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# PENNSYLVANIA BULLETIN

Volume 30  
Saturday, March 11, 2000 • Harrisburg, Pa.  
Number 11  
Pages 1349—1460

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Insurance Department's  
Quality Health Care Accountability  
and Protection

## Part I

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The Courts  
Allegheny County  
Department of Agriculture  
Department of Banking  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Transportation  
Environmental Hearing Board  
Environmental Quality Board  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Vocational Rehabilitation  
State System of Higher Education

**Detailed list of contents appears inside.**

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

**No. 304, March 2000**

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**PENNSYLVANIA**



**BULLETIN**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# PENNSYLVANIA BULLETIN

Volume 30  
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## **Part II**

This part contains the  
Insurance Department's  
Quality Health Care Accountability  
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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

#### Amendment of Rule 514(b) of the Pennsylvania Rules of Disciplinary Enforcement; No. 7 Disciplinary Rules Doc. No. 1

##### Order

*Per Curiam:*

*And Now*, this 24th day of February, 2000, Rule 514(b) of the Pennsylvania Rules of Disciplinary Enforcement is hereby amended as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration, the amendment of such rule is hereby found to be required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and the amendment shall be effective July 1, 2000.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

#### Subchapter E. CLIENT SECURITY FUND DISHONEST CONDUCT OF ATTORNEY

#### Rule 514. Reimbursable losses.

\* \* \* \* \*

(b) *Maximum Recovery.* The maximum amount which may be disbursed from the fund to any one claimant with respect to the dishonest conduct of any one covered attorney shall be [ \$50,000 ] \$75,000.

[Pa.B. Doc. No. 00-416. Filed for public inspection March 10, 2000, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 1900, 1910 AND 1930]

#### Amendments to the Rules of Civil Procedure Relating to Protection from Abuse Actions, Support and Custody Mediation

##### Recommendation 51

The Domestic Relations Procedural Rules Committee proposes the following amendments to Rules of Civil

Procedure 1905, 1910.10, 1910.16-1, 1910.16-2, 1910.16-3, 1910.16-4 and 1910.16-6 and new Rule 1940.9. The Committee solicits comments and suggestions from all interested persons prior to submission of these proposed amendments to the Supreme Court of Pennsylvania.

Written comments relating to the proposed amendments must be received no later than Friday May 5, 2000 and must be directed to: Patricia A. Miles, Counsel, Domestic Relations Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055, FAX (717) 795-2116, E-mail: patricia.miles@supreme.court.state.pa.us.

The notes and explanatory comments which appear in connection with the proposed amendments have been inserted by the Committee for the convenience of those using the rules. They will not constitute part of the rules and will not officially be adopted or promulgated by the Supreme Court.

##### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

#### Rule 1905. Forms for use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

\* \* \* \* \*

(c) The Temporary Order of Court entered pursuant to the Act shall be substantially in the following form:

\* \* \* \* \*

2. Defendant is evicted and excluded from the residence at (NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other permanent or temporary residence where Plaintiff or any other person protected under this Order may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this Order.

\* \* \* \* \*

(e) The Final Order of Court entered pursuant to the Act shall be substantially in the following form:

\* \* \* \* \*

2. Defendant is completely evicted and excluded from the residence at [NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED] or any other residence where Plaintiff or any other person protected under this Order may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this Order.

\* \* \* \* \*

#### Rule 1910.16-1. Amount of Support. Support Guidelines.

\* \* \* \* \*

(b) The amount of support (child support, spousal support or alimony pendente lite) to be awarded pursuant to the procedures under Rules 1910.11 and 1910.12 shall be determined in accordance with the support guidelines which consist of the guidelines expressed as the child support schedule [and the chart of proportional expenditures] set forth in Rule 1910.16-3, the formula set forth in Rule 1910.16-4 and the operation of the guidelines as set forth in these rules.

\* \* \* \* \*

**Rule 1910.16-2. Support Guidelines. Calculation of Net Income.**

\* \* \* \* \*

(b) *Treatment of Public Assistance, [ and ] SSI Benefits and Social Security Payments to a Child Due to a Parent's Disability or Retirement.*

(1) Neither public assistance nor Supplemental Security Income (SSI) benefits shall be counted as income for purposes of determining support.

(2) If a child for whom support is sought is receiving social security retirement or disability derivative benefits as a result of a parent's age or disability, the benefits the child receives shall be added to the monthly net incomes of the obligor and obligee to calculate the combined income available for support on the vertical axis of the basic child support schedule set forth in Rule 1910.16-3. The presumptive amount of support as set forth on the schedule at the combined income of obligee, obligor and child's benefits shall then be reduced by the amount of the child's social security or disability derivative benefits before apportioning the remaining support obligation between the parties pursuant to Rule 1910.16-4.

*Example.* If the obligor has net monthly income of \$1200 per month; and the obligee has net monthly income of \$800; and the child receives social security derivative benefits of \$300 per month as a result of either the obligor's or obligee's retirement or disability, then the total combined net income is \$2,300. Using the schedule at Rule 1910.16-3 for one child, the amount of support is \$539 per month. From that amount, subtract the amount the child is receiving in social security derivative benefits (\$539 minus \$300 equals \$239). Then, apply the formula at Rule 1910.16-4 to apportion the remaining child support amount of \$239 between the obligor and the obligee in proportion to their respective incomes. Obligor's \$1200 net income per month is 60% of the total of obligor's and obligee's combined net monthly income. Thus, obligor's support obligation would be 60% of \$239, or \$143.40, per month.

\* \* \* \* \*

(c) *Monthly Net Income.*

(1) Unless otherwise provided in [ this Rule ] these rules, the court shall deduct only the following items from monthly gross income to arrive at net income:

\* \* \* \* \*

(e) *Net Income Affecting Application of the Child Support Guidelines.*

\* \* \* \* \*

(2) *High Income Child Support Cases.*

When the parties' combined net income exceeds \$15,000 per month, child support shall be calculated pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). The presumptive minimum amount of child support shall be obligor's percentage share of the highest amount of support which can be derived from the schedule [ or the chart ] for the appropriate number of children and using the parties' actual combined income to determine obligor's percentage share of this amount. The court may award an additional amount of child support based on the [ remaining ] parties' combined income and the factors set forth in *Melzer*. **The Melzer analysis in high income child support cases shall be applied to all of the parties' income, not just to the amount of income exceeding \$15,000 per month. In a Melzer analysis case, the presumptive minimum remains applicable.**

For example, where obligor and obligee have monthly net incomes of \$17,000 and \$4,000 respectively, the presumptive minimum amount of child support for three children is calculated as follows: using the formula in Rule 1910.16-4, determine the parties' percentage shares of income based on their actual combined income—81% and 19% respectively of \$21,000. Using the schedule [ or chart ] in Rule 1910.16-3, find the highest possible combined child support obligation for three children — \$3,480. Obligor's percentage share of the combined obligation is 81% of \$3,480, or \$2,818. This is the presumptive minimum amount of child support that he or she must pay for three children. Since this amount is derived from the schedule [ or chart ] in Rule 1910.16-3, [ both of ] which [ are ] is limited to combined household income of \$15,000, the court may award an additional amount of support based on [ the parties' remaining income of \$6,000 and ] the factors set forth in *Melzer*.

\* \* \* \* \*

**Rule 1910.16-3. Support Guidelines. Basic Child Support Schedule. [and Chart of Proportional Expenditures]**

[ (a) *Basic Child Support Schedule.* ] The following schedule sets forth the amounts spent on children in intact families by combined income and number of children. Combined income is on the vertical axis of the schedule and number of children is on the horizontal axis of the schedule. This schedule is used to find the basic child support obligation. Unless otherwise provided in these Rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Rule 1910.16-4.

\* \* \* \* \*

[ (b) *Chart of Proportional Expenditures.* The following chart sets forth the proportion of combined monthly net income spent on children by income level. It is used to find the parties' basic child support obligation. Unless otherwise provided in these Rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Rule 1910.16-4.

PROPORTION OF NET INCOME SPENT  
ON CHILDREN BY COMBINED INCOME LEVEL

<i>Children</i>	<i>\$423-\$1,058</i>	<i>\$1,059-\$1,481</i>	<i>\$1,482-\$1,905</i>	<i>\$1,906-\$2,328</i>	<i>\$2,329-\$2,751</i>	<i>\$2,752-\$3,174</i>
1	\$104, plus 24.32% above \$423	\$258, plus 22.67% above \$1,059	\$354, plus 22.72% above \$1,482	\$451, plus 22.32% above \$1,906	\$545, plus 21.39% above \$2,329	\$636, plus 11.47% above \$2,752
2	\$152, plus 35.44% above \$423	\$377, plus 32.68% above \$1,059	\$515, plus 32.77% above \$1,482	\$654, plus 31.70% above \$1,906	\$788, plus 31.41% above \$2,329	\$921, plus 16.16% above \$2,752
3	\$180, plus 41.93% above \$423	\$446, plus 38.34% above \$1,059	\$609, plus 38.47% above \$1,482	\$772, plus 36.69% above \$1,906	\$927, plus 37.49% above \$2,329	\$1,085, plus 18.62% above \$2,752
4	\$199, plus 46.33% above \$423	\$493, plus 42.37% above \$1,059	\$673, plus 42.50% above \$1,482	\$853, plus 40.54% above \$1,906	\$1,024, plus 41.42% above \$2,329	\$1,199, plus 20.58% above \$2,752
5	\$216, plus 50.22% above \$423	\$535, plus 45.92% above \$1,059	\$729, plus 46.08% above \$1,482	\$924, plus 43.94% above \$1,906	\$1,110, plus 44.90% above \$2,329	\$1,300, plus 22.30% above \$2,752
6	\$231, plus 53.74% above \$423	\$572, plus 49.14% above \$1,059	\$780, plus 49.30% above \$1,482	\$989, plus 47.02% above \$1,906	\$1,188, plus 48.04% above \$2,329	\$1,391, plus 23.87% above \$2,752
<i>Children</i>	<i>\$3,175-\$3,598</i>	<i>\$3,599-\$4,021</i>	<i>\$4,022-\$4,656</i>	<i>\$4,657-\$5,502</i>	<i>\$5,503-\$6,349</i>	
1	\$684, plus 7.20% above \$3,175	\$715, plus 17.74% above \$3,599	\$790, plus 14.14% above \$4,022	\$879, plus 13.79% above \$4,657	\$996, plus 13.75% above \$5,503	
2	\$989, plus 11.89% above \$3,175	\$1,040, plus 22.97% above \$3,599	\$1,137, plus 20.44% above \$4,022	\$1,267, plus 19.70% above \$4,657	\$1,434, plus 19.74% above \$5,503	
3	\$1,164, plus 10.21% above \$3,175	\$1,207, plus 29.49% above \$3,599	\$1,332, plus 23.99% above \$4,022	\$1,485, plus 22.92% above \$4,657	\$1,679, plus 23.11% above \$5,503	
4	\$1,286, plus 11.28% above \$3,175	\$1,334, plus 32.59% above \$3,599	\$1,472, plus 26.51% above \$4,022	\$1,640, plus 25.32% above \$4,657	\$1,855, plus 25.54% above \$5,503	
5	\$1,395, plus 12.22% above \$3,175	\$1,446, plus 35.33% above \$3,599	\$1,596, plus 28.74% above \$4,022	\$1,778, plus 27.45% above \$4,657	\$2,011, plus 27.68% above \$5,503	
6	\$1,492, plus 13.08% above \$3,175	\$1,548, plus 37.80% above \$3,599	\$1,708, plus 30.75% above \$4,022	\$1,903, plus 29.37% above \$4,657	\$2,151, plus 29.62% above \$5,503	
<i>Children</i>	<i>\$6,350-\$7,195</i>	<i>\$7,196-\$8,042</i>	<i>\$8,043-\$10,581</i>	<i>\$10,582-\$12,697</i>	<i>\$12,698-\$15,000</i>	
1	\$1,113, plus 13.57% above \$6,350	\$1,227, plus 7.05% above \$7,196	\$1,287, plus 15.99% above \$8,043	\$1,693, plus 7.51% above \$10,582	\$1,852, plus 7.97% above \$12,698	
2	\$1,601, plus 20.37% above \$6,350	\$1,773, plus 10.65% above \$7,196	\$1,863, plus 22.93% above \$8,043	\$2,446, plus 10.95% above \$10,582	\$2,677, plus 11.60% above \$12,698	
3	\$1,874, plus 24.79% above \$6,350	\$2,084, plus 13.13% above \$7,196	\$2,195, plus 26.83% above \$8,043	\$2,877, plus 13.01% above \$10,582	\$3,152, plus 14.26% above \$12,698	
4	\$2,071, plus 27.39% above \$6,350	\$2,303, plus 14.51% above \$7,196	\$2,426, plus 29.65% above \$8,043	\$3,179, plus 14.37% above \$10,582	\$3,483, plus 15.76% above \$12,698	
5	\$2,245, plus 29.69% above \$6,350	\$2,496, plus 15.73% above \$7,196	\$2,629, plus 32.14% above \$8,043	\$3,446, plus 15.58% above \$10,582	\$3,775, plus 17.08% above \$12,698	
6	\$2,402, plus 31.77% above \$6,350	\$2,671, plus 16.83% above \$7,196	\$2,813, plus 34.39% above \$8,043	\$3,687, plus 16.67% above \$10,582	\$4,039, plus 18.28% above \$12,698 ]	

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

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

*PART I. BASIC CHILD SUPPORT.*

\* \* \* \* \*

6. BASIC CHILD SUPPORT OBLIGATION (Determine [ **either** ] from Schedule based on number of children and line 5 combined monthly net income) [ **OR from Chart by finding proportion of combined income spent on the children** ]

\* \* \* \* \*

(c) *Substantial or Shared Physical Custody.*

\* \* \* \* \*

(3) This subdivision shall not apply when the obligor's income falls within the shaded area of the schedule in Rule 1910.16-3[ (a) ] or when the obligee's income is 10% or less of the parties' combined income.

(d) *Divided or Split Physical Custody.*

(1) When calculating a child support obligation, and one or more children reside with each party, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support. For example, if the parties have three children, one of whom resides with Husband and two of whom reside with Wife, and their net monthly incomes are \$1,500 and \$800 respectively, Husband's child support obligation is calculated as follows. Using the formula with [ **either** ] the schedule [ **or the chart** ] in Rule 1910.16-3 for two children, Husband's support obligation for the two children living with Wife is \$508. Using the formula with the schedule [ **or chart** ] in Rule 1910.16-3 for one child, Wife's support obligation for the child living with Husband is \$188. Subtracting \$188 from \$508 produces a net support amount of \$320 payable to Wife as child support.

\* \* \* \* \*

**Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation.**

\* \* \* \* \*

(b) *Health Insurance Premiums.*

\* \* \* \* \*

(4) **In cases in which the obligor is paying the cost of health care coverage and the obligee has no income or minimal income such that the obligor will bear 90% or more of the proportional share of the cost of the health insurance premiums, the trier of fact may, as fairness requires, either deduct part or all of the cost of the premium so paid from the obligor's gross income to determine net income or, in the alternative, reduce the obligor's basic support obligation under the guidelines by part or all of the amount of the health insurance premium the obligor actually pays on behalf of the other party or the children. If either of these alternatives is used, then the allocation of premium costs as set forth in (b)(1) above shall not be applied.**

**Official Note:** Subdivision (b) of this Rule does not apply to Medical Assistance. See 23 Pa.C.S. § 4326(l).

\* \* \* \* \*

(e) *Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, APL and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total support award. For purposes of this subdivision, the term "mortgage" shall include[ s ] first [ **and subsequent** ] mortgages, **real estate taxes and homeowners' insurance** and may include any subsequent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

**Rule 1940.9.**

**These rules shall not affect any existing mediation program established in any judicial district pursuant to local rule prior to October 29, 1999. However, any changes or amendments to any existing program shall be consistent with these rules.**

[Pa.B. Doc. No. 00-417. Filed for public inspection March 10, 2000, 9:00 a.m.]

**Title 234—RULES OF CRIMINAL PROCEDURE**

**PART I. GENERAL**

**[234 PA. CODE CH. 20]**

**Proposed Amendment to Rule 22: Location of Proceedings before Issuing Authorities**

**Introduction**

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt changes to Rule 22 (Location of Proceedings Before Issuing Authority). This proposal would allow the president judge of a judicial district to establish procedures for conducting summary trials at a centralized location within the judicial district. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note the Committee's Reports should not be confused with official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed rule changes precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning central courts for summary trials to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901 no later than Wednesday, April 5, 2000.

By the Criminal Procedural Rules Committee:

J. MICHAEL EAKIN,  
Chair

### Annex A

## TITLE 234. RULES OF CRIMINAL PROCEDURE

### PART I. GENERAL

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

##### Rule 22. Location of Proceedings Before Issuing Authority.<sup>1</sup>

**[ (a) ] (A)** An issuing authority within the magisterial district for which he or she is elected or appointed shall have jurisdiction and authority at **[ ANY TIME OTHER THAN DURING HIS OR HER ESTABLISHED OFFICE HOURS ] ALL TIMES** to receive complaints, issue warrants, hold preliminary arraignments, fix and take bail, **[ and ]** issue commitments to jail, **AND HOLD HEARINGS AND summary TRIALS. [ AT HIS RESIDENCE WITHIN THE MAGISTERIAL DISTRICT, BUT ALL HEARINGS AND TRIALS BEFORE SUCH ISSUING AUTHORITY SHALL BE HELD PUBLICLY AT HIS ESTABLISHED OFFICE, OR AT ANOTHER LOCATION, WITHIN OR WITHOUT THE MAGISTERIAL DISTRICT, DESIGNATED BY THE PRESIDENT JUDGE, UNLESS AN EMERGENCY EXISTS OR THE NUMBER OF PERSONS LAWFULLY ASSEMBLED AND ENTITLED TO BE PRESENT IS TOO GREAT TO BE ACCOMMODATED IN SUCH PLACE, IN WHICH EVENT THE HEARING OR TRIAL MAY BE ADJOURNED AS QUICKLY AS MAY BE, TO A SUITABLE PLACE, WITHIN THE MAGISTERIAL DISTRICT. ]**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (A)(2), ALL PRELIMINARY ARRAIGNMENTS SHALL BE HELD IN THE ISSUING AUTHORITY'S ESTABLISHED OFFICE, A NIGHT COURT, OR SOME OTHER FACILITY WITHIN THE COMMONWEALTH DESIGNATED BY THE PRESIDENT JUDGE, OR THE PRESIDENT JUDGE'S DESIGNEE.**

**(2) PRELIMINARY ARRAIGNMENTS MAY BE CONDUCTED USING ADVANCED COMMUNICATION TECHNOLOGY PURSUANT TO RULE 140. THE PRELIMINARY ARRAIGNMENT IN THESE CASES MAY BE CONDUCTED FROM ANY SITE WITHIN THE COMMONWEALTH DESIGNATED BY THE PRESIDENT JUDGE, OR THE PRESIDENT JUDGE'S DESIGNEE.<sup>2</sup>**

**(3) ALL HEARINGS AND summary TRIALS BEFORE THE ISSUING AUTHORITY SHALL BE HELD PUBLICLY AT THE ISSUING AUTHORITY'S ESTABLISHED OFFICE, UNLESS, FOR REASONS OF EMERGENCY, SECURITY, SIZE, OR SOME OTHER JUSTIFICATION, THE PRESIDENT JUDGE, OR THE PRESIDENT JUDGE'S DESIGNEE, DIRECTS THAT THE HEARING OR summary TRIAL BE HELD IN ANOTHER MORE SUITABLE LOCATION WITHIN THE JUDICIAL DISTRICT.**

**(4) THE ISSUING AUTHORITY MAY RECEIVE COMPLAINTS, ISSUE WARRANTS, FIX AND TAKE BAIL, AND ISSUE COMMITMENTS TO JAIL FROM ANY LOCATION WITHIN THE JUDICIAL**

<sup>1</sup>For the convenience of the bench and bar, the Committee has shown all the proposed Rule 22 changes, both the changes that were published previously concerning the location from which an issuing authority may conduct business and hold hearings and trials, see 29 Pa.B. 2664 (May 22, 1999), which are indicated in SMALL CAPITAL LETTERS, and the changes in the present proposal concerning central courts for summary trials. Since the Committee has received comments on the previously published proposal, we are seeking input only concerning the addition of summary trials and central courts.

