc. (P. O. Box 242, Ligonier, PA 15658). Renewal application received for continued reclamation of a bituminous surface mine located in Unity and Mt. Pleasant Townships, **Westmoreland County**, affecting 28.0 acres. Receiving streams unnamed tributary to Brinker Run. Renewal application received January 24, 2000.

63850103. Bologna Coal Company (Box 271, Burgettstown, PA 15021). Renewal application received for continued reclamation of a bituminous surface mine located in Smith Township, **Washington County**, affecting 113.8 acres. Receiving streams unnamed tributary to Burgetts Fork to Raccoon Creek to the Ohio River. Renewal application received January 25, 2000.

65950108. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal application received for con-

tinued reclamation of a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 15.0 acres. Receiving streams unnamed tributary to Laurel Run to Laurel Run to Jacobs Creek. Renewal application received January 26, 2000.

30713008. Willow Tree Coal Company (P. O. Box 179, Mt. Braddock, PA 15465). Renewal application received for continued reclamation of a bituminous surface mine with coal fly ash disposal located in Monongahela Township, **Greene County**, affecting 93.9 acres. Receiving streams unnamed tributaries to Little Whately Creek. Renewal application received January 27, 2000.

02000901. McHolme Builders, Inc. (315 Payday Drive, Elizabeth, PA 15037). Application received for a permit for commencement, operation and reclamation of an incidental coal extraction site located in North Fayette and Robinson Townships, **Allegheny County**, affecting 10 acres. Receiving streams unnamed tributary to Montour Run, Montour Run and Ohio River. Application received January 27, 2000.

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

16803004. Milestone Crushed, Inc. (521 South Street, Clarion, PA 16214). Renewal of an existing bituminous surface, auger and tipple refuse disposal operation in Perry and Toby Townships, affecting 165.0 acres. Receiving streams Unnamed tributaries to Fiddlers Run. Application received January 21, 2000.

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

40850101R3. Coal Contractors (1991), Inc. (Gowen Mine, Fern Glen, PA 18241-2145), renewal of an existing anthracite surface mine operation in Black Creek Township, **Luzerne County**, affecting 940.4 acres, receiving stream—Black Creek. Application received January 24, 2000.

19793201R3. Gilberton Coal Company (P. O. Box 423, Gilberton, PA 17934), renewal of an existing anthracite surface mine operation in Conyngham Township, **Columbia County**, affecting 3.4 acres, receiving stream—none. Application received January 25, 2000.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

Noncoal Applications Received

3472SM7. Pioneer Mid-Atlantic, Inc. (400 Industrial Boulevard, P. O. Box 5P, New Kensington, PA 15068-6639). Renewal application received for continued reclamation of a large noncoal (limestone) mine located in Unity Township, **Westmoreland County**, affecting 120.4 acres. Receiving streams unnamed tributary to Indian Camp Run to Ninemile Run to Loyalhanna Creek to Kiskiminetas River to Allegheny River to Ohio River. Renewal application received January 24, 2000.

26810301. Allan R. Fiore, Inc. (P. O. Box 710, West Elizabeth, PA 15088-0710). Renewal application received for continued operation and reclamation of a large noncoal (sand and gravel) mine located in Perry Township, **Fayette County**, affecting 14.5 acres. Receiving streams unnamed tributary to Youghiogheny River to Monongahela River to Ohio River. Renewal application received January 24, 2000.

65930401. Latrobe Construction Co., Inc. (P. O. Box 150, Latrobe, PA 15650). Renewal application received for continued operation and reclamation of a noncoal (bluestone) surface mine connected with noncoal underground mining located in Ligonier and Derry Townships,

Westmoreland County, affecting 172.6 acres. Receiving streams unnamed tributaries to Loyalhanna Creek, Loyalhanna Creek. Renewal application received January 25, 2000.

3572SM15. Allegheny Metals & Minerals, Inc. (731—733 Washington Road, 5th Floor, Pittsburgh, PA 15228). Renewal application received for continued operation and reclamation of a large noncoal surface mine located in Gilpin Township, **Armstrong County**, affecting 634.7 acres. Receiving streams unnamed run, unnamed run, unnamed run to Allegheny River to Ohio River. Renewal application received January 27, 2000.

03860401. Seven Sisters Mining Co., Inc. (200 Route 22, P. O. Box 300, Delmont, PA 15626-0300). Renewal application received for continued operation and reclamation of a large noncoal (limestone and sandstone) and coal surface mine located in South Bend Township, **Armstrong County**, affecting 160.0 acres. Receiving streams unnamed tributary to Crooked Creek. Renewal application received January 28, 2000.

03930401. Seven Sisters Mining Co., Inc. (200 Route 22, P. O. Box 300, Delmont, PA 15626-0300). Renewal application received for continued operation and reclamation of a large noncoal surface mine located in South Bend Township, **Armstrong County**, affecting 21.3 acres. Receiving streams unnamed tributary to Crooked Creek. Renewal application received January 28, 2000.

3572SM22. Pioneer Mid-Atlantic, Inc. (400 Industrial Blvd., P. O. Box 5P, New Kensington, PA 15068). Renewal application received for continued operation and reclamation of a large noncoal surface mine located in South Buffalo Township, **Armstrong County**, affecting 47.21 acres. Receiving streams unnamed run to Ohio River. Renewal application received January 31, 2000.

3476SM22T. Redland Brick, Inc. (375 Rich Hill Road, R. R. 3, Cheswick, PA 15024). Renewal application received for continued operation and reclamation of a large noncoal surface mine located in Harmar Township, **Allegheny County**, affecting 35.0 acres. Receiving streams Deer Creek to Allegheny River to Ohio River. Renewal application received January 31, 2000.

3372SM25A. Commercial Stone Co., Inc. (2200 Springfield Pike, Connellsville, PA 15425). Renewal application received for continued operation of a large noncoal surface mine located in Bullskin Township, **Fayette County**, affecting 339.0 acres. Receiving streams unnamed tributaries to Polecat Hollow to Breakneck Run to Whites Run to Mounts Creek to Youghiogheny River. Renewal application received January 31, 2000.

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

25950301. Hoover Sand & Gravel Co., Inc. (13053 Route 89, P. O. Box 237, Wattsburg, PA 16442). Revision to an existing sand and gravel operation in Venango Township, **Erie County**, affecting 109.4 acres. Receiving streams ground water discharge to unnamed tributary. Revision to mine into the water table. Application received January 27, 2000.

25950301. Hoover Sand & Gravel Co., Inc. (13053 Route 89, P. O. Box 237, Wattsburg, PA 16442). Revision to an existing sand and gravel operation in Venango Township, **Erie County**, affecting 109.4 acres. Receiving streams groundwater discharge to unnamed tributary. Revision to process facilities such as cleaning, crushing, washing and stockpiling. Application received January 27, 2000.

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

4874SM2C4. Southdown, Inc., (P. O. Box 220, Thomasville, PA 17364-0220), correction to an existing quarry operation in Jackson Township, **York County**, affecting 214.8 acres, receiving stream—Little Conewago Creek. Application received January 18, 2000.

67000301. Southdown, Inc., (P. O. Box 220, Thomasville, PA 17364-0220), commencement, operation and restoration of a quarry operation in Jackson Township, **York County**, affecting 288.75 acres, receiving stream—Little Conewago Creek. Application received January 18, 2000.

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.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E39-379. Encroachment. Lucent Technologies, Inc. 1725 North Dauphin Street, Allentown, PA 18106. To construct and maintain a 42-inch diameter R.C.P. stormwater outfall structure along the Lehigh Canal (WWF); and four utility line stream crossings across a tributary to the Lehigh River (CWF). The project is part of the Lucent Microelectronics Campus Expansion and is located immediately southwest of the intersection of S. R. 0022 and North Irving Street (Catasqua, PA Quadrangle N: 1.1 inches; W: 10.4 inches), City of Allentown, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E39-380. Encroachment. Penns Chase, Inc., 1150 S. Cedar Crest Boulevard, Allentown, PA 18103-7909. To construct and maintain a 42-inch R.C.P. stormwater outfall structure along the right bank of the Little Lehigh Creek (HQ-CWF); and an 8-inch diameter concrete encased D.I.P. sanitary sewer line across the Little Lehigh Creek. The project is associated with the Penns Meadows Residential Subdivision and is located northeast of the intersection of Sauerkraut Lane and Willow Lane (Allentown West, PA Quadrangle N: 6.9 inches; W: 8.6 inches),

Lower Macungie Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E45-386. Encroachment. Stroud Township, 1211 North Fifth Street, Stroudsburg, PA 18360. To construct and maintain a 6-inch diameter water intake structure and an on stream pond along a tributary to Broadhead Creek to be used as a dry hydrant for fire protection. The project, which also includes the removal of accumulated silt and sediment to restore the original capacity of the pond, is located 250 feet southeast of the intersection of Township Roads T504 and T808 (East Stroudsburg, PA Quadrangle N: 3.6 inches; W: 13.9 inches), Stroud Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

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

E22-411. Encroachment. PA DOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To impact 0.838 acre of wetlands in and along a tributary to Swatara Creek at a point at North Union Street for the purpose of constructing SR 0300-099 interchange ramps (Middletown, PA Quadrangle N: 18.4 inches; W: 1.7 inches) in Lower Swatara Township, **Dauphin County**.

Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E14-367. Encroachment. PA Dept. of Transportation, 1924—30 Daisy St., Clearfield, PA 16830. To 1) relocate and maintain 814 linear feet of Laurel Run and 2) 845 linear feet of an unnamed tributary to Laurel Run, construct and maintain: 3) Temporary Stream Crossing No. 1 over Laurel Run with one 36-inch diameter and five 24-inch diameter corrugated metal pipes, 4) Temporary Stream Crossing No. 2 over relocated Laurel Run with three 48-inch diameter corrugated metal pipes, 5) Temporary Stream Crossing No. 3 over Oliver Run with five 48-inch diameter corrugated metal pipes, 6) Structure 202 an 8-foot by 8-foot by 675-foot long single-cell precast concrete box culvert with fish baffles in Powerline Tributary, 7) a 60-inch diameter 510-foot long reinforced concrete pipe culvert and its 16-foot by 12-foot outlet energy dissipator in an unnamed tributary to Powerline Tributary, 8) two parallel prestressed concrete I-beam bridge structures over Oliver Run and Laurel Run: Structure 205 a five-span and Structure 206 a six-span, both have underclearances of 75 feet, 9) place fill in 12.281 acres of jurisdictional wetlands. This proposed project location is near the northwestern political boundary of Port Matilda with a project centroid at latitude 40°47'50" and longitude 78°05'00" (Port Matilda, PA Quadrangle, N: 9.0-inches and W: 8.8-inches) in Worth Township, **Centre County**. The project proposes to permanently impact 530 linear feet of an unnamed tributary to Powerline Tributary, permanently impact 690 linear feet of Powerline Tributary, permanently impact 800 linear feet of Laurel Run, permanently impact 845 linear feet of an unnamed tributary to Laurel Run, and temporarily impact 225 feet of Laurel and Oliver Runs due to bridge structures 205/206 construction and to directly impact 10.916 acres and indirectly impact 1.365 acres of jurisdictional wetlands. The before mentioned streams are classified as Cold Water Fisheries.

E14-364. Encroachment. Centre Regional Recreation Authority, 131 South Fraser Street, State College, PA 16801. To construct and maintain a wooden pedestrian

boardwalk, 1,200 feet long, over wetlands and across Thompson Run, Slab Cabin Run and Bathgate Spring Run; a bikeway, 300 feet long over wetlands; a 0.25 acre shallow marsh; and intake and outfall pipe at Bathgate Spring Run. This project is located along Puddintown Road approximately 0.5 mile north of S. R. 0026 (State College, PA Quadrangle N: 12.0 inches; W: 12.0 inches) in College Township, **Centre County**. Estimated stream disturbance is 30 feet; stream classification is CWF; wetland impact is 0.008 acre.

E14-370. Encroachment. **S&A Custom Built Homes Inc.**, Carl Bankert, 501 Rolling Ridge Dr., State College, PA 16801-7667. US Army Corps of Engineers—Baltimore. The project is located along Old Gatesburg Road approximately 2,000 feet southeast of the Science Park Drive intersection in Ferguson Township, **Centre County** (Julian, PA Quadrangle N: 4.3; W: 3.8). The purpose of the project is to construct a 102 unit single-family detached condominium project located in Foxpointe Planned Residential Development. The project area is 28 acres and includes permanent fill in 0.33 acre of PEM wetlands for the construction of a three acre stormwater retention pond. Wetlands will be placed at a 1:1 ratio

E17-339. Encroachment. **Pennsylvania Department of Transportation, Engineering District 2-0**, 1924—30 Daisy Street, P. O. Box 342, Clearfield, PA 16830-0424. To remove an existing structure and to construct, operate and maintain a single span prestressed concrete spread box beam bridge to carry SR 1014, Section A01, Segment/Offset 0060-0290 across Alder Run: a Cold Water Fishery. The bridge shall be constructed with a clean span of 31.1-feet. The average underclearance of the bridge shall be a minimum of 7.4-feet. The bridge shall be constructed at a skew of 45°. As proposed, the construction will not impact wetlands while impacting 66-feet of waterway. The bridge is located along the northern right-of-way of SR 0080 approximately 1.2-miles southeast of the intersection of Township Road No. 735 and SR 1014 (Frenchville, PA Quadrangle N: 2.5 inches; W: 10.4 inches) in Graham Township, **Clearfield County**. This permit also authorizes the installation of R-7 rip rap for channel scour protection which shall not expand or diminish the natural stream conveyance.

E17-342. Encroachment. **Thomas A. Lingle**, R. R. 1, Box 319, Clearfield, PA 16830. To maintain a stream enclosure, 36 inches in diameter, in an unnamed tributary to west branch Susquehanna River located off Forest Drive approximately 700 feet west of Willow Drive (Clearfield, PA Quadrangle N: 5.2 inches; W: 11.8 inches) in Lawrence Township, **Clearfield County**. Stream Classification is CWF.

E17-345. Encroachment. **Kenneth J. Danver**, 425 Forest Drive, Clearfield, PA 16830. To maintain a stream enclosure, 36 inches in diameter, in an unnamed tributary to west branch Susquehanna River located off Forest Drive approximately 700 feet west of Willow Drive (Clearfield, PA Quadrangle N: 5.2 inches; W: 11.8 inches) in Lawrence Township, **Clearfield County**. Stream Classification is CWF.

E17-344. Encroachment. **W. Keith Garman**, 427 Forest Drive, Clearfield, PA 16830. To maintain a stream enclosure, 36 inches in diameter, in an unnamed tributary to west branch Susquehanna River located off Forest Drive approximately 700 feet west of Willow Drive (Clearfield, PA Quadrangle N: 5.2 inches; W: 11.8 inches) in Lawrence Township, **Clearfield County**. Stream Classification is CWF.

E19-197. Encroachment. **Harold Kershner, Jr.**, R. R. 3, Box 3240, Rittenhouse Mill Road, Berwick, PA 16912. The applicant proposes to place fill into 0.59 acre of palustrine emergent wetland for the purpose of home construction. To compensate for the impact, the applicant has proposed building 0.63 acre of replacement wetlands adjacent to an existing wetland on the property. The project is located along the east side of Rittenhouse Road about 0.5 mile north of the intersection with SR 11 (Mifflinville, PA Quadrangle N: 9.1 inches; W: 4.8 inches) in Briar Creek Borough, **Columbia County**.

E41-457. Encroachment. **Bernard Bredbenner**, 1701 Princeton Avenue, Williamsport, PA 17701. To construct and maintain a culvert, 42 inches in diameter, in an unnamed tributary to Lycoming Creek located off Wheatland Avenue approximately 500 feet west of Princeton Avenue (Cogan Station, PA Quadrangle N: 0.5 inch; W: 8.2 inches) in Old Lycoming Township, **Lycoming County**. Estimated stream disturbance is 100 feet; stream classification is WWF.

E41-458. Encroachment. **Clinton Township Supervisors**, 2106 Route 14, Montgomery, PA 17752. To (1) remove an existing structure; (2) construct, operate and maintain a single span reinforced concrete adjacent box beam bridge across Black Hole Creek—Trout Stocking Fishery; and (3) realign the channel of the same waterway to carry T-522 across Black Hole Creek. The bridge shall be constructed with a normal span of 42-feet, average underclearance of 4.5-feet, and a skew of 72.5-degrees. The channel realignment shall be limited to a maximum of 90-feet upstream of the proposed bridge and a maximum of 40-feet downstream. The construction will temporarily impact 850-square feet of wetlands while impacting 155-feet of waterway. The project is located along the southern right-of-way of S. R. 0054 approximately 200-feet south of S. R. 0045 and Township Road No. 522 intersection (Montoursville-South, PA Quadrangle N: 9.5 inches; W: 2.0 inches) in Clinton Township, **Lycoming County**. This permit also authorizes the construction and operation of a temporary crossing that will temporarily impact 850-square feet of wetland. Upon completion of the bridge construction, the temporary crossing shall be removed and the area fully restored to reasonable contours, elevations and hydrology.

E53-339. Encroachment. **Kelly W. Crosby**, 11 Quimby Rd., Coudersport, PA 16915. To construct and maintain a 48 inch corrugated culvert pipe crossing and associated fill across South Hollow Stream located 2 miles south of SR 872 from the intersection with SR 6 (Sweden Valley, PA Quadrangle N: 1 inch; W: 15 inches) in Eulalia Township, **Potter County**. This project proposes to impact 50 linear feet of South Hollow Stream which is designated a Cold Water Fishery and does not propose to impact any wetlands.

E60-141. Encroachment. **Paul E. Heise, District Engineer**, Pennsylvania Department of Transportation, P. O. Box 218, Montoursville, PA 17754. To replace and maintain a 48-inch reinforced concrete culvert pipe stream enclosure with a length of 320 feet in an unnamed tributary to the Susquehanna River. This application also proposes to install inlet and outlet concrete flare sections along with rock inlet and outlet slope and bed protection. This project is located 1 mile north of White Deer along SR 15 (Allenwood, PA Quadrangle, N: 15.9 inches; W: .5 inch) White Deer Township, **Union County**. This project proposes to impact 320 linear feet of unnamed tributary to the Susquehanna River which is designated a Warm Water Fishery and does not propose to impact any wetlands.

E60-140. Encroachment. **Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. To remove gravel deposition from in and along White Deer Hole Creek (Trout Stocking Fishery) to improve the hydraulic capacity of the existing S. R. 1012 Segment-Offset-0100/0355 bridge). The removal of the gravel deposition upstream of the S. R. 1012 bridge will be limited to three areas that shall not exceed 150-feet upstream of the bridge center line. The removal of the gravel deposition downstream of the S. R. 1012 bridge will be limited to two areas that shall not exceed 200-feet downstream of the bridge center line. The gravel deposition shall be removed to a point to within 6 inches of the water level at the time removal operations are commenced. The project will not impact wetlands while impacting 350-feet of waterway that is located along the western right-of-way of S. R. 0015 approximately 400-feet south of S. R. 2002 and S. R. 1012 intersection (Allenwood, PA Quadrangle N: 20.3 inches; W: 7.1 inches) in Gregg Township, **Union County**.

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

E65-749. Encroachment. **Township of Penn**, P. O. Box 452, Harrison City, PA 15636. To remove the existing structures on Berlin Road at two locations and to construct and maintain a 48-foot long dual elliptical pipe culvert having two clear spans of 45 inches and an underclearance of 29 inches in an unnamed tributary to Bushy Run (WWF) located just downstream of the proposed dam (D65-186) and a 214-foot long dual elliptical pipe culvert having two clear spans of 45 inches and an underclearance of 29 inches in an unnamed tributary to Bushy Run located approximately 1,600 feet downstream of the Bushy Run Area Detention Basin (E65-720). Also to construct and maintain a 1500 LF channel between the proposed structures and to place and maintain fill in 0.025 acre of de minimis wetland. The purpose of the project is to improve the drainage system (Irwin, PA Quadrangle N: 18.1 inches; W: 1.1 inch) in Penn Township, **Westmoreland County**.

E65-750. Encroachment. **Pennsylvania Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 18.0 meters and an underclearance of 1.44 meters across Hannas Run (CWF) for the purpose of improving transportation safety and roadway standards. The applicant also proposes to construct and maintain one outfall structure consisting of a 450 mm corrugated steel pipe along Hannas Run (CWF), to place and maintain fill in 0.058 hectare of palustrine emergent wetlands and to temporarily place and maintain fill in 0.025 hectare of palustrine emergent wetlands. To compensate for wetland impacts, the applicant proposes contributing to the Pennsylvania Wetland Replacement Fund. The project is located on S. R. 1017, Section C00 (Wilpen, PA Quadrangle N: 3.5 inches; W: 11.0 inches) in Ligonier Township, **Westmoreland County**.

E65-735. Encroachment. **Red Rock Outdoor Club**, R. R. 2, Darlington Road, Ligonier, PA 15658. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 60.0 feet and an underclearance of 8.6 feet across Four Mile Run (TSF) for the purpose of reducing flooding located at the Red Rock Outdoor Club off of Darlington Road (Stahlstown, PA Quadrangle N: 20.45 inches; W: 5.7 inches) in Ligonier Township, **Westmoreland County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E16-114. Encroachment. **Carl E. and Dorothy McCall**, 104 King Street, New Bethlehem, PA 16242. To operate and maintain a private road crossing consisting of eight 12-inch-diameter steel pipe culverts, fill material and concrete deck roadway across West Branch Leatherwood Creek (CWF, trout stocked). The project is located across West Branch Leather Wood Creek approximately 1,500 feet south of the intersection of T-474 and SR 2007. This crossing was constructed without a permit (Sligo, PA Quadrangle N: 9.25 inches; W: 1.5 inches) located in Porter Township, **Clarion County**.

E25-601. Encroachment. **Lake Erie College of Osteopathic Medicine**, 1858 West Grandview Boulevard, Erie, PA. To place fill in a total of 0.36 acre of two separate wetlands for construction of an access road, parking area and health center associated with the expansion of the Lake Erie College of Osteopathic Medicine. This project is located at 1858 West Grandview Boulevard approximately 4,600 feet west of the intersection of West Grandview Boulevard and Peach Street (SR 19) in the City of Erie. This project will include use of the Wetland Replacement Fund to replace 0.36 acre of wetlands (Erie South, PA Quadrangle N: 14.5 inches; W: 14.5 inches) located in the City of Erie, **Erie County**.

E43-276. Encroachment. **Gary T. Gorski**, 1048 Perry Highway, Mercer, PA 16137-3628. To construct and maintain a steel beam bridge having two spans measuring 57.75 feet and 118.5 feet and a maximum underclearance of 12.66 feet across Neshannock Creek for a private driveway extending east from Creek Road approximately 0.7 mile south of Leesburg Station Road (Mercer, PA Quadrangle N: 0.7 inch; W: 16.3 inches) located in Springfield Township, **Mercer County**.

E61-229. Encroachment. **PA Electric Company d/b/a GPU Energy**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640-0001. To install and maintain an aerial fiber optic line and to maintain existing aerial electric lines and support structures across Sugar Creek (CWF, trout stocked, nominated 1-A scenic) at the following locations in Sugarcreek Borough, **Venango County**: Crossing No. 1 is located across Sugar Creek approximately 0.31 mile northwest of the intersection of SR 322 and SR 427 (Utica, PA Quadrangle N: 13.75 inches; W: 3.25 inches) Crossing No. 2 is located across Sugar Creek approximately 0.28 mile southwest of the SR 322 bridge across Lick Run (Utica, PA Quadrangle N: 9.75 inches; W: 0.69 inch) Crossing No. 3 is located across Sugar Creek approximately 250 feet northwest of the confluence of Sugar Creek and French Creek (Utica, PA Quadrangle N: 8.0 inches; W: 0.125 inch).

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D45-134. Environmental Assessment. **Lake Swiftwater Club** (R. R. 1, Box 62, Henryville, PA 18332). To remove approximately 10,000 cubic yards of accumulated silts and sediments from Swiftwater Lake. The dam impounding the lake is located across Swiftwater Creek

approximately 500 feet southwest of the intersection of Swiftwater Road (S. R. 314) and Hulbert Hill Road (Mount Pocono, PA Quadrangle N: 17.65 inches; W: 4.00 inches) in Paradise Township, **Monroe County**.

EA39-008CO. Environmental Assessment. **Frank Rauscher** (7985 Saw Mill Road, New Tripoli, PA 18066-4630). To construct a nonjurisdictional dam adjacent to a tributary to Ontelaunee Creek (CWF) impacting approximately 0.2 acre of wetland (PEM) for a farm pond. The site is located approximately 900 feet west of the intersection of T-719 and T-847 (New Tripoli, PA Quadrangle N: 10.9 inches; W: 10.2 inches) in Lynn Township, **Lehigh County**.

D67-043EA. Environmental Assessment. **Ann Muren and Robin Smith** (Box 296, Seitzville Road, Seven Valleys, PA 17360). To breach and remove the Seitzville Mill Dam across the South Branch Codorus Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located 100 feet upstream of the Seitzville Road bridge crossing the stream (Seven Valleys, PA Quadrangle N: 14.40 inches; W: 1.65 inches) in Codorus and Springfield Townships, **York County**.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (35 P. S. §§ 631—640) relating to the acquisition of rights to divert waters of the Commonwealth.

Northwest Regional Office: Regional Manager, Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6899.

A. WA 16-656. Water Allocation. **Pennsylvania American Water Company—Clarion District**, 410 Cooke Lane, Pittsburgh, PA 15234-1414. Application submitted to reflect the expansion of service territory into Monroe Township, south of I-80 and southern Paint Township, no increase in allocation has been requested. The expansion into Monroe Township is part of a larger project that includes the purchase of the Strattanville System and the installation of approximately 17.7 miles of 12" and 8" pipe in Clarion Township, Monroe Township and Strattanville Borough, **Clarion County**.

ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483.

TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southeast Regional Office, Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 834-6130.

NPDES Permit No. PA0024121, SIC: 4952, Borough of Media, State and Jackson Streets, P. O. Box A, Media, PA 19063. The following notice reflects changes to the notice published in the December 30, 1995, *Pennsylvania Bulletin*: 1. Removal of copper limit by incorporating the results of Water-Effect Ratio (WER) into calculation of the water quality based effluent limit for copper. 2. Removal of effluent limit for zinc.

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

Permit No. 3999403. Upper Saucon Township Municipal Authority, 5500 Camp Meeting Road, Center Valley, PA 18037. Permit to construct the First Section of the North Branch Interceptor through the Wedgewood Golf Course, located in Upper Saucon Township, **Lehigh County**.

NPDES Permit PA-0042951. Sewerage. Tremont Municipal Authority, 423 West Main Street, Tremont, PA 17981 is authorized to discharge from a facility located in Tremont Township, **Schuylkill County**.

Northcentral Regional Office: Department of Environmental Protection, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

WQM Permit No. 1499202. Industrial waste. Centre County Solid Waste Authority, 253 Transfer Road, Bellefonte, PA 16823. Application granted approval to construct a diversion ditch to convey stormwater directly to State penitentiary lands. Facility located at College Township, **Centre County**.

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

NPDES Permit No. PA0041785. Sewage. Frey Family Limited Partnership and Northern Allegheny Stone Company, Inc., 5540 North Montour Road, Gibsonia, PA 15044 is authorized to discharge from a facility located at Lardintown Sewage Treatment Plant, Fawn Township, **Allegheny County**, to receiving waters named Lardintown Run.

NPDES Permit No. PA0098272. Sewage. May Day, Inc., R. D. 1, Box 54, Vanderbilt, PA 15486 is authorized to discharge from a facility located at May Day II Personal Care Home STP, German Township, **Fayette County**, to receiving waters named North Branch Browns Run.

NPDES Permit No. PA0218324. Sewage. **Scott Statler**, R. D. 7, Box 261-B, Greensburg, PA 15601 is authorized to discharge from a facility located at Statler Commercial Development STP, Unity Township, **Westmoreland County**, to receiving waters named Unnamed Tributary to Fourmile Run.

Permit No. 6399409. Sewage. **Mark Hatfield**, 847 Governor Circle, Washington, PA 15301. Construction of Single Residence Sewage Treatment Plant located in Amwell Township, **Washington County**, to serve Mark Hatfield Residence.

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

WQM Permit No. 6299414. Sewage. **Kinzua-Warren County Joint Authority**, P. O. Box 412, Clarendon, PA 16313. This project is for plans to construct sewers, pump station and a wastewater treatment plant in Mead Township and Clarendon Borough, **Warren County**.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4795.

Permit No. 0199402. Sewage. **Oxford Township**, 780 Hanover Street, P. O. Box 86, New Oxford, PA 17350. This

permit approves the construction of Pump Station and Sewers and Appurtenances in Oxford Township, **Adams County**.

Permit No. 2894402-99-1. Sewage. **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268. This permit approves the modifications of Sewage Treatment Facilities in Washington Township, **Franklin County**.

Permit No. PA0080225. Sewerage. **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268 is authorized to discharge from a facility located in Washington Township, **Franklin County**, to the receiving waters named East Branch Antietam Creek.

Public Notice of Permit Issuance for Final Notice

Final Notice is hereby given that the Department of Environmental Protection (Department), after public notice, has on March 1, 2000, issued a National Pollutant Discharge Elimination System Permit to: **Permit No. PA-0086070. Defense Logistics Agency, Defense Distribution Depot Susquehanna Pennsylvania**

This notice reflects changes from the notices published in the *Pennsylvania Bulletin*.

Parameter	Monthly Average ($\mu\text{g/l}$)	Weekly Average ($\mu\text{g/l}$)	Instantaneous Maximum ($\mu\text{g/l}$)
Trichlorethylene	4.0	8.0	10.0
Tetrachloroethylene	1.0	2.0	2.50

Persons may make an appointment to review the Department files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

INDIVIDUAL PERMITS

(PAS)

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

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

NPDES Permit No.	Applicant Name and Address	County and Municipality	Receiving Stream
PAS10S076	Pocono Mountain Sch. Dist. P. O. Box 200 Swiftwater, PA 18370-0200	Monroe Co. Tobyhanna Twp.	Upper Tunkhannock Creek

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and Other General Permits

The following parties have submitted (1) Notices of Intent (NOIs) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of this Commonwealth; (2) NOIs for coverage under General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8, and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

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

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

The Department has acted on the following requests for coverage under the specified General Permit as follows:

*List of
General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit For Discharges Resulting From Hydrostatic Testing of Tanks and Pipelines

General Permit Type—PAG-2

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Luzerne County Newport Township	PAR10R185	DEP Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	Unnamed trib. to S. Branch of Newport Cr. to Susquehanna River	Luzerne CD (570) 674-7991
Schuylkill County North Manheim Township	PAR105796	Hoss's Restaurant Op. Inc. 1 764 Plaza Duncansville, PA 16635	Schuylkill River	Schuylkill CD (570) 622-3742
Luzerne County Rice Township	PAR10R199	Cornerstone Christian Fellowship P. O. Box 126 Mountaintop, PA 18707	Little Wapwallopen Creek	Luzerne CD (570) 674-7991
Lawrence County Union Township	PAR103735	Medure Development Randy Burns, Operator 337 Old Wampum New Castle, PA 16102	Unnamed Tributary to Shenango River	Lawrence Conservation Dist. Lawrence Co. Govt. Center 430 Court Street New Castle, PA 16101-3593 (724) 652-4512

General Permit Type—PAG-3

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Montgomery County Lower Merion Township	PAR140018	Georgia-Pacific Corporation P. O. Box 426 600 Righters Ferry Road Bala Cynwyd, PA 19004-0426	Schuylkill River	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Northampton County Stockertown Borough	PAR602227	Einfalt Recycling, Inc. 638 School Road Nazareth, PA 18064	Unnamed feeder to the Bushkill Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511

NOTICES

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Northampton County Stockertown Borough	PAR602226	DENCO Tire Recycling, Inc. 638 School Road Nazareth, PA 18064	Unnamed feeder to the Bushkill Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Berks County Exeter Township	PAR233504	Elf Atochem North America, Inc. 1112 Lincoln Road Birdsboro, PA 19508	UNT to Schuylkill River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Lebanon City	PAR233520	O'Sullivan Corporation 1507 Willow Street Lebanon, PA 17046	Brandywine Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Fayette County Morrell Township	PAR606149	Larry Williams 509 Castner Avenue Donora, PA 15033	Unnamed Feeder To Dunbar Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Shenango Township Mercer County	PAR608327	Route 18 Auto Wrecking 4287 New Castle Road Pulaski, PA 16143	Unnamed Feeder to Shenango River	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Lancaster County West Cocalico Township	PAG043629	Timothy J. and Pamela L. Boronow 25 Railroad Street Denver, PA 17517	Little Cocalico Stream	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Liberty Township	PAG043526	Debra E. Weimert 575 Carberry Road Saxton, PA 16678-9708	UNT to Ravers Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Washington County Amwell Township	PAG046198	Mark Hatfield 847 Governor Circle Washington, PA 15301	Unnamed Tributary to Fork of Bane Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
LeBeouf Township Erie County	PAG048640	David R. Gregor 6822 Old Meadville Road Union City, PA 16438	Unnamed Tributary to French Creek	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Greene Township Erie County	PAG048645	Santo G. Fioretti 3985 Knoyle Road Erie, PA 16510-4926	Unnamed Tributary to Four Mile Creek	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township Erie County	PAG048337	Troy M. Gebhardt 9676 Silverthorn Road McKean, PA 16426	Unnamed Tributary of Porter Run	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Elk Creek Township Erie County	PAG048643	Mark D. and Robin R. Kindler 8754 Carberry Road Albion, PA 16401-9444	Unnamed Dry Tributary to Little Elk Creek	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-10

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Lehigh County City of Allentown	PAG-102201	Mobil Oil Corporation 8 South Main Road Frazer, PA 19355	Lehigh River	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Near the Oxford Athletic Club of North Hills, Penn Township, Allegheny County	PAG109603	Sun Pipeline 1801 Market Street— 15/10PC Philadelphia, PA 19103	Overland Flow near Oxford Athletic Club of North Hills in Pine Township Allegheny County	DEP Central Office 400 Market Street Harrisburg, PA 17105 (717) 787-8184

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

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

*Regional Office: Water Management Program Manager,
Southcentral Region, 909 Elmerton Ave., Harrisburg, PA
17110.*

*Location: **Paradise Township, Lancaster County,**
196 Black Horse Rd., P. O. Box 40, Paradise, PA 17562.*

The approved plan provides for construction of sewer line extensions to serve the Harristown Road/Ocola Drive area within 5 years and the Vintage/Kinzers area within 10 years. Additionally, the Township's onlot disposal maintenance program will address the remaining areas not currently served by public sewers. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Location: **Hamilton Township, Adams County,** 272 Mummert's Church Road, Abbottstown, PA 17301.*

The approved plan provides for construction of a sewage collection system, pump stations and force mains necessary to connect to the Berwick Township sewage treatment plant. The Berwick Township sewage treatment plan will be expanded from .02 mgd to .03 mgd treatment capacity. Additionally, an onlot disposal maintenance program will be adopted to address sewage disposal in the remainder of the Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Location: **Alsace Township, Berks County,** 65 Woodside Ave., Temple, PA 19560.*

The plan submission is disapproved because it failed to address the plan deficiencies identified in the Department's letter dated April 15, 1992. As discussed in a July 19, 1999 letter, failure to submit a new plan prior to December 31, 1999 would result in plan disapproval. The

original deficiencies are (1) the needs analysis does not provide enough information to support the conclusions and recommendations, (2) the relationship between well construction and well water results should be evaluated, (3) evaluate the recommendations based upon the new needs analysis information, (4) a proof of publication must be included in the submission, (5) a letter of consistency must be received from the Pennsylvania Natural Diversity Inventory and Pennsylvania Historic Act, (6) septage haulers, and sludge or septage disposal sites should be identified, (7) the Plan did not respond to the Berks County Planning Commission comments, (8) the implementation of the selected alternative cannot have a disclaimer statement, (9) if financing is not available for the Township to proceed with the selected alternative, the implementation schedule must then provide a secondary alternative which has no disclaimer, (10) for PENNVEST Funding consideration, complete the attached requirements, and (11) the Department will not accept less than 15% sampling of the wells in the Township.

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

Location: Connoquenessing Borough, Butler County, Connoquenessing Borough, P. O. Box 471, Connoquenessing, PA 16027.

This approved project proposes to construct a new public sewerage system to provide adequate sewage disposal for the existing and future disposal needs of the Borough of Connoquenessing. It will consist of a sewer system, two pump stations and an extended aeration sewage treatment facility. The effluent will be discharged to an unnamed tributary of Connoquenessing Creek.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

SAFE DRINKING WATER

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

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

Permit No. 0199501. Public water supply. **Franklin Township Municipal Authority**, Franklin Township, **Adams County**. *Responsible Official:* Robert Cullison, Chairperson, P. O. Box 4, Cashtown, PA 17310. *Type of Facility:* Department has issued a Construction Permit for the Rock Top Well and ancillary facilities. The well is to be used at a maximum rate of 50 gpm; treatment will be limited to hypochlorite disinfection. A 60,000 gallon finished water storage tank is also approved. *Consulting Engineer:* Scott M. Rights, PE, HRG, Inc., 32 W. Middle St., Gettysburg, PA 17325. *Permit to Construct Issued:* March 16, 1999.

Permit No. 0199504. Public water supply. **Mt. View Mobile Home Park**, 203 Rife Rd., East Berlin, PA 17316, Reading Township, **Adams County**. *Responsible Official:* David Rimmel, 20 Erford Rd., Suite 215, Lemoyne, PA 17043. *Type of Facility:* Construction Permit approving installation of four 2,500-gallon finished water tanks, two booster pumps, cartridge filtration and sodium hypochlorite disinfection. *Consulting Engineer:* Janet R.

McNally PE, William F. Hill & Assoc., Inc., 207 Baltimore St., Gettysburg, PA 17325. *Permit to Construct Issued:* October 25, 1999.

Permit No. 2899503. Public water supply. **Mt. Rock Homes, Inc.**, Southampton Township, **Franklin County**. *Responsible Official:* William K. Swarthout, President, 7650 Molly Pitcher Highway, Shippensburg, PA 17257-9093. *Type of Facility:* Construction Permit which authorizes expansion of the existing Mt. Rock Manor Mobile Home Park. This phase of construction will include a new well, treatment facilities and distribution expansion. The well will be operated at a maximum rate of 72 gallons per minute. Treatment will include hypochlorite disinfection and cation exchange softening. *Consulting Engineer:* Dennis E. Black, PE, Dennis E. Black Engineering, Inc., 2400 Philadelphia Ave., Chambersburg, PA 17201. *Permit to Construct Issued:* November 2, 1999.

Permit No. 6799502. Public water supply. **Dillsburg Borough Authority**, Carroll Township, **York County**. *Responsible Official:* Sheldon Williams, Authority Manager, 151 Baltimore St., Dillsburg, PA 17019. *Type of Facility:* Construction Permit authorizes completion of construction associated with Well No. 5A and ancillary facilities. The completed supply will operate at a rate of 400 gallons per minute. Treatment will include addition of a hypochlorite solution for disinfection and phosphates for corrosion control. *Consulting Engineer:* David A. Brinjac, PE, Brinjac, Kambic & Associates, Inc., 114 North Second St., Harrisburg, PA 17101. *Permit to Construct Issued:* November 17, 1999.

Permit No. 0699505. Public water supply. **Citizens Utilities Water Co. of PA**, Exeter Township, **Berks County**. *Responsible Official:* Brian J. Hassinger, 4 Wellington Blvd., Wyomissing Hills, PA 19610. *Type of Facility:* Interconnection with the Reading Area Water Authority. Construction of booster pump station, transmission main and 250,000 gallon storage tank. *Consulting Engineer:* Dale R. Kratzer, PE, Spotts Stevens & McCoy Inc., 345 N. Wyomissing Blvd., P. O. Box 6307, Reading, PA 19610-0307. *Permit to Construct Issued:* December 17, 1999.

Permit No. 6799503. Public water supply. **Stewartstown Borough Authority**, Stewartstown Borough, **York County**. *Responsible Official:* David E. England, P. O. Box 415, Stewartstown, PA 17363. *Type of Facility:* Construction Permit for installation of a greensand filter for iron and manganese removal and anion exchange equipment for nitrate removal at existing Wells No. 1, 2 and 3. *Consulting Engineer:* Dennis E. Sarpen, PE, Holley & Associates, 18 S. George St., York, PA 17401. *Permit to Construct Issued:* January 4, 2000.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—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 final reports. A final report is submitted to document cleanup of a release of a regulated substance at

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

For further information concerning the final report, please contact the Environmental Cleanup Program Manager in the Department'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 report(s):

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

PP&L Distribution Pole 22694S35285, East Pennsboro Township, **Cumberland County**. PP&L Inc., Two North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to the Statewide health standard.

Northcentral Regional Office, Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.

Distribution Pole 2476N31294, Milton Borough, **Northumberland County**. Nancy A. Evans, PP&L, Two North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soil 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 3

The Department has taken action 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 remediation standards of the Land Recycling and Environmental Remediations Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup

plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, 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 Manager in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a plan or report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

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

Pennfield Farms, Bethel Township, **Lebanon County**. RT Environmental Services, Inc., 2917 Windmill Road, Suite 1, Sinking Spring, PA 19608, has submitted a remedial investigation report and final report concerning the remediation of site soils contaminated with sulfuric acid. The remedial investigation/final report demonstrated attainment of the site-specific standard, and was approved by the Department on January 28, 2000.

Penske Truck Leasing Co., LP, City of Reading, **Berks County**. Arcadis Geraghty & Miller, Inc., 3000 Cabot Boulevard West, Suite 3004, Langhorne, PA 19047 has submitted a remedial investigation report and cleanup plan concerning the remediation of site groundwater contaminated with solvents and BTEX. These reports were approved by the Department on January 27, 2000.

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

CNG Transmission Corporation, South Bend Compressor Station, South Bend Township, **Allegheny County**. CNG Transmission Corporation, 445 West Main Street, Clarksburg, WV 26302 and Kevin McCullen, Dames and Moore, 2020 Ardmore Boulevard, Room 205, Pittsburgh, PA 15221 has submitted a Final Report concerning remediation of site soil contaminated with PCBs, BTEX and PAH. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on January 12, 2000.

Charles Pleska Residence, Jefferson Township, **Washington County**. Brian R. Evans, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103

and Charles Pleska, 104 Coal School Road, Avella, PA 15312, has submitted a final report concerning remediation of site soil and groundwater contaminated with BTEX and PAHs. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on January 14, 2000.