<sup>2</sup>The changes here and elsewhere in the rule concerning advanced communication technology are part of a separate proposal. This language has not been adopted by the Court; it is provided as a convenience for the bench and bar.

**DISTRICT, OR AN ADVANCED COMMUNICATION TECHNOLOGY SITE WITHIN THE COMMONWEALTH.**

**[ (b) ] (B) WHEN LOCAL CONDITIONS REQUIRE, [ The ] the [ President ] president [ Judge ] Judge shall [ , WHERE LOCAL CONDITIONS REQUIRE, ] establish procedures [ WHEREBY, IN ALL OR CERTAIN CLASSES OF CASES, ] FOR preliminary hearings or summary trials IN ALL CASES, OR IN CERTAIN CLASSES OF CASES, [ MAY ] TO be held at a central place or places within the [ Judicial ] judicial [ District ] district at certain specified times. The procedures established shall provide either for the transfer of the case or the transfer of the issuing authority to the designated central place as the needs of justice and efficient administration require. [ WHEN THE DEFENDANT OR HIS COUNSEL AND THE ATTORNEY FOR THE COMMONWEALTH AGREE, THE PRELIMINARY HEARING SHALL BE HELD AT THE ESTABLISHED OFFICE OF THE ISSUING AUTHORITY WHO RECEIVED THE COMPLAINT. ]**

**Official Note:** Formerly Rule 156, paragraph **[ (a) ] (A)** adopted January 16, 1970, effective immediately; **[ Paragraph ] Paragraph [ (a) ] (A)** amended and paragraph **[ (b) ] (B)** adopted November 22, 1971, effective immediately; renumbered September 18, 1973, effective January 1, 1974; amended \_\_\_\_\_, 2000, effective \_\_\_\_\_, 2000.

#### Comment

**THE 2000 AMENDMENTS TO PARAGRAPH (A) DIVIDED THE PARAGRAPH INTO SUBPARAGRAPHS TO MORE CLEARLY DISTINGUISH BETWEEN THE LOCATIONS FOR THE DIFFERENT TYPES OF PROCEEDINGS AND BUSINESS THAT AN ISSUING AUTHORITY CONDUCTS.**

**SEE RULE 140 AND COMMENT FOR THE PROCEDURES GOVERNING THE USE OF ADVANCED COMMUNICATION TECHNOLOGY IN PRELIMINARY ARRAIGNMENTS.**

**SEE RULE 21 CONCERNING THE VENUE WHEN THE PROCEEDINGS ARE CONDUCTED BY USING ADVANCED COMMUNICATION TECHNOLOGY.**

Paragraph **[ (b) ] (B)** of this rule is intended to facilitate compliance with the requirement that defendants be represented by counsel at the preliminary hearing. *Coleman v. Alabama*, 399 US 1, 90 S.Ct. 1999 (1970).

**[ THIS RULE ] PARAGRAPH (A)(4) PERMITS ISSUING AUTHORITIES TO PERFORM THEIR OFFICIAL DUTIES FROM AN ADVANCED COMMUNICATION TECHNOLOGY SITE. THE SITE MAY BE LOCATED OUTSIDE THE MAGISTERIAL DISTRICT OR JUDICIAL DISTRICT WHERE THE ISSUING AUTHORITY PRESIDES. SEE RULE 3 FOR THE DEFINITION OF "ADVANCED COMMUNICATION TECHNOLOGY."**

This rule allows the **[ President Judge ] president judge** of a **[ Judicial District ] judicial district** the discretion to determine what classes of cases require centralized preliminary hearings or summary trials, and requires **[ HIM ] THE PRESIDENT JUDGE, OR THE PRESIDENT JUDGE'S DESIGNEE**, to establish a schedule of central places **WITHIN THE COMMONWEALTH** to conduct such hearings or summary trials and the hours **[ THEREOF ] FOR THE HEARINGS OR TRIALS AT THE CENTRAL LOCATIONS.**

Ideally, this rule should minimize the inconvenience to defense counsel and the attorney for the Commonwealth by eliminating the necessity of travel at various unpredictable times to many different locations throughout the



[ **Judicial District** ] **Judicial district** for the purpose of attending preliminary hearings **or summary trials**. [ **HOWEVER, WHERE IT IS CONVENIENT TO HOLD THE PRELIMINARY HEARING IN THE MAGISTERIAL DISTRICT WHERE THE CASE AROSE, THE RULE ALLOWS THE PARTY TO SO STIPULATE.** ] Finally, this rule allows preliminary hearings **or summary trials** for jailed defendants to be held at a location close to the place of detention.

**COMMITTEE EXPLANATORY REPORTS:**

**Report explaining the proposed amendments published at 29 Pa.B. 2665 (May 22, 1999).**

**Report explaining the proposed amendments published at 30 Pa.B. 1362 (March 11, 2000).**

**Report**

*Proposed Amendment of Pa.R.Crim.P. 22*

*Centralized Courts for Summary Trials*

The Committee is proposing that Rule 22 (Location of Proceedings Before Issuing Authority) be amended to clarify that the president judge of a judicial district may establish procedures for summary trials to be held at a centralized location within the judicial district.

Over the past several months, the Committee has been reviewing the provisions of Rule 22. As part of this review, we have proposed changes about the locations from which an issuing authority may conduct business within a judicial district. See 29 Pa.B. 2664 (May 22, 1999). As we evaluated the comments in response to our publication of this proposal, some members pointed out that the language in paragraphs (A) and (B) may be perceived as inconsistent—if the district justice has jurisdiction to conduct hearings and trials in their regular business office, paragraph (A), why wouldn't the same be true if the president judge has established a central court pursuant to paragraph (B). During our discussions, the Committee believed the same reasons for establishing a central court for preliminary hearings apply to summary trials, including 1) minimizing the inconvenience to counsel by eliminating travel to many locations throughout the judicial district; and 2) allowing summary trials for jailed defendants to be held at a location close to the place of detention. Accordingly, the Committee agreed to propose amendments to Rule 22 to specifically permit the president judge to establish central courts for summary trials when there is a need in the judicial district. The proposed changes to Rule 22 would not mandate that central courts be established for summary trials, but are discretionary, providing each president judge with the option to establish a central court for summary trials. Accordingly, the Committee is proposing that Rule 22 be amended as follows:

- paragraph (A) would be amended by adding “summary” after “hold hearings and”

- paragraph (A)(3) would be modified from the version of Rule 22 published in May 1999 by the insertion of “summary” before “trials” in the first line, and “trial” in the last line

- paragraph (B) would be amended by adding the language “and summary trials” after “preliminary hearings”

- the Comment would be revised so that the language would conform to the language in the rule.

[Pa.B. Doc. No. 00-418. Filed for public inspection March 10, 2000, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Commerce Case Management Program; Administrative Doc. 01 of 2000

*And Now*, this 22nd day of February, 2000, it is hereby *Ordered and Decreed* that the following protocols shall apply to all civil cases within the Commerce Case Management Program on or after January 1, 2000:<sup>1</sup>

*Commerce Case Management Program:  
Procedure for Disposition of Commerce Program Cases  
Filed on and after January 1, 2000*

A Commerce Case Management Program (“Commerce Program”) is hereby established within the Trial Division of the Court of Common Pleas.

#### A. *Organization*

1. *Judges*. Initially, two judges shall be assigned by the Administrative Judge to the Commerce Program. The number of Commerce Program Judges may thereafter be adjusted by the Administrative Judge consistent with the caseload of the Program.

2. *Filings & Listings*. Upon consultation with the Administrative Judge and the Commerce Program Judges, with the goal of ease of access by the Commerce Program Judges and their staff, the parties and the public, the Prothonotary shall establish procedures for maintenance of filings and listings in actions assigned to the Commerce Program.

#### B. *Assignment of Cases Subject to Commerce Program*

1. *Cases Subject to Commerce Program*. Notwithstanding anything to the contrary in General Court Regulation 95-2 (Day Forward Program) or any other General Court Regulation, Jury, Non-Jury & Equity, and Class Action cases filed on or after January 1, 2000, but not Arbitration cases, shall be assigned to the Commerce Program if they are among the following types of actions:

1. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;

<sup>1</sup>The original protocols contained in Administrative Docket 01 of 1999 (Order of 11/9/99) are hereby amended to clarify that discovery motions should be processed through Discovery Court rather than Motion Court (¶ D6) and further amended to state that a decision regarding whether a case shall be assigned to the Commerce Program is not appealable (¶ B4). Other minor language changes have also been made.

2. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:

- a. Uniform Commercial Code transactions;
- b. Purchases or sales of businesses or the assets of businesses;
- c. Sales of goods or services by or to business enterprises;
- d. Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;
- e. Surety bonds;
- f. Purchases or sales or leases of, or security interests in, commercial, real or personal property; and
- g. Franchisor/franchisee relationships.

3. Actions relating to trade secret or non-compete agreements;

4. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;

5. Actions relating to intellectual property disputes;

6. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;

7. Derivative actions and class actions based on claims otherwise falling within these ten types, and consumer class actions other than personal injury and products liability claims;

8. Actions relating to corporate trust affairs;

9. Declaratory judgment actions brought by insurers, and coverage dispute and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a Comprehensive General Liability policy, and;

10. Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be assigned to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.

All of the above types of actions may involve individuals named as parties, in addition to business enterprises, so long as all other criteria are met and the essential nature of the litigation is a business dispute. For example, a dispute over a commercial loan may include individual guarantors as either plaintiffs or defendants, as the case may be, but such a lawsuit would still be a commercial dispute.

2. *Cases Not Subject to the Commerce Program.* The following types of matters are not to be included in the Commerce Program:

1. Matters subject to Compulsory Arbitration in this Court or to the jurisdiction of the Municipal Court, including any appeals.

2. Personal injury, survival or wrongful death matters.

3. Individual (non-class) consumer claims against businesses or insurers, including products liability and personal injury cases.

4. Matters involving occupational health or safety.

5. Environmental claims not involved in the sale or disposition of a business and other than those addressed in Commerce Program types 9 or 10 above.

6. Matters in eminent domain.

7. Malpractice claims, other than those brought by business enterprises against attorneys, or accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise.

8. Employment law cases, other than those referenced in Commerce Program type 3 above.

9. Administrative agency, tax, zoning and other appeals.

10. Petition Actions in the nature of Change of Name, Mental Health Act Petitions, Petitions to Appoint an Arbitrator, Government Election Matters, Leave to Issue Subpoena, Compel Medical Examination.

11. Individual residential real estate and non-commercial landlord-tenant disputes.

12. Domestic relations matters, and actions relating to distribution of marital property, custody or support.

13. Any matter required by statute, including 20 Pa.C.S. Chapter 7, §§ 711 & 713, to be heard in the Orphans' Court or Family Court Division of the Philadelphia Court of Common Pleas, or other matter which has heretofore been within the jurisdiction of the Orphans' Court or Family Court Division of this Court.

14. Any criminal matter other than criminal contempt in connection with a Commerce Program action.

15. Such other matters as the Court shall determine.

3. *Assignments Based on the Civil Cover Sheet.* The Civil Cover Sheet, effective January 1, 2000, shall include a box in which the attorney signing the sheet must certify that the action is, or is not, subject to the Commerce Program. A "Commerce Program Addendum to Civil Cover Sheet," a sample of which is attached as Exhibit "A," is hereby required to be filed with all initial filings (i.e., all filings requiring a Civil Cover Sheet) subject to the Commerce Program, filed on or after January 1, 2000. The attorney shall indicate on the Commerce Program Addendum filed with any filing denoted as a Commerce Program matter, the applicable type or types of action which result in the matter being assigned to the Commerce Program. An attorney's signature on the Civil Cover Sheet shall constitute certification that the matter is or is not subject to the Commerce Program, as indicated on the Civil Cover Sheet and Addendum. A copy of the Civil Cover Sheet, including any Commerce Program Addendum, shall be served with the original process served on all parties.

All actions designated into the Commerce Program pursuant to the Commerce Program Addendum are hereby assigned to the Commerce Program and to the individual calendar of one of the Commerce Program Judges, who shall be assigned according to a random procedure established by the Administrative Judge. This assignment shall be noted on the Docket. All further filings in the matter shall state prominently in the caption and on any cover sheets that the matter is "ASSIGNED TO COMMERCE PROGRAM."

4. *Disputes Arising From the Civil Cover Sheet Designation.* If any party disagrees with the designation or lack of designation of a case into the Commerce Program, that party shall file with Civil Listings Room 296 City Hall, to be referred to the Administrative Judge for

decision (which shall not be subject to appeal), and serve on all parties a Notice of Management Program Dispute, in the Form attached as Exhibit "B" and not exceeding three pages, as soon as practical, and no later than the earliest of (a) the filing by that party of any pleading, motion or response to motion, (b) ten days in advance of a noticed case management conference or (c) thirty days after service of process. Any party opposing the Notice of Management Program Dispute may, but need not, submit a response thereto not exceeding three pages (to Civil Listings Room 296 City Hall) within ten days of service of the Notice.

In the event of the service of a Notice of Management Program Dispute, a copy of that Notice shall be attached to and referenced in all motions and responses to motions filed by any party pending the resolution of the management program dispute.

#### C. Commencement of Action

All subject actions shall be commenced as provided in Pa.R.C.P. 1007. Philadelphia Civil Rule \*205.2 shall be followed. As noted above, in all cases, not just those designated into the Commerce Program, a copy of the Civil Cover Sheet, including any Commerce Program Addendum, shall be served with original process served on all parties.

All jury demands shall be perfected in accordance with Pa.R.C.P. 1007.1 and Phila. Civ. R. \*1007.1.

A party seeking emergency relief immediately upon commencing an action subject to the Commerce Program shall follow the procedure set forth in part D.7. below (Rules to Show Cause and Emergency Motions and Petitions).

#### D. Case Management Procedures

1. *Authority Over Commerce Program Status:* When there is a dispute whether the case is properly assigned to the Commerce Program, the decision will be made by the Administrative Judge. If the Civil Case Manager conducting a case management conference or any party objects as to the Commerce Program assignment, the Case Manager will forward the dispute to the Administrative Judge.

2. *Alternative Procedures Available:* The Commerce Program Judge, in his/her discretion, may, upon application of any party or upon his/her own initiative, modify these procedures. Requests for changes in these procedures will be made by filing a Petition for Extraordinary Relief (which Petition calls for a ten-day response time).

3. *The Case Management Conference:* Typically, notice of a Case Management Conference ("CMC") will be sent to counsel and unrepresented parties (sixty days after filing) scheduling the CMC for approximately ninety days after filing. In certain circumstances, the CMC may be scheduled through the Commerce Program Judge.

a. *Presiding Officer:* Unless otherwise ordered, the CMC shall be conducted by a Civil Case Manager designated by the Court, acting on behalf of the assigned Commerce Program Judge.

b. *Issues to be Addressed:* The following subjects, along with other appropriate topics, such as service of process, venue, pleadings, discovery, possible joinder of additional parties, theories of liability, damages claimed and applicable defenses (see also Pa.R.C.P. 213.3), will be discussed.

#### (1) Means for Early Disposition

a. Timing and potential forms of Alternative Dispute Resolution (ADR). The case manager will make available the list of Commerce Program Judges Pro Tempore (as provided by the Business Litigation Committee of the Philadelphia Bar Association).

b. Scheduling pre-discovery dispositive motions, only if oral argument is needed. (Whether to hear oral argument is up to the Commerce Program Judge). The Commerce Program Judge will likely have a half day set aside for hearing Motions and Rules.

c. Scheduling limited-issue discovery in aid of early dispositive motions. The Case Manager will advise counsel of the half day Discovery Program set up for that Commerce Program Judge.

#### (2) Schedules and Deadlines

a. Assignment to a Case Management Track and issuance of a Case Management Order ("CMO"), which will set forth a target trial date, deemed the earliest trial date pursuant to Pa.R.C.P. 212.1.

b. A discovery plan and schedule based on the CMO date for the completion of discovery.

c. Anticipated areas of expert testimony, timing for identification of experts, responses to expert discovery, exchange of expert reports (reference to the CMO).

#### (3) Potential Use of a Commerce Court Judge Pro Tempore

a. On stipulation of all parties for supervision of discovery.

b. For mediation.

c. Identification of a particular Commerce Program Judge Pro Tempore acceptable to all parties.

d. The choice of a particular Judge Pro Tempore for these purposes must be approved by the Court.

e. Use of a Pro Tempore Judge for purposes of discovery or mediation cannot affect the deadlines set forth in the CMO.

The Commerce Program Judge may establish any informal procedures to achieve expeditious resolution of discovery disputes and other non-dispositive issues. Prior to the CMC, it shall be the obligation of the parties to confer concerning all of the above matters, for the purposes of reaching agreements.

5. *Case Management Order:* At the CMC, the case manager shall issue a Case Management Order ("CMO") setting forth dates for a Settlement Conference and for a Pretrial Conference (with Pretrial Statements typically to be filed in advance), and for Trial. The CMO will also address cut-off dates for completion of discovery, for the service of expert reports and for the filing of Motions.

Based upon the nature and complexity of the case, the case manager with input from the parties at the CMC shall assign the case to a track. The Commerce Program shall typically employ the following management tracks: Commerce Expedited (Target Trial Date within 13 months of Complaint) and Commerce Standard (Target Trial Date within 18 months of Complaint). Only exceptionally complicated cases should be designated Commerce Complex (Target Trial Date within two years of Complaint). In the latter instance, the Commerce Program Judge may schedule status conferences at six month intervals or at other times upon application of the parties, if appropriate.

The Commerce Expedited Track shall consist of matters in which minimal discovery is needed and legal issues are anticipated to be routine. Examples of such actions, in the absence of complicating factors, are actions relating to commercial loans, and contract, UCC and foreclosure matters. Other matters should presumptively be designated Commerce Standard. Actions in which preliminary injunctive relief is sought may be appropriate for any of the tracks depending upon the circumstances.

A suggested form Case Management Order is attached as Exhibit "C." A grid of time standards that will be employed depending upon the applicable Track Case Management Order is attached as Exhibit "D."

6. *Motion Practice and Discovery Motions.* The Commerce Program Judge to whom the action is assigned will hear all pretrial motions, including discovery motions, except that, to the extent that scheduling or other concerns so require, a Commerce Program Judge may make arrangements for certain discovery and other pretrial motions to be heard by another Commerce Program Judge. All motions (except discovery motions) shall be filed in Motion Court with a designation on the Motion Court Cover Sheet of the assigned Commerce Program Judge. Procedures of the Discovery Court should generally be followed, and filings processed through Room 287. In some instances, the Commerce Program Judge may direct further briefing of complex discovery motions. Any Notice of Management Program Dispute that is pending or is being filed contemporaneously with the Motion filing, should be noted in the Motion Court Cover Sheet. Oral argument is at the discretion of the Commerce Program Judge.

A Commerce Program Discovery List for each Commerce Program Judge shall be established so that discovery matters ordinarily will be heard by that Judge on a particular day of the week. Each Judge may also scheduling hearings on non-discovery motions on the discovery day, or at such other times as the Court deems appropriate.

7. *Rules to Show Cause and Emergency Motions and Petitions.* Rules to show cause in cases assigned to the Commerce Program will be presented in the Motions Court, where they will be reviewed as to form, and forwarded to the assigned Commerce Program Judge for consideration.

Unless there is a dispute as to Commerce Program applicability, emergency motions or petitions in a newly filed action presented in a matter appropriate for assignment to the Commerce Program shall be referred to a Commerce Program Judge for disposition. If there is any dispute regarding Commerce Program applicability, that dispute shall be referred to the Administrative Judge or the designee of the Administrative Judge. Parties are encouraged to give the Motion Court advance notice of an emergency motion or petition, including notice that the action is assigned to the Commerce Program or may be appropriate for such assignment. If the assigned Commerce Program Judge is unavailable, an emergency motion or petition in an action already assigned to Commerce Program shall be heard by the other Commerce Program Judge, if available, with any subsequent hearing referred back to the assigned Commerce Program Judge. If no Commerce Program Judge is available to hear an emergency motion or petition, such motion or petition shall be referred to a Judge assigned to Motion Court (or, if necessary, the Emergency Judge), with any subsequent hearing referred back to the appropriate Commerce Program Judge. An emergency motion heard by a Commerce

Program Judge in a case which has not yet gone through the random assignment procedure shall be subject to that procedure prior to any subsequent hearing and the subsequent hearing shall be scheduled before the Commerce Program Judge assigned.

8. *Settlement Conferences.* A settlement conference may be expeditiously scheduled in any case in which counsel concur that such a conference may be productive. Such requests shall be made in writing by letter to the assigned Commerce Program Judge, and in all other respects Local Civ. R. \*212.1(B) should be applied.

Except as otherwise provided in Local Civil Rule \*212.3 (Settlement Conferences—Non Jury Cases), Commerce Program Judges may assist the parties in reaching a fair and reasonable settlement or other resolution of the matter. To that end, the assigned Commerce Program Judge, in his or her discretion, may schedule one or more formal settlement conferences. The Commerce Program Judge may also encourage the parties to engage in settlement discussions and in any form of Alternative Dispute Resolution (ADR), including the assistance of a Commerce Program Judge Pro Tempore, that may result in settlement, avoidance of trial or expeditious resolution of the dispute. Except upon order of the Court, the pendency of any form of ADR shall not alter the date for commencement of trial.

9. *Pretrial Conference.* A Pretrial Conference shall be held in all Commerce Program actions. At the conclusion of the Pretrial Conference, a Pretrial Order controlling the conduct of trial may be entered. The Court shall exercise its best efforts to try the matter as soon after the target trial date as practicable.

Typically, the CMO will require the filing of Pretrial Statements (Pa.R.C.P. 212.2) in advance of the Pretrial Conference. Prior to the Pretrial Conference, principal trial counsel shall confer on the matters set forth in Pa.R.C.P. 212.3, and attempt to reach agreement on any such matters.

Following the Pretrial Conference, the Commerce Program Judge shall enter a Trial Scheduling Order, identifying the date by which the matter should be prepared for trial, and, if applicable, the date to be placed into a trial pool or the date of any special listings. The Trial Scheduling Order may further provide specific dates, to the extent not already addressed in the Case Management Order, for such matters as:

A. Exchange of proposed stipulations and filing of stipulations in writing to facts about which there can be no reasonable dispute;

B. Pre-marking and exchanging copies of all documents or other exhibits to be offered in evidence at trial;

C. Service and filing of written objections to any documents or other exhibits as to which a party intends to object at trial, together with the legal basis for such objections;

D. Identification in writing of all deposition testimony, by page and line number, intended to be read into the record at trial, followed by counterdesignations and objections to deposition designations;

E. Exchange of trial briefs and proposed findings of fact and conclusions of law (nonjury) or requested points for jury charge (jury).

At such time prior to trial as may be fixed by the Court, it shall rule on all matters placed in issue under this procedure.

In addition, the Commerce Program Judge may establish procedures consistent with the requirements of each case to ensure close interaction with the parties in order to minimize trial time.

*E. Commerce Program Judges Pro Tempore And Alternative Dispute Resolution*

There shall be established in the Commerce Program, an Alternative Dispute Resolution program for Commerce Program actions, which may include, but is not limited to, mediation and the assistance of Commerce Program Judges Pro Tempore.

1. *Panel of Commerce Program Judges Pro Tempore.* The Administrative Judge or designee shall designate a panel of Commerce Program Judges Pro Tempore from among volunteers nominated and approved by the Philadelphia Bar Association Business Law Section, Business Litigation Committee, who shall be distinguished attorneys engaged in active practice of law with no less than fifteen (15) years trial experience including a practice focused on the type of litigation described in section B.1. above (Cases Subject to Commerce Program). Commerce Program Judges Pro Tempore shall serve without charge. Persons may be added to or removed from the panel as the Administrative Judge or designee may determine consistent with the qualifications above.

The Court may order a Commerce Program case to be assigned for Settlement Conference to a Commerce Program Judge Pro Tempore who shall, on a date certain, hold a Settlement Conference which must be attended by trial counsel representing the parties and any unrepresented parties. Counsel and unrepresented parties shall provide to the Commerce Program Judge Pro Tempore prior to the Settlement Conference a fully completed Settlement Memorandum, in a form to be established by the Commerce Program Judges. The Commerce Program Judge Pro Tempore on such a referral is not authorized to rule on any motions, but will attempt to facilitate a settlement between the parties.

2. *Mediation. a. Referral to Mediation and Selection of Mediator.* Commerce Program cases may be referred to nonbinding mediation at the discretion of the Commerce Program Judge, who may make such referrals at the time of the Case Management Conference, at a Pretrial Conference referenced above, or at another time. Where appropriate and whether or not mediation is pursued at an early stage of the litigation, the Commerce Program Judge has the discretion to refer cases to nonbinding mediation at a later stage of the proceedings.

The Court may permit the parties to choose the mediator from among the panel of Commerce Program Judges Pro Tempore, or agree to pay for a mediator not on the panel. The order of reference to mediation shall not stay or delay any scheduling dates, unless the Court so orders.

b. *Conflicts of Interest.* A mediator to whom a case is assigned must disclose to the parties and to the Court any apparent conflict of interest. Unless the mediator determines consistent with any applicable ethical requirements and guidelines that he or she should preside notwithstanding any such apparent conflict of interest and the parties and the Court agree that such mediator nevertheless shall preside, another mediator shall be selected.

c. *Confidentiality of Mediation.* The order referring an action to mediation shall require that the mediator report to the Court the disposition of the mediation in accordance with a schedule as determined by the Court, under the guidelines below. The order shall also provide that all

information received by the mediator as to the merits of the matter, including the submitted memoranda, shall remain confidential and not be reported or submitted to the Court by the mediator or the parties, except as necessary in a stipulation of settlement agreed to by the parties.

d. *Mediation Procedure.* The first mediation session preferably shall be conducted within 30 days of the execution of the order of reference, unless the Court establishes a different schedule. At least ten days before the first session, each party shall deliver to the mediator a copy of its pleadings, any briefs filed in the action important to the mediation and a memorandum of not more than five pages (double-spaced), setting forth that party's contentions as to liability and damages. The memorandum shall be served on all parties, but shall be marked "Confidential, for Mediation Only," and may not be used, cited, quoted, marked as an exhibit or referenced in any proceedings. Attendance at the first mediation session shall be mandatory, and the mediator may require, in addition to the appearance of the attorneys, the presence of the parties or their representatives with authority to settle. If the first session is successful, the settlement shall be reduced to a stipulation, and the mediator shall submit forthwith the stipulation, the notice of discontinuance and the report of disposition to the Court. The report of disposition shall be on a form prescribed by the Court Administrator.

e. *Report; Extensions.* If the action is not settled upon completion of the first session, the mediator may schedule additional sessions on consent of the parties. However, at the end of the first session, any party or the mediator may terminate the mediation effort, and in that case the mediator shall advise the Court forthwith that mediation has been terminated but shall not disclose the identity of any parties who terminated or did not terminate the mediation.

Except as set forth below, subsequent sessions should be concluded within 15 days from the date by which the first session was to have been held according to the order of reference. The mediator shall report to the Court as to the outcome of the mediation session(s) no later than 20 days from the date by which the first session was to have been held according to the order of reference.

If mediation cannot be concluded within 15 days from the date by which the first session was to have been held according to the order of reference, upon consent of all parties a 30-day extension of time to conduct further sessions may be granted by the mediator. If such extension is granted, the mediator shall report to the Court as to the success or lack of success of the additional sessions as soon as practicable but in any event no later than 5 days after the final mediation session.

All deadlines and relevant procedures shall be set forth in a standard form order of reference.

*By the Court*

JOHN W. HERRON,  
*Administrative Judge, Trial Division*

This Administrative Docket is promulgated in accordance with the April 11, 1987 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. \*51 and Pa.R.C.P. 239, and shall become effective immediately. As required by Pa.R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted

to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

### Exhibit A

#### COMMERCE PROGRAM ADDENDUM TO CIVIL COVER SHEET

This case is subject to the Commerce Program because it is not an arbitration matter and it falls within one or more of the following types (check all applicable):

- 1. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, bylaws or agreements governing such enterprises;
- 2. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:
  - a. Uniform Commercial Code transactions;
  - b. Purchases or sales of business or the assets of businesses;
  - c. Sales of goods or services by or to business enterprises;
  - d. Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;
  - e. Surety bonds;
  - f. Purchases or sales or leases of, or security interests in, commercial, real or personal property; and
  - g. Franchisor/franchisee relationships.
- 3. Actions relating to trade secret or non-compete agreements;
- 4. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;
- 5. Actions relating to intellectual property disputes;
- 6. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;
- 7. Derivative actions and class actions based on claims otherwise falling within these ten types, and consumer class actions other than personal injury and products liability claims;
- 8. Actions relating to corporate trust affairs;
- 9. Declaratory judgment actions brought by insurers, and coverage dispute and bad faith claims brought by insureds, where the dispute arises

from a business or commercial insurance policy, such as a Comprehensive General Liability policy;

- 10. Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be subject to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.

Instructions: Please see Commerce Case Management Program: Procedure for Disposition of Commerce Program Cases Filed On and After January 1, 2000. Arbitration matters are not subject to the Commerce Program. Note that the following types of matters are not to be included in the Commerce Program:

- 1. Matters subject to Compulsory Arbitration in this Court or to the jurisdiction of the Municipal Court, including any appeals.
- 2. Personal injury, survival or wrongful death matters.
- 3. Individual (non-class) consumer claims against businesses or insurers, including products liability and personal injury cases.
- 4. Matters involving occupational health or safety.
- 5. Environmental claims not involved in the sale or disposition of a business and other than those addressed in Commerce Program types 9 or 10 above.
- 6. Matters in eminent domain.
- 7. Malpractice claims, other than those brought by business enterprises against attorneys, or accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise.
- 8. Employment law cases, other than those referenced in Commerce Program type 3 above.
- 9. Administrative agency, tax, zoning and other appeals.
- 10. Petition Actions in the nature of Change of Name, Mental Health Act Petitions, Petitions to Appoint an Arbitrator, Government Election Matters, Leave to Issue Subpoena, Compel Medical Examination.
- 11. Individual residential real estate and non-commercial landlord-tenant disputes.
- 12. Domestic relations matters, and actions relating to distribution of marital property, custody or support.
- 13. Any matter required by statute, including 20 Pa.C.S. Chapter 7, §§ 711 & 713, to be heard in the Orphans' Court or Family Court Division of the Philadelphia Court of Common Pleas, or other matter which has heretofore been within the jurisdiction of the Orphans' Court or Family Court Division of this Court.
- 14. Any criminal matter other than criminal contempt in connection with a Commerce Program action.
- 15. Such other matters as the Court shall determine.

**Exhibit B**

**NOTICE OF MANAGEMENT PROGRAM DISPUTE**

FIRM NAME  
BY: ATTORNEY NAME  
IDENTIFICATION NO.: XXXXX Attorney for  
STREET ADDRESS Defendant: XYZ, Inc.  
PHILADELPHIA, PA 191XX  
TELEPHONE  
NO.: XXX-XXX-XXXX

: PHILADELPHIA COUNTY  
PLAINTIFF : COURT OF COMMON PLEAS  
:  
v. : \_\_\_\_\_ TERM, 20XX  
:  
DEFENDANT : No: \_\_\_\_\_

*NOTICE OF MANAGEMENT PROGRAM DISPUTE*

According to the Civil Cover Sheet and Commerce Program Addendum filed by Plaintiff on [date] and served on [date], Plaintiff designated this action as [not subject to the Commerce Program] [or] [subject to the Commerce Program, designating type[s] X [and X]].

[This action is not subject to the Commerce Program because \_\_\_\_\_.] [or] [This action is subject to the Commerce Program. It is not an arbitration matter and falls within type[s] X [and X] in the Commerce Program types, as identified in the Commerce Program Addendum executed by the undersigned and attached as Exhibit A hereto.]

[Any additional comments, with total document (excluding cert. of service and Commerce Program Addendum) not to exceed three pages.]

\_\_\_\_\_  
Name of Attorney  
Attorney for Defendant, XYZ, Inc.

[Include Certificate of Service identifying date and manner of service and names and addresses].

**Exhibit C**

**CASE MANAGEMENT ORDER**

**IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

caption : court term and number

**COMMERCE PROGRAM  
CASE MANAGEMENT ORDER**

**TRACK**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_, it is ORDERED that:

1. The case management and time standards adopted for the Commerce Program, "\_\_\_\_\_ track" cases shall apply and are incorporated.

2. All discovery shall be completed no later than \_\_\_\_\_.

3. Plaintiff(s) shall identify and submit Curriculum Vitae and Expert Reports for all expert witnesses intended to testify at trial to all other parties not later than \_\_\_\_\_.

4. Defendant(s) and any additional defendant(s) shall identify and submit Curriculum Vitae and Expert Reports

of all expert witnesses intended to testify at trial to all other parties not later than \_\_\_\_\_.

5. All Pretrial Motions (other than Motions in Limine) shall be filed not later than \_\_\_\_\_.

6. A settlement conference may be scheduled at any time after \_\_\_\_\_. On or before that date all parties shall serve on all opposing counsel or *pro se* parties and file a Settlement Memorandum containing the following:

(a) The plaintiff(s) shall provide a concise statement of the theory of the case. The defendant(s) and additional defendant(s) shall provide a concise statement as to the nature of the defense.

(b) A statement by the plaintiff(s) itemizing all damages sought by categories and amounts.

(c) Defendant(s) and additional defendant(s) shall identify all applicable insurance carriers, together with corresponding limits of liability.

7. A Pretrial Conference may be scheduled at any time after \_\_\_\_\_. Fifteen days prior to the Pretrial Conference, all parties shall file and serve on all opposing counsel or *pro se* parties a Pretrial Statement containing the following:

(a) The plaintiff(s) shall provide a concise statement of the theory of the case. The defendant(s) and additional defendant(s) shall provide a concise statement as to the nature of the defense;

(b) A list of all witnesses who may be called to testify at trial by name and address. Counsel should expect witnesses not listed to be precluded from testifying at trial;

(c) A list of all exhibits the party intends to offer into evidence. All exhibits shall be numbered and exchanged among counsel prior to the conference. Counsel should expect any exhibit not listed to be precluded at trial;

(d) Plaintiff(s) shall itemize all damages claimed by category and amount;

(e) Defendant(s) and all additional defendant(s) shall state a position regarding the damages claimed and identify all applicable insurance carriers, together with applicable limits of liability; and

(f) An estimate of the anticipated length of trial.

8. It is expected that the case will be ready for trial \_\_\_\_\_, which is the earliest trial date pursuant to Pa.R.C.P. 212.1, and counsel should anticipate trial to begin expeditiously thereafter.

9. All counsel are under a continuing obligation, and hereby ORDERED to serve a copy of this Order upon all unrepresented parties and upon all counsel entering an appearance subsequent to the entry of this Order.

BY THE COURT:

\_\_\_\_\_, J.