LTV South Side, Sarah Street Properties, City of Pittsburgh, **Allegheny County**. URA of Pittsburgh, 200 Ross Street, Pittsburgh, PA a.m. Rodriguez Associates, 200 Railroad Avenue, Carnegie, PA and Martin C. Knuth, P.G., Civil and Environmental Consultants, 333 Baldwin Road, Pittsburgh, PA 15205, has submitted a cleanup plan concerning remediation of site soil contaminated with heavy metals, solvents, BTEX. The cleanup plan did not demonstrate attainment of the site specific standard and was disapproved by the Department on January 21, 2000.

AIR QUALITY OPERATING PERMITS

General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

35-320-003GP: Panel Prints, Inc. (1001 Moosic Road, Old Forge, PA 18518) for installation and operation of sheetfed offset lithographic presses in Old Forge Borough, **Lackawanna County**.

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

49-302-034: Mertz Greenhouses (R. R. 2, Box 492A, Northumberland, PA 17857) on January 27, 2000, to authorize operation of two anthracite coal-fired boilers by a new owner/operator in Point Township, **Northumberland County**.

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

TVOP-17-00015: Permagrain Products, Inc. (115 Reactor Road, Karthaus, PA 16845) on January 4, 2000, for operation of a wood treatment and wood flooring manufacturing facility which includes two boilers, one furnace, seven storage tanks, wood finishing operations, wood impregnation operations and waste polymerization operations in Girard and Covington Townships, **Clearfield County**.

TVOP-53-00002: Transcontinental Gas Pipeline Corp., Station 535 (P. O. Box 1396, Houston, TX 77251) on January 6, 2000, for operation of a natural gas transmission station which includes five natural gas fired engines, five heaters, one boiler and an emergency generator in Wharton Township, **Potter County**.

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

TVOP-65-00042: Ranbar Electrical Materials, Inc., Manor Division (Route 993, Box 607, Manor, PA 15665) on January 21, 2000 for their paint and coatings manufacturing facility in Manor Township, **Westmoreland County**. The facility's major sources of emissions include paint and resin manufacturing which emit major quantities of volatile organic compounds (VOCs).

TVOP-11-00288: Johnstown America Corp., Freight Car Division (17 Johns Street, Johnstown, PA 15901) for their Franklin Plant in Franklin Borough, **Cambria County**. The facility's major sources of emissions include rail car painting operations which emit major quantities of volatile organic compounds.

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.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

48-313-085: Medeva Pharmaceuticals, Inc. (P. O. Box 21170, Lehigh Valley, PA 18002-1170) on December 29, 1999, for construction of an anesthetics manufacturing process in Hanover Township, **Northampton County**.

48-309-111: Hercules Cement Co. (501 Center Street, P. O. Box 69, Stockertown, PA 18083) on January 7, 2000, for modification of Bulk Silo Group No. 1 in Stockertown Borough, **Northampton County**.

35-328-001: P E I Power Corp. (Archbald Power Station, 170 Power Boulevard, P. O. Box 157, Archbald, PA 18403) on January 13, 2000, for construction of a simple cycle turbine in Archbald Borough, **Lackawanna County**.

40-320-010: Plainwell Tissue (P. O. Box 6000, 901 Santhers Drive, Pittston, PA 18640) on January 18, 2000, for construction of a napkin printing operation in Pittston Township, **Luzerne County**.

66-315-038: Procter & Gamble Paper Products Co. (P. O. Box 32, Mehoopany, PA 18629) on January 28, 2000, for construction of four diaper raw material delivery systems on Route 87 in Washington Township, **Wyoming County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-10-237A: Fox Funeral Home Inc. (410 West Main Street, Saxonburg, PA 16056) on January 11, 2000, for modification of Plan Approval 10-301-045 (pathological furnace) in Saxonburg Borough, **Butler County**.

Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-15-0078: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on January 26, 2000, for operation of an emergency electric generator in East Whiteland Township, **Chester County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

OP-60-0001A: Bucknell University (Lewisburg, PA 17837) on January 21, 2000, to extend authorization to operate a natural gas/no. 2 fuel oil-fired turbine, two natural gas/no. 2 fuel oil-fired boilers and an emergency diesel generator on a temporary basis until May 20, 2000, in Lewisburg Borough, **Union County**.

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

65-305-048: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) on January 26, 2000, for operation of coke oven battery operations at Monessen Coke Plant in Monessen, **Westmoreland County**.

65-305-049: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) on January 26, 2000, for operation of coke by-products recovery plant at Monessen Coke Plant in Monessen, **Westmoreland County**.

65-302-071: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) on January 25, 2000, for operation of two boilers at Monessen Coke Plant in Monessen, **Westmoreland County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); 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 such 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

56880109. Permit Revision, **PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541) to temporarily close, mine through, and reconstruct a portion of T-568 beginning at its intersection with T-415 and continuing northward, on both sides of T-568, for a distance of approximately 3,540 feet to the limits of this surface mine permit in

Brothersvalley Township, **Somerset County**, affecting 154.2 acres, receiving stream unnamed tributaries of Bluelick Creek and Bluelick Creek, application received December 13, 1999, issued January 24, 2000.

32960104. Permit Revision, **D. J. & W. Mining, Inc.** (P. O. Box 425, Indiana, PA 15701), for a change in land use from forestland to pastureland/land occasionally cut for hay on the Gary D. and Connie M. Spidell property in Rayne Township, Indiana County, affecting 79.4 acres, receiving stream unnamed tributary to Brush Run; unnamed tributary to Crooked Creek; Brush Run; and Crooked Creek, application received December 10, 1999, issued January 27, 2000.

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

Coal Permits Issued

54840209R3. Mazaika Coal Company, (R. R. 4 Box 391, Tamaqua, PA 18252), renewal of an existing coal refuse reprocessing operation in Rush Township, **Schuylkill County**, affecting 24.0 acres, receiving stream—none. Renewal issued January 27, 2000.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

63940101R. Robinson Coal Company (P. O. Box 9347, Neville Island, PA 15225). Renewal issued for continued operation and reclamation of a bituminous surface mine located in Robinson and Smith Townships, **Washington County**, affecting 160.4 acres. Receiving streams unnamed tributary to Robinson Run, Robinson Run to Chartiers Run, Chartiers Run to Ohio River. Application received: July 27, 1999. Renewal issued January 25, 2000.

26990103. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Springfield Township, **Fayette County**, affecting 58 acres. Receiving streams: unnamed tributary to Poplar Run. Application received: July 15, 1999. Permit issued: January 25, 2000.

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

Noncoal Permits Issued

10950301. Big "B" Mining Company (R. D. 1, West Sunbury, PA 16061) Renewal of NPDES PA0226891, Clay Township, **Butler County**. Receiving Streams: Unnamed tributary to Stony Run. Application received December 13, 1999. Permit Issued January 25, 2000.

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

48900301T. Dally Slate Company, (500 Railroad Avenue, P. O. Box 27, Pen Argyl, PA 18072), transfer of an existing quarry operation in Pen Argyl Borough, **Northampton County**, affecting 8.64 acres, receiving stream—none. Transfer issued January 27, 2000.

7475SM2T2. Dally Slate Company, (500 Railroad Avenue, P. O. Box 27, Pen Argyl, PA 18072), transfer of an existing quarry operation in Pen Argyl Borough, **Northampton County**, affecting 12.4 acres, receiving stream—none. Transfer issued January 27, 2000.

7475SM6T2. Dally Slate Company, (500 Railroad Avenue, P. O. Box 27, Pen Argyl, PA 18072), transfer of an existing quarry operation in Pen Argyl Borough, **Northampton County**, affecting 16.3 acres, receiving stream—none. Transfer issued January 27, 2000.

7475SM7T. Dally Slate Company, (500 Railroad Avenue, P. O. Box 27, Pen Argyl, PA 18072), transfer of an existing quarry operation in Pen Argyl Borough, **Northampton County**, affecting 39.3 acres, receiving stream—none. Transfer issued January 27, 2000.

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

Noncoal Application Withdrawn

48820501T. Dally Slate Company, (500 Railroad Avenue, P. O. Box 27, Pen Argyl, PA 18072), withdrawal of transfer application from Anthony Dally & Sons Inc. in Pen Argyl Borough, **Northampton County**, affecting 77.2 acres, receiving stream—East Branch Bushkill Creek. Application received January 15, 1999. Application withdrawn January 28, 2000.

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, 2nd Floor, 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 (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.)

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

E21-297. Encroachment. **UGI Utilities, Inc.**, 1500 Paxton St., Harrisburg, PA 17105. To construct and maintain an 8-inch diameter gas line to be attached to the existing PA 34 Bridges and culverts across Yellow Breeches Creek and Mill Race (HQ-CWF) and Letort Spring Run (EV) and under the streambed of an unnamed tributary to Yellow Breeches to supply adequate gas to customers (Carlisle, PA Quadrangle N: 2.0 inches;

W: 9.88 inches and N: 7.9 inches; W: 9.68 inches) in South Middleton Township, **Cumberland County**. This permit was issued under § 105.13(e) "Small Projects."

E22-407. Encroachment. **City of Harrisburg**, Joseph Link, 123 Walnut St., Ste. 212E, Harrisburg, PA 17101. To replace riprap, fill, ornamental railings, concrete curbs, park benches and sidewalks that were damaged by flooding in the floodplain of the Susquehanna River (WWF) at a point from Route 83 (Harrisburg East, PA Quadrangle N: 0.2 inch; W: 17.2 inches) to the northern city limit (Harrisburg West, PA Quadrangle N: 9.2 inches; W: 4.0 inches) in the city of Harrisburg, **Dauphin County**. This permit was issued under § 105.13(e) "Small Projects."

E22-408. Encroachment. **James Hills**, 1281 Waltonville Road, Hummelstown, PA 17036. To enlarge an existing pond that drains to Iron Run (WWF) at a pond along Waltonville Road (Middletown, PA Quadrangle N:19.9 inches; W:7.8 inches) in Derry Township, **Dauphin County**. This permit was issued under § 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.

Permits Issued

E63-466. Encroachment. **Pennsylvania Trolley Museum**, 1 Museum Road, Washington, PA 15301-6133. To place and maintain fill in 0.31 acre of wetlands (PEM) and to place and maintain fill within the floodway of Chartiers Creek (WWF) for the purpose of extending a demonstration trolley line. The project is located near the intersection of S.R. 4049 and Country Club Road (S. R. 1045) (Washington East, PA Quadrangle N: 15.5 inches; W: 16.3 inches) in Chartiers Township, **Washington County**. The applicant has met the wetland replacement requirements by contributing to the Wetland Replacement Fund.

Permits Issued and Actions on 401 Certification

Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E25-597. Encroachment. **PA Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. To remove the existing bridge and to construct and maintain a prestressed concrete spread box beam bridge having a clear, normal span of 58.5 feet and an average underclearance of 11.5 feet across Sixteenmile Creek on S. R. 0089, Segment 0570, Offset 0000 approximately 100 feet south of S. R. 426 (North East, PA Quadrangle N: 14.8 inches; W: 11.7 inches) located in North East Borough, **Erie County**.

E25-598. Encroachment. **PA Electric Company d/b/a GPU Energy**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640-0001. To install a fiber optic cable and to operate and maintain the existing aerial electric distribution line No. 50110 supported by single poles across French Creek upstream of S. R. 97 approximately 2.7 miles west of S. R. 6 (Waterford, PA Quadrangle N: 6.0 inches; W: 3.0 inches) located in LeBoeuf Township, **Erie County**.

E43-274. Encroachment. **PA Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. To remove the existing bridge and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear span of 38.5 feet and an average underclearance of 5.3 feet on an 80 degree skew

across Sugar Run on S. R. 0058, Segment 0050, Offset 0000 approximately 2 miles west of S. R. 0322 at Jamestown (Greenville West, PA Quadrangle N: 18.4 inches; W: 14.6 inches) located in Greene Township, **Mercer County**. Project includes impact to a de minimis area of wetland (0.004 acre permanent, 0.01 acre temporary).

E62-356. Encroachment. **PA Electric Company, d/b/a GPU Energy**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640-0001. To install a fiber optic cable and to operate and maintain the existing NWS aerial electric distribution and transmission line supported by H-pole towers across the Allegheny River approximately 0.4 mile upstream of the Pennsylvania Avenue Bridge at Warren (Clarendon, PA Quadrangle N: 13.5 inches; W: 15.0 inches) located in Glad and Mead Townships, **Warren County**.

ENVIRONMENTAL ASSESSMENT

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA14-004CO. Environmental Assessment. **Charles J. Weyandt** (P. O. Box 118, Julian, PA 16844). To operate and maintain a non-jurisdictional dam in the watershed of Laurel Run (EV) for the purpose of recreation and fire protection located approximately 3,000 feet northwest of the intersection of Beaver Run Road (S. R. 3032) and Dicks Run Road (S. R. 3030) (Bear Knob, PA Quadrangle, N: 2.15 inches, W: 14.75 inches), in Huston Township, **Centre County**.

D36-165EA. Environmental Assessment. **Robert Gehret** (33 West Mohler Church Road, Ephrata, PA 17522). To breach and remove Martin Dam across Cocalico Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 900 feet southeast of the intersection of Mohlers Church Road and Trout Run Road (T-943) (Ephrata, PA Quadrangle N: 12.5 inches; W: 5.5 inches), in Ephrata Township, **Lancaster County**.

WATER ALLOCATIONS

Actions taken on applications filed under the act of June 24, 1939 (35 P. S. §§ 631—640) relating to the acquisition of rights to divert waters of this Commonwealth.

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

Permit No. WA06-1011. Water Allocation. **Citizens Utilities Water Company of Pennsylvania, Berks County**. *Responsible Official:* Brian Hassinger, P. O. Box 6342, 4 Wellington Blvd., Wyomissing, PA 19610. *Request:* Right to purchase 1.5 million gallons per day (mgd) on a monthly basis from the Reading Area Water Authority. The right shall increase to 2.0 mgd upon approval from Public Utility Commission to serve a portion of Robeson Township. *Consulting Engineer:* Dale Kratzer, PE, Spotts Stevens and McCoy, Inc., 345 N. Wyomissing Boulevard, P. O. Box 6307, Reading, PA 19610-0307. *Permit Issued:* December 16, 1999.

SPECIAL NOTICES

Notification of Receipt of Risk Assessment Report Merck & Co., Inc. Cherokee Plant Riverside Borough, Northumberland County

On January 27, 2000, the Department of Environmental Protection (Department), Bureau of Air Quality received a copy of the *Preliminary Risk Assessment Fluidized Bed Combustor Merck & Co., Inc. Cherokee Facility Riverside, Pennsylvania* for a proposed hazardous waste incinerator. This multipathway risk assessment addresses the handling and burning of liquid hazardous wastes and industrial sludge in the proposed incinerator. This risk assessment is part of the plan approval application submitted for the construction of the hazardous waste incinerator.

A copy of the risk assessment is available for review, 8 a.m.—4 p.m., at the Department of Environmental Protection, Northcentral Regional Office, 208 West Third St., Suite 101, Williamsport, PA 17701-6448. Appointments must be made by calling (570) 327-3693.

Persons wishing to comment on the risk assessment may do so, in writing, to David W. Aldenderfer, Air Program Manager, at the previous address. Comments may also be made by E-mail to: aldenderfer.david@dep.state.pa.us. Comments must be received with 60 days of the publication of this notice.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for Valley and Little Valley Creek Watersheds

The Department of Environmental Protection (Department) is holding a public meeting on March 16, 2000, beginning at 10 a.m. and ending no later than 12:30 p.m. at the Southeast Regional Office, Lee Park, Suite 6010, Conshohocken, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of section 303(d) of The Clean Water Act (act). The entire Valley Creek basin, including Little Valley Creek, was listed in 1996 and 1998 under section 303(d) of the act as impaired because excessive levels of PCB were found in fish tissue, resulting in a fish consumption ban. The proposed plan provides calculations of the stream's total capacity to absorb PCB without violating the water quality criterion of 0.00004 micrograms per liter. The maximum amount of PCB that can be safely absorbed by Valley Creek under design conditions is 0.0000055 lbs/day. Remediation activities, including the excavation of stream sediments, along with bans on use and natural attenuation, are expected to reduce concentrations of PCB to acceptable levels.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Laurel Ateyeh at (610) 832-6075 or by writing to Department of Environmental Protection, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428 or E-mail at ateyeh.laurel@dep.state.pa.us. The TMDL can be viewed on the DEP website at <http://www.dep.state.pa.us>.

The TMDL can be viewed and printed on the DEP Website by going to NAVIGATION, clicking Subjects, and following this path: Water Management, Surface Water, Total Maximum Daily Loads (TMDLs).

Written comments will be accepted at the previous address and must be postmarked by April 17, 2000.

Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. on March 14, 2000. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency (EPA) for approval.

Availability of Grants for the Remediation of Waste Tire Piles in Pennsylvania

The Department of Environmental Protection (Department) announces the availability of grants for Fiscal year 99/00 for the remediation of three waste tire piles in this Commonwealth. Only those waste tire piles listed are eligible under this grant offering.

To be considered for a grant, an applicant: 1) must propose to remediate any of the following waste tire piles: Lolota located in Madison Township, Columbia County; Osman located in Munster Township, Cambria County; and Prangs located in East Fallowfield Township, Chester County (copies of this list are available from the Division of Municipal and Residual Waste, (717) 787-7381, or may be obtained electronically by the DEP Internet site on the world wide web at: <http://www.dep.state.pa.us> under the Municipal and Residual Waste page); 2) must not have contributed, in any manner, to the creation of a noncompliant waste tire pile; and 3) must have an identifiable end-use for the waste tires to be remediated.

Grant funds are to be used for activities directly related to the remediation of priority waste tire sites (such as employe wages, operation of equipment, transportation, processing costs and the like). Grants may not be used for the purchase of equipment and grant recipients shall use funds only for those activities approved by the Department.

Applicants must complete and submit an official two-part application for each proposed tire pile remediation. The Waste Tire Remediation Grant Application Parts A and B include all the materials and instructions necessary for applying for a grant. Copies of these documents are available by contacting the Division of Municipal and Residual Waste at (717) 787-7381 or may be obtained electronically from the Department's Internet site on the world wide web at: <http://www.dep.state.pa.us> (type "tires" in directLINK). Six copies of the application containing both Parts A and B must be completed and submitted by 4 p.m. on March 24, 2000, to: Department of Environmental Protection, Division of Municipal and Residual Waste, 14th Floor-Rachel Carson State Office Building, 400 Market Street, P. O. Box 8472, Harrisburg, PA 17105-8472. Applications which are incomplete or arrive after the deadline will not be considered.

At a minimum, all applications must contain: (1) a description of the applicant's experience in waste tire remediation, (2) markets or end-uses for the remediated tires, (3) a schedule for the remediation of tires at the site, (4) proposed cost of the waste tire pile remediation, and (5) any additional information the Department deems necessary. Please follow the instructions in the Part A and B Grant Application to assure you are submitting all of the necessary information in the correct format.

Persons who have questions about this grant program should contact the Division of Municipal and Residual Waste, (717) 787-7381.

Application Period for Municipal Recycling Program Performance Grant Applications under Section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) Calendar Year 1999 Recycling

The Department of Environmental Protection (Department) announces a request for applications from municipalities for recycling performance grant assistance for recycling programs under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. §§ 4000.101—4000.1904). Municipalities include counties, cities, boroughs, incorporated towns, townships and home rule municipalities. This application period is for eligible materials recycled and marketed in calendar year 1999.

Municipal Recycling Program Performance Grant funds will be awarded to municipalities based upon the weight of source separated recyclable materials identified in § 1501(c)(1)(i) of Act 101 recovered by municipal recycling programs, and the population of the municipality as determined by the most recent decennial census. Municipalities will be eligible to receive an award based on a formula of \$5 for each Department approved ton of eligible recyclable materials recycled or marketed and \$1 per approved ton for each percentage of municipal waste calculated by the Department to be diverted from disposal. The weight of eligible materials allowable from nonresidential (commercial, institutional and municipal) sources under the preceding formula will be limited to no more than the weight of approved eligible materials from residential sources. The Department approved materials from nonresidential sources not factored into the preceding formula will be awarded a bonus of \$10 per ton. The Department will not award grants calculated to be less than \$10.

Eligible materials include post-consumer: clear glass, colored glass, aluminum cans, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper, and plastics. Grants will be awarded only for properly documented, eligible materials that were actually marketed on or after January 1, 1999, to and including December 31, 1999. Grant funds will not be awarded for residues, materials not listed as eligible including, but not limited to, leaf and yard wastes, or any materials which cannot be documented as being recycled into a new product or use.

Documentation to support all claims that eligible recyclable materials were generated within the municipality and marketed must be made available for auditing by the Department of Environmental Protection, the Office of the Attorney General, the Office of the Treasurer, or agents of those offices for 4 years. DEP will not require applicants to retain hauler customer lists; however, the lists may be required to be examined in the event of an audit. It will be the applicant's responsibility to arrange for hauler customer lists to be provided, or for haulers to be present with their customer lists, during a grant audit. Supporting documentation is not required to be submitted with the application.

Acceptable Supporting Documentation: Weight slips or receipts verifying that the materials were recycled or marketed are required as supporting documentation for the grant application. The documentation must include: 1) the date the materials were recycled/marketed; 2) the type of material recycled/marketed; 3) the name of the municipality where the material was generated; and, 4) the weight, stated in pounds or tons, of the material recycled/marketed. Documentation supporting materials source separated from municipal waste by commercial/

institutional establishments and recycled/marked must bear the name of the establishment and the municipality where the establishment is located.