**Exhibit D  
COMMERCE PROGRAM MANAGEMENT TRACKS**

<i>Case Event</i>	<i>Commerce Program Time Standards by Track</i>		<i>Commerce Complex</i>
	<i>Commerce Expedited</i>	<i>Commerce Standard</i>	
Case Management Conference	3 months	3 months	3 months
Status Conference	Discretionary	Discretionary	Discretionary <sup>2</sup>
Discovery Complete	6 months	11 months	17 months
Plaintiff Expert Reports	6 months	11 months	17 months
Defendant Expert Reports <sup>3</sup>	8 months	13 months	19 months
Motions Filed	8.5 months	13.5 months	19.5 months
Settlement Conference	11 months	16 months	22 months
Pretrial Conference	12 months	17 months	23 months
Trial	13 months	18 months	24 months

[Pa.B. Doc. No. 00-419. Filed for public inspection March 10, 2000, 9:00 a.m.]

<sup>2</sup>A Status Conference may be scheduled at six month intervals if requested by counsel and approved by the Court.  
<sup>3</sup>The Court will provide for rebuttal expert reports to the extent appropriate.

## Title 25—LOCAL COURT RULES

### CARBON COUNTY

#### Magisterial District 56-3-01 and Magisterial District 56-3-03; No. 00-035

#### Administrative Order No. 5-2000

*And Now*, this 22nd day of February, 2000, in order to promote the efficiency of case dispositions in Magisterial District 56-3-01 and equitably distribute the caseload in the Magisterial Districts 56-3-01 and 56-3-03 and pursuant to Rule 21(d) of the Pennsylvania Rules of Criminal Procedure, it is hereby

*Ordered and Decreed*, that effective March 1, 2000, all criminal and civil matters arising within the District Justice jurisdiction of Mahoning Township, as shown on the attached Exhibit A and Exhibit B in green, shall be filed and proceedings heard in Magisterial District 56-3-03 until further Order of this Court, but only on condition that the District Justice of Magisterial District 56-3-03 waive any right to additional compensation under 42 Pa.C.S.A., Section 4122, or otherwise.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

*(Editor's Note: Copies of exhibits may be seen in the District Court Administrator's office or the Carbon County Law Library.)*

*By the Court:*

JOHN P. LAVELLE,  
*President Judge*

[Pa.B. Doc. No. 00-420. Filed for public inspection March 10, 2000, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

#### [25 PA. CODE. CHS. 121 AND 123]

#### Nitrogen Oxides (NO<sub>x</sub>) Allowance Requirements

The Environmental Quality Board (Board) by this order amends Chapters 121 and 123 (relating to general provisions; and standards for contaminants) to read as set forth in Annex A.

The final-form regulations amend the definition of "NO<sub>x</sub> affected source" in Chapter 121 to clarify that the definition is applicable to 15 megawatt (MW) sources rather than facilities. The final-form regulations make a number of minor technical amendments to Appendix E. The first amendment provides allowance allocations for newly discovered sources as provided under § 123.117(b) (relating to new NO<sub>x</sub> affected source provisions). In addition, the amendments to the allocations in Appendix E correct an accounting error contained in the original allocation. The final-form regulations delete the listing of "baseline MMBtu" in Appendix E, and modify the listing of "baseline NO<sub>x</sub> lbs. per MMBtu." A number of sources mistakenly included in Appendix E are being deleted. The final-form regulations delete the contingent allocation for Washington Power Company from § 123.115(b) (relating to initial NO<sub>x</sub> allowance NO<sub>x</sub> allocations). The final-form regulations change the allocations for Duquesne Light Company's Cheswick facility and the P.H. Glatfelter facility, and they eliminate the Penntech Papers allocation.

This order was adopted by the Board at its meeting of December 21, 1999.

#### A. *Effective Date*

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. *Contact Persons*

For further information, contact J. Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality Control, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4310; or M. Dukes Pepper, Jr., Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, 9th Floor Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T relay service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). These final-form regulations are available electronically through the Department's (Department) web site <http://www.dep.state.pa.us>.

#### C. *Statutory Authority*

This action is being taken under the authority of section 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

#### D. *Background and Summary*

On November 1, 1997, the Board published final regulations establishing the Nitrogen Oxides (NO<sub>x</sub>) Allowance Requirements. As the Department began to implement the regulations, there was some confusion about the definition of a "NO<sub>x</sub> affected source." This definition intended to require that only those individual fossil-fired operating units that generate greater than 15 megawatts of electricity be included in the definition. Because some ambiguity exists, the final-form regulations clarify the definition to meet the original intention.

Subsequent to publication of the regulations, a number of NO<sub>x</sub> affected sources not listed in the regulations were identified under the process established in § 123.117. In addition, the Washington Power Company, listed in § 123.115(b), no longer has a plan approval authorizing its construction. Furthermore, as the Department began the process of establishing NO<sub>x</sub> allowance tracking system accounts for the NO<sub>x</sub> affected sources listed in the regulations, the Department recognized that an accounting error had occurred in the original allocation of allowances listed in Appendix E. Appendix E had allocated approximately 500 more NO<sub>x</sub> allowances than were available in the Ozone Transport Commission (OTC) budget that the Commonwealth agreed to meet. Appendix E of the existing regulation contains two columns ("baseline NO<sub>x</sub> lbs./MMBtu" and "baseline MMBtu") that are somewhat confusing. A number of minor editorial and name changes to the final-form regulations are also necessary. These final-form regulations modify the existing requirements to include newly discovered sources, removes the Washington Power Company, corrects the accounting error, modifies the columns contained in Appendix E and makes the editorial changes described previously. Finally, the final-form regulations modify the allocations for Duquesne Light's Cheswick facility and P.H. Glatfelter's facility and eliminate the allocation for Penntech Papers (now Willamette) in response to litigation concerning implementation of the existing regulations.

As described during the initial rulemaking action, the Department worked with the OTC to determine the 1990 NO<sub>x</sub> baseline which was used to calculate the emission reductions, NO<sub>x</sub> affected source allocations and emission caps established by the program. The OTC published the "Procedures for Development of the OTC NO<sub>x</sub> Baseline Emission Inventory." Following those procedures, a "1999 OTC NO<sub>x</sub> Baseline Emission Inventory" was developed by the EPA's Office of Air Quality Planning and Standards (EPA-454/R/95-013). The Commonwealth used that inventory as the basis for development of the emission reduction requirements contained in the NO<sub>x</sub> allowance requirements regulations. A discussion in the March 6, 1999, preamble of the proposed rulemaking to these final-form regulations detail the process that was used in this Commonwealth to establish the 1999 baseline, emission reductions, NO<sub>x</sub> affected source allocations and emission caps.

These final-form regulations were reviewed by the Air Quality Technical Advisory Committee (AQTAC) at its August 23, 1999, meeting. The AQTAC recommended that the Department proceed with the final-form regulations.

*E. Summary of Comments and Responses on the Proposed Rulemaking*

The Department received eight sets of comments on the regulatory proposal. The following discussion summarizes the major issues and the Department's responses.

In general, the commentators supported the revisions to the NO<sub>x</sub> allowance requirements. One commentator opposed the allocation revision, asserting that the original allocation contained in the final-form regulations was inaccurate. That commentator also indicated that the Department did not describe the reason for the revision. The commentator received a final operating permit containing the allocation under the existing regulations. The commentator did not appeal that final permit. The preamble to the proposed rulemaking describes in detail the Department's methodology for calculating allocations, including a description of the accounting error contained in the existing rule. The Department has not made any changes to the final-form regulations in response to this comment. Another commentator asserted that two boilers contained at its facility were incorrectly included in Appendix E of the original rule. Again, this commentator received a final operating permit implementing that rule and did not appeal that operating permit. The Department did not make any change as a result of the comment.

Finally, the Department received several comments requesting changes to names contained in the rule or making editorial comments concerning the nomenclature describing boilers at facilities covered by the rule. The Department made the changes in Appendix E to address these editorial concerns.

*F. Benefits, Costs and Compliance*

*Benefits*

Executive Order 1996-1 requires a cost/benefit analysis of the amendments. Overall, the citizens in this Commonwealth will benefit from the amendments because they will provide appropriate protection of air quality both in this Commonwealth and the entire Northeastern United States. In addition to reducing ozone pollution, this program will assist the Commonwealth in meeting its requirements for regional further progress and attainment under the Clean Air Act.

*Compliance Costs*

These final-form regulations may slightly increase compliance costs by reducing the total NO<sub>x</sub> allowances available in this Commonwealth.

*Compliance Assistance*

The Department plans to educate and assist the regulated community and the public with understanding the NO<sub>x</sub> allowance requirements.

*Paperwork Requirements*

These regulatory changes will impose no additional paperwork on the Commonwealth and the regulated entities.

*G. Pollution Prevention*

Although these final-form regulations do not directly include pollution prevention provisions, it may encourage some affected parties to switch to less polluting fossil fuel sources.

*H. Sunset Review*

These final-form regulations will be reviewed in accordance with the sunset review schedule published by the

Department to determine whether the regulations effectively fulfill the goals for which they were intended.

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 19, 2000, the Department submitted a copy of the amendments to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received during the public comment period, as well as other documents when requested.

In preparing these final-form regulations, the Department has considered the comments received from IRRC, the Committees and the public. These comments are addressed in Section E of this preamble. Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on February 8, 2000, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 17, 2000, and approved the final-form regulations.

*J. Findings of the Board*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These final-form regulations do not enlarge the purpose of the proposal at 29 Pa.B. 1214 (March 6, 1999).

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble and are reasonably necessary to achieve and maintain the NAAQS for ozone.

*K. Order of the Board*

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 123, are amended by amending §§ 121.1, 123.15 and Chapter 123, Appendix E to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JAMES M. SEIF,  
*Chairperson*

*(Editor's Note: For the text of the Order of the Independent Regulatory Review Commission relating to this order, see 30 Pa.B. 1320 (March 4, 2000)).*

**Fiscal Note:** Fiscal Note 7-343 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 121. GENERAL PROVISIONS**

**§ 121.1. Definitions.**

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*NO<sub>x</sub> affected source*—A fossil fuel fired indirect heat exchange combustion unit with a maximum rated heat input capacity of 250 MMBtu/hour or more and all fossil fuel fired electric generating sources rated at 15 mega-

watts or greater or any other source that voluntarily opts to become a NO<sub>x</sub> affected source.

\* \* \* \* \*

**CHAPTER 123. STANDARDS FOR CONTAMINANTS  
NO<sub>x</sub> ALLOWANCE REQUIREMENTS**

**§ 123.115. Initial NO<sub>x</sub> allowance NO<sub>x</sub> allocations.**

(a) The sources contained in Appendix E are subject to the requirements of §§ 123.101—123.114, 123.116—123.120 and this section. These sources are allocated NO<sub>x</sub> allowances for the 1999—2002 NO<sub>x</sub> allowance control periods as listed in Appendix E. Except as provided in § 123.120 (relating to audit), if no allocation is specified for the NO<sub>x</sub> allowance control periods beyond 2002, the current allocations continue indefinitely.

(b) The Department may allocate allowances to Duquesne Light Company's Phillips and Brunot Island facilities. The allowances allocated to these facilities are limited as follows:

- (1) The facility shall be fully operational.
- (2) The allowances allocated to the facility may only be used by the baseline sources located at that facility, and may not be banked or transferred.
- (3) The allocation to Brunot Island source identification numbers 001—012 may not exceed an aggregate 246 allowances for the period May 1—September 30.
- (4) The allocation to Phillips Station boilers 1—6 may not exceed an aggregate 1,686 allowances for the period May 1—September 30.

**APPENDIX E**

<i>County</i>	<i>Facility</i>	<i>Combustion Source Name</i>	<i>Point ID</i>	<i>Allowance</i>	<i>BONUS ALLOWANCE Baseline NO<sub>x</sub> lb/MMBtu</i>
Adams	Met Edison Hamilton		031	4	0.59
Adams	Met Edison Ortanna		031	3	0.59
Adams	Metropolitan Edison Company	G. E. N Frame Turbine #1	031	17	0.45
Adams	Metropolitan Edison Company	G. E. N Frame Turbine #2	032	6	0.45
Adams	Metropolitan Edison Company	G. E. N Frame Turbine #3	033	14	0.45
Allegheny	Duquesne Light Company, Cheswick	Boiler	001	2,500	0.73
Armstrong	Penelec—Keystone	Boiler No. 1	031	4,334	0.80
Armstrong	Penelec—Keystone	Boiler No. 2	032	3,439	0.79
Armstrong	West Penn Power Co.	Foster Wheeler	031	1,137	0.95
Armstrong	West Penn Power Co.	Foster Wheeler	032	1,063	1.02
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	032	301	0.83
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	033	247	0.83
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	034	286	0.83
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	035	154	0.81
Beaver	Penn Power Co.—Bruce Mansfield	Boiler Unit 1	031	2,987	0.90
Beaver	Penn Power Co.—Bruce Mansfield	Foster Wheeler Unit No. 2	032	3,857	0.90
Beaver	Penn Power Co.—Bruce Mansfield	Foster Wheeler Unit 3	033	3,497	0.70
Beaver	Zinc Corporation Of America	Coal Boiler 1	034	240	0.80

County	Facility	Combustion Source Name	Point ID	Allowance	BONUS ALLOWANCE
					Baseline NOx lb/MMBtu
Beaver	Zinc Corporation Of America	Coal Boiler 2	035	203	0.80
Berks	Metropolitan Edison Co.—Titus	Unit 1	031	202	0.65
Berks	Metropolitan Edison Co.—Titus	Unit 2	032	186	0.68
Berks	Metropolitan Edison Co.—Titus	Unit 3	033	201	0.66
Berks	Metropolitan Edison Co.—Titus	No. 4 Combustion Turbine	034	2	0.44
Berks	Metropolitan Edison Co.—Titus	No. 5 Combustion Turbine	035	2	0.44
Blair	Penelec—Williamsburg	No. 11 Boiler—Rily	031	38	0.87
Bucks	PECO Energy—Falls	Unit 1		7	0.67
Bucks	PECO Energy—Falls	Unit 2		7	0.67
Bucks	PECO Energy—Falls	Unit 3		6	0.67
Bucks	PECO Energy—Croyden	Croyden—Turbine #11	031	11	0.70
Bucks	PECO Energy—Croyden	Croyden—Turbine #12	032	7	0.70
Bucks	PECO Energy—Croyden	Croyden—Turbine #21	033	44	0.70
Bucks	PECO Energy—Croyden	Croyden—Turbine #22	034	20	0.70
Bucks	PECO Energy—Croyden	Croyden—Turbine #31	035	11	0.70
Bucks	PECO Energy—Croyden	Croyden—Turbine #32	036	14	0.70
Bucks	PECO Energy—Croyden	Croyden—Turbine #41	037	8	0.70
Bucks	PECO Energy—Croyden	Croyden—Turbine #42	038	38	0.70
Bucks	PECO Energy—Fairless Hills	Power House Boiler No. 3	043	63	0.26
Bucks	PECO Energy—Fairless Hills	Power House Boiler No. 4	044	14	0.27
Bucks	PECO Energy—Fairless Hills	Power House Boiler No. 5	045	73	0.26
Bucks	PECO Energy—Fairless Hills	Power House Boiler No. 6	046	84	0.26
Cambria	Cambria CoGen Company	A Boiler	031	199	0.24
Cambria	Cambria CoGen Company	B Boiler	032	210	0.23
Cambria	Colver Power Project			409	0.20
Cambria	Ebensburg Power Company	CFB Boiler		205	0.08
Carbon	Panther Creek Energy Facility	Boiler 1		119	0.12
Carbon	Panther Creek Energy Facility	Boiler 2		116	0.12
Chester	PECO Energy—Cromby	Boiler No 1	031	246	0.82
Chester	PECO Energy—Cromby	Boiler No 2	032	186	0.28
Clarion	Piney Creek Project	CFB Boiler		121	0.18
Clearfield	Penelec—Shawville	Babcock Wilcox Boiler	031	979	1.22
Clearfield	Penelec—Shawville	Babcock Wilcox Boiler	032	945	1.21
Clearfield	Penelec—Shawville	Combustion Engineering	033	850	0.86
Clearfield	Penelec—Shawville	Combustion Engineering	034	692	0.87
Clinton	International Paper Co.	1 Riley Stoker Vo-Sp	033	145	0.55
Clinton	International Paper Co.	2 Riley Stoker Vo-Sp	034	145	0.55
Clinton	PP&L—Lock Haven	CT 1		3	0.49
Columbia	Penelec—Benton		002	1	2.33
Columbia	Penelec—Benton		003	1	2.93
Cumberland	Metropolitan Edison Company	G.E. N Frame Turbine	031	9	0.45
Cumberland	Metropolitan Edison Company	G.E. N Frame Turbine	032	11	0.45
Cumberland	PP&L—West Shore	CT 1		3	0.49
Cumberland	PP&L—West Shore	CT 2		3	0.49
Dauphin	PP&L—Harrisburg	CT 1		3	0.49
Dauphin	PP&L—Harrisburg	CT 2		4	0.49
Dauphin	PP&L—Harrisburg	CT 3		4	0.49
Dauphin	PP&L—Harrisburg	CT 4		4	0.49
Delaware	Tosco Refinery	7 Boiler	032	33	0.37
Delaware	Tosco Refinery	8 Boiler	033	54	0.48
Delaware	Tosco Refinery	Platformer Heater	038	180	0.55