Acceptable documentation must be provided in one of the following formats: 1) a dated weight/market receipt identifying the generator of the recyclable materials and the market; or, 2) a dated report submitted by the hauler or market on company letterhead clearly indicating the name of the company generating the recyclable materials; or, 3) a dated report submitted by the generator, which is signed by the hauler or market vendor that received the materials. Reports may be submitted on annual, monthly, weekly or other time period format. All information must be legible.

Estimates of weight will not be accepted except in cases where: 1) the material is packaged in uniform bales and the average weight of a bale can be demonstrated and supported by weight receipts, and a record of the number of bales was provided by the market vendors; or when, 2) multiple generators contribute to a known quantity of marketed material, and the hauler or market estimates the quantities attributable to any individual establishment or municipality, and verifies the estimate with a signature.

Although the supporting documentation is not required to be submitted with the grant application, any documentation provided must conform to the above requirements or the materials claimed will not be credited toward the grant award.

Grant applications must be on forms provided by the Department for calendar year 1999. Grant applications must be delivered by 3 p.m., September 29, 2000, or postmarked on or before that day. Applications received by the Department after the deadline will be returned to the applicant. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of moneys in the Recycling Fund.

Municipalities wishing to file an application should contact their County Recycling Coordinator or the Department at the address that follows. Applicants who filed a Performance Grant application for calendar year 1998 will be mailed a current application by the Department as soon as they are available. Inquiries concerning this notice should be directed to Todd Pejack, Bureau of Land Recycling and Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

[Pa.B. Doc. No. 00-248. Filed for public inspection February 11, 2000, 9:00 a.m.]

Mining and Reclamation Advisory Board; Regulation, Legislation and Technical Committee Meeting

The Mining and Reclamation Advisory Board's Regulation, Legislation and Technical Committee will have a meeting on Thursday, February 17, 2000, at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, Harrisburg.

Questions concerning the agenda can be directed to Natalie Shepherd at (717) 783-5338 or E-mail to shepherd.natalie@dep.state.pa.us. The agenda for this meeting will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Natalie Shepherd directly at (717) 783-5338 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how DEP may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-249. Filed for public inspection February 11, 2000, 9:00 a.m.]

DEPARTMENT OF HEALTH

Licensure of Pediatric Extended Care Centers

After the passage of Senate Bill 670, signed into law as Act 54 of 1999 (act), the Department of Health (Department) is currently accepting applications for licensure of Pediatric Extended Care Centers (PECC).

Section 3 of the act defines a "pediatric extended care center" as:

Any building or buildings, or other place, whether operated for-profit or not-for-profit, which undertakes through its ownership or management to provide basic nonresidential services to more than six medically dependent or technologically dependent children who are not related to the owner or operator by blood, marriage or adoption and who require such services. Prerequisites for admission are a prescription from the child's attending physician and consent of a parent of legal guardian.

Under section 6 of the act:

Any person desiring to secure a license to maintain and operate a PECC must submit an application to the department upon forms prepared and furnished by it

The application must include the annual license fee of \$500, proof of adequate liability insurance coverage or protection and evidence that a bond has been posted by the applicant.

In accordance with section 7 of the act, until regulations are promulgated the Department shall issue a license to an operator when the following standards have been met:

- (1) The operator is a responsible person.
- (2) The place to be used by a PECC is adequately constructed, equipped, maintained and operated to safely and efficiently render the services offered.
- (3) The PECC provides safe and efficient services which are adequate for the care, treatment and comfort of the patients or residents of the facility.
- (4) There is substantial compliance with the requirements of this act

The specific standards to be applied, until regulations are adopted, can be found in section 15 of the act.

Questions regarding the licensure of PECC should be directed to the Department's Division of Home Health at (717) 783-1380 or the Department's web site at www.health.state.pa.us. Persons with a disability may also submit questions to the program in alternate for-

mats, such as by audiotape, braille or using V/TT: (717) 783-6514 or Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

Requests for licensure application should be sent to the following address: Department of Health, Division of Home Health Care, 132 Kline Plaza, Suite A, Harrisburg, PA 17104.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 00-250. Filed for public inspection February 11, 2000, 9:00 a.m.]

Pennsylvania Cancer Control Prevention and Research Advisory Board

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention, and Research Act at 35 P. S. § 5633, will hold a public meeting on March 15, 2000, from 10 a.m. to 1 p.m. at the Pennsylvania Medical Society, Room C, 777 East Park Drive, Harrisburg, PA.

For additional information please contact Susan F. George, Program Manager, Department of Health, Cancer Control Program, 1011 Health and Welfare Building, Harrisburg, PA, at (717) 787-5251.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact Susan F. George at (717) 787-5251. V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN,
Secretary

[Pa.B. Doc. No. 00-251. Filed for public inspection February 11, 2000, 9:00 a.m.]

Special Supplemental Food Program for Women, Infants and Children (WIC Program); Public Meetings

In accordance with 7 CFR 246.4(b), the Department of Health (Health) has scheduled two public meetings for the purpose of obtaining comments and recommendations for the development of the year 2001 State Plan of Program Operations and Administration for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program) in Pennsylvania. The meetings are scheduled as follows:

April 27, 2000

10 a.m.—3 p.m.
Health and Welfare Building—Room 610
Commonwealth and Forster Streets
Harrisburg, PA 17120

May 17, 2000

10 a.m.—3 p.m.
North, Inc.
642 North Broad Street, Suite 101
Philadelphia, PA 19130-3409

The Department invites comments on all aspects of the WIC Program's operations. General comments on other issues pertinent to the WIC Program are also requested.

Persons wishing to give testimony at the public meeting are requested to preregister with the State WIC Program Office by calling (717) 783-1289. Anyone unable to attend the meetings, may submit written comments by May 31, 2000, to the Department. Direct written comments to: Department of Health, Division of Women, Infants and Children (WIC), Attention: Program Operations and Evaluation Section, P. O. Box 90, Harrisburg, PA 17108

Persons who require reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) of 1990, or wish to provide comments to the Department and require auxiliary aide service, should contact Bonnie Mellott at (717) 783-1289 for assistance. V/TT: (717) 783-1289 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 00-252. Filed for public inspection February 11, 2000, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

HealthChoices Behavioral Health Program Expansion to Lehigh/Capital Zone

HealthChoices is the name of Pennsylvania's 1915(b) waiver program to provide mandatory managed health care to Medical Assistance recipients. The Department of Public Welfare, in preparation for the expansion of the HealthChoices Behavioral Health Program to the Lehigh/Capital zone (Adams, Berks, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Northampton, Perry and York counties), is making the following preliminary materials available:

- Implementation of HealthChoices in the Lehigh/Capital Area—Discussion Paper
- Southeast Behavioral Health Negotiated Reprocurement RFP
- Southwest Behavioral Health Readiness Review Instrument
- 1999 HealthChoices Behavioral Health Southwest Databook
- HealthChoices Behavioral Health Complaint, Grievance, and Appeal Materials Handbook

HealthChoices Behavioral Health Lehigh/Capital Implementation Timeline

Implementation Target Date
10/1/2001

Letter of Intent issued for the HealthChoices Zone area Counties	3/31/00
Proposers' Library established	4/1/00
Request for Proposals issued (with DRAFT Contract)	8/15/00
Data Book issued	9/1/00
RFP Technical Assistance Sessions: Program—Fiscal—MIS	9/7/00—9/24/00
RFP responses due/received and opened	10/31/00
Contract Negotiations	1/16/01—3/15/01

Readiness Review Deliverables Due	4/21/01—5/26/01
On-Site Readiness Reviews	6/12/01—6/23/01
Readiness Review Completed	7/15/01
Start-Up and Outreach	7/16/01—9/30/01
Voluntary Conversion	10/1/01
Enrollment Activities	10/1/01—2/18/02
Auto Assignment	4/1/02

For information or to order any of these materials contact: Mike Root, Department of Public Welfare, Office of Mental Health and Substance Abuse Services, Bureau of Policy and Program Development, Harrisburg State Hospital, Beechmont Bldg. No. 32, Harrisburg, PA 17120, Phone: (717) 772-7992, Fax: (717) 772-7964.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 00-253. Filed for public inspection February 11, 2000, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Clover Cash 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 Clover Cash.

2. *Price:* The price of a Pennsylvania Clover Cash instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Clover Cash instant lottery game ticket will contain one play area and one "Bonus Box" area. The play symbols and their captions located in the play area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$7⁰⁰ (SVN DOL), \$17\$ (SVNTN), \$35\$ (TRY FIV), \$70\$ (SEVENTY), \$170 (ONEHUNSTY) and \$1,700 (SVNTNHUN). The play sym-

bol and their captions located in the "Bonus Box" area are: Clover Symbol (CLOVER) and TRY AGAIN.

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$7, \$17, \$35, \$70, \$170 and \$1,700.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 5,040,000 tickets will be printed for the Pennsylvania Clover Cash instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$1,700 (SVNTNHUN) in the play area on a single ticket, shall be entitled to a prize of \$1,700.

(b) Holders of tickets with three matching play symbols of \$170 (ONEHUNSTY) in the play area on a single ticket, shall be entitled to a prize of \$170.

(c) Holders of tickets with three matching play symbols of \$70\$ (SEVENTY) in the play area on a single ticket, shall be entitled to a prize of \$70.

(d) Holders of tickets with three matching play symbols of \$35\$ (TRY FIV) in the play area on a single ticket, shall be entitled to a prize of \$35.

(e) Holders of tickets with three matching play symbols of \$17\$ (SVNTN) in the play area on a single ticket, shall be entitled to a prize of \$17.

(f) Holders of tickets with a Clover Symbol (CLOVER) play symbol in the "Bonus Box" play area on a single ticket, shall be entitled to a prize of \$17.

(g) Holders of tickets with three matching play symbols of \$7⁰⁰ (SVN DOL) in the play area on a single ticket, shall be entitled to a prize of \$7.

(h) Holders of tickets with three matching play symbols of \$3⁰⁰ (THR DOL) in the play area on a single ticket, shall be entitled to a prize of \$3.

(i) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

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 3 Like Amounts,
Win That Amount Or
Get A Clover In The
Bonus Box With
Prize(s) Of:*

<i>Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
\$1	\$1	1:7.50	672,000
\$2	\$2	1:17.65	285,600
\$3	\$3	1:75	67,200
\$7	\$7	1:300	16,800
\$17	\$17	1:300	16,800
Clover	\$17	1:75	67,200
\$35	\$35	1:6,000	840
\$70	\$70	1:12,000	420
\$170	\$170	1:30,000	168
\$1,700	\$1,700	1:504,000	10

Clover = Auto \$17

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Clover Cash 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 Clover Cash, prize money from winning Pennsylvania Clover Cash 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 Clover Cash 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 Clover Cash or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-254. Filed for public inspection February 11, 2000, 9:00 a.m.]

Pennsylvania Lucky Green 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 Lucky Green.

2. *Price:* The price of a Pennsylvania Lucky Green instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Lucky Green instant lottery game ticket will contain one play area featuring one "Lucky Numbers" area and one "Your Numbers" area. The play symbols and their captions, printed in black ink, located in the "Lucky Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT) and 29 (TWYNIN). The play symbols and their captions, printed in either green or black ink, located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT) and 29 (TWYNIN).

4. *Prize Play Symbols:* The prize play symbols and their captions, printed in black ink, located in the "Prize" area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$3.⁰⁰ (THR DOL), \$4.⁰⁰ (FOR DOL), \$6.⁰⁰ (SIX DOL), \$8.⁰⁰ (EGT DOL), \$12\$ (TWLV), \$18\$ (EGHTN), \$24\$ (TWY FOR), \$36\$ (TRY SIX), \$72\$ (SVY TWO), \$144 (HUNFRYFOR) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$6, \$8, \$12, \$18, \$24, \$36, \$72, \$144 and \$20,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,040,000 tickets will be printed for the Pennsylvania Lucky Green instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$20,000 (TWY THO) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$144 (HUNFRYFOR) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$144.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$72\$ (SVY TWO) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$144.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$72\$ (SVY TWO) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$72.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$36\$ (TRY SIX) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$72.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$36\$ (TRY SIX) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$36.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$18\$ (EGHTN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$36.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$24\$ (TWY FOR) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches

either of the "Lucky Numbers" play symbols and a prize play symbol of \$12\$ (TWLV) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$18\$ (EGHTN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$18.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$12\$ (TWLV) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$6^{.00} (SIX DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$8^{.00} (EGT DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$4^{.00} (FOR DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$6^{.00} (SIX DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$3^{.00} (THR DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$4^{.00} (FOR DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$2^{.00} (TWO DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$3^{.00} (THR DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(t) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$2^{.00} (TWO DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches either of the "Lucky Numbers" play symbols and a prize play symbol of \$1^{.00} (ONE DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Match Any Of Your Numbers To Either Of The Lucky Numbers With Prize(s) Of:

<i>Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
\$1 x 2	\$2	1:9.38	537,600
\$2	\$2	1:13.76	366,240
\$3	\$3	1:21.43	235,200
\$2 x 2	\$4	1:300	16,800
\$4	\$4	1:300	16,800
\$2(D)	\$4	1:75	67,200
\$1 x 6	\$6	1:300	16,800
\$2 x 3	\$6	1:500	10,080
\$3 x 2	\$6	1:375	13,440
\$6	\$6	1:500	10,080
\$3(D)	\$6	1:150	33,600
\$1 x 8	\$8	1:300	16,800
\$2 x 4	\$8	1:300	16,800
\$4 x 2	\$8	1:750	6,720
\$3 x 2 + \$2	\$8	1:750	6,720
\$8	\$8	1:1,500	3,360
\$4(D)	\$8	1:300	16,800
\$3 x 4	\$12	1:1,500	3,360
\$2 x 6	\$12	1:1,500	3,360

*Match Any Of Your
Numbers To Either
Of The Lucky
Numbers With
Prize(s) Of:*

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
\$1 x 6 + \$3 x 2	\$12	1:750	6,720
\$6 x 2	\$12	1:1,500	3,360
\$4 x 3	\$12	1:1,500	3,360
\$3 x 2 + \$6	\$12	1:1,500	3,360
\$2 x 4 + \$4	\$12	1:1,500	3,360
\$12	\$12	1:1,500	3,360
\$6(D)	\$12	1:750	6,720
\$2 x 7 + \$4	\$18	1:750	6,720
\$3 x 6	\$18	1:750	6,720
\$8 + \$6 + \$4	\$18	1:750	6,720
\$4 x 3 + \$2 x 3	\$18	1:750	6,720
\$12 + \$6	\$18	1:1,500	3,360
\$18	\$18	1:1,500	3,360
\$3 x 8	\$24	1:1,500	3,360
\$4 x 6	\$24	1:1,500	3,360
\$2 x 6 + \$6 x 2	\$24	1:1,500	3,360
\$24	\$24	1:1,500	3,360
\$12(D)	\$24	1:1,500	3,360
\$6 x 6	\$36	1:4,000	1,260
\$24 + \$8 + \$4	\$36	1:6,000	840
\$6 x 4 + \$4 x 3	\$36	1:2,400	2,100
\$12 x 3	\$36	1:6,000	840
\$24 + \$6 x 2	\$36	1:4,800	1,050
\$24 + \$4 x 3	\$36	1:6,000	840
\$36	\$36	1:6,000	840
\$18(D)	\$36	1:2,400	2,100
\$12 x 6	\$72	1:8,000	630
\$18 x 4	\$72	1:8,000	630
\$24 x 3	\$72	1:24,000	210
\$72	\$72	1:24,000	210
\$36(D)	\$72	1:6,000	840
\$18 x 4 + \$24 x 2 + \$12 x 2	\$144	1:17,143	294
\$24 x 6	\$144	1:60,000	84
\$18 x 8	\$144	1:60,000	84
\$144	\$144	1:60,000	84
\$72(D)	\$144	1:15,000	336
\$20,000	\$20,000	1:504,000	10

D = Double

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Green instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky Green, prize money from winning Pennsylvania Lucky Green 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 Lucky Green instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky Green or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-255. Filed for public inspection February 11, 2000, 9:00 a.m.]

Pennsylvania Millennium Megabucks Instant Lottery Game

[Correction]

An error occurred in the document, which appeared at 29 Pa.B. 6531 (December 25, 1999) giving notice of the rules for the new instant lottery game. The \$732,000 prize was omitted from the listing of prize amounts in section 5 and the \$730,000 was not annotated. The following version shows the complete prize listing for section 5:

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$40, \$50, \$75, \$100, \$500, \$2,000, \$20,000, \$730,000 (for prizes claimed on or after March 1, 2000) and \$732,000 (for prizes claimed before March 1, 2000). The player can win up to 15 times on a ticket.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-256. Filed for public inspection February 11, 2000, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Request for Consulting Services for an Open-End Contract for Statewide Bridge Inspection Quality Assurance

Project Reference No. 08430AG2501

The Department will retain an engineering firm to perform the Quality Assurance (QA) of its Bridge Safety Inspection Program. The purpose of the QA program is to assure that the Statewide Bridge Inspection effort conforms to the National Bridge Inspection Standards and Department guidelines.

The selected firm must measure the performance of the 11 Districts and the Turnpike Commission in the execution of the Bridge Safety Inspection Program and report the findings in accordance with uniform guidelines provided by the Q.A. Manual dated 1989, Pub. 240. The Consultant must identify all areas of nonuniformity in inspection results and analysis computations Statewide. The firm will also propose changes and enhancements to current procedures or documentation to rectify all areas of nonconformity as appropriate.

The contract will be for a period of 60 months from the date of execution encompassing four Quality Assurance cycles. For each cycle, a maximum of 15 State and 15 local bridges will be selected by the Department as a representative sample of each District's inventory. In addition, the Department will select a maximum of 15 Turnpike Commission bridges. Expansion of the Bridge Inspection QA Program to include other agencies may occur. Each cycle will include the following tasks:

1. Conduct field inspections of the selected bridges.
2. Perform an office file review in each District to ascertain accuracy of recordation and compliance with established policies.
3. Compare the current on file inspection reports to the QA generated inspection reports and evaluate all discrepancies.
4. Perform an independent load rating analysis for each structure as directed by the Department. Compare the QA generated analysis to the current file analysis and identify errors, omissions or insufficient data.
5. Verify the accuracy of select information in the Department's Bridge Management System.
6. Prepare a Summary Report outlining the findings of each District's work, specifically discussing any inconsistencies.

7. Perform site visits of selected structures with Department personnel.

8. Conduct a close out meeting with each District and with the Turnpike Commission to discuss the Summary Report findings.

9. Prepare a Final Report incorporating the 11 District reports and a separate Final Report for the Turnpike. Include a statistical analysis of the findings and detailed recommendations for any identified documentation, procedures or policy.

10. Attend coordination meetings at Central Office as directed by the Department.

The consultant will also be required to perform other inspection QA related studies and services as directed by the Department. This other work may include:

1. Updating and rewriting of the current Publication 240.
2. Developing new initiatives in quality assurance for inspection planning, inspection staffing, bridge ratings, analysis methodologies, scour assessments, bridge data management, and other areas.
3. Developing benchmarking for inspection activities and/or data.

The selected firm will be required to provide all necessary professional and nonprofessional services, work, maintenance and protection of traffic, material and equipment necessary to inspect/reinspect and evaluate the condition of State and locally owned structures at various locations. The consultant will be expected to maximize use of electronic data and documentation in addition to hard copies.

Firms responding to this solicitation shall provide the following additional information in their letter of interest:

1. Indicate the lead person on each of the expert service elements:
 - a. Project management
 - b. Load rating and analysis
 - c. Field inspection

Indicate the qualifications and experience of the lead person(s) specifically related to each expert service element. List NBIS certification credentials, PA Bridge Safety Inspection courses taken by staff, and PA bridge inspection experience.

2. Demonstrate how your firm will provide the above mentioned bridge safety inspection quality assurance services as per Department specified schedule for each cycle. This work has typically involved 345 bridge inspections per cycle.
3. Indicate internal procedures for timeliness of report submission, cost containment and quality assurances.
4. Indicate computer capabilities including use of PDT programs and other software.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an engineering contract based on the Department's evaluation of the acceptable Letters of Interest received in response to this solicitation. The ranking will be established directly from the Letters of Interest. Technical Proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting Letters of Interest:

1. Specialized technical expertise and experience of the individuals committed to this project.
2. Capabilities of the qualified proposed team to address the bridge inspection, load rating evaluations and recommendations, and related aspects identified in the advertisement.
3. Project Manager's ability to conduct QA meeting at the District and Turnpike offices effectively and in a timely manner.
4. Prior technical successes and timeliness in performing work with the Department, especially on bridge inspection related work.
5. Location, cost containment and quality assurance program.

The work of this contract is considered moderately complex. The Letter of Interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one-sided, plus an organizational chart (up to 11" x 17"), and five (5) additional resumes. See the General Requirements and Information Section for additional requirements for the Letter of Interest.

The Letter of Interest shall be sent to:

R. Scott Christie, P.E.
 Chief Bridge Engineer
 PA Department of Transportation
 Bureau of Design
 555 Walnut Street, 7th Floor
 Harrisburg, PA. 17101-1900

The Letter of Interest submission for this project reference number must be received at the above address by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

The Bridge Quality Assurance Division, Bureau of Design will administer project management.

Technical questions concerning the requirements of this project should be directed to Craig J. Beissel, P.E. at (717) 783-7498.

Mifflin County

Project Reference No. 08430AG2502

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately twenty (20) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S. R. 0022, Section A02, Mifflin County, Lewistown Bypass—Relocated Section (West). This project involves the construction of a four-lane limited access highway on new alignment approximately 4.5 miles in length with eight (8) structures (one (1) multi-span bridge, six (6) single span bridges, and one (1) retaining wall).

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- b. Past Performance.
- c. Understanding of Department's requirements, policies, and specifications.
- d. Number of available inspectors in each payroll classification.
- e. Number of NICET certified inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (2)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	3 (3)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	11 (7) *
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	3 (0)

- *One TCI must have a CDS certification
- *One TCI must have a concrete certification
- *One TCI must have a bituminous field certification

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$47.65
(TCIS)	\$41.75
(TCI-Materials)	\$37.61
(TCI)	\$36.53
(TA)	\$25.12

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License—at point of need, when needed
- 5 Cellular Phones

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and/or TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	4
TCI-M	2
TCI	14

No resumes are required for the TA Classification.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. George M. Khoury, P.E., District Engineer
Engineering District 2-0
1924-30 Daisy Street, P. O. Box 342
Clearfield, PA 16830

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Mifflin County

Project Reference No. 08430AG2503

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately twenty (20) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S. R. 0022, Section C02, Mifflin County, Lewistown Bypass - Relocated Section (East). This project involves the construction of a four-lane limited access highway on new alignment approximately 1.5 miles in length with eighteen (18) structures (three (3) multi-span bridge, five (5) single span bridges, nine (9) retaining walls, and one noise wall).

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- b. Past Performance.
- c. Understanding of Department's requirements, policies, and specifications.
- d. Number of available inspectors in each payroll classification.
- e. Number of NICET certified inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1)	2 (2)
(NICET Highway Construction Level 4 or equivalent)	
Transportation Construction Ins. Super. (TCIS)	3 (3)

<i>Classification</i>	<i>No. of Inspectors</i>
(NICET Highway Construction Level 3 or equivalent) Transportation Construction Inspector— Materials (TCI-Materials)	1 (1)
(NICET Highway Materials Level 2 or equivalent) Transportation Construction Inspector (TCI)	11 (7)*
(NICET Highway Construction Level 2 or equivalent) Technical Assistant (TA)	3 (0)
(NICET Highway Construction Level 1 or equivalent)	

- *One TCI must have a CDS certification
- *One TCI must have a concrete certification
- *One TCI must have a bituminous field certification

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$47.65
(TCIS)	\$41.75
(TCI-Materials)	\$37.61
(TCI)	\$36.53
(TA)	\$25.12

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity

provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License—at point of need, when needed
- 5 Cellular Phones

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and/or TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	4
TCI-M	2
TCI	14

No resumes are required for the TA Classification.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. George M. Khoury, P.E., District Engineer
Engineering District 2-0
1924-30 Daisy Street, P. O. Box 342
Clearfield, PA 16830

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
2. Identify the project manager.
3. Identify subconsultants, if any, including DBE/WBE, if required.
4. Identify key project staff.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-257. Filed for public inspection February 11, 2000, 9:00 a.m.]

FISH AND BOAT COMMISSION

Boating Proposal Withdrawn

A notice of proposed rulemaking was published at 29 Pa.B. 3370 (July 3, 1999), containing an amendment to 58 Pa. Code § 111.46 (relating to Montgomery County). Specifically, the Fish and Boat Commission (Commission) proposed amending this section to limit boats to slow, minimum height swell speed between the Route 422 Bridge and the Pawling's Road Bridge. At the meeting on January 22, 2000, the Commission voted not to adopt this amendment.

The Commission, by separate order, previously adopted changes to other regulations that were included in that notice of proposed rulemaking. That order appears at 29 Pa.B. 5723 (November 6, 1999), and as corrected at 29 Pa.B. 5834 (November 13, 1999).

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 00-258. Filed for public inspection February 11, 2000, 9:00 a.m.]

Special Regulation Designations

The Fish and Boat Commission (Commission) has designated the following waters as subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective upon publication of this notice in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.9. Big Bass Special Regulations

The Commission has designated the following lakes as regulated and managed under the Big Bass Special Regulations and has added them to the list of waters subject to these regulations (58 Pa. Code § 65.9):

<i>County</i>	<i>Water</i>
Cambria	Hinckston Dam
Cambria	Wilmore Dam
Somerset	Quemahoning Reservoir

58 Pa. Code § 65.11. Panfish Enhancement Special Regulation

The Commission has designated the following lakes for regulation and management under the Panfish Enhancement Special Regulation and had added them to the list of waters subject to this regulation (58 Pa. Code § 65.11):

<i>County</i>	<i>Water</i>	<i>Applicable Species</i>
Cambria	Hinckston Dam	Sunfish Crappie
Cambria	Wilmore Dam	Sunfish Yellow Perch Crappie
Somerset	Quemahoning Reservoir	Sunfish Yellow Perch Crappie

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 00-259. Filed for public inspection February 11, 2000, 9:00 a.m.]

Triploid Grass Carp Permit Applications

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with § 71.7(e)(3) to seek public input with respect to proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres. Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

The following applications to stock triploid grass carp in waters having a surface area of more than 5 acres are currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Omega Engineering	Lake Russell	Greene Twp., Pike Co.	50 acre lake on Freeling Run	Common Elodea

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 00-260. Filed for public inspection February 11, 2000, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator Edwin G. Holl, Chairperson of the Senate Banking and Insurance Committee, to review Senate Bill 1094, Printers Number 1330 (Schwartz), the Prescription Contraception Equity Act. Senate Bill 1094 would require health insurance policies that provide coverage for prescription drugs and devices to provide coverage for prescription contraceptive drugs and devices approved by the FDA and to provide coverage for outpatient medical or counseling services necessary for the effective use of contraception if the policy provides coverage for other outpatient medical or counseling services.

Initial notification of request for information and documentation was published in the *Pennsylvania Bulletin* on November 20, 1999, with documentation due to the Council by January 20, 2000.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours (8:30 a.m. to 5 p.m.) until March 13, 2000. Any additional

comments on this information must be received by this time. Council offices are located at: 225 Market Street, Suite 400, Harrisburg, PA 17101. Send comments (six copies) to Flossie Wolf at this address.

Senate Bill 1094 Submissions

1. AFLAC—American Family Life Assurance Company of Columbus (Richard J. Gmerek of the Law Office of Gmerek & Hayden, P.C.)
 - Statement addressing Senate Bill 1094 and requesting exemptions for certain supplemental policies
2. The Alan Guttmacher Institute (Jacqueline E. Darroch, PHD, Vice President for Research)
 - Letter addressing Section 9 requirements and supporting SB 1094
 - Attachments addressing insurance costs and social issues surrounding coverage for contraceptives
3. The American College of Obstetricians and Gynecologists (Peter A. Schwartz, MD, Chairperson of the Pennsylvania Section of the American College of Obstetricians and Gynecologists)
 - Letter addressing Section 9 requirements and supporting SB 1094
 - Attachments addressing insurance costs and social issues surrounding coverage for contraceptives
4. Bethlehem Steel Corporation (Dorothy L. Stephenson, Vice President, Human Resources)
 - Letter opposing Senate Bill 1094

5. Capital Blue Cross (Vincent P. Carocci, Director of Government Affairs)

- Letter addressing Section 9 requirements and opposing Senate Bill 1094

6. Family Health Council, Inc. (Maureen Vesely, JD, Public Affairs Coordinator)

- Letter addressing Section 9 requirements and supporting SB 1094

7. Highmark (Bruce R. Hironimus, Vice President, Government Affairs)

- Statement addressing Section 9 requirements and opposing Senate Bill 1094
- Attachments addressing costs, effectiveness, and social issues surrounding coverage for contraceptives

8. The Insurance Federation of Pennsylvania (John R. Doubman, Secretary & Counsel)

- Letter addressing Section 9 requirements and opposing Senate Bill 1094
- Attachment addressing cost of mandates

9. The Managed Care Association of Pennsylvania (Kimberly J. Kockler, Executive Director)

- Letter addressing Section 9 requirements and opposing Senate Bill 1094
- Attachment addressing cost and other issues surrounding mandates

10. National Federation of Independent Business

- Letter opposing Senate Bill 1094

11. Pennsylvania Catholic Health Association (Sister Clare Christi Schiefer, OSF, President)

- Letter opposing Senate Bill 1094

12. Pennsylvania Chamber of Business and Industry

- Letter opposing Senate Bill 1094

13. Planned Parenthood of Western Pennsylvania, Inc. (Jodi Hirsh, Public Affairs Coordinator)

- Letter addressing Section 9 requirements and supporting SB 1094
- Attachments addressing insurance costs and social issues surrounding coverage for contraceptives

14. Planned Parenthood (Nancy J. Osgood, Acting Executive Director)

- Statement addressing Section 9 requirements and supporting Senate Bill 1094

15. Women's Law Project (Tara S. Crean, Esq., Susan Frietsche, Esq. and Terry L. Fromson, Esq.)

- Statement addressing Section 9 requirements and supporting Senate Bill 1094

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 00-261. Filed for public inspection February 11, 2000, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinion

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (P. L. 744, No. 222) (act) hereby announces the publication of the Findings of Fact, Conclusions of Law, Opinion and Final Order made after a Public Hearing under Section 9(e)-(g) of the act, in the following case:

Victoria Saidu-Kamara v. Parkway Corporation; Doc. No. E77300D; (Pennsylvania Human Relations Commission, January 24, 2000); Retaliation and gender-based sexual harassment and discharge; Ruling for Complainant, 6-0 decision; 39 pages

The final order in the above-listed case is subject to appeal to Commonwealth Court, and if appealed is subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinion listed in this notice may be obtained by mailing a request indicating the opinion(s) desired, accompanied by a check or money order in the amount of 10¢ per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Pennsylvania Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 00-262. Filed for public inspection February 11, 2000, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (act) (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the act (75 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulations. The final-form regulations must be submitted by the dates indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
1-17	Department of Aging Protective Services for Older Adults	1/28/00	12/27/01

(29 Pa.B. 6010 (November 27, 1999))

**Independent Regulatory Review Commission
Regulation No. 1-17
Protective Services for Older Adults
January 28, 2000**

We have reviewed this proposed regulation from Department of Aging (Department) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ in determining whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to statutory authority, fiscal impact, consistency with the statute, reasonableness and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. Section 15.1. Scope and authority.—Statutory authority and Clarity.

Subsection (a)

This subsection provides that this Chapter applies to protective services for “older adults.” However, provisions added to the Department’s regulations at §§ 15.141—15.149, under the heading “Reporting Suspected Abuse” apply to all individuals regardless of age. Under “Scope and authority,” the Department should add a provision to clearly state the broader application of §§ 15.141—15.149.

Subsection (b)

This subsection states: “This chapter applies to the Department (of Aging), the Pennsylvania Department of Health (Health), the Pennsylvania Department of Public Welfare (DPW).”

Section 10225.504 of the Older Adult Protective Services Act (act) (35 P. S. § 10225.504) states: “The Department, in consultation with the Department of Health and the Department of Public Welfare, shall promulgate the regulations necessary to carry out this chapter.” (Emphasis added.) Section 10225.708 of the act states: “The Department (of Aging), the Department of Health and the Department of Public Welfare shall promulgate the regulations necessary to carry out this chapter” (relating to reporting suspected abuse by employees). (Emphasis added.)

We recognize that the Department is statutorily authorized to consult with Health and DPW or to jointly promulgate regulations with the aforementioned Departments relating to reporting suspected abuse by employees. However, we question the Department’s statutory authority to unilaterally promulgate regulations that apply to Health and DPW.

2. Section 15.2. Definitions.—Statutory authority and Clarity.

General

This section defines 27 terms that are also defined in the act. Some of the definitions are identical; some are

not. The Department should reference the definitions in section 10225.103 of the act, rather than reiterate or change the act’s definitions in the regulation.

We object to the definitions of the following terms which differ from the definitions contained in the act. If the Department does not reference the statutory definitions in the final regulation, it should justify the changes.

Abuse and Neglect

In the regulation’s definitions of these two terms, the following sentence, excerpted from the act’s definition of “neglect,” has not been included:

“No older adult who does not consent to the provision of protective services shall be found to be neglected solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care.”

If the foregoing is not included in the final regulation, the Department should explain the omissions.

Caretaker

The definition of “caretaker” does not include the following sentence from the act: “It is not the intent of this act to impose responsibility on any individual if such responsibility would not otherwise exist in law.” The Department should explain why this sentence was not included in the regulation’s definition.

Client Assessment

The Department has added the phrase “using the instruments and procedures established by the Department for this purpose.” It should explain why this sentence was added. Additionally, what are the “instruments and procedures established by the Department” within this definition?

Employee

The definition replaces the act’s language “to provide care to a care-dependent individual for monetary consideration in the individual’s place of residence,” with “in the individual’s place of residence for a fee, stipend or monetary consideration of any kind.” The Department should explain why the statutory language was not used.

The Department should also clarify the meaning of the phrases “direct contact with residents” and “unsupervised access to their personal living quarters.”

Facility

The Department includes the phrase, “including those entities licensed as personal care homes who publicly advertise, promote or otherwise hold themselves out to the public as assisted living facilities.” The Department should explain why this phrase was added.

FBI

In existing regulations at subsection 15.121(b)(2), the full name of the “Federal Bureau of Investigation” is used. New provisions, such as section 15.131, in this proposed regulation use the abbreviation “FBI.” The regulation should include a definition of “FBI” as meaning the Federal Bureau of Investigation and should use the abbreviation consistently.

Home Health Care Agency

In subsection (ii) of the definition of “home health care agency,” the Department has included the following additional language:

"The term includes private duty home care providers, homemaker/home health aide providers, companion care providers, registry services, intravenous therapy providers, or any other entity which supplies, arranges for, or refers personnel to provide care for which that entity receives a fee, consideration or compensation of any kind."

The Department should explain why this language was added. Also, does this definition and the definition of "facility" apply to unlicensed facilities?

Protective Services

There are three differences between the definition of the term "protective services" in the proposed regulation and the act. First, the Department added the phrase "subsequent to an investigation." Second, the word "detect" was deleted. Third, "and" was replaced by "or" in the list of actions protective services seeks to prevent. In the preamble to the final regulation, the Department should explain why these additions, deletions and substitutions were made.

Criminal History Record Information (CHRI) and Federal Bureau of Investigation National Criminal History Record Check

Throughout the proposed regulation, the Department uses terms such as "criminal background check," "criminal history record information," "clearance," or "criminal history record information report." In the situations where these terms are referring to the same document or report, we recommend that the Department use a statutory term consistently. In our Comments on this proposal, we will use the term "CHRI report" or "FBI check" when referring to criminal history record required under sections 10225.502(1) and (2) of the act.

3. Section 15.12. Administrative functions and responsibilities of area agencies on aging.—Clarity.

Subsection (b)

The proposed regulation deletes paragraph (2) of the existing regulations. We understand that the Department did not intend to delete this section. The Department should restore this paragraph in the final regulation.

4. Section 15.13. Organization and structure of protective services functions.—Reasonableness.

Subsections (b) and (c)(4)

The proposed regulation deletes subsections (b) and (c)(4) in the existing regulations. The current language of this subsection prohibits assigning the roles of protective services caseworker and ombudsman to the same person. A protective services caseworker is an investigator and enforcement officer. In contrast, an ombudsman serves as an advocate for older adults by negotiating with facilities on their behalf. Will assigning both roles to the same person create a conflict of interest or undermine their effectiveness in either role? The Department should address this concern.

5. Section 15.21. General reporting provisions.—Clarity.

Subsection (b)

This subsection contains the phrase "emergency involuntary intervention." For greater clarity, the Department should consider cross-referencing section 15.71 (relating to involuntary intervention by emergency court order).

6. Section 15.25. Report form and content.—Clarity.

Subsection (a)

Subsection (a) requires that an initial report "shall be committed to writing on the standardized report form." However, the name or reference number of the "standardized report form" is not included or referenced in this section. Is this a reference to the "report of need" form required in 15.24? For clarity, the Department should include the name or reference number of the form in the final regulation.

7. Section 15.26. Screening and referral of reports received.—Reasonableness and Clarity.

Subsection (a)

This subsection allows "a person" to screen and assign incoming reports. For clarity, the Department should include minimum requirements for a person who is to carry out these duties.

Subsection (b)

Subsection (b)(4) of the existing regulation covers reports of an older adult in need of protective services made from outside an agency's planning and service area. This report "shall be referred to the agency which has the designated responsibility for protective services in the planning and service area in which the older person . . . is located at the time of the report." Is there a mechanism for confirmation and follow-up between the two agencies? The Department should explain.

8. Section 15.41. Reports required to be investigated.—Clarity.

Subsection (a)

Subsection (a) states: "Where applicable, reports and investigations shall comply with Sections 15.141—15.147." When will reports and investigations not have to comply with the aforementioned sections? The Department should explain these situations.

9. Section 15.42. Standards for initiating and conducting investigations.—Clarity.

Subsection (a)(4)

Subsections (a)(1) and (a)(3) use the term "investigator" to describe the person investigating the report. Subsection (a)(2) uses the term "agency investigator." Finally, subsection (a)(4) uses the term "protective services caseworker." Are all three positions the same? The Department should either define all three terms, or use one consistently throughout this section.

Subsection (e)

What constitutes "interference?" Is there an existing definition for the term? If not, for clarity, the Department should include a definition. Also, the Department should distinguish "interference" from "intervention."

10. Section 15.45. Situations involving State-licensed facilities.—Clarity.

Subsection (a)(4)

Paragraph (4) includes "In situations where ombudsman services are determined to be appropriate, the agency shall request those services from the ombudsman." What are examples of "ombudsman services?" For clarity, the Department should either give examples of ombudsman services, or provide a cross-reference to state or federal statute and regulations or another source of information on ombudsmen.

Subsection (c)

What are the "procedures jointly developed by the Department and the Department of Public Welfare?" Are these procedures published? The Department should reference these procedures in this subsection.

11. Section 15.61. Access to persons.—Consistency and Clarity.**Section 15.81. Rights of protective services clients.—Consistency and Clarity.***Subsection (c) (Section 15.61)**Subsection (1) (Section 15.81)*

The term "protective services caseworker" is used in section 15.61(c) while section 15.81(1) uses the term "protective services worker." One term should be used consistently throughout the regulation.

12. Section 15.91. General.—Clarity.*Subsection (a)*

Subsection (a) is amended to state that protective services are provided to older adults under the act subsequent to an investigation." (Emphasis added.) The final regulation should clarify whether the latter phrase means subsequent to the initiation or the completion of an investigation.

13. Section 15.93. Service plan.—Clarity.*Subsection (d)*

Under the act, "service plan" is the defined term and should be used consistently throughout the regulation, instead of the terms "service care plan" and "care plan."

14. Section 15.95. Case management.—Protection of public welfare and Clarity.

Subsection (c)(2) provides that a reassessment shall be done before a case "is terminated, transferred or it is the agency's judgement that a reassessment is appropriate." The intent of subsection (c)(2) is unclear and should be reworded. Further, the Department should address whether a reassessment will be made if there is a change in a client's condition.

15. Section 15.96. Termination of protective services.—Clarity.*Subsection (c)*

In subsection (c), the requirement that the agency secure, where possible, a signed statement of understanding is deleted. We request the Department explain why the statement will no longer be required.

16. Section 15.105. Limited access to records and disclosure of information.—Protection of public welfare, Consistency with statute, and Clarity.

Information in a protective services record may not be disclosed except as provided in this section. To protect the rights of an older adult in protective services, this section should be amended. It should specify that relevant information may be disclosed to a court-appointed guardian, or to an attorney who is providing legal services to the alleged victim.

The Department proposes to amend language in paragraph (1) which currently reads: "Information may be disclosed to a court of competent jurisdiction or under a court order." (Emphasis added.) We object to the Department's proposed change to delete the word "or" because it is inconsistent with section 10225.306(a) of the act.

17. Section 15.121. Protective services staff qualifications.—Clarity.

Subsection (b) requires applicants for protective services positions to submit a CHRI report. Applicants who are not Pennsylvania residents are required to obtain a FBI check. The subsection should include or reference the act's requirement that residency be at least 2 years.

18. Section 15.127. In-service training curriculum.—Reasonableness and Clarity.

This section sets forth an annual training requirement for protective services supervisors and caseworkers. It states that the supervisors and caseworkers will "participate in in-service training in protective services as required by the Department each year." Since this is an annual requirement, the regulation should indicate the minimum hours necessary to meet the Department's requirements.

19. Section 15.131. Prospective facility personnel.—Consistency with regulations, Reasonableness, and Clarity.*Subsection (a)*

First, the beginning sentence of subsection (a) states that a facility shall require all applicants to submit "criminal history record information, obtained within the one-year period immediately preceding the date of application, as appropriate." The phrase "as appropriate" at the end of this sentence is unnecessary and should be deleted.

Second, this section cites the Federal law establishing procedures for obtaining an FBI check, but does not explain the Department's role in this procedure. We recommend adding a cross-reference to section 15.134 relating to the procedures for obtaining a FBI check.