<i>County</i>	<i>Facility</i>	<i>Combustion Source Name</i>	<i>Point ID</i>	<i>Allowance</i>	<i>BONUS ALLOWANCE Baseline NOx lb/MMBtu</i>
Delaware	Tosco Refinery	543 Crude Heater	044	101	0.55
Delaware	Tosco Refinery	544 Crude Heater	045	115	0.55
Delaware	PECO Energy— Eddystone	No. 1 Boiler	031	660	0.54
Delaware	PECO Energy— Eddystone	No. 2 Boiler	032	430	0.55
Delaware	PECO Energy— Eddystone	No. 3 Boiler	033	255	0.28
Delaware	PECO Energy— Eddystone	No. 30 Gas Turbine	039	2	0.48
Delaware	PECO Energy— Eddystone	No. 40 Gas Turbine	040	1	0.49
Delaware	PECO Energy— Eddystone	No. 4 Boiler	041	248	0.28
Delaware	Kimberly—Clark	Boiler No. 9	034	12	0.52
Delaware	Kimberly—Clark	10 Culm Cogen. Fbc Plant	035	84	0.08
Delaware	Sun Refining & Marketing		089	86	0.09
Delaware	FPL Energy		090	145	0.08
Erie	General Electric Co.	B & W Boiler No. 2	032	26	1.01
Erie	International Paper Company	Coal Fired Boiler No. 21	037	68	0.58
Erie	Norcon Power Partners	Turbine 1	001	50	0.07
Erie	Norcon Power Partners	Turbine 2	002	50	0.07
Erie	Penelec—Front Street	Erie City Iron Works No. 7	031	5	0.92
Erie	Penelec—Front Street	Erie City Iron Works No. 8	032	5	0.90
Erie	Penelec—Front Street	Comb. Eng. Boiler No. 9	033	133	0.57
Erie	Penelec—Front Street	Comb. Eng. Boiler No. 10	034	133	0.57
Greene	West Penn Power— Hatfield's Ferry	Babcock & Wilcox	031	3,969	1.04
Greene	West Penn Power— Hatfield's Ferry	Babcock & Wilcox	032	3,694	1.04
Greene	West Penn Power— Hatfield's Ferry	Babcock & Wilcox	033	2,154	1.04
Indiana	Penelec—Conemaugh	Boiler No. 1	031	3,288	0.76
Indiana	Penelec—Conemaugh	Boiler No. 2	032	4,187	0.76
Indiana	Penelec—Homer City	Boiler No. 1-Foster Wheelr	031	3,160	1.20
Indiana	Penelec—Homer City	Boiler No. 2-Foster Wheelr	032	3,978	1.20
Indiana	Penelec—Homer City	Boiler No. 3-B. & W.	033	2,924	0.62
Indiana	Penelec—Seward	Boiler No. 12 (B&W)	032	144	0.84
Indiana	Penelec—Seward	Boiler No. 14 (B&W)	033	146	0.83
Indiana	Penelec—Seward	Boiler No. 15 (Comb.Eng.)	931	672	0.75
Lackawanna	Archbald Power Corporation	Cogen		81	0.05
Lancaster	PP&L—Holtwood	Unit 17 Foster Wheeler	934	806	1.20
Lawrence	Penn Power Co.—New Castle	Foster Wheeler	031	108	0.91
Lawrence	Penn Power Co.—New Castle	B.W. Boiler	032	97	0.91
Lawrence	Penn Power Co.—New Castle	Babcock And Wilcox	033	185	0.91
Lawrence	Penn Power Co.—New Castle	Babcock And Wilcox	034	339	0.91
Lawrence	Penn Power Co.—New Castle	Babcock And Wilcox	035	620	0.91
Lehigh	PP&L—Allentown	CT 1		2	0.49
Lehigh	PP&L—Allentown	CT 2		3	0.49
Lehigh	PP&L—Allentown	CT 3		3	0.49
Lehigh	PP&L—Allentown	CT 4		3	0.49
Lycoming	PP&L—Williamsport	CT 1		3	0.49
Lycoming	PP&L—Williamsport	CT 2		3	0.49
Luzerne	Continental Energy Associates	Turbine		267	0.13
Luzerne	Continental Energy Associates	HRSO		128	0.20

RULES AND REGULATIONS

*BONUS ALLOWANCE  
Baseline  
NOx lb/MMBtu*

<i>County</i>	<i>Facility</i>	<i>Combustion Source Name</i>	<i>Point ID</i>	<i>Allowance</i>	<i>BONUS ALLOWANCE Baseline NOx lb/MMBtu</i>
Luzerne	UGI Corp.—Hunlock Power	Foster Wheeler	031	374	0.95
Luzerne	PP&L—Jenkins	CT 1		3	0.49
Luzerne	PP&L—Jenkins	CT 2		2	0.49
Luzerne	PP&L—Harwood	CT 1		3	0.49
Luzerne	PP&L—Harwood	CT 2		3	0.49
Monroe	Met Edison Shawnee		031	3	0.59
Montgomery	Merck Sharp & Dohme	Cogen II Gas Turbine	039	79	0.16
Montgomery	PECO Energy—Moser	Unit 1		7	0.67
Montgomery	PECO Energy—Moser	Unit 2		7	0.67
Montgomery	PECO Energy—Moser	Unit 3		6	0.67
Montour	PP&L—Montour	Montour No. 1	031	3,568	0.85
Montour	PP&L—Montour	Montour No. 2	032	4,696	1.07
Montour	PP&L—Montour	Aux.Start-Up Boiler No. 1	033	9	0.17
Montour	PP&L—Montour	Aux.Start-Up Boiler No. 2	034	7	0.17
Northampton	Bethlehem Steel Corp.	Boiler 1 Boiler House 2	041	91	0.23
Northampton	Bethlehem Steel Corp.	Boiler 2 Boiler House 2	042	91	0.23
Northampton	Bethlehem Steel Corp.	Boiler 3 Boiler House 2	067	92	0.23
Northampton	Met Edison Co.—Portland	Unit No. 1	031	462	0.59
Northampton	Met Edison Co.—Portland	Unit No. 2	032	657	0.66
Northampton	Met Edison Co.—Portland	Combustion Turbine No. 3	033	1	0.53
Northampton	Met Edison Co.—Portland	Combustion Turbine No. 4	034	6	0.53
Northampton	Northampton Generating Company	Boiler	001	209	0.10
Northampton	PP&L—Martins Creek	Foster-Wheeler Unit No. 1	031	492	1.01
Northampton	PP&L—Martins Creek	Foster-Wheeler Unit No. 2	032	459	0.91
Northampton	PP&L—Martins Creek	C-E Unit No. 3	033	835	0.51
Northampton	PP&L—Martins Creek	C-E Unit No. 4	034	739	0.51
Northampton	PP&L—Martins Creek	No. 4b Auxiliary Boiler	036	0	0.17
Northampton	PP&L—Martins Creek	Combustion Turbine No. 1	037	3	0.02
Northampton	PP&L—Martins Creek	Combustion Turbine No. 2	038	3	0.02
Northampton	PP&L—Martins Creek	Combustion Turbine No. 3	039	3	0.02
Northampton	PP&L—Martins Creek	Combustion Turbine No. 4	040	3	0.02
Northumberland	Foster Wheeler Mt. Carmel Cogen	Cogen	031	195	0.10
Philadelphia	Allied Signal		052	54	0.46
Philadelphia	PECO Energy—Richmond	Unit 91	037	28	0.60
Philadelphia	PECO Energy—Richmond	Unit 92	038	37	0.60
Philadelphia	PECO Energy—Delaware	No. 71 Boiler	013	112	0.45
Philadelphia	PECO Energy—Delaware	No. 81 Boiler	014	130	0.45
Philadelphia	PECO Energy—Delaware	No. 9 Gas Turbine	018	2	0.67
Philadelphia	PECO Energy—Schuylkill	No. 1 Boiler	003	175	0.28
Philadelphia	PECO Energy—Schuylkill	No. 11 Gas Turbine	008	0	0.67
Philadelphia	Trigen Energy Co—Sansom		001	31	0.45
Philadelphia	Trigen Energy Co—Sansom		002	27	0.45
Philadelphia	Trigen Energy Co—Sansom		003	12	0.45
Philadelphia	Trigen Energy Co—Sansom		004	15	0.45
Philadelphia	Trigen Energy Co—Schuylkill		001	0	0.28
Philadelphia	Trigen Energy Co—Schuylkill		002	0	0.28
Philadelphia	Trigen Energy Co—Schuylkill		005	0	0.45
Philadelphia	U. S. Naval Base		098	1	0.14
Philadelphia	U. S. Naval Base		099	1	0.14
Philadelphia	Sun Oil—Girard Point	GP Boiler 37	02-2,3	87	0.33
Philadelphia	Sun Oil—Girard Point	GP Boiler 38	02-4,5	87	0.33
Philadelphia	Sun Oil—Girard Point	GP Boiler 39	02-6,7	87	0.33
Philadelphia	Sun Oil—Girard Point	GP Boiler 40	02-8,9	116	0.33
Philadelphia	Sun Oil—Girard Point	GP F-1	002-2, 3,4	91	0.27
Philadelphia	Sun Oil—Point Breeze	PB 3H-1	19/20	43	0.15

County	Facility	Combustion Source Name	Point ID	Allowance	BONUS ALLOWANCE
					Baseline NOx lb/MMBtu
Philadelphia	Grays Ferry Project	Combustion Turbine		125	
Philadelphia	Grays Ferry Project	Heat Recovery Steam Gen		21	
Philadelphia	Grays Ferry Project	Boiler 25		80	
Schuylkill	Gilberton Power Company	Boiler		333	0.17
Schuylkill	Northeastern Power Company	CFB Boiler		201	0.06
Schuylkill	Schuylkill Energy Resources	Boiler	031	348	0.20
Schuylkill	Westwood Energy Properties	Boiler		134	0.17
Schuylkill	Wheelabrator Frackville Energy Co	Boiler		203	0.14
Schuylkill	PP&L—Fishback	CT 1		2	0.49
Schuylkill	PP&L—Fishback	CT 2		2	0.49
Snyder	PP&L—Sunbury	Sunbury SES Unit 1a	031	294	0.98
Snyder	PP&L—Sunbury	Sunbury SES Unit 1b	032	294	0.98
Snyder	PP&L—Sunbury	Sunbury SES Unit 2a	033	294	0.83
Snyder	PP&L—Sunbury	Sunbury SES Boiler 2b	034	294	0.83
Snyder	PP&L—Sunbury	Sunbury SES Unit No. 3	035	679	0.93
Snyder	PP&L—Sunbury	Sunbury SES Unit No. 4	036	821	0.99
Snyder	PP&L—Sunbury	Combustion Turbine 1	039	3	0.49
Snyder	PP&L—Sunbury	Combustion Turbine 2	040	3	0.49
Tioga	Penelec—Tioga		031	3	0.48
Venango	Scrubgrass Power Plant	Unit 1	031	181	0.14
Venango	Scrubgrass Power Plant	Unit 2	032	178	0.15
Warren	Penelec—Warren	Boiler No. 1	031	76	0.62
Warren	Penelec—Warren	Boiler No. 2	032	73	0.64
Warren	Penelec—Warren	Boiler No. 3	033	77	0.61
Warren	Penelec—Warren	Boiler No. 4	034	80	0.61
Warren	Penelec—Warren		001	10	0.69
Washington	Duquesne Light Co.—Elrama	No. 1 Boiler	031	333	0.87
Washington	Duquesne Light Co.—Elrama	No. 2 Boiler	032	332	0.90
Washington	Duquesne Light Co.—Elrama	No. 3 Boiler	033	445	0.87
Washington	Duquesne Light Co.—Elrama	No. 4 Boiler	034	1,013	0.89
Washington	West Penn Power Co.—Mitchell	Combustion Eng Coal Unit	034	929	0.72
Wayne	Penelec—Wayne		031	11	0.84
Wyoming	Procter & Gamble Paper Products Co.	Westinghouse 251B10	035	245	0.68
York	Glatfelter, P.H. Co.	Number 4 Power Boiler	034	127	0.80
York	Glatfelter, P.H. Co.	Number 1 Power Boiler	035	85	0.80
York	Glatfelter, P.H. Co.	Number 5 Power Boiler	036	237	0.29
York	Met Edison Tolna		031	4	0.59
York	Met Edison Tolna		032	4	0.59
York	PP&L—Brunner Island	Brunner Island 2	032	1,470	0.69
York	PP&L—Brunner Island	Brunner Island Unit 1	931	1,290	0.67
York	PP&L—Brunner Island	Brunner Island Unit 3	933	2,906	0.78

[Pa.B. Doc. No. 00-421. Filed for public inspection March 10, 2000, 9:00 a.m.]

# PROPOSED RULEMAKING

## INSURANCE DEPARTMENT

[31 PA. CODE CH. 118]

### Discounting Medical Malpractice Loss Reserves

The Insurance Department (Department) proposes to delete Chapter 118 (relating to discounting of medical malpractice loss reserves) to read as set forth in Annex A. The statutory authority for this proposal is The Insurance Company Law of 1921 (40 P. S. §§ 341—999); The Insurance Company Act of 1921 (40 P. S. §§ 1—321); and sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412).

#### *Purpose*

Chapter 118 was initially promulgated to establish procedural and reporting requirements and restrictions on the discounting of medical malpractice loss reserves. This proposed rulemaking deletes Chapter 118 because it is no longer necessary to assure the continued availability of medical malpractice insurance by the voluntary market at the primary level. In addition, the chapter is inconsistent with current actuarial practices and economic conditions.

#### *Fiscal Impact*

There is no fiscal impact as a result of the deletion of Chapter 118.

#### *Paperwork*

The deletion of Chapter 118 will affect all licensed medical malpractice insurers domiciled in this Commonwealth.

#### *Effectiveness/Sunset Date*

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking proposes to delete Chapter 118, no sunset date has been assigned.

#### *Contact Person*

Questions or comments regarding the proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, within 30 days following the publication of this notice in the *Pennsylvania Bulletin*. Questions and comments may also be E-mailed to psalvato@ins.state.pa.us or faxed to (717) 772-1969.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 24, 2000, the Department submitted a copy of this proposal to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee. In addition to the submitted 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 that material is available to the public upon request.

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 notifi-

cation shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act (71 P. S. §§ 745.1—745.14) specifies detailed procedures for the agency, the Governor and the General Assembly to review these objections before final publication of the regulations.

M. DIANE KOKEN,  
*Insurance Commissioner*

**Fiscal Note:** 11-185. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 31. INSURANCE

#### PART VII. PROPERTY, FIRE AND CASUALTY INSURANCE

#### CHAPTER 118. DISCOUNTING OF MEDICAL MALPRACTICE LOSS RESERVES

#### § 118.1. [Definitions] (Reserved).

**[(a) The definitions utilized in Chapter 116 (relating to discounting of worker's compensation loss reserves) are incorporated for use in this chapter except that language utilizing the terms "worker's compensation" shall be amended for use in this chapter utilizing the terms "medical malpractice."**

**(b) For purposes of this chapter, the definition of "insurance company" in § 116.1 (relating to definitions) also includes the Pennsylvania Professional Liability Joint Underwriting Association, an insurance entity created under section 801 of the Health Care Services Malpractice Act (40 P. S. § 1301.801).**

**(c) The term "independent actuary" as used in § 118.4(a) (relating to actuarial certification) means a fellow or associate of the Casualty Actuarial Society with appropriate experience in responsible actuarial work, including medical malpractice, who is not an officer, director or employe of the insurer whose reserves he is certifying.]**

#### § 118.2. [Reporting and data collection requirements] (Reserved).

**[For loss reserves established by insurance companies under sections 312—316 of The Insurance Department Act of one thousand nine hundred and twenty-one (40 P. S. §§ 111—115), a company is permitted to discount the medical malpractice reserves to their present value if the company complies with the following requirements. The insurance company shall:**

**(1) File an annual actuarial certification of its medical malpractice loss reserves and loss adjustment expense reserves with the Department simultaneously with the filing of the company's annual statement.**

**(2) Provide a written notice to the Department stating its intent to maintain separate data regarding the company's loss payment patterns for allocated loss adjustment expenses and losses. This data shall be regularly compiled and submitted to the Department upon request.**

**(3) Comply with existing annual statement instructions for reporting loss and loss adjustment**



expense reserves including completion of supplemental Schedule P, Part 4C of the annual statement.

(4) File with its annual statement a description of the underlying assumptions for the calculation of the discount to present value of its loss reserves and allocated loss adjustment expense reserves. ]

§ 118.3. [ Restrictions on discounting loss reserves ] (Reserved).

[ The discounting of loss reserves is subject to the following limitations:

(1) The loss reserves discounted to present value in accordance with this chapter may not be less than those required in accordance with section 313(b) of The Insurance Department Act of one thousand nine hundred and twenty-one (40 P. S. § 112(b)).

(2) The maximum rate of interest which an insurer may assume for purposes of discounting is 6%.

(3) An insurer may request an exception to the maximum interest rate in paragraph (2) if the insurer can demonstrate to the satisfaction of the Commissioner that its investment yield justifies a higher interest rate assumption. The Commissioner may require the insurer to submit additional documentation to support its request for approval of a higher interest rate assumption. The Commissioner will act upon requests for exceptions made under this paragraph within 90 days of the date the request is received by the Insurance Department. ]

§ 118.4. [ Actuarial certification ] (Reserved).

[ (a) The actuarial certification required in accordance with this chapter shall be prepared by an independent actuary and filed by the insurer with its annual statement.

(b) The actuarial certification shall be filed each year in which the insurer discounts its loss reserves.

(c) The actuarial certification shall include the opinion of an independent actuary with respect to the following:

(1) The adequacy of medical malpractice loss reserves on an undiscounted basis.

(2) The sufficiency of the investment yield on invested assets to fund the discount.

(3) The reasonableness of the matching of the invested assets and loss reserves attributable to the medical malpractice business to provide an adequate income stream to fund the discount. ]

§ 118.5. [ Reserves for loss adjustment expenses ] (Reserved).

[ (a) Loss adjustment expense reserves shall be calculated in accordance with the following standards:

(1) Insurance companies are not permitted to discount loss adjustment expense reserves which are not allocable to specific claims.

(2) Insurance companies are permitted to discount loss adjustment expense reserves which are allocable to specific claims if:

(i) The company demonstrates, to the satisfaction of the Commissioner, the validity of the assumptions underlying the calculation of the reserves.

(ii) The actuarial certification which includes the opinion of an independent actuary with respect to the criteria in § 118.4 (relating to actuarial certification) is applicable to the loss adjustment expense reserves as well as the loss reserves.

(b) In evaluating an insurance company's request to discount allocated loss adjustment expense reserves, the Commissioner will consider the company's specific loss adjustment expense payment pattern and the interest rate assumption. ]

§ 118.6. [ Increased loss reserves and loss adjustment expense reserves ] (Reserved).

[ Under section 316 of The Insurance Department Act of one thousand nine hundred and twenty-one (40 P. S. § 115), the Commissioner may require an insurance company to restate its loss reserves or its allocated loss adjustment expense reserves by reducing or eliminating the discount if the Commissioner determines it is necessary to insure that reserves are established at an adequate level. ]

[Pa.B. Doc. No. 00-422. Filed for public inspection March 10, 2000, 9:00 a.m.]

## STATE SYSTEM OF HIGHER EDUCATION

[22 PA. CODE CH. 507]

### Operation of Motor Vehicles on State System Facilities

The Board of Governors of the State System of Higher Education (State System) proposes to amend §§ 507.13 and 507.14 (relating to crimes and offenses relating to the operation and parking of a motor vehicle; and enforcement) to read as set forth in Annex A.