Subsection (b)

Subparagraph (b)(6) indicates that "records of contacts with public or private social agencies" will be considered as reasonable proof of residency. The Department should explain what types of documents are being considered and how these records could be used as proof of residency.

20. Section 15.132. Facility personnel requirements.—Consistency with statute, Reasonableness, and Clarity.

This section describes the facility personnel who are required to submit CHRI reports.

Subsection (a)

Several of our concerns involve inconsistencies with the act. Sections 10225.502(a) and 10225.503(a) of the act place responsibility for obtaining and using CHRI reports on the facilities. Section 10225.502(a) of the act states that a facility shall require all applicants, administrators and operators to submit CHRI reports. Under section 10225.503(a), a facility cannot hire an applicant or retain an employe if that person's CHRI report indicates that he has been convicted of any offense listed in section 10225.503(a). Hence, the act places the responsibility on the facility to implement the CHRI report requirement.

In contrast, subsection (a) of the regulation lists the facility personnel who are required to submit CHRI reports. How and when will employes be notified of the CHRI report requirement? This section should require that facilities notify current facility personnel verbally in a language understood by the employe, as well as in writing. The notice should include a reference to sections

15.135 and 15.136 relating to the rights of applicants and employees to review and challenge the accuracy of their CHRI reports.

Second, subsection 15.132(a)(2) gives facility administrators and operators 90 days after the date of employment to comply with the CHRI report requirement. This provision is inconsistent with the requirements of section 10225.506 of the act. Only nonresident employees have 90 days to comply with the requirement. Employees, including operators and administrators, who are Pennsylvania residents have only 30 days to comply with the requirement. We object to this inconsistency. This subsection must be revised to reflect the statute.

In addition, this subsection is directed at administrators and operators "who began serving as administrators and operators after July 1, 1998." The rest of the section relates to current facility personnel. Section 15.132(a)(2) should be moved to section 15.137 (relating to provisional hiring).

Third, section 15.132(a)(5) addresses facility employees that provide services in other facilities. An example is an employee of a home health care staffing agency who is assigned to care for older adults at a long-term care nursing facility. The regulation should clarify which facility is responsible for notifying these employees of the CHRI report requirement.

Another minor clarity issue is the use of the term "the agency" in this subsection. Is this a reference to the home health care staffing agency or the local provider of protective services as indicated in the definition of "agency" in section 15.2?

Subsection (b)

Section 15.132(b) states that employees are responsible for determining whether they are required to obtain a CHRI report. This subsection adds that if an employee fails to comply with this section, the facility cannot be held liable for failure to inform the employee of obligations under this section.

In contrast, section 10225.502(a) of the act directs facilities to require that applicants and employees submit CHRI reports. Section 10225.503(a) states that facilities cannot hire or retain individuals if their CHRI reports indicate convictions of one or more of the listed offenses.

Subsection (b) is inconsistent with the act. We object to this inconsistency. This provision should be deleted or replaced with language that requires facilities to implement the CHRI report requirement and to notify applicants and employees of the CHRI report requirement.

In addition, there is a question regarding the application of the CHRI report requirement to certain employees. There are two aspects to this question. First, section 10225.502(a) of the act states that it only applies to operators and administrators who have direct contact with clients. Those who do not have direct contact are exempt. Does the exemption apply to other employees who do not come into contact with the older adult clients?

Finally, the act's definition of "facility" covers certain entities designed to care for older adults or care-dependent individuals. Large hospitals may be licensed as a long-term facility but only a portion of the hospital or one floor provides long-term care (LTC). Many of the facility's employees may not work in the LTC area of the facility. The regulation should clarify that the CHRI report requirement does not apply to employees who work for a facility that has a LTC component if the employees

do not work in or do not have access to the LTC component and are not in direct contact with the older adults in that component.

21. Section 15.133. Facility responsibilities.—Consistency with statute, Reasonableness, and Clarity.

Subsection (c)

This subsection addresses situations when a CHRI report indicates records of arrests but no final decision or sentencing by the court, or no offense code or grading of the offense. The subsection contains a time limit of 60 days for the applicant or employee to obtain court documents showing disposition. Failure to provide these documents would result in a prohibition against hiring the applicant or retaining the employee.

Section 10225.503(a) of the act prohibits employment due to a "conviction" but not an "arrest." We question why employment would be denied when an applicant or employee is unable to obtain the necessary court papers within a certain time period. We recommend that the Department delete the reference to the 60-day period. The same concern also applies to subsection 15.134(b)(3) (relating to FBI checks).

Subsection (d)

This subsection states that a facility may not hire an applicant or retain an employee when the CHRI report indicates "conviction of a Federal or out-of-state offense similar in nature, as determined by the Department, to those listed in subsections (a) and (b)." This language is vague. When and how will the Department make determinations concerning the similarity of offenses? The regulation should include the procedures for this determination process and provide for an appeal process.

Subsection (f)

This subsection requires facilities to ensure that the information obtained from the CHRI reports remains confidential and is used solely to determine an applicant's eligibility for employment. Facilities must also be required to ensure confidentiality for current employees.

Subsection (i)

Subsection (i)(2) allows for the exchange of an employee's CHRI report between two different facilities "when necessary." In what circumstances would this be necessary? Sections 502 and 503 of the act direct a facility as an employer or prospective employer to review a worker's CHRI report. It does not make one facility responsible for workers employed by another. If any CHRI reports are to be exchanged between facilities, then these facilities should be directed to maintain and protect confidentiality of the information.

A separate issue is the responsibility of facilities for employees who were not required to submit a CHRI report or who, when they were hired, had no criminal record but are later convicted of one of the listed offenses. Section 10225.503(a) of the act states that an employee cannot be retained once he is convicted of one of the listed offenses. How will a facility become aware of convictions of current employees?

22. Section 15.134. Procedures.—Reasonableness and Clarity.

Subsection (e)

The second sentence of this subsection includes the phrase "within the time limits required for submitting criminal checks." To which time limits is this phrase referring? The same sentence also states that employees

will “provide Pennsylvania and FBI checks obtained no longer than one year prior to the their date of submission.” The Department should clarify the inconsistencies in this subsection.

Subsection (f)

Subsection (f) states that applicants and facility personnel are responsible for reviewing all CHRI reports for accuracy. There are two concerns. First, are facility personnel responsible for reviewing their own CHRI reports and are they also responsible for reviewing the CHRI reports pertaining to applicants? If facility staff must review applicants’ CHRI reports, which facility personnel will be allowed access to applicants’ CHRI reports?

The second issue is access to the FBI check. There is no provision in this section for access by applicants to their own FBI check. The regulation should inform applicants on how and when they can review their FBI check for accuracy. For example, Federal regulations at 28 CFR 50.12 require State officials using FBI records to provide the subject of the records with the opportunity to challenge the accuracy of the information.

Third, section 9125(c) of the Criminal History Record Information Act (CHRI Act) (18 P. S. § 9125(c)) requires an employer to notify the applicant in writing if the decision not to hire the applicant is based in whole or in part on the CHRI report. This statutory requirement should be referenced in the regulation. In addition, current employes should receive similar notice if and when their termination is based in whole or in part on their CHRI reports.

Subsection (g)

This subsection states that applicants and facility personnel may question the Department’s determination. Greater detail is needed in subsection (g) regarding the process to “question” or appeal the Department’s determination.

23. Section 15.135. Applicant rights of review.—Reasonableness and Clarity.

Subsections (b) and (c) appear to be unnecessary. Subsection (a) explains the rights of applicants to review their CHRI reports and challenge their accuracy under State law. It references portions of the CHRI Act. The provisions of subsections (b) and (c) are addressed in the CHRI Act. Subsections (b) and (c) should be deleted and a reference to section 9125 of the CHRI Act (18 P. S. § 9125) should be added to the CHRI Act citations already in subsection (a).

24. Section 15.136. Facility personnel rights of review and appeal.—Consistency with regulations, Reasonableness, and Clarity.

This section references the CHRI Information Act and its procedures for challenging the accuracy of a state CHRI report. It should also reference the federal procedures for challenging the accuracy of FBI checks.

25. Section 15.137. Provisional hiring.—Reasonableness and Clarity.

This section sets forth procedures for the provisional hiring of applicants who have applied for, but not received, their CHRI reports. Subsection (a)(5)(ii) states that a provisionally employed applicant will receive “regular supervisory observation.” The regulation should clarify how and when a facility and its staff should observe and supervise a provisionally hired applicant.

26. Section 15.138. Violations.—Clarity. Section 15.148. Penalties—Clarity

Section 15.138(a)(4) uses the words “Commonwealth agencies” and “these agencies.” Is the phrase “these agencies” referring to local providers of protective services as stated in the definition of the term “agency” in section 15.2? If not, the phrase “these agencies” should be clarified. The same question also applies to section 15.148(a)(4).

27. Section 15.141. General requirements.—Reasonableness and Clarity.

This section sets forth provisions for reporting suspected abuse. Subsection (a) requires an immediate oral report to the agency as well as a written report. There should be a reference to section 15.143 that sets forth the content requirements for the written report.

28. Section 15.143. Contents of reports.—Clarity.

Subsection (a) requires that the mandatory written reports be made on forms supplied by the Department. It also states that the Department will provide facilities with initial supplies of the forms. How and when do facilities receive these supplies? The regulation should inform facilities and individuals about how to obtain copies of the forms.

29. Section 15.144. Reports to Department and coroner by agencies.—Clarity.

When employes or administrators have a reasonable cause to suspect that a recipient died as a result of abuse, subsection (b) requires an agency to forward a copy of the written report to the “appropriate coroner” within 24 hours. Who is the “appropriate coroner”? Is it based on the county where the death occurred or where it was reported? The regulation should use the term “county coroner” and identify which coroner is required to investigate.

30. Section 15.146. Restrictions on employes.—Consistency with statute, Fiscal impact, and Clarity.

Subsections (a) and (b)

Subsection (a) requires facilities to develop and submit their “facility supervision/suspension plans” to the agency and appropriate licensing Commonwealth agency within 90 days of the effective date of this regulation. Subsection (b) provides: “following written approval of plans by the agency and the Commonwealth agency with regulatory authority over the facility, facilities shall follow these plans in instances involving allegations of abuse by employes.” (Emphasis added.)

Section 10225.704(a) of the act requires “upon notification that an employe is alleged to have committed abuse, the facility shall immediately implement a plan of supervision.” The plan is in connection with each individual instance of notification that an employe is alleged to have committed abuse. However, it does not require advance submission of general, master plans by the facilities. What is the need or purpose of requiring facilities to file plans under section 15.146(a) before any specific allegations are made?

Another concern is the cost for agencies. Depending on the region, there could be a large number of facilities within an agency’s service area. These facilities include long-term nursing facilities, personal care homes, home health care agencies and older adult daily living centers. Neither the Preamble nor the Regulatory Analysis Form for this regulation contains any information regarding the

potential cost of this requirement for facilities, agencies or the Commonwealth. If the Department retains this requirement in the final-form regulation, it should include an assessment of the costs.

We have several additional concerns. This section provides no specific provisions concerning the required content of these plans or the criteria for approval. Other concerns include the lack of any specific time period for review and approval of the plans by the agencies. Who will provide technical assistance to facilities in the development of these plans? In addition, if the facility is a home health care operation, which agency reviews its plan? Is it the agency in the region where the home health care service is based or the agency in the area where the recipient is located?

Subsection (d)

Upon notification that an employe is alleged to have committed abuse, this subsection requires that a facility "immediately" implement the plan of supervision or suspension. It also requires that the facility "immediately" submit a copy of the plan to the agency and Commonwealth agency. There is no definition of what is meant by "immediately." The regulation should clarify, for example, whether "immediately" means within a certain number of hours or before the employe returns to work on his next scheduled shift.

31. Section 15.147. Confidentiality of and access to confidential reports.—Consistency with statute and Clarity.

This section establishes standards and procedures for protection of confidential information and its release under certain circumstances. There are three concerns.

First, Subsections (b)(8) and (b)(9) allow for the release of confidential information to the Attorney General, and "to law enforcement officials of any jurisdiction as long as the information is relevant in the course of investigating cases of abuse." In addition, subsection (e) mirrors the statute concerning the release of information identifying reporters of suspected abuse (section 10225.306(b)(4) of the act). However, the regulation does not mirror the act in requiring a report of criminal conduct before law enforcement officials may gain access to these records. We object to the inconsistency.

Under the act's "confidentiality of records" provisions, law enforcement officials are only allowed access to the records if there is a report of criminal conduct. This exemption on the release of confidential records for law enforcement officials is in section 10225.306(b)(1) of the act. It reads:

In the event that an investigation by the agency results in a report of criminal conduct, law enforcement officials shall have access to all relevant records maintained by the agency or the Department.

The stipulation requiring "a report of criminal conduct" does not appear in the regulation. This provision is especially important for the protection of the identity of the reporters of abuse. It should be added to subsections (b) and (e).

Second, a few commentators suggested the regulation provide for sharing of certain information with the ombudsman. Section 10225.303(b) of the act requires that an ombudsman be notified of an investigation under certain circumstances. In addition, section 10225.306(b)(2) of the act provides for limited disclosure of confidential information to service providers. Does the later subsection also

provide access for an ombudsman? The Department should explain its position on this issue.

Finally, there appears to be a typographical error in section 15.147(b)(10). The word "under" in the first sentence is unnecessary and should be deleted.

32. Section 15.148. Penalties.—Clarity.

Subsection (c)

If an agency learns of a person's refusal to complete all reporting requirements, subsection (c) requires the agency to notify the police. However, there is no indication of how quickly an agency should notify the police. In addition, there is no guidance as to what constitutes a refusal to report. The regulation should clarify how quickly an agency should notify the police and what constitutes willful refusal.

33. Section Headings.—Clarity.

Throughout the regulation, the Department has included section headings for subject areas. Some of the headings are confusing. For instance, "Reporting Suspected Abuse" for Sections 15.141—15.149 and "Reporting Suspected Abuse, Neglect, Abandonment or Exploitation" for Sections 15.21—15.27 appear to overlap. The Department should reexamine the subheadings for additional clarity.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-263. Filed for public inspection February 11, 2000, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of Joseph C. Spivak; Doc. No. AG00-01-008

A prehearing telephone conference initiated by the Administrative Hearings Office shall occur on February 24, 2000, at 10 a.m. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A date for a hearing shall be determined, if necessary, at the prehearing conference. During the prehearing conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and documents anticipated for use at the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matters.

On or before February 17, 2000, each party shall file with the Administrative Hearings Office by facsimile (717) 787-8781 and serve upon the other party by facsimile an entry of appearance designating the lead attorney or representative to receive service or orders, filings and communications in this matter together with that person's address, telephone number and facsimile number. Each party shall similarly designate the lead attorney or representative who will attend the prehearing conference, if different than the person designated for service.

No prehearing memoranda or other written submissions are required for the prehearing settlement conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing, if necessary, prepared to offer all relevant testimony or other 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.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before February 17, 2000, with the Acting Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-264. Filed for public inspection February 11, 2000, 9:00 a.m.]

Appeal of Lok Weld Co. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 98-433(M); Doc. No. UT00-01-021

A prehearing telephone conference shall be held on March 1, 2000, at 10 a.m., in the Administrative Hearing Office, 901 North Seventh Street, Suite 200, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Acting Docket Clerk on or before February 23, 2000. Answers to petitions to intervene, if any, shall be filed on or before February 23, 2000.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-265. Filed for public inspection February 11, 2000, 9:00 a.m.]

Codification of Statutory Accounting Principles; Insurance Department Notice No. 2000-02

The National Association of Insurance Commissioners (NAIC) adopted the Codification of Statutory Accounting Principles at its March 1998 National Meeting. The adoption of the codified principles successfully concluded an extensive effort begun in 1994 to produce a comprehensive guide to statutory accounting principles for use by insurance departments, insurers and auditors.

The codified principles are not intended to preempt state legislative and regulatory authority but to establish

a comprehensive basis of accounting recognized and adhered to in the absence of conflict with, or silence of, state statutes and regulations. The American Institute of Certified Public Accountants determined that it will not be necessary to grant the codified principles status as an *Other Comprehensive Basis of Accounting* and that auditors will be permitted to continue to provide audit opinions on practices prescribed or permitted by the insurance department of an insurer's state of domicile.

By Department Notice No. 1998-04, dated July 20, 1998, the following types of domestic insurers were advised initially that they will be required to adhere to the codified principles in preparing financial statements to be filed with the Pennsylvania Insurance Department (Department):

1. Life, accident & health, property & casualty, title, financial guaranty, mortgage guaranty, surety and other insurance companies, associations or exchanges subject to section 320 of The Insurance Company Law (40 P. S. § 443)
2. Pennsylvania Fair Plan under section 206 of The Pennsylvania Fair Plan Act (40 P. S. § 1600.206)
3. State Workmen's Insurance Fund, employers mutual liability associations and other entities subject to section 2 of the Act of May 9, 1949, P. L. 1025 (40 P. S. § 1262)
4. Coal and Clay Mine Subsidence Insurance Fund under section 14 of the Act of August 23, 1961, P. L. 1068, as amended (52 P. S. § 3214)
5. Joint Underwriting Association under section 809 of the Health Care Services Malpractice Act (40 P. S. § 1301.809)
6. Health maintenance organizations under section 11 of the Health Maintenance Organization Act (40 P. S. § 1561)
7. Hospital plan corporations and professional health services plan corporations under 40 Pa.C.S. §§ 6125 and 6331
8. Risk-assuming PPOs under 31 Pa. Code § 152.21

Since that time, the NAIC considered whether the codified principles should also be applied to financial statements filed by fraternal benefit societies. Participating in the NAIC codification project and, in speaking engagements and other discussions, has provided input on the codified principles from Pennsylvania fraternal societies. The NAIC has concluded that the principles should be applied to fraternal societies.

Therefore, this notice is to advise all Pennsylvania domestic fraternal benefit societies that, under section 602 of the Fraternal Benefit Societies Code (40 P. S. § 1142-602), fraternal benefit societies will be required to adhere to the codified principles in preparing financial statements to be filed with the Department. The codified principles will be effective January 1, 2001, and will apply to quarterly financial statements filed as of March 31, 2001.

The codified principles were initially adopted and published as the NAIC's *Accounting Practices and Procedures Manual—Effective January 1, 2001, Version 1999*. The NAIC Accounting Practices and Procedures (EX4) Task Force is responsible for the maintenance of the codified manual, and the 2000 version will be available in the spring of 2000. The 1998 version will be maintained and published until December 31, 2000. Work on updating the annual statement blank and instructions to reflect the

codified principles has been completed, and all NAIC publications are to be consistent with the codified principles as of January 1, 2001.

Further information on the NAIC codification project may be obtained by contacting the following NAIC staff:

Jane Kipper, Senior Life Insurance Accountant
David Christensen, Property/Casualty Accountant
Michele Pope, Health Insurance Accountant
National Association of Insurance Commissioners
20 West 12th Street, Suite 1100
Kansas City, MO 64105-1925
Phone: (816) 842-3600/Fax: (816) 842-9185
Internet: jkipper@naic.org; dchriste@naic.org;
mpope@naic.org

The Department is conducting a comprehensive review of Pennsylvania's laws and regulations to identify provisions that may be inconsistent with the codified manual and will be seeking industry comments on whether those laws and regulations should be amended or repealed prior to the January 1, 2001 effective date. Insurers must receive the Department's written approval to implement any of the codified principles prior to the January 1, 2001 effective date.

Questions concerning this notice may be directed to Stephen J. Johnson, CPA, Deputy Insurance Commissioner, Regulation of Companies, 1326 Strawberry Square, Harrisburg, PA 17120, Phone: (717) 783-2142/ Fax: (717) 787-8557, E-mail: sjohnson@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-266. Filed for public inspection February 11, 2000, 9:00 a.m.]

Notice to all Surplus Lines Agents and Interested Parties; Export List of Insurance Coverages

In May 1999, the Insurance 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 29 Pa.B. 2735 (May 22, 1999). 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 Insurance Commissioner declared that the export list would remain in effect until revised or superseded by a subsequent list.

At this time, the Insurance 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 Insurance 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 (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: 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. 00-267. Filed for public inspection February 11, 2000, 9:00 a.m.]

Prudential Property and Casualty Insurance Company; Private Passenger Auto Insurance Rate and Rule Revision

On January 31, 2000, the Insurance Department (Department) received from Prudential Property and Casualty Insurance Company a filing for a proposed rate level and rule change for Private Passenger Auto insurance.

The company requests an overall 2.2% decrease amounting to \$2,521,000 annually, to be effective upon approval by the Department.

Unless formal administrative action is taken prior to March 31, 2000, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

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 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-268. Filed for public inspection February 11, 2000, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Northumberland County, Wine & Spirits Shoppe # 4904, 551 Mahoning Street, Milton, PA 17847-2213.

Lease Expiration Date: January 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 to 3,200 net useable square feet of new or existing retail commercial space within the Borough of Milton or surrounding communities within Northumberland County.

Proposals due: March 3, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, Jr., (717) 657-4228

Delaware County, Wine & Spirits Shoppe # 2325, Village Green Shopping Center, 239 Concord Road, Aston, PA 19014-1920.

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 Aston Township.