The proposed revision would amend § 507.13(c), by authorizing the Board of Governors to set the amounts of fines for each campus or facility upon the recommendation of the Chancellor or the respective university president. The change followed General Assembly action in amending 24 Pa.C.S. § 20-2006-A(13.1) (relating to powers and duties of the board of governors) to permit the Board to set the amounts for fines for violations of the rules respecting the use, parking and operation of motor vehicles on State System facilities, which may exceed the amounts which municipalities are authorized to assess for these offenses under 75 Pa.C.S.A. (relating to vehicles). The proposed amendments would enhance the ability of the State System to regulate and deter the violation of parking and operational rules, thus alleviating congestion, speeding, reckless driving and other activities which may threaten the health, welfare and safety of individuals residing on or using State System facilities.

#### *Fiscal Impact*

The proposed amendments would have no adverse fiscal impact. Costs would be recovered through fines and fees.

*Paperwork Requirements*

The statutory authority for the proposed rulemaking is 24 Pa.C.S. §§ 20-2006-A(a)(6).

Under section 5(a) of the Regulatory Review Act (71 P. S. §§ 745.5(a)), on February 24, 2000, the State System submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Education and the Senate Committee on Education. In addition to submitting the proposed rulemaking, the State System has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the State System in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

*Sunset Review*

These are ongoing regulations made necessary by 18 Pa.C.S. § 7505 (relating to violation of governmental rules regarding traffic) to facilitate enforcement of traffic laws at State System facilities. They are periodically reviewed by the Office of the Chancellor.

*Contact Person*

Persons with questions or who wish further information about the proposed amendments may contact Robert A. Mulle, Chief Legal Counsel, State System of Higher Education, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110, (717) 720-4030.

*Public Comments*

Public comments are invited and may be directed to Robert A. Mulle at the previously mentioned address and telephone number, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JAMES H. MCCORMICK,  
*Chancellor*

**Fiscal Note:** 71-007. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 22. EDUCATION**

**PART XVII. STATE SYSTEM OF HIGHER EDUCATION**

**CHAPTER 507. FINANCE AND ADMINISTRATION**

**OPERATION OF MOTOR VEHICLES ON UNIVERSITY CAMPUSES Campuses**

**§ 507.13. Crimes and offenses relating to the operation and parking of a motor vehicle.**

\* \* \* \* \*

(c) *Fines.* [The following fines apply to violators of restrictions in subsections (a) and (b):

**(1) A person convicted of a summary offense under subsection (a) will be sentenced to pay a fine not exceeding \$15.**

**(2) A person convicted of a summary offense under subsection (b) will be sentenced to pay a fine not exceeding \$5. ]**

**The Board of Governors will set the amounts of the fines for each campus or facility upon the recommendation of the chancellor or the respective university president.**

**§ 507.14. Enforcement.**

\* \* \* \* \*

(b) *Booting.* An immobilizing device may be placed on any vehicle with three or more delinquent tickets to compel payment of fines. A service charge, not to exceed [ \$25 ] \$50, may be assessed for the removal of immobilizers.

\* \* \* \* \*

[Pa.B. Doc. No. 00-423. Filed for public inspection March 10, 2000, 9:00 a.m.]

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

[52 PA. CODE CH. 63]

[L-00990141]

**Competitive Safeguards for Telecommunications Utilities**

By Order entered November 30, 1999, the Pennsylvania Public Utility Commission (Commission) adopted a proposed rulemaking establishing competitive safeguards in further of the provisions of Chapter 30 of the Public Utility Code, 66 Pa.C.S. §§ 3001—3009. The Proposed Rulemaking Order relating to 52 Pa. Code Chapter 63 requires that comments be filed within 30 days of publication which occurred on January 29, 2000, at 30 Pa.B. 539. Comments, therefore, were due February 28, 2000.

On February 23, 2000, the Pennsylvania Telephone Association (PTA) filed a letter with the Commission requesting that the comment period be stayed until further notice. By letter dated February 24, 2000, ALLTEL Pennsylvania, Inc. (ALLTEL) joined in this request for a stay. In making this request, the PTA and ALLTEL argue that the proposed competitive safeguards, which are in the form of a Code of Conduct, are closely modeled after the Code of Conduct adopted for Bell Atlantic—Pennsylvania, Inc. (BA-PA) in the Global proceeding Order entered September 30, 1999, at Doc. Nos. P-00991648 and 00991649. The parties further allege that the Global Order, including the proposed Code of Conduct for BA-PA, however, is in a state of uncertainty given several outstanding appeals currently pending in State court. The two letters conclude that it would be premature to ask for comments in the instant proceeding until there is greater finality in the global proceeding.

Because the Commission agrees that resolution of the Code of Conduct issue in the Global proceeding may be of

relevance in the instant proceeding, the Commission will grant a 60-day extension for the filing of comments to April 28, 2000.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-424. Filed for public inspection March 10, 2000, 9:00 a.m.]

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# NOTICES

## ALLEGHENY COUNTY

### Expiration—Second Class County Charter Law

Please be advised that the first Chief Executive of Allegheny County and 15 members of County Council were sworn into office on Monday, January 3, 2000 as described at 16 P. S. § 6113-C.

TERRENCE F. MCVERRY,  
*County Solicitor*

[Pa.B. Doc. No. 00-425. Filed for public inspection March 10, 2000, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Temporary Order Designating West Nile Encephalitis a Dangerous Transmissible Disease

The Department of Agriculture (Department) hereby designates West Nile Encephalitis a "dangerous transmissible disease," under authority of the Agriculture Code (3 Pa.C.S.A. § 2321(d)) (code). This designation will facilitate the Department's efforts to detect and contain West Nile Encephalitis and to assist the Department of Health and other public health agencies in any monitoring and treatment efforts.

West Nile Encephalitis is a disease of public health significance. It also poses a threat to domestic animal health and to the economic well-being of domestic animal industries. Section 2321(c) of the code requires this Department proceed with the agreement of the Department of Health when it adds a disease of public health significance to the list of designated dangerous transmissible diseases. Both this Department and the Department of Health agree on adding West Nile Encephalitis to the list of dangerous transmissible diseases.

West Nile Encephalitis is an infection of the brain caused by the West Nile Virus. Although West Nile Virus has, in the past, been found most typically in Africa,

Eastern Europe and West Asia, it was detected in the New York City area and in parts of New Jersey in 1999. In mild cases, the disease causes fever, headache and body aches, skin rash and swollen lymph glands. In more severe cases, it causes headache, high fever, neck stiffness, stupor, disorientation, coma, tremors, paralysis and occasional convulsions.

Humans and animals can acquire West Nile Virus through a bite from a mosquito that has bitten an infected animal. Since birds are among the animals known to carry West Nile Virus, it is possible infected birds might bring the virus to this Commonwealth from the New York City/New Jersey area, and that mosquitoes that bite these birds might be capable of transmitting the disease to humans and animals they subsequently bite.

The Department has authority under the Domestic Animal Law provisions of the Agriculture Code (3 Pa.C.S.A. §§ 2301—2389) to regularly monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases. The designation of West Nile Encephalitis as a "dangerous transmissible disease" will facilitate this Department's surveillance of birds and other animals for the presence of the West Nile Virus or West Nile Encephalitis.

This order is a temporary order, as required under § 2321(d) of the code. This order shall take effect as of March 11, 2000, and shall remain in effect until no later than March 11, 2001. This Department may: (1) Reissue this temporary order to extend the designation beyond March 11, 2001; (2) Allow this temporary order to expire March 11, 2001; (3) Supplant this temporary order with a formal regulation designating West Nile Encephalitis a "dangerous transmissible disease"; or (4) Modify this temporary order.

Questions regarding this temporary order may be directed to John Enck, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-6677.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-426. Filed for public inspection March 10, 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 29, 2000.

## BANKING INSTITUTIONS

## Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
2-17-00	NBT Bancorp, Inc., Norwich, New York, to acquire 100% of the voting shares of Lake Ariel Bancorp, Inc., Lake Ariel, PA, and thereby indirectly acquire LA Bank, National Association, Lake Ariel, PA	Norwich, NY	Effective
2-29-00	NBT Bancorp, Inc., Norwich, New York, to acquire 100% of the voting shares of Pioneer American Holding Company Corp., Carbondale, PA	Norwich, NY	Filed

## Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-24-00	Harleysville Savings Bank, Harleysville, and Harleysville Interim Savings Bank, Harleysville Surviving Institution— Harleysville Savings Bank, Harleysville	Harleysville	Effective

Merger is being effected to facilitate the acquisition of Harleysville Savings Bank by Harleysville Savings Financial Corporation, Harleysville, a new bank holding company.

## Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-18-00	Keystone Savings Bank Bethlehem Northampton County	3100 Tilghman St. South Whitehall Twp. Lehigh County	Opened
2-28-00	Greenville Savings Bank Greenville Mercer County	550 N. Hermitage Rd. Hermitage Mercer County	Filed
2-29-00	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 5005 Edgemont Ave. Brookhaven Delaware County	Approved
2-29-00	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 4160 Monument Road Philadelphia Philadelphia County	Approved
2-29-00	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 840 Cottman Avenue Philadelphia Philadelphia County	Approved
2-29-00	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 8700 Frankford Ave. Philadelphia Philadelphia County	Approved
2-29-00	Mercer County State Bank Sandy Lake Mercer County	Meadville Mall 16881 Conneaut Lake Rd. Meadville Crawford County	Approved

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-23-00	Somerset Trust Company Somerset Somerset County	<i>To:</i> 1416 Scalp Avenue Richland Township Cambria County  <i>From:</i> 3220 Elton Road Richland Township Cambria County	Approved
2-23-00	Parkvale Savings Bank Monroeville Allegheny County	<i>To:</i> 2719 Brodhead Road Aliquippa Beaver County  <i>From:</i> 913 23rd Street Aliquippa Beaver County	Effective
2-29-00	Summit Bank Bethlehem Northampton County	<i>To:</i> 737 Bethlehem Pike Montgomery Township Montgomery County  <i>From:</i> 521 Stump Road Montgomery Township Montgomery County	Approved
2-29-00	Summit Bank Bethlehem Northampton County	<i>Into:</i> 723 Street Road Southampton Bucks County  <i>From:</i> 735 Davisville Road Southampton Bucks County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-28-00	Lafayette Ambassador Bank Easton Northampton County	1605 W. Broad St. Bethlehem Lehigh County	Filed

**SAVINGS INSTITUTIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
2-29-00	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	Approved

**CREDIT UNIONS**

No activity.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 00-427. Filed for public inspection March 10, 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, March 22, 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. 00-428. Filed for public inspection March 10, 2000, 9:00 a.m.]

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# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

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

##### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standard 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 to 40 CFR 123.6E.

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid service or other 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.

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


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

**PA 0021172. Amendment No. 1.** Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This application is for an amendment of an NPDES permit to discharge treated sewage from Harvey Avenue in Doylestown Borough, **Bucks County**. This is an existing discharge to Cooks Run a tributary to Neshaminy Creek.

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

The proposed effluent limits for Copper at Outfall 001, based on a dissolved water effect ratio of 5.7 and an average flow of 0.9 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	0.12	0.24	0.30

*Other Conditions:*

The EPA waiver is not in effect.

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

**PA 0081647.** SIC: 4952, Sewage, **White Run Regional Municipal Authority**, 2001 Baltimore Pike, Gettysburg, PA 17325-7068.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to White Run, in Mount Joy Township, **Adams County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the City of Frederick intake located in Maryland. The discharge is not expected to impact any potable water supply.

*Interim*

These limits shall apply during construction to expand the plant's capacity from 0.165 mgd to 0.33 mgd:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	XXX	50
Total Suspended Solids	30	45	XXX	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	4.0	XXX	XXX	8.0
(11-1 to 4-30)	12	XXX	XXX	24
Total Phosphorus	2.0	XXX	XXX	4.0
Total Residual Chlorine	0.42	XXX	monitor and report	1.3
Dissolved Oxygen			minimum of 5.0 at all times	
pH			from 6.0 to 9.0 inclusive	
Fecal Coliforms				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		8,300/100 ml as a geometric average		

*Final*

These limits shall apply following completion of construction:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30	XXX	40
(11-1 to 4-30)	25	40	XXX	50
Total Suspended Solids	30	45	XXX	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	2.5	XXX	XXX	5.0
(11-1 to 4-30)	7.5	XXX	XXX	15
Total Phosphorus	2.0	XXX	XXX	4.0
Total Aluminum	XXX	XXX	monitor and report	XXX
Dissolved Oxygen			minimum of 5.0 at all times	
pH			from 6.0 to 9.0 inclusive	



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 4,400/100 ml as a geometric average		

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

The EPA waiver is in effect.

**PA 0024139.** SIC: 4952, Sewage, **Cumberland Township Authority**, 1270B Fairfield Road, Gettysburg, PA 17325.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Rock Creek, in Cumberland Township, **Adams County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the City of Frederick intake located in Maryland. The discharge is not expected to impact any potable water supply.

Interim, Final A and Final B limits will be imposed. Interim limits will apply during construction of the plant expansion. Final A limits will go into effect following construction. Final B limits will be enforceable 3 years from the issuance of the final permit, and include Preliminary Water Quality Based Effluent Limits (PWQBEL) for toxic constituents.

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.167 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31) (11-1 to 4-30)	15 25	22 40	XXX XXX	30 50
Total Suspended Solids	30	45	XXX	60
NH <sub>3</sub> -N (5-1 to 10-31) (11-1 to 4-30)	2.5 7.5	XXX XXX	XXX XXX	5.0 15
Total Phosphorus	3.0	XXX	XXX	6.0
Total Residual Chlorine	0.4	XXX	XXX	0.9
Dissolved Oxygen		minimum of 5.0 at all times		
pH		from 6.0 to 9.0 inclusive		
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average		
Total Mercury	monitor and report	XXX	XXX	XXX
Total Copper	monitor and report	XXX	XXX	XXX
Total Zinc	monitor and report	XXX	XXX	XXX
Total Silver	monitor and report	XXX	XXX	XXX

The proposed Final A effluent limits for Outfall 001 for a design flow of 0.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31) (11-1 to 4-30)	10 20	15 30	XXX XXX	20 40
Total Suspended Solids	30	45	XXX	60
NH <sub>3</sub> -N (5-1 to 10-31) (11-1 to 4-30)	2.5 7.5	XXX XXX	XXX XXX	5.0 15
Total Phosphorus	1.0	XXX	XXX	2.0
Dissolved Oxygen		minimum of 5.0 at all times		
pH		from 6.0 to 9.0 inclusive		
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average		
Total Mercury	monitor and report	XXX	XXX	XXX
Total Copper	monitor and report	XXX	XXX	XXX
Total Zinc	monitor and report	XXX	XXX	XXX
Total Silver	monitor and report	XXX	XXX	XXX
Total Aluminum	XXX	XXX	monitor and re- port	XXX

The proposed Final B effluent limits for Outfall 001 for a design flow of 0.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	10	15	XXX	20
(11-1 to 4-30)	20	30	XXX	40
Total Suspended Solids	30	45	XXX	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	2.5	XXX	XXX	5.0
(11-1 to 4-30)	7.5	XXX	XXX	15
Total Phosphorus	1.0	XXX	XXX	2.0
Dissolved Oxygen		minimum of 5.0 at all times		
pH		from 6.0 to 9.0 inclusive		
Fecal Coliforms				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		2,000/100 ml as a geometric average		
Total Mercury	0.00002	XXX	XXX	XXX
Total Copper	0.03	XXX	XXX	XXX
Total Zinc	0.188	XXX	XXX	XXX
Total Silver	0.01	XXX	XXX	XXX
Total Aluminum	XXX	XXX	monitor and report	XXX

Part C requirements for toxics are briefly listed as:

1. Water quality based effluent goals for total copper, total zinc, total mercury and total silver.
2. Requirements to submit the first phase of a toxics reduction evaluation.
3. Conditions for future permit modifications.
4. Procedures for granting time extensions to achieve final water quality based effluent limitations.
5. Procedures for demonstrating alternative site-specific bioassay based effluent limitations.
6. Procedures for demonstrating alternative method detection limits.

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

The EPA waiver is in effect.

**PA 0024708.** SIC: 4952, Sewage, **Municipal Authority of the Township of Union**, P. O. Box 5625, Belleville, PA 17004-9701.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Kishacoquillas Creek, in Union Township, **Mifflin County**.

The receiving stream is classified for cold water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the United Water Company intake located on the Susquehanna River in Harrisburg. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.49 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	XXX	50
Total Suspended Solids	30	45	XXX	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	5.0	XXX	XXX	10
(11-1 to 4-30)	15	XXX	XXX	30
Total Phosphorus	monitor and report	XXX	XXX	XXX
Total Residual Chlorine	0.7	XXX	monitor and report	2.3
Dissolved Oxygen		minimum of 5.0 at all times		
pH		from 6.0 to 9.0 inclusive		
Fecal Coliform				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		9,300/100 ml as a geometric average		

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

The EPA waiver is not in effect.

*Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3670.*

**PA 0033910.** Sewerage, SIC: 4952, **Northeast Bradford School District**, R. R. 1, Box 211B, Rome, PA 18837-9505.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Johnson Creek in Orwell Township, **Bradford County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Company located approximately 140 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.01 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Ammonia-N (6-1 to 10-31)	6		12
(11-1 to 5-31)	18		
Total Cl <sub>2</sub> Residual 1st month—36th month	report		
37th month—permit expiration date	0.43		1.4
Fecal Coliforms: (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2000 col/100 ml as a geometric mean		
pH	6.0 to 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 0218260.** Stormwater. SIC: 7941. **The Public Auditorium Authority of Pittsburgh and Allegheny County**, 425 Sixth Avenue, Suite 1850, Pittsburgh, PA 15219.

This application is for issuance of an NPDES permit to discharge stormwater from construction of Steelers Football Stadium in Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny and Ohio Rivers, classified as warm water fisheries with existing and/or potential uses for aquatic life, water supply and recreation. The first existing proposed downstream potable water supply (PWS) is West View Water Authority, located at West View, 5 miles below the discharge point.

*Outfalls 001 and 002: new discharges.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	monitor and report				
TSS			30		60
Oil and Grease			15		30
Dissolved Iron			monitor and report		7.0
Benzene				not detectable	
Barium				monitor and report	
Aluminum				monitor and report	
Lead				monitor and report	
Mercury				monitor and report	
Vanadium				monitor and report	
Beryllium				monitor and report	
Copper				monitor and report	
Nickel				monitor and report	
Zinc				monitor and report	
Cyanide (free)				monitor and report	
Hexavalent Chromium				monitor and report	
Ethylbenzene				monitor and report	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Xylenes					monitor and report
Naphthalene					monitor and report
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA 0110981.** Sewage. **John J. and Rosalyn M. Keslar**, P. O. Box 63, Rector, PA 15677.

This application is for renewal of an NPDES permit to discharge treated sewage from Jioio's Restaurant STP in Conemaugh Township, **Somerset County**.

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

*Outfall 001:* existing discharge, design flow of 0.0018 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
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 0032760.** Sewage. **Pennsylvania Department of Transportation**, Safety Rest Area Site No. 17, I-79 Northbound, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060.

This application is for renewal of an NPDES Permit, to discharge treated waste to an unnamed tributary to Black Run in Deer Creek Township, **Mercer 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at river mile 90.0, approximately 48 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.0087 mgd are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
Flow	monitor and report	
CBOD <sub>5</sub>	25	50
TSS	30	60
Ammonia as Nitrogen	25	50
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2000/100 ml as a geometric average	
Total Residual Chlorine	0.6	1.4
pH	6.0 to 9.0 at all times	

The EPA waiver is in effect.

**PA 0032751.** Sewage. **Pennsylvania Department of Transportation**, Safety Rest Area Site No. 18, I-79 Southbound, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060.

This application is for renewal of an NPDES Permit, to discharge treated waste to an unnamed tributary to Black Run in Deer Creek Township, **Mercer 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at river mile 90.0, approximately 48 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.0087 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report	
CBOD <sub>5</sub>	25	50
TSS	30	60
Ammonia as Nitrogen		
(5-1 to 10-31)	8.5	17
(11-1 to 4-30)	25.5	51.0
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2000/100 ml as a geometric average	
Total Residual Chlorine	1	2.3
pH	6.0 to 9.0 at all times	

The EPA waiver is in effect.

**PA 0005983.** Industrial waste, SIC: 3321. **Cooper-Bessemer Reciprocating**, 150 Lincoln Avenue, Grove City, PA 16127-1836.

This application is for renewal of an NPDES Permit to discharge stormwater to Wolf Creek and McMillan Run in Grove City, **Mercer 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Slippery Rock Creek and Camp Allegheny on 11 [stream] located at Wayne Township, Lawrence County, approximately 24 miles below point of discharge.

The proposed discharge limits for Outfall Nos. 001, 002, 003, 005, 007 and 008 based on a design flow of n/a mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	XX		
Oil and Grease	XX		
Kjeldah Nitrogen	XX		
Nitrite-Nitrate, Nitrogen	XX		
Total Iron	XX		
pH	XX		

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 Manager will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

*Southcentral Regional Office: Water Management Program, 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>
PA0083909	Conestoga Wood Specialties Corp. P. O. Box 158 East Earl, PA 17519-0158	Lancaster County East Earl Township	Conestoga River	TRC
PA0080446	Valley View Manor Mobile Home Park 15485 Park Drive State Line, PA 17263	Franklin County Antrim Township	Dry Stream Discharge	TRC
PA0028983	McVeytown Borough Authority P. O. Box 321 McVeytown, PA 17051	Mifflin County McVeytown Borough	Juniata River	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 name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan or action or application to which the protest relates. To insure consideration by the Department prior to final action on permit application and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

**A. 1300403. Carbon Dack Associates, L.L.C.**, 650 Naamans Road, Suite 315, P. O. Box 470, Brandywine Corporate Center, Claymont, DE 19703. Application to upgrade existing treatment plant located in Mahoning Township, **Carbon County**. Application received in the Regional Office February 16, 2000.

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

**WQM Permit No. 4600407.** Sewerage. **Candlewyck Estate Homeowners' Association**, 5022 Fernwood Av-

enue, Egg Harbor Township, NJ 08234. Applicant is requesting approval for the construction and operation of a wastewater treatment plant to serve 14 single residences known as Candlewyck Estates located in Marlborough Township, **Montgomery County**.

**WQM Permit No. 4600408.** Sewerage. **Naval Air Station Joint Reserve Base Willow Grove**, US Naval Air Station Willow Grove, Department of the Navy Joint Reserve Base Box 21, Willow Grove, PA 19090-5021. Applicant is requesting approval to replace the existing chlorine disinfection system with an ultraviolet disinfection system to serve the Naval Air Station wastewater treatment plant located in Horsham Township, **Montgomery County**.

**WQM Permit No. 1500202.** Industrial Waste. **Sunoco, Inc.**, 4041 Market Street, P. O. Box 2060, Aston, PA 19014. Applicant is requesting approval to clean groundwater at Sunoco Station No. 0363-1025, the groundwater will be cleaned using a granular activated carbon unit located in East Whiteland Township, **Chester County**.

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

**A. 3800401.** Submitted by the **Borough of Palmyra, Palmyra Municipal Center**, 325 S. Railroad Street, Palmyra, PA 17078 in Palmyra Borough, **Lebanon County**, to construct an equalization basin was received in the Southcentral Region on January 18, 2000.

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

**A. 6500403.** Sewerage. **Franklin Township Municipal Authority**, 3001 Meadowbrook Road, Murrysville, PA 15668-1698. Application for the construction and operation of a pump station and sewers and appurtenances to serve the Walton Estates Plan located in Penn Township, **Westmoreland County**.

### 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 the Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and

regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharge.

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day permit 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 Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the 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.*

*Northampton County Conservation District, District Manager, Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

**NPDES Permit PAS10U126.** Stormwater. **Liberty Property Limited Partnership**, 1510 Valley Center Parkway, No. 240, Bethlehem, PA 18017, has applied to discharge stormwater from a construction activity located in Hanover Township, **Northampton County**, to Monocacy Creek.

**NPDES Permit PAS10U127.** Stormwater. **J. G. Petrucci Co., Inc.**, 171 Rt. 173, Suite 201, Asbury, NJ 08802, has applied to discharge stormwater from a construction activity located in Forks Township, **Northampton County**, to Bushkill Creek.

**NPDES Permit PAS10U128.** Stormwater. **CMC Development Corp.**, 4511 Falmer Rd., Bethlehem, PA 18017, has applied to discharge stormwater from a construction activity located in Forks Township, **Northampton County**, to Bushkill Creek.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 W. 3rd St., Suite 101, Williamsport, PA 17701, (717) 327-3574.*

*Centre County Conservation District, 414 Holmes Ave., Suite 5, Bellefonte, PA 16823, (814) 355-6817.*

**NPDES Permit PAS10F085.** Stormwater. **Fern Smith Estates**, Richard L. Fortney, S & A Custom Built Homes, 501 Rolling Ridge Dr., State College, PA 16801 has applied to discharge stormwater from a construction activity located in Patton Township, **Centre County** to Buffalo Run.

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

**NPDES Permit PAS10E071.** Stormwater. **Denny Subdivision Plan (Mercedes Bend)**, Mark Denny, 110 Dingle Road, West Sunbury, PA 16061, has applied to discharge stormwater from a construction activity located in Clay Township, **Butler County**, to unnamed tributary to Muddy Creek.

## SAFE DRINKING WATER

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

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

**A. 1500501.** Public water supply. **Philadelphia Suburban Water Company**, 762 Lancaster Avenue, Bryn Mawr, PA 19101-3489. This proposal involves the construction of a water standpipe in West Bradford Township, **Chester County**.

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

**Permit No. 3600501.** Public water supply. **Christiana Borough Authority**, Sadsbury Township, **Lancaster County**. *Responsible Official:* LaVerne D. Rettew, Manager, P. O. Box 135, Christiana, PA 17509. *Type of Facility:* Installation of a vacuum diatomaceous earth filtration system to treat the spring water to comply with the surface water treatment rule. *Consulting Engineer:* Scott M. Rights, P.E., Herbert, Rowland & Grubic, Inc., 1846 Charter Lane, P. O. Box 10337, Lancaster, PA 17605-0337. Application received February 10, 2000.

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

**A. 1700501.** The Department has received a permit application from **Croft Water Association**, R. D. 2, Box 208A, Clearfield, PA 16830, Goshen Township, **Clearfield County**. The application is for construction and operation of a new groundwater source (Well No. 002), provide adequate treatment for iron and manganese removal as well as disinfection, and construct and operate a new distribution system, including metering for the village of Croft.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 1

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

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Sections 302—304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use 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, 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.*

**Heating Oil Partners, L.P.—Gill Brothers Oil Company**, Northampton Township, **Bucks County**. Sean Grexa, The Tyree Organization Ltd., 1350 S. US Highway 130, Burlington, NJ 08016, has submitted a Notice of Intent to Remediate site soil contaminated with petroleum hydrocarbons and groundwater contaminated with BTEX. 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 Philadelphia Inquirer* on January 20, 2000.

**VICAM Corp.**, Upper Providence Township, **Montgomery County**. Grover H. Emrich, Emrich & Associates, 1488 Hancock Lane, Wayne, PA 19087, has submitted a Notice of Intent to Remediate site soil contaminated with lead and groundwater contaminated with BTEX. 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 Times Herald* on February 9, 2000.

**VIZ Manufacturing Co.**, City of Philadelphia, **Philadelphia County**. Jeffrey E. Goudsward, Penn E&R, Inc., 2755 Berge Road, Hatfield, PA 19440, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on February 14, 2000.

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

**Adele M. Keech Estate**, Berwick Township, **Adams County**. James Richenderfer, President, Richenderfer & Assoc., Inc., P. O. Box 1199, Carlisle has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet a combination of the Statewide health and site-specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Gettysburg Times*.

**Nello Tire**, Springettsbury Township, **York County**. Environmental Resources Management, 2666 Riva Road, Suite 200, Annapolis, MD 21401 has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the requirements of the Statewide health and site specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Daily Record* on February 10, 2000.

**Distribution Pole 24811S33777**, City of Harrisburg, **Dauphin County**. PP&L, Inc., System Facility Center, One Scotchpine Drive, Hazleton, PA 18201-9760 has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot News* on February 16, 2000.

**Charles and Cindy Stoudt Residence**, Swatara Township, **Lebanon County**. Charles and Cindy Stoudt, 407 South Lancaster Street, Lebanon, PA 17046 have submitted a Notice of Intent to Remediate site soils



contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on January 29, 2000.

**SOLID AND HAZARDOUS WASTE  
REQUEST FOR PROPOSALS FOR MUNICIPAL  
SOLID WASTE CAPACITY**

**The following notices are placed through the Department of Environmental Protection as required by section 502(d) of the Municipal Waste Planning, Recycling and Waste Reduction Act (35 P. S. §§ 4000.101—4000.1904).**

**Request for Proposals for Municipal Solid Waste Capacity**

**Cambria County**, through the **Cambria County Solid Waste Management Authority**, is soliciting disposal/processing facilities to provide all or part of the disposal capacity required annually for Cambria County municipal waste for the next 10 years. Interested parties should contact the Cambria County Solid Waste Management Authority at (814) 472-2109 to obtain a copy of the Facility Qualification Request, which will be used to qualify facilities to participate in the Cambria County Municipal Waste Management Plan. Responses to the Facility Qualification Requests must be submitted on or before April 28, 2000 at 3 p.m.

**Wayne County**, through its **Solid Waste Department**, is issuing a Facilities Qualification Request (FQR) for processing/disposal of municipal solid waste (MSW) generated in Wayne County, PA. The annual tonnage of MSW for which processing/disposal services are being requested is approximately 35,000 tons per year. Submittals may be for part or all of the annual tonnage. The term of the Processing/Disposal Agreement is 5 years, with annual renewal periods of 5 years for a total of 10 years. Responses to the FQR must be received by March 31, 2000 at 3 p.m. Eastern Standard Time at the office of Randy S. Heller, Solid Waste Director, Wayne County Recycling Center, R. R. 4, Box 524, Honesdale, PA 18431, (570) 253-9727.

The FQR will be available for distribution on or about March 1, 2000. To request a copy of the FQR, contact Randy Heller as noted previously. Wayne County, through its Solid Waste Department, reserves the right to modify the schedule and to reject any or all proposals.

**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 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 the date of the hearing.

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

**OPERATING PERMITS**

**Notice of Intent to Issue Title V Operating Permits**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the 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 thirty 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.*

**TV-04-00108: Armstrong World Industries, Inc.** (1018 11th Street, Beaver Falls, PA 15010) for their ceiling tile manufacturing facility in Beaver Falls, **Beaver County**. As a result of the potential levels of VOC emissions, it is a major stationary source as defined in Title 1, Part D of the Clean Air Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

**Applications received and intent to issue Operating Permits 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.*

**OP-15-0089A: West Goshen Sewage Treatment Plant** (848 South Concord Road, West Chester, PA 19382) on February 9, 2000, for approval of Facility VOC/NOx RACT in West Goshen Township, **Chester County**.

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

**08-301-017: Northern Bradford Crematory** (52 McArdle Road, Sayre, PA 18840-9414) for operation of a crematory incinerator in South Waverly Borough, **Bradford County**.

**SMOP-59-00017: ACP Manufacturing Co., LLC** (P. O. Box 9, Blossburg, PA 16912) for their ductile iron foundry facility in Lawrence Township, **Tioga County**. The main sources are electric induction melting furnaces, core making machines and sand handling equipment. Emissions from these sources include CO, NO<sub>x</sub>, SO<sub>2</sub>, VOCs and particulate matter.

**SMOP-55-00016: Conestoga Wood Specialties Corp.** (441 West Market Street, Beavertown, PA 17813) for their kitchen cabinetry and millwork facility in Beavertown Boro, **Snyder County**. The main sources are two No. 4 fuel-oil fired boilers. Emissions from these sources include CO, NO<sub>x</sub>, SO<sub>2</sub>, VOCs and particulate matter.

**SMOP-19-00020: Kawneer Co., Inc.** (500 East 12th Street, Bloomsburg, PA 17815) for their metal door, sash, frames and molding facility in Bloomsburg, **Columbia County**. The main sources are two paint booths and natural gas fired furnaces and heaters. Emissions from these sources include CO, NO<sub>x</sub>, SO<sub>2</sub>, VOCs and particulate matter.

**NMOP-14-00026: Sonoco Products Co.** (P. O. Box 258, Milesburg, PA 16853) for their plastic film manufacturing facility in Boggs Township, **Centre County**. The main sources are pillar corona treater machines and flexographic printing presses. Emissions from these sources include CO, NO<sub>x</sub>, SO<sub>2</sub>, VOCs and particulate matter.

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

**OP-03-00216: T.J.S. Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774) for operation of coal screening at Damac No. 3 Mine in Plumcreek Township, **Armstrong County**.

**OP-03-00194: Glacial Sand & Gravel Co.** (P. O. Box 1022, Kittanning, PA 16201) for operation of barge loading and unloading at Tarrtown Barge Facility in East Franklin Township, **Armstrong County**.

**OP-03-00189: Glacial Sand & Gravel Co.** (P. O. Box 1022, Kittanning, PA 16201) for operation of sand and gravel processing at Bridgeburg River Plant in East Franklin Township, **Armstrong County**.

**OP-04-00519: Columbia Gas Transmission Corp.** (1700 MacCorkle Avenue, S. E., Charleston, WV 25325) for operation of compressor station at Blackhawk Compressor Station in South Beaver Township, **Beaver County**.

**OP-04-00400: Columbia Gas Transmission Corp.** (1700 MacCorkle Avenue, S. E., Charleston, WV 25325) for operation of compressor station at Ellwood City Compressor Station in Ellwood City Borough, **Beaver County**.

**OP-04-00515: Vesuvius McDanel Co.** (510 9th Avenue, P. O. Box 560, Beaver Falls, PA 15010) for operation of Beaver Falls Plant in Beaver Falls, **Beaver County**.

**OP-04-00467: J&L Structural, Inc.** (111 Station Street, Aliquippa, PA 15001) for operation of steel works and rolling mills at Aliquippa Plant in Aliquippa, **Beaver County**.

**OP-04-00500: J&L Structural, Inc.** (401 14th Street, Ambridge, PA 15003) for operation of surface coating at Ambridge Division in Ambridge Borough, **Beaver County**.

**OP-11-00497: Gautier Steel, Ltd.** (80 Clinton Street, Johnstown, PA 15901) for operation of steel manufacturing at Johnstown Plant in Johnstown, **Cambria County**.

**OP-26-00448: Gerome Manufacturing Co., Inc.** (P. O. Box 1089 Oliver Road, Uniontown, PA 15401) for operation of surface coating at Uniontown Plant in North Union Township, **Fayette County**.

**OP-26-00057: Matt Canestrone Contracting, Inc.** (P. O. Box 234, Belle Vernon, PA 15012) for operation of coal loading/unloading/stockpiling at LaBelle Site in Luzerne Township, **Fayette County**.

**OP-32-00297: Creps United Publications** (1163 Water Street, P. O. Box 746, Indiana, PA 15701) for operation of lithographic printing at Christ Park Drive Facility in White Township, **Indiana County**.

**OP-56-00265: Bender Shoe Co.** (841 South Center Avenue, Somerset, PA 15501) for operation of boot and shoe manufacturing at Somerset New Plant in Somerset Borough, **Somerset County**.

**OP-63-00414: Avella Area School District** (1000 Avella Road, Avella, PA 15312) for operation of boilers at Avella Elementary and High School in Cross Creek Township, **Washington County**.

**OP-63-00159: Stone and Co.** (R. D. 12, Box 613, Roseytown Road, Greensburg, PA 15601) for operation of stone handling and storage at Charleroi Plant in Charleroi, **Washington County**.

**OP-63-00651: Pennsylvania Railcrane** (120 Braemont, McKeesport, PA 15135) for operation of pebble lime loading/unloading at Donora Site in Carroll Township, **Washington County**.

**OP-65-00599: St. Vincent Archabbey and College** (300 Fraser Purchase Road, Latrobe, PA 15650) for operation of boilers at St. Vincent College in Unity Township, **Westmoreland County**.

**OP-65-00881: Innovative Carbide, Inc.** (11040 Parker Drive, WCIDC 4, Irwin, PA 15642) for operation of metal powder mixing and drying in North Huntingdon, **Westmoreland County**.

**OP-65-00378: BP Exploration & Oil, Inc.** (4850 East 49th Street, CC-11, Cleveland, OH 44125) for operation of petro terminal and bulk station at Greensburg Terminal in Hempfield Township, **Westmoreland County**.

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

**42-302-009B: Honeywell International, Inc., Farmers Valley** (R. D. 3, Box 56A, Smethport, PA 16749) for operation of steam boilers in Farmers Valley, **McKean County**.

**42-312-017B: Honeywell International, Inc., Farmers Valley** (R. D. 3, Box 56A, Smethport, PA 16749) for operation of VOC storage tanks in Farmers Valley, **McKean County**.

**PA-42-176C: Temple Inland Forest Products Corp., Mt. Jewett** (R. D. 1, Box 268, Hutchins Road, Mt. Jewett, PA 16740) for operation of a sander dust system in Sargeant Township, **McKean County**.