Proposals due: March 3, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: James M. Bradley, (215) 482-9670

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 00-269. Filed for public inspection February 11, 2000, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Abandon Service Without Hearing

A-230173 F2000 and A-211295 F2000. Russell Hill Sanitary Company, Inc. and Russell Hill Water Company, Inc. Application of Russell Hill Water Company, Inc., and Russell Hill Sanitary Company, Inc., for approval of the Abandonment or Discontinuance of Wastewater Service and of Water Service to the Public.

These applications may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before February 28, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: Russell Hill Sanitary Company, Inc., Russell Hill Water Company, Inc.

Through and By Counsel: Anthony P. Litwin, III, Attorney at Law, 24 East Tioga Street, Tunkhannock, PA 18657.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-270. Filed for public inspection February 11, 2000, 9:00 a.m.]

Certificate of Public Convenience Without Hearing

A-110550F0149; A-110550F0150; A-96379F2000 and A-96380F2000. Peco Energy Company. Joint Application of Atlantic City Electric Company and Delmarva Power & Light Company, as transferors, Peco Energy Company, as transferee, and Public Service Electric & Gas Company, as affiliated interest of a transferee, for Certificates of Public Convenience evidencing approval under Chapter 11 of the Public Utility Code for the sale and transfer of the transferors' interests in the Peach Bottom Atomic Power Station and related assets.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before February 28, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: Peco Energy Company

Through and By Counsel: Anthony C. DeCusatis, Esquire, Morgan, Lewis & Bockius LLP, 1701 Market Street, Philadelphia, PA 19103-2921.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-271. Filed for public inspection February 11, 2000, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (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 6, 2000, 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 motor of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00116544. Daniel R. Koebler and Elaine M. Kuhns, t/d/b/a White Knight Limousine Service (701 East Main Street Extended, Grove City, Mercer County, PA 16127)—persons in limousine service, between points in the county of Butler, and from points in the said county, to points in Pennsylvania, and return; subject to the following conditions: that no right, power or privilege is granted to provide service from or to points in the townships of Adams, Connoquenessing, Cranberry, Forward, Jackson, Lancaster and Middlesex, and the boroughs of Callery, Connoquenessing, Evans City, Mars, Seven Fields, Valencia and Zelenople, all in Butler County; and that no right, power or privilege is granted to provide service from points in the townships of Butler and Penn, Butler County, to the Greater Pittsburgh International Airport located in the townships of Findlay and Moon, Allegheny County; which is to be a transfer of all of the rights authorized Donald Garrett Rebmann, t/d/b/a White Knight Limousine Service, under the certificate issued at A-00109489, subject to the same limitations and conditions.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00113914, F. 1, Am-A. Steve Karabatos, t/d/b/a Sterling Airport Service (12 South Reading Avenue,

P. O. Box 463, Boyertown, Berks County, PA 19512)—persons in airport transfer service, from points in the borough of Boyertown, Berks County, and points in the borough of Pottstown, Montgomery County, to the Philadelphia International Airport in the city and county of Philadelphia and the township of Tincum, Delaware County, the Allentown-Bethlehem-Easton Airport in the township of Hanover, Lehigh County, and the Reading Airport in the township of Berne, Berks: *so as to permit* the transportation of persons, in airport transfer service, from points in the borough of Boyertown, Berks County, and within an airline distance of 20 statute miles of the limits thereof, to the Philadelphia International Airport in the city and county of Philadelphia and the township of Tincum, Delaware County, the Lehigh Valley International Airport in the township of Hanover, Lehigh County, and the Reading Airport in the township of Berne, Berks County. *Attorney:* Nicolas F. Meter, P. O. Box 698, Pottstown, PA 19464.

A-00110720, Folder 2, Am-A. Jack M. Pavella, t/d/b/a Jack Pavella's Lamplighter Limousine Service (31 Woodside Drive, Washington, Washington County, PA 15301)—persons in limousine service, between points in the county of Washington, and from points in the said county, to points in the counties of Allegheny and Beaver, and return; subject to the following conditions: (1) that no right, power or privilege is granted to provide service from points in that portion of Washington County lying on and north of Interstate Route 70 to the intersection of State Route 519, and lying east of Route 519 to the intersection of Interstate Route 79, and lying on and east of Interstate Route 79 to the northern boundary of Washington County; (2) that service may only be provided in vehicles with seating capacities of five passengers or more, excluding the driver; and (3) that no right, power or privilege is granted to provide service for funeral homes or to transport persons attending funerals: *so as to permit* the transportation of persons in limousine service between points in the counties of Allegheny, Fayette, Greene, Washington and Westmoreland, and from points in said counties, to points in Pennsylvania, and return; subject to the following conditions: (1) provided that no right, power or privilege is granted to provide service for funeral homes or to transport persons attending funerals; and (2) provided that no right, power or privilege is granted to provide service between points in the county of Allegheny. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219-3427.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00116054, Folder 5. Alexa Cab Co. (329 South 16th Street, Philadelphia, Philadelphia County, PA 19102), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand: (1) in that portion of the city of Philadelphia, bounded by School House Lane, Church Lane, Wister Street, Stenton Avenue, Northwestern Avenue, Ridge Avenue, Mantawana Avenue, Hagys Mill Road, Port Royal Avenue, Cross Street, Shawmont Avenue, Umbria Street, Parker Avenue, Ridge Avenue, Walnut Lane, Wissahickon Avenue to point of beginning; (2) that portion of Whitemarsh Township, Montgomery County, bounded as follows: beginning at Ridge Pike, at the Springfield Township line, northwest on Ridge Pike to Butler Pike, northeast on Butler Pike to the Whitemarsh Township line, southeast along Whitemarsh Township line to Bethlehem Pike, south on Bethlehem Pike to Valley Green Road, northeast on Valley Green Road to the

Whitemarsh Township line, southwest along the Whitemarsh Township line to Ridge Pike; and (3) that portion of Springfield Township, Montgomery County, bounded as follows: beginning at the Springfield Township line and Mermaid Lane, southwest on Mermaid Lane to Stenton Avenue, northwest on Stenton Avenue to the Springfield Township line, northeast, southeast, northwest and southeast along the Springfield Township line to Mermaid Lane. *Attorney:* Brendan M. McGinley, 329 South 16th Street, Philadelphia, PA 19102.

Application of the following for the approval of the transfer of stock as described under each application.

A-00108173, F. 5000. D's Limousine Service, Ltd. (P. O. Box 296, Orefield, Lehigh County, PA 18906), a corporation of the Commonwealth of Pennsylvania—stock transfer—approval of the transfer of all issued and outstanding stock (100 shares) held by Dorothy Newberry to John Lakis (50 shares) and Barbara A. Sanouale (50 shares). *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-272. Filed for public inspection February 11, 2000, 9:00 a.m.]

Telecommunications

A-310024F0002. Bell Atlantic-Pennsylvania, Inc. and Affinity Network, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Affinity Network, Inc. for approval of a Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Affinity Network, Inc., by its counsel, filed on January 21, 2000, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Affinity Network, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-273. Filed for public inspection February 11, 2000, 9:00 a.m.]

Telecommunications

A-310877. Bell Atlantic-Pennsylvania, Inc. and Arbros Communications Licensing Company, N.E. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Arbros Communications Licensing Company, N.E. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc., and Arbros Communications Licensing Company, N.E., by its counsel, filed on January 21, 2000, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Arbros Communications Licensing Company, N.E. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-274. Filed for public inspection February 11, 2000, 9:00 a.m.]

Telecommunications

A-310535. GTE North Incorporated and Network Access Solutions Corp. Joint Petition of GTE North Incorporated and Network Access Solutions Corp. for approval of an interconnection agreement.

GTE North Incorporated and Network Access Solutions Corp., by its counsel, filed on January 21, 2000, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the GTE North Incorporated and Network Access Solutions Corp. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-275. Filed for public inspection February 11, 2000, 9:00 a.m.]

Wastewater Service Without Hearing

A-230240 F0009. Little Washington Wastewater Company. Application of Little Washington Wastewater Company for approval of 1) the acquisition of the wastewater system assets of the Twin Hills Sewer Corporation and 2) the right of Little Washington Wastewater Company to furnish wastewater service to the public in portions of West Pikeland Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before February 28, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: Little Washington Wastewater Company.

Through and By Counsel: Mark J. Kropilak, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-276. Filed for public inspection February 11, 2000, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

March 8, 2000	Francis B. Lorson (Multiple Service) Carol A. Sandone (Purchase of Maternity Leave)	1 p.m. 2:30 p.m.
March 22, 2000	Sylvia J. Amato (Purchase of Maternity Leave) Stephanie P. Johnson (Purchase of Service)	1 p.m. 2:30 p.m.
March 29, 2000	Jane L. Barnes (Change of Retirement)	1 p.m.
April 19, 2000	Betty Croftcheck (Purchase of Maternity Leave) Jacqueline Weaver (Change of Retirement Date)	1 p.m. 2:30 p.m.
April 26, 2000	Amanda Moyer (Purchase of Maternity Leave) Deirdre M. Bristow (Withdraw of Refund Application)	1 p.m. 2:30 p.m.
May 17, 2000	Marie E. LaBar (Change of Option)	1 p.m.

Persons with a disability who wish to attend the above-listed hearings require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 00-277. Filed for public inspection February 11, 2000, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm

**Mon/Fayette Expressway Project
Uniontown to Brownsville
Monongahela River Bridge
Fayette and Washington Counties, Pennsylvania**

Reference No. E-014

The General Requirements listed for Reference No. E-015 at 30 Pa.B. 740 (February 5, 2000) are also applicable to Reference No. E-014 as it appeared at 30 Pa.B. 738 (February 5, 2000).

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 00-278. Filed for public inspection February 11, 2000, 9:00 a.m.]

Retention of an Engineering Firm

**Susquehanna River Structure
Dauphin and York Counties**

Reference No. 3-127

The Turnpike Commission (Commission) will retain an engineering firm to provide preliminary and final design services for replacing the existing structure crossing the Susquehanna River at Milepost 245.72 with dual precast concrete segmental structures. The estimated total lengths of the replacement structures are approximately 5,765 feet each. The out-to-out deck width of each of the dual structures will be approximately 55 feet. The new river crossing will be on a new alignment, north of the existing alignment, extending from the west shore of the Susquehanna River to the east of S. R. 0230. The selected firm will be responsible for the prefinal and final design of these structures.

The engineering services required will include supplemental field surveys, evaluation of utility and railroad conflicts and potential relocations, development of erosion and sedimentation control plans and specifications, preparation of hydraulic reports for waterway approvals, causeway design, preparation of preliminary and final bridge plans, geotechnical investigations and structural foundation report, preparation of construction plans and speci-

cations for the Commission to bid a precast concrete segmental structure across the Susquehanna River, and the demolition of the existing river crossing, the existing bridge at Milepost 246.65 over the Steelton and Highspire Railroad, and the existing bridge at Milepost 246.76 over S. R. 0230. The firm selected will be responsible for coordinating with various agencies and with the consultant involved with the approach roadway design.

In addition, low-level photography will be available in this area to an accuracy of $\pm .05$ feet. Hard copies of the mapping and a disk will be provided to the consultant for their use. A digital terrain model in AutoCAD DWG format will also be provided. The consultant will be required to perform supplemental surveys. Plans (drawings), profiles, and the like will be prepared in English units utilizing AutoCAD DWG format. Translation of the plans into AutoCAD DWG format is not acceptable.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in this contract will be 5%. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in this contract, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department of Transportation (Department) at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Turnpike Commission by calling (717) 939-9551, ext. 4241.

Direct inquiries to Bradley J. Heigel, P.E., at 939-9551, ext. 5591; or by E-mail at bheigel@paturnpike.com.

Roadway and Bridge Reconstruction Dauphin and York Counties

Reference No. 3-128

The Commission will retain an Engineering firm for the design of the Roadway and Bridge Reconstruction between approximate Mileposts 245.00 and 247.50 in Dauphin and York Counties. The roadway reconstruction will be on a new alignment, north of the existing alignment, and will comprise the approaches to a new structure across the Susquehanna River (to be designed by others). It is anticipated that the mainline structure over S. R. 3001 (Eisenhower Boulevard) and the ramp bridge at the Harrisburg-East Interchange will both be replaced as part of this design. Also, the reinforced concrete box culvert over Laurel Run at Milepost 246.97 will be rehabilitated and lengthened. The selected firm will be responsible for the prefinal and final design of this project.

The engineering services required will include supplemental field surveys, cross sections, evaluation of utility conflicts and potential relocations, development of erosion and sedimentation control plans and specifications, preparation of hydraulic reports for waterway approvals, preliminary and final traffic control plans, preparation of preliminary and final bridge plans, preparation of preliminary and final right-of-way plans, geotechnical investigations and structural foundation reports, various environmental studies, preparation of preliminary and final construction plans and specifications for the Commission to bid the roadway and bridge reconstruction generally between Milepost 245.00 and 247.50, excluding the struc-

ture crossing the Susquehanna River. The firm selected will be responsible for coordinating with various agencies and with the consultant involved with the Susquehanna River structure design.

In addition, low-level photography will be available in this area to an accuracy of ± 0.05 feet. Hard copies of the mapping and a disk will be provided to the consultant for their use. A digital terrain model in AutoCAD DWG format will also be provided. The consultant will be required to perform supplemental surveys and reestablish the existing centerline of the Turnpike. Also, cross sections will be cut and plotted from the available information. Plans (drawings), including cross-sections, profiles, and the like will be prepared in English units utilizing AutoCAD DWG format. Translation of the plans into AutoCAD DWG format is not acceptable.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in this contract will be 15%. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in this contract, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department of Transportation (Department) at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Turnpike Commission by calling (717) 939-9551, ext. 4241.

Direct inquiries to Bradley J. Heigel, P.E., at 939-9551, ext. 5591; or by E-mail at bheigel@paturnpike.com.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for these projects:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department of Transportation and Turnpike Commission projects.

f. Other factors, if any, specific to the project.

General Requirements and Information

Firms interested in providing the work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project

from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)

2. A five page expression of interest for Reference No. 3-127, and a three page expression of interest for Reference No. 3-128. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Department of Transportation and Turnpike Commission projects.

5. A copy of the annual qualification package similar to the one submitted to the Department of Transportation for the current year that is in the same District as this project or one that is best suited for this project.

The annual qualification package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-state headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Barry L. Troup, P.E., Assistant Chief Engineer for Design, Turnpike Commission Administration Building, 176 Kost Road, Carlisle, PA 17103-0779. (FedEx address: 176 Kost Road, Carlisle, PA 17103-0779) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 noon, local time, Friday, March 3, 2000. Letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to these solicitations, one firm will be selected for each project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 00-279. Filed for public inspection February 11, 2000, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

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

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

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide

Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

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

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

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

Commodities

4509-131 Hats, black winter caps with ear flaps in various sizes.

Department: Corrections
Location: Correctional Industries SCI Huntingdon, 1100 Pike Street, Huntingdon, PA 16654
Duration: 1 year
Contact: MaryAnn Ulrich, (717) 731-7134

101 9 ea. CPR Copper 10KVA Oil Filled 1 PH Transformer 7220y/13,200 @95KB BIL; 9 ea. CPR Copper 75KVA Oil Filled 1 PH Transformer 7220Y/13,200 @95KV BIL; 2 ea. CPR Copper 25KVA Oil Filled 1 PH Transformer 7220Y/13,200 @ 95KV VIL; 2 ea. CPR Copper 37.5KVA Oil Filled 1 PH Transformer 7220Y/13,200 @95KV BIL. Bids are available from State Armory Board.

Department: Military Affairs
Location: State Reservation Maintenance, Bldg. 11-71, Fort Indiantown Gap, Annville, PA 17003-5002
Duration: FY 99-00
Contact: Anita Sommer, (717) 861-2928

1332219 Furnish, install and make operational, a turnkey. For a copy of the bid package fax request to (717) 787-0725.

Department: Public Welfare
Location: Philadelphia, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

8505190 Motor, Hydraulic. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1387209 Hats. For a copy of the bid package fax request to (717) 787-0725.

Department: State Police
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1365119 Materials for shower dressing stalls and handicapped shower stalls. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Waynesburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1300119 Electric grinder with electric auger. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Somerset, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1356119 Guns and accessories. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Houtzdale, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1357119 Communication equipment. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Dallas, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

8505160 Various auto parts. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1135169 Hydraulic three roll plate bending machine with attachments. For a copy of the bid package fax request to (717) 787-0725.

Department: State System of Higher Education
Location: Lancaster, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

cw 2-00 820 Pair Gloves, Leather, Hatch Glove Model TLD-40. No substitute.

Department: State Police
Location: Clothing Warehouse, 20th and Herr Streets, Harrisburg, PA 17103
Duration: June 30, 2000
Contact: Robert D. Stare, (717) 705-5921

1359219 Furnish and install a two person truck mounted aerial lift. For a copy of the bid package fax request to (717) 787-0725.

Department: Public Welfare
Location: Loysville, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

CW 3-00 465 Each, Belts, Sam Brown, Gould & Goodrich Model # B59-FL/CBK. No substitute. 66 Each, Belts, Sally Brown, Gould & Goodrich Model B59-FL/CBL. No substitute.

Department: State Police
Location: Clothing Warehouse, 20th and Herr Streets, Harrisburg, PA 17103
Duration: June 30, 2000
Contact: Robert D. Stare, (717) 705-5921

SERVICES

Agricultural Services—02

PGC-2626 Vinyl Coated Hexagonal Poultry Netting: Netting must be 16 gauge, vinyl coated over 18 gauge and galvanized before weaving hex, as manufactured by Riverdale Mills, Mass., or approved equal to or better than. Color green. 1" x 3' x 150' long, 1-1/2" x 6' x 150' long, and 1" x 4' x 150' long. Specific information may be obtained upon request.

Department: Game Commission
Location: Pennsylvania Game Commission, Bureau of Administration, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Specific delivery locations will be included in bid package.
Duration: Delivery must be completed by June 30, 2000
Contact: Diane or Linda, (717) 787-6594

9/4 Provide fish food used in a Statewide fish culture program during the period April 1—June 30, 2000. Fish feed products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

Department: Fish and Boat Commission
Location: Statewide to various fish culture stations as requested.
Duration: April 1—June 30, 2000
Contact: James E. Harvery, (814) 359-5141

M-3890 Fertilizer 19-19-19. 90 Tons to be delivered bulk, along with a tyler spreader.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: March 15, 2000 to June 30, 2000
Contact: Cheryl Snook, P.A. 2, (814) 355-4874, ext. 206

M-3883 White Potato Seeds. 100,000 lbs. Kennebec (medium-late), Size: B.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: April 1, 2000 to June 30, 2000
Contact: Cheryl Snook, P.A. 2, (814) 355-4874, ext. 206

M-3882 Oat Seeds, 800 bushel bagged Armor or equal; Alfalfa Seeds, 2,100 lbs. Agway 101 or equal; Orchard Grass. 1,750 lbs. Potomac or equal.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: March 15, 2000 to June 30, 2000
Contact: Cheryl Snook, P.A. 2, (814) 355-4874, ext. 206

Audio/Video—04

SP 3596000002 Cellular telephone service and equipment for the 12 County North-west Regional Office of the Department of Environmental Protection.

Department: Environmental Protection
Location: Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335
Duration: July 1, 2000 to June 30, 2001 with a renewal clause for up to 4 additional years.
Contact: Doug Higby, (814) 332-6816

Construction—09

IN-773 Stright Courtyard. Work included under this project consists of site improvements in the between and adjacent to Stright, Johnson and Uhler Halls. 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: 6 months
Contact: Ronald E. Wolf, Procurement Specialist, (724) 357-4851

KUCC-0015 Kutztown University is seeking qualified contractors for renovations to the toilet partitions in Rothermel Hall at Kutztown University. Bid packages are available for a nonrefundable fee of \$15 from: Barbara Barish, Contract Specialist, Office of Planning and Construction, Kutztown University, P. O. Box 730, Kutztown, PA 19530. Phone: (610) 683-4602. Bid packages are available February 14, 2000 through prebid. A Prebid has been scheduled for February 24, 2000 at 10 a.m., in OM-26, Old Main Building. Bids are to be received no later than 3 p.m. on March 9, 2000 in Room 236, Office of Planning and Construction. Bids will be opened on March 9, 2000 at 3 p.m. in OM-26, Old Main Building. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 43 days after Notice to Proceed (work to be completed on or before July 31, 2000)
Contact: Barbara Barish, (610) 683-4602

SU-912 Addition to Commuter Lot Shippensburg University of the State System of Higher Education invites General and Electrical Contractors to request bid documents for this project. Work includes an addition to an existing parking lot; construction to include clearing, construction of a stormwater management facility, storm drainage measures, paving, sidewalk construction, seeding and restoration and lighting. Prospective Bidders may obtain project plans for a nonrefundable cost of \$75 by contacting Rettew Associates, Inc. Attn: W. Max Shradley, 5010 Ritter Road, Suite 102, Mechanicsburg, PA 17055; telephone (717) 697-3551 or fax: (717) 697-6953. Plans will be available after February 14, 2000. Prebid Meeting with site visit immediately to follow will be held on Tuesday, February 22, 2000 at 10 a.m. in Reed Operation Conference Room. Bids Due: March 14, 2000 at 4 p.m. Old Main Room 300. Public Bid Opening: March 15, 2000 at 2 p.m., Old Main Room 203A. The system encourages responses from small firms, minority firms, and firms which may have not previously performed work for the System. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: 150 days from date of Notice to Proceed
Contact: Deborah K. Martin, Contract Administrator, (717) 477-1121

FDC-406-675 Rehabilitate buildings in Group Camp No. 1 at French Creek State Park in Berks County. Work includes carpentry, masonry work, excavating and backfilling; painting and staining; wood retaining wall and landscaping. Bid documents will be available on or after February 14, 2000.