*City of Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104, (215) 685-7584.*

**V95-019: Exxon Co., USA, Philadelphia Marketing Terminal** (6850 Essington Avenue, Philadelphia, PA 19153) for a Title V Operating Permit for operation of a gasoline loading terminal in the City of Philadelphia, **Philadelphia County**. The facility's emission sources include 10 internal floating roof storage tanks and a loading rack with a carbon absorption vapor recovery unit.

**V95-023: Kurz-Hastings, Inc.** (10901 Dutton Road, Philadelphia, PA 19154) for a Title V Operating Permit for operation of rotogravure printing (non-publication) operations for lamination-type materials referred to as hot stamping foils in the City of Philadelphia, **Philadelphia County**. These products decorate surfaces such as wood furniture or television sets. The facility's air emission sources include eight rotogravure printing presses, eight significant combustion units each less than 4 MMBTU/hr., an emergency generator, mixing and cleaning operations, remediation system and six cold solvent wash tanks. The facility's air emissions control devices include three recuperative oxidizers and one regenerative oxidizer.

**V95-042: Philadelphia Gas Works, Richmond Plant** (3100 East Venango Street, Philadelphia, PA 19134) for a Title V Operating Permit for operation of a natural gas utility in the City of Philadelphia, **Philadelphia County**. Activities include liquefied natural gas (LNG) storage and distribution of natural gas to the City of Philadelphia. The facility's air emission sources include two 4.2 MMBTU/hr boilers, four LNG 2,350 HP process compressors, two LNG 2,350 HP stand-by process compressors, two 800 HP LNG boiloff compressors, six vaporization heaters each approximately 100 MMBTU/hr, six heaters each <10MMBTU/hr, three 295 HP engines, three turbines each <15 MMBTU/hr and two emergency generators.

**V95-025: Sea Gull Lighting Products, Inc.** (25th and Wharton Streets, Philadelphia, PA 19145) for a Title V Operating Permit for operation of a lighting fixtures manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's emission sources include a vapor degreaser, three paint booths, a bake oven, three  $\leq 2.8$  MMBTU/hr boilers and a polishing dust collector. This is a Title V facility.

**S95-059: E. I. DuPont de Nemours, Marshall Laboratory** (3401 Grays Ferry Avenue, Philadelphia, PA 19146) for a Synthetic Minor Operating Permit for operation of a research and development facility in the DuPont high performance coatings business, specializing in the development of refinish automotive coatings in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two boilers, 24 air handling units, one firewater pump, and research and development sources consisting of 21 spray booths, five dust collectors, one sand parts prep station, resin production including six reactors and four kettles, eight dispersion semiworks mix tanks and one high speed disperser.

**S95-041: Philadelphia Gas Works, Passyunk Plant** (3100 Passyunk Avenue, Philadelphia, PA 19145) for a Synthetic Minor Operating Permit for operation of a natural gas utility in the City of Philadelphia, **Philadelphia County**. Activities include liquefied natural gas (LNG) storage and distribution of natural gas to the City of Philadelphia. The facility's air emission sources include three heaters each <10 MMBTU/hr, two emergency generators, three 58.8 MMBTU/hr boilers with low NOx burners, four 8.25 MMBTU/hr turbines and a firewater pump.

**N97-005: Cramco, Inc.** (2200 East Ann Street, Philadelphia, PA 19134) for a Natural Minor Operating Permit for operation of a casual dining furniture manufacturing plant in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a 2.5 MMBTU/hr curing oven, a 6.1 MMBTU/hr wood-burning boiler with multicyclone, a 10.043 MMBTU/hr No. 2 oil-fired boiler, a 350,000 BTU/hr paint strip oven with afterburner, a manual powder spray booth, two electrostatic powder spray booths and two baghouses.

**N96-014: Transmontaigne Terminaling Inc., Philadelphia Terminal** (58th Street and Schuylkill River, Philadelphia, PA 19142) for a Natural Minor Operating Permit for operation of a bulk petroleum storage facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a 300 HP distillate fuel-burning boiler, a 1.228 MMBTU/hr distillate fuel-burning boiler and loading of petroleum products including a truck loading rack and barge loading. All tanks contain Kerosene/Distillate or lower vapor pressure petroleum product.

**N97-004: Baptist Home of Philadelphia** (8301 Roosevelt Boulevard, Philadelphia, PA 19152) for a Natural Minor Operating Permit for operation of a residential care and nursing home which includes seven boilers rated at 5.5 MMBTU/hr or less and two emergency generators in the City of Philadelphia, City of Philadelphia, **Philadelphia County**. The operating permit issued October 14, 1999, has been modified to allow emergency testing for each generator to be limited to 30 minutes per week.

**N96-020: Fox Chase Cancer Center** (7701 Burholme Avenue, Philadelphia, PA 19111) for a Natural Minor Operating Permit for operation of a comprehensive cancer center including hospital and research facility which includes three 5.5 MMBTU/hr boilers and eight emergency generators in the City of Philadelphia, **Philadelphia County**. The operating permit issued October 14, 1999, has been modified to allow emergency testing for each generator to be limited to 2 hours per month and recordkeeping requirements for the three boilers to be recorded as a combined fuel usage.

### 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-23-0024A: Hanson Aggregates PA, Inc.** (523 West Forge Road, Glen Mills, PA 19342) for an aeropulse baghouse in Middletown Township, **Delaware County**.

**PA-09-0112A: Superior Woodcraft, Inc.** (160 North Hamilton Street, Doylestown, PA 18901) for modification of floor type spray booths in Doylestown Borough, **Bucks County**.

**PA-15-0085A: Lincoln University** (1570 Baltimore Pike, Lincoln University, PA 19352) for construction of two boilers in Lower Oxford Township, **Chester County**.

**PA-09-0121: Conte Luna Foods** (40 Jacksonville Road, Warminster, PA 18974) for modification of a bag filter dust collector in Warminster Township, **Bucks County**.

**PA-09-0015A: Rohm & Haas Co.** (Route 413 and State Road, Bristol, PA 19007) for construction of a 1.7 mw-hr emergency generator in Bristol Township, **Bucks County**.

**09-312-032GP: Van Waters & Rogers, Inc.** (200 Dean Sievers Place, Morrisville, PA 19067) for construction of Storage Tank S15 in Falls Township, **Bucks County**.

**09-312-031GP: Van Waters & Rogers, Inc.** (200 Dean Sievers Place, Morrisville, PA 19067) for construction of Storage Tank S14 in Falls Township, **Bucks County**.

**09-312-030GP: Van Waters & Rogers, Inc.** (200 Dean Sievers Place, Morrisville, PA 19067) for construction of Storage Tank S6 in Falls Township, **Bucks County**.

**09-312-029GP: Van Waters & Rogers, Inc.** (200 Dean Sievers Place, Morrisville, PA 19067) for construction of Storage Tank S12 in Falls Township, **Bucks County**.

**09-312-028GP: Van Waters & Rogers, Inc.** (200 Dean Sievers Place, Morrisville, PA 19067) for construction of Storage Tank S11 in Falls Township, **Bucks County**.

**09-312-027GP: Van Waters & Rogers, Inc.** (200 Dean Sievers Place, Morrisville, PA 19067) for construction of Storage Tank S7 in Falls Township, **Bucks County**.

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

**48-328-005: Sithe Portland LLC** (Sithe Energies, Inc., River Road, P. O. Box 238, Portland, PA 18351) for construction of a 920 megawatt combine cycle turbine in a Prevention of Significant Deterioration Application (PSD) at the Portland Generating Station in Upper Mount Bethel Township, **Northampton County**.

**54-313-073C: Air Products & Chemicals, Inc.** (P. O. Box 351, R. R. 1, Tamaqua, PA 18252) for modification of a nitrogen trifluoride manufacturing operation at the Hometown Plant in Rush Township, **Schukylkill County**.

**40-318-051: Cornell Iron Works, Inc.** (Crestwood Industrial Park, Oak Hill Road, Mountaintop, PA 18707) for construction of a paint spray booth in Wright Township, **Luzerne County**.

**35-302-098A: Community Central Energy Corp.** (1220 North Washington Avenue, Scranton, PA 18509) for

relocation of a utility boiler to Dix and Lee Courts in the City of Scranton, **Lackawanna County**.

**35-317-002A: Preferred Meal Systems, Inc.** (4135 Birney Avenue, Moosic, PA 18507) for installation of an air cleaning device in Moosic Borough, **Lackawanna County**.

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

**01-05017A: Quebecor Printing, Inc.** (100 North Miller Street, Fairfield, PA 17320) for construction of two lithographic printing presses (Web Presses No. 8 and 9) at the Fairfield Plant in Fairfield Borough, **Adams County**.

**06-01007H: Lucent Technologies, Inc.** (P. O. Box 133396, Reading, PA 19612-3396) for photocenter and photolithography controlled by a catalytic oxidizer in Muhlenberg Township, **Berks County**.

**06-01069I: East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147) for a battery formation operation controlled by a wet scrubber in Richmond Township, **Berks County**.

**36-03105: Binkley & Ober, Inc.** (P. O. Box 7, East Petersburg, PA 17520) for installation of a gyratory crusher and vibratory screen controlled by wet suppression in East Hempfield Township, **Lancaster County**. This source is subject to 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**67-317-033D: Starbucks Coffee Co.** (P. O. Box 34067, Seattle, WA 98124-1067) for installation of two coffee roasters (3A and 3B) with their associated support systems at their York Roasting Plant (3000 Espresso Way, York, PA 17402) in East Manchester Township, **York County**.

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

**PA-63-015B: Flexsys America LP** (829 Route 481, Monongahela, PA 15063) for installation of air cleaning device at Monongahela Plant in Carroll Township, **Washington County**.

**PA-65-919A: Angelo Iafate Construction Co.** (P. O. Box 259, New Stanton, PA 15673) for installation of a crusher at Carpenterstown Asphalt Plant in Mt. Pleasant Township, **Westmoreland County**.

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

**PA-25-984A: Harrison Machine Co.** (3118 Station Road, Erie, PA 16510) for construction of a paint spray and dip coating operation (211,000 iron castings per year) in Wesleyville, **Erie County**.

**24-313-086A: The Carbide Graphite Group, Inc.** (800 Theresia Street, St. Marys, PA 15857) for installation of a wet limestone slurry scrubber for SO<sub>2</sub> removal from 10 existing carbottom kilns in St. Marys, **Elk County**. This facility is a Title V facility.

**PA-42-011A: Honeywell Specialty Wax & Additives, Inc.** (Routes 46 and 446, R. D. 3, Box 56A, Smethport, PA 16749) for a Plant-Wide Applicability Limit (PAL) for air emissions of criteria pollutants for the Farmers Valley Plant in Keating Township, **McKean County**. This is a Title V Facility.

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

**99124: Woodcraft Products** (241 West Wyoming Avenue, Philadelphia, PA 19104) for operation of a wood furniture finishing facility 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 such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such 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 above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a

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

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

#### *Coal Mining Applications Received*

**56971301. GM & S Coal Corp.**, (P. O. Box 233, Jennerstown, PA 15547), to revise the permit for the Geronimo Mine in Jenner Township, **Somerset County** to add 567.6 acres to subsidence control plan and 538.5 acres to underground mine permit, no additional discharges. Application received February 1, 2000.

**56921601. Conemaugh Dev. Corp.**, (R. D. 3, Furnace Lane, New Florence, PA 15944), to transfer the permit for the Sugar Run Coal Yard in St. Clair Township, **Westmoreland County** to transfer for reclamation only, no additional discharges. Application received February 11, 2000.

**56961301. RoxCoal, Inc.**, (1576 Stoystown Rd., P. O. Box 149, Friedens, PA 15541), to transfer the permit for the Sarah Mine in Jenner Township, **Somerset County** to transfer from Penn Coal, Inc., no additional discharges. Application received February 16, 2000.

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

**37840102. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface strip auger and tippel refuse disposal operation in Shenango and Wayne Townships, **Lawrence County** affecting 487.0 acres. This renewal is for reclamation only. Receiving streams: Unnamed tributaries to Snake Run; Snake Run to Beaver; Two unnamed tributaries to Beaver Run. Application received February 2, 2000.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

**17000101. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), commencement, operation and restoration of a bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 78.2 acres. Receiving streams: unnamed tributary to Upper Morgan Run, unnamed tributary to Clearfield Creek and unnamed tributary to Alexander Run. Application received February 14, 2000.

**17960122. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), transfer of an existing bituminous surface mine-auger permit from E. P. Bender Coal Co., Inc., located in Bigler Township, **Clearfield County** affecting 118 acres. Receiving streams: Banion Run and Muddy Run. Application received February 11, 2000.

**17880123. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), transfer of an existing bituminous surface mine-auger permit from E. P. Bender Coal Co., Inc., located in Bigler and Beccaria Townships, **Clearfield County** affecting 166 acres. Receiving streams: unnamed tributary to Muddy Run and Muddy Run to Clearfield Creek. Application received February 11, 2000.

**17940101. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), transfer of an existing bituminous surface mine permit from E. P. Bender Coal Co., Inc., located in Beccaria Township, **Clearfield County** affecting 53

acres. Receiving streams: unnamed tributary to Muddy Run. Application received February 11, 2000.

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

**26000101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface mine located in Saltlick Township, **Fayette County**, proposed to affect 136.5 acres. Receiving streams: unnamed tributaries to Newmyer Run to Poplar Run to Indian Creek and unnamed tributaries to Little Champion Creek to Champion Creek to Indian Creek to the Youghiogheny River. Application received February 23, 2000.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

**32733067.** Permit Renewal for reclamation only. **M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15757-7960), for continued restoration of a bituminous surface mine in Grant Township, **Indiana County**, affecting 383.6 acres, receiving stream Barrett Run; to unnamed tributaries of Little Mahoning Creek; and to Little Mahoning Creek, application received February 18, 2000.

**32900105.** Permit Renewal for reclamation only. **M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717-7960), for continued restoration of a bituminous auger mine in Buffington Township, **Indiana County**, affecting 59.5 acres, receiving stream unnamed tributary to Mardis Run and Mardis Run, application received February 18, 2000.

**56000102.** Action Mining, Inc. (1117 Shaw Mines Road, Meyersdale, PA 15552), commencement, operation and restoration of bituminous auger mine in Brothersvalley Township, **Somerset County**, affecting 197.6 acres, receiving stream Piney Run and tributaries to Piney Run, also tributaries to Buffalo Creek, application received February 14, 2000.

**11803044.** Permit Renewal for reclamation only. **Raymond Westrick** (1078 Sunset Road, Patton, PA 16668) for continued restoration of a bituminous surface mine in East and West Carroll Townships, **Cambria County**, affecting 131.4 acres, receiving stream to unnamed tributaries of Fox Run, application received February 22, 2000.

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

*Noncoal Applications Received*

**03980401. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application received for commencement, operation and reclamation of a large industrial mineral (limestone, shale, sandstone, clay and bituminous coal) surface mine located in Manor Township, **Armstrong County**, proposed to affect 100.3 acres. Receiving streams: unnamed tributaries to Rupp Road and unnamed tributaries to Garretts Run to the Allegheny River. Application received February 11, 2000.

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

**09920302C. Delaware Valley Landscape Stone, Inc.,** (P. O. Box 778, New Hope, PA 18938), renewal of NPDES Permit PA0595497 in Middletown Township, **Bucks County**, receiving stream—Neshaminy Creek. Application received February 16, 2000.

**40960301C. Cremard Brothers,** (71 South Foote Avenue, Duryea, PA 18642), correction to an existing quarry

operation in Duryea Borough, **Luzerne County** affecting 11.4 acres, receiving stream—none. Application received February 16, 2000.

**54000301. Middleport Materials, Inc.** (P. O. Box 189, Telford, PA 18969), commencement, operation and restoration of a quarry operation in Schuylkill and Walker Townships, **Schuylkill County** affecting 60.0 acres, receiving stream—unnamed tributary. Application received February 17, 2000.

## APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), requires the state to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant state requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E51-183.** Encroachment. **Dockside Assoc. Pier 30 LP,** 1750 Walton Rd., Blue Bell, PA 19422-0465. To renovate, operate and maintain the existing pier No. 30 structure which includes improving decking and piles, and to construct and maintain a 16 story project (3 stories of parking and 13 stories of apartments) to be supported by the existing foot print of Pier No. 30 situated along the Delaware River. Also used to support the proposed building will be 50-capped piling structures. This site is located approximately 5,750 foot south of Ben Franklin Bridge and along Christopher Columbus Blvd. (AKA Delaware Avenue) (Philadelphia, PA-NJ Quadrangle N: 11.8 inches; W: 2.3 inches) in the **City and County of Philadelphia.**

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

**E40-540.** Encroachment. **Gerald Ryan, City Engineer,** City of Wilkes-Barre, 40 East Market Street,

Wilkes-Barre, PA 18711. To maintain an existing temporary road crossing consisting of nine-48 inch diameter CPP in Mill Creek (CWF). The purpose of the project is to provide access to the Northampton Fuel Supply Company Mine Restoration Site. The project is located approximately 300 feet of the intersection of S. R. 0309 and North Washington Street (Pittston, PA Quadrangle N: 1.9 inches; W: 14.8 inches), City of Wilkes-Barre, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

*Southcentral Region: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E05-281.** Encroachment. **Columbia Gas**, 1700 MacCorkle Ave., SE, Charleston, WV 25325. To maintain utility line crossing at three unnamed tributaries to Piney Creek, Blackberry Lick Run and its three unnamed tributaries, Johnson Branch and its unnamed tributary and Crooked Run and its three unnamed tributaries. These crossings are 24-inch diameter natural gas pipeline and an adjacent 1-inch diameter methanol pipeline. These pipeline crossings start at a point about 1 mile southeast of Millers Corner Village immediately downstream of PA Route 26 (Chaneyville, PA Quadrangle N: 10.5 inches; W: 6.0 inches), thence south at a point about 1.6 miles southeast of Artemas Village (Artemas, MD-PA Quadrangle N: 18.45 inches; W: 6.75 inches) in Mann Township, **Bedford County**.

**E06-536.** Encroachment. **Neill Dekker, PA Department of Transportation, Engineering District 5-0**, 1713 Lehigh Street, Allentown, PA 18103. To remove existing structures and to construct and maintain (1) a 10 foot × 6 foot box culvert in the channel of Klines Creek (CWF) at a point at SR 0222, Station 216+00; (2) a 12 foot × 9 foot box culvert in the channel of Klines Creek (CWF