Department: Conservation and Natural Resources
Location: Union Township
Duration: 90 days (work to start after July 1, 2000)
Contact: Construction Management Section, (717) 787-5055

SU-917 Grove Hall Electrical Modifications. Shippensburg University of the State System of Higher Education invites Electrical Contractors to request bid documents for this project. Work includes providing modifications to wiring and other electrical components in the John L. Grove Hall. Prospective Bidders may obtain project plans for a nonrefundable cost of \$50 by contacting Entech Engineering, Inc., Attn: Ralph Navel, 4 South Fourth Street, P. O. Box 32, Reading, PA 19603; telephone: (610) 373-6667 or fax: (610) 373-7537. Plans will be available after February 14, 2000. Prebid Meeting with site visit immediately to follow will be held Tuesday, February 22, 2000 at 1 p.m. in Reed Operation Conference Room. Bids Due: March 14, 2000 at 4 p.m., Old Main Room 300. Public Bid Opening: March 15, 2000 at 2 p.m., Old Main Room 203A. The System encourages responses from small firms, minority firms and firms which may not have previously performed work for the System. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: 90 days after Notice to Proceed
Contact: Deborah K. Martin, Contract Administration, (717) 477-1121

FDC-316-711 Removal and disposal of existing concrete sidewalks; excavation of subbase material; providing and placing reinforced concrete walkway (190 S.Y.); retaining wall (6.5 C.Y.); ramp and steps; installation of handrail; and painting traffic lines and markings at Codorus State Park, York County. Bid documents will be available on or after February 14, 2000.

Department: Conservation and Natural Resources
Location: Penn Township
Duration: 60 days
Contact: Construction Management Section, (717) 787-5055

ESU 405-349 Replace Pool Equipment in Koehler Fieldhouse. Gen. Const. \$150K. Includes removal and disposal of pool circulation and filtration equipment; and providing and installing a two tank water filter unit and associated devices. For bid package call (570) 586-0719/fax 6549, send \$35 nonrefundable check to Burkavage Design Assoc., 200 Abington Exec. Park, Clarks Summit, PA 18411. Prebid conference Feb. 22, 2000, bid opening March 15, 2000. For Special accommodations call Ann Zaffuto at (570) 422-3595. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: East Stroudsburg University, East Stroudsburg, PA 18301
Duration: 120 ANP
Contact: Burkavage Design, (570) 586-0719

FDC-311-717 Construct a small addition to a Park Residence at Prince Gallitzin State Park in Cambria County. Work includes demolition, reroofing and interior renovations (masonry, concrete, carpentry, electrical, plumbing and heating). Bid documents will be available on or after February 16, 2000.

Department: Conservation and Natural Resources
Location: White Township
Duration: 120 days
Contact: Construction Management Section, (717) 787-5055

015DGSA970-150 Rebid Project Title: Roof Replacement. Brief Description: Roof replacement of monitor roof and miscellaneous repairs. Estimated Range: Under \$100,000. General Construction. Plans Deposit: \$25 per set Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, tel: (717) 787-3923. Bid Date: Wednesday, March 1, 2000 at 11 a.m.

Department: General Services
Location: PA National Guard Armory—OMS # 13, Pittsburgh, Allegheny County, PA
Duration: 120 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

Engineering Services—14

08430AG2501 To retain an engineering firm to perform quality assurance of the bridge safety inspection program throughout the Commonwealth. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Bureau of Design
Duration: 60 Months
Contact: N/A

08430AG2502 To provide construction inspection and documentation services on S. R. 0022, Section A02, Lewistown Bypass—Relocated Section (west) in Mifflin County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 2-0
Duration: 30 days after construction completion
Contact: N/A

08430AG2503 To provide construction inspection and documentation services on S. R. 0022, Section C02, Lewistown Bypass—Relocated Section (east) in Mifflin County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 2-0
Duration: 30 days after construction completion
Contact: N/A

Environmental Maintenance—15

OSM 40(2135)102.1 Backfill Strip Pit, Lee Park Southwest involves approximately 131,360 c.y. and seeding 17.3 acres. One hundred percent of this project is federally funded from the \$21.7 million 1999 AML Grant. This project will issue February 11, 2000; payment in the amount of \$10 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Hanover Township, Luzerne County
Duration: 230 calendar days
Contact: Construction Contracts Section, (717) 783-7994

Extermination Services—16

RFP 2500-04 Vendor to provide pest control services to the State Correctional Institution at Dallas, for the period July 1, 2000 to June 30, 2003.

Department: Corrections
Location: State Correctional Institution, 1000 Follies Road, Dallas, PA 18612
Duration: 3 Years
Contact: Steven Kaminski, (570) 675-1101, ext. 294

Food—19

99-2000 The contractor to furnish Cola syrups and dispensers to dispense cola, Dr. Pepper, Orange, Mr. Pibb, Ginger ale, approximately 5,000 gallons; Diet Cola and/or Sprite, approximately 5,000 gallons.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 2000 to June 30, 2003
Contact: Michelle Ryan, (717) 975-5267

HVAC—22

00876001 Contractor to furnish all labor, parts and equipment to maintain York Model OT 260 Open Turbopak Liquid Chilling System (Central Air Conditioning). Service will be provided at the Altoona Center however the bid process will be processed at the Ebensburg Center.

Department: Public Welfare
Location: Altoona Center, Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601
Duration: Contract is anticipated to begin July 1, 2000 and end June 30, 2003
Contact: Cora Davis, Purchasing Agent, (814) 472-0288

SU 49220-22 Shippensburg University is seeking vendors interested in providing repair parts for Stoker Boilers at Steam Plant. The bid due date will be February 23, 2000 by 4 p.m. The Bid Opening date will be February 24, 2000 at 2 p.m. Vendors interested in receiving a bid package should fax their request to Janet Neidigh, Purchasing Agent at (717) 477-1350, or e-mail jneid@ship.edu. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: N/A
Contact: Janet Neidigh, (717) 477-1386

0831 Install electrical service, wiring and lighting in new maintenance building structure adjacent to the Anthracite Heritage Museum in McDade Park, Scranton, PA, Lackawanna County. Call Steven Ling at (570) 963-4804 to obtain bid specifications package and prebid conference information.

Department: Historical and Museum Commission
Location: Anthracite Heritage Museum, McDade Park, Scranton, PA, Lackawanna County
Duration: Work must be completed no later than June 10, 2000
Contact: Steven Ling, (570) 963-4804

MN-99-0658 The Contractor shall furnish Armstrong Flow Rite Temp Heater, # 415-P-RR-OT, or approved equal, to include the following: Control Valve and tube bundle—control valve should be bronze w/internal parts made of SS, tube shall be 5/8", 16 gauge admiralty brass expanded into a naval rolled brass tube sheet. Unit shall work on 30 PSIG Steam Pressure at 70 PSIG Water Pressure. Heater shall handle 50° F water coming in with an exit temp of 140° F with a flow of 25 GPM. Heater shall include all thermometers, water side piping valves and fittings, clean in place isolation valves and connections. Recirculation valve package and recirculating pump over temp valve package. Heater and gauges shall be prepiped, framed and skidded.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: April 1, 2000—June 30, 2000
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

1381001156 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: Berwick Armory, P. O. Box 483, 201 Pine Street, Berwick, PA 18603-0483
Duration: July 1, 2000—June 30, 2003
Contact: Emma Schroff, (717) 861-8518

Janitorial Services—23

8082 Janitorial services for the period July 1, 2000 to June 30, 2002, inclusive. Service to be rendered four visits per week at the PA State Police, Findlay Station. Detailed Work Schedule and Bid must be obtained from Facility Management Office, (717) 783-5484.

Department: State Police
Location: Findlay Station, 190 Industry Drive, Pittsburgh, PA 15275
Duration: July 1, 2000 to June 30, 2002
Contact: Donna Enders, (717) 783-5484

8083 Furnish materials, equipment and labor to perform janitorial services three visits per week at the PA State Police, Punxsutawney Liquor Control Enforcement facility. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Punxsutawney Liquor Control Enforcement, 305 Sutton Street, Punxsutawney, PA 15767-0497
Duration: June 1, 2000 to June 30, 2003
Contact: Donna Enders, (717) 783-5484

3863069902 Janitorial services for 10 Family Cabins and one Park Office.

Department: Conservation and Natural Resources
Location: Gifford Pinchot State Park, 2200 Rosstown Road, Lewisberry, PA 17339
Duration: This is a 3 year contract
Contact: Jesse Taylor, (717) 432-5011

Laundry/Dry Cleaning—25

SC 160134 Millersville University is soliciting bidders who can provide linen services for a 5-year period (approximately May 15, 2000—May 15, 2005) for Summer Conferences and Student Orientation (sheets, blankets, pillowcases, bedspreads, towels and the like) and for Food Services/Catering Area (tablecloths, napkins, kitchen towels, aprons, and the like). Interested vendors should fax their requests to be placed on a bidders list to Anna Stauffer (Fax: (717) 871-2000) no later than 2 p.m. on Friday, February 18, 2000.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: May 2000—May 2005
Contact: Anna Stauffer, (717) 872-3041

Lodging/Meeting—27

01-1-00 Two and one half days for International Conference on Vocational Rehabilitation in Allegheny County. 500 Sleeping rooms with ADA accessibility. Exhibit hall for 25 exhibit spaces with wheelchair mobility. Theater style seating for 600 with wheelchair mobility. Eight concurrent breakout rooms with theater seating for 100 people with wheelchair mobility.

Department: Labor and Industry
Location: Allegheny County
Duration: Two and one half day period between October 1, 2000 and November 2, 2000
Contact: Cherianita V. Thomas/JB, (717) 787-2877

Medical Services—29

01147 Provide Podiatrist Services for the Residents/Patients at the PA Soldiers and Sailors Home.

Department: Military Affairs
Location: PA Soldiers & Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239
Duration: Service to begin July 1, 2000 through June 30, 2005
Contact: Jeanette Gualtieri, (814) 878-4930

Bid Inq. No. 1037 The contractor shall provide Dental Laboratory Services to the inmate population at the State Correctional Institution at Frackville. Performance of services will require pickups and deliveries or prepaid mailing containers.

Department: Corrections
Location: State Correctional Institution—Frackville, 1111 Altamont Boulevard, Frackville, PA 17931
Duration: May 1, 2000 to April 30, 2003
Contact: Mary Lou Neverosky, Purchasing Agent, (570) 874-4516, ext. 112

Property Maintenance—33

FM-0035 Re-Bid Construction of 45 ft. x 36 ft. bulk material storage building. To obtain a copy of this bid package please FAX the following information to Roberta Cooper at (717) 783-7971: Contract: FM-0035 Re-Bid, Company Name, Company Contact, Name, Address, Telephone Number, and Fax Number. Please reference FM-0035 Re-Bid on the Fax.

Department: Transportation
Location: PennDOT Stockpile No. 15, Route 220, approximately 1/2 mile north of New Albany, Albany Township, Bradford County, PA
Duration: 90 Calendar Days
Contact: Roberta Cooper, (717) 787-4006

MN-99-0674 The Contractor shall furnish and supply Simonton Premium 5500, as manufactured by Monsanto, or approved equal, double hung replacement windows with secure vue. Contractor to remove existing wood double hung window. Disposal will be by institution. Replacement windows to be installed according to manufacturer's specification. On site visit required to verify project and scope of work to be performed. Windows to be measured at that time to determine the exact dimensions. There are a total of 20 openings.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: March 6, 2000—June 30, 2000
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

Real Estate Services—35

373883 Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 17,842 useable sq. ft. of new or existing office space in Harrisburg, Dauphin County, PA, with minimum parking for 31 vehicles, within the following boundaries: North: I-81, South: I-83, East: Progress Avenue and Paxtang Street and West: Susquehanna River. In areas where street or public parking is not available, an additional 29 parking spaces are required. The Department of Public Welfare, Bureau of Hearings and Appeals will occupy the space. Proposals Due: March 13, 2000. Solicitation No.: 92955.

Department: Public Welfare
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: Cynthia Lentz, (717) 787-0952

373883 Lease Office Space to the Commonwealth of Pennsylvania, Board of Probation and Parole, 5,365 useable sq. ft. of new or existing office space with parking for 24 vehicles, in Philadelphia, Philadelphia County, PA within the following boundaries: North: South Street, South: Pattison Avenue, East: Delaware River and West: Schuylkill River. The office must be situated within 3 blocks of a public transportation system. The PA Board of Probation and Parole will occupy the space. Proposals Due: April 3, 2000. Solicitation No.: 92956.

Department: Probation and Parole Board
Location: 505 North Office Building, Harrisburg, PA 17105
Duration: N/A
Contact: John Hocker, (717) 787-4396

Sanitation—36

A506 Removal of trash, kitchen waste, and recyclable materials for the Allentown Community Corrections Center, Allentown, PA. If interested Vendors desiring bid proposals they should contact Purchasing Agent at SCI Mahanoy, 301 Morea Road, Frackville, PA 17932 or fax for bid proposal listing name and address to Purchasing Agent, Fax No.: (570) 621-3096.

Department: Corrections
Location: Allentown Community Corrections Center, 608-610 Hamilton Mall, Allentown, PA 18101-2104
Duration: July 1, 2000 through June 30, 2003
Contact: R. Kuchta, (570) 773-2158, ext. 421

Security Services—37

LBLA 3 Securitron lock control panels, mag locks and securitron timer needed for the Southeast Secure Treatment Unit. Securitron only—no substitute.

Department: Public Welfare
Location: 1824 West Strasburg Road, West Chester, PA 19382
Duration: Anticipated start date February 1, 2000 through June 30, 2000
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

01-J-00 Security Guard Services—Contractor will provide one unarmed, uniformed security guard during the hours from 8 a.m. to 5 p.m., Monday through Friday.

Department: Labor and Industry
Location: Labor and Industry, Bureau of Disability Determination, 264 Highland Park Boulevard, Wilkes-Barre, Luzerne County, PA 18703
Duration: April 1, 2000 to September 30, 2001 plus three 1-year renewal option
Contact: Cherianita Thomas/BF, (717) 787-2877

908764 Assortment of parts to repair—Athey Loader Model 7-12, Serial # 703347K. Call for list of parts.

Department: Transportation
Location: We will pick up at Vendors location.
Duration: N/A
Contact: Warren Buchanan, (814) 465-7754

Miscellaneous—39

SBC-1106000-003 The State Correctional Institution at Pittsburgh requests proposals for a Chaplain to provide 24 hours per week chaplaincy services for inmates of the Protestant faith. Selection of vendor will be based on the following factors: 1. Correctional experience. 2. Response to a Corrections scenario. 3. Contract amount. 4. Training and Theology. Interested vendor can call Father Terza at (412) 761-1955, ext. 352 for additional information.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 1, 2000 to June 30, 2003
Contact: Ronald J. Dudek, (412) 761-1955, ext. 212

DLR 4513 The contractor shall furnish and install 3 ton packaged cooling rooftop-H unit as manufactured by Trane, Model # TCH036B4 or an approved equal. Unit is to include programmable auto changeover 1 step thermostat, wall mounting plate, low ambient control. Contractor to supply galvanized metal supply duct with 1 1/2 duct wrap insulation, eight supply diffusers, ten transfer grilles and five transfer air ducts. System to be balanced by the vendor. Contractor responsible for all crane work. Site visit is required. Interested bidders should contact the Purchasing Department, in writing, to request a bid package or by fax (814) 946-7339.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: March 13, 2000 through June 30, 2000
Contact: Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

CUS2542 Vendor to supply uniform and cap insignias for the State Correctional Institution at Smithfield. Bid will include Silver State Insignia Hat Pins, Silver Hat Bands—Expandable, Small, Medium State Insignia Clutchbacks, Lt. Bars, Captain Bars, Gold State Insignia Hat Pins, etc. Interested bidders should contact the Purchasing Department, in writing, to request a bid package or by fax (814) 946-7339.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: Delivery requested by March 31, 2000
Contact: Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

SPC-1106000-002 The State Correctional Institution at Pittsburgh requests proposals for coordinator of Native American religious cultural programs, approximately 4 hours per week. Selection of vendor will be based in the following factors: 1. Correctional experience. 2. Response to a Corrections scenario. 3. Contract amount. 4. Training and Theology. Interested vendors can call Father Terza at (412) 761-1955, ext. 352.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 1, 2000 to June 30, 2003
Contact: Ronald J. Dudek, (412) 761-1955, ext. 212

RFP 2500-03 Vendor to provide limited, high priority, time constraint dental prosthetic work for the inmate population at the State Correctional Institution at Dallas, as prescribed by the Institutional Dentist, for the period July 1, 2000 to June 30, 2003.

Department: Corrections
Location: State Correctional Institution, 1000 Follies Road, Dallas, PA 18612
Duration: 3 years
Contact: Stephen Kaminski, (570) 675-1101, ext. 294

RFP # 1-00 Provision of aftercare/advocacy services to youth at Youth Forestry Camp No. 2 in White Haven, PA, Loysville Youth Development Center, Loysville, PA and North Central Secure Treatment Unit in Danville, PA to reduce the rate of recidivism, intensive monitoring so that the community at large should be safer and help the clients make a smooth, problem-monitored transition into their home community. Requests for copies of this RFP can be faxed to (717) 787-3560.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, Hickory Run State Park, White Haven, PA; Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA; North Central Secure Treatment Unit, P. O. Box 90, Danville, PA
Duration: July 1, 2000—June 30, 2005
Contact: Kathy A. King-McCarthy, (717) 705-3878

B0000275 Millersville University is seeking bidders who can provide door hardware (door exit devices, latch sets, hinges, and the like) for installation of a security access system in 10 campus residence halls. Winning bidder must coordinate delivery of hardware according to schedules of general and electrical contractors. Interested vendors should fax their request to be placed on a bidders list to Anna Stauffer, Fax (717) 871-2000, no later than Friday, February 18, 2000 (2 p.m.).

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: March, 2000—August, 2000
Contact: Anna Stauffer, (717) 872-3041

SU 99-14 Shippensburg University is seeking vendors interested in submitting bids for a 3–5 year maintenance/service contract, beginning July 1, 2000, for all makes and models of IBM typewriters to include, but not necessarily limited to, Selectric, I, II, III; Standard; Executive; Electronic; Quietwriter and Wheelwriter 1500, Xerox Memorywriters; and various other makes and models as required. Please Fax your request to be added to the bidders list to Attn: Pam King at (717) 477-4004. Requests must be received by February 29, 2000.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: July 1, 2000 through June 30, 2005
Contact: Pamela A. King, Purchasing Agent, (717) 477-1121

HUN 342 Weapons for the SCI Huntingdon Armory, Mossberg 12g shotguns with accessories, Ruger .223 caliber rifles, or an approved equal. Quantities and specifications are available by request from the Agency.

Department: Corrections
Location: SCI Huntingdon, 1100 Pike Street, Huntingdon, PA 16654
Duration: February 4, 2000 to June 30, 2000
Contact: Robert Jessell, Purchasing Agent III, (814) 643-2400, ext. 304

X8538 Mettler-Toledo DL # 38 Karl Fischer Volumetric Titrator.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: Delivery by March 3, 2000
Contact: Dawn M. Levarto, (717) 787-9645

SO-207 The State Correctional Institution at Somerset will be soliciting bids for service and repairs to three IBW Balanced Watertube Boilers with Webster HD Multi-Fuel Natural Gas/Oil Burners. Interested vendors should contact the institution directly for a bid package.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 2000 through June 30, 2003
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, ext. 311

BOOT-99-204 To develop and present several Terrorism Table-Top Exercises based on a chemical related terrorist incident to Regional Counter-Terrorism Task Forces located throughout the Commonwealth of Pennsylvania and the State Emergency Operations Center. Vendor will conduct the exercises through a series of injects focusing on the responsibilities of the responder and necessary actions needed. To request a bid package, contact Fiscal Management at (717) 651-2189 referencing bid package BOOT-99-204.

Department: PA Emergency Management Agency
Location: PA Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110-9364
Duration: March 1, 2000 through June 30, 2000; July 1, 2000 through June 30, 2001
Contact: Christopher Nolan, (717) 651-2189

8177480 Herbicide Spraying for Department of Transportation, Engineering District 8-0.

Department: Transportation
Location: District 8
Duration: 1 year
Contact: Bid Room, (717) 787-2199

X7833 Provide Zero Air Generator and Maintenance Kit and Provide Hydrogen generator and Electrolyte solution.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: Deliver around March 1, 2000
Contact: Dawn M. Levarto, (717) 787-9645

436 Convulsion Type Expansion Joints.

Department: Public Welfare
Location: Polk Center, Polk, PA 16342
Duration: 6 weeks after receipt of order
Contact: Patty Frank, Purchasing Agent, (814) 432-0229

[Pa.B. Doc. No. 00-280. Filed for public inspection February 11, 2000, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

STATE CONTRACTS INFORMATION

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1134119-01	2/1/00	Asgrow Vegetable Seeds	31,230.00
1165169-01	2/1/00	Mid Atlantic Flooring Co. Inc.	57,750.12
1245119-01	2/1/00	J. Weinstein and Son Inc.	43,750.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-281. Filed for public inspection February 11, 2000, 9:00 a.m.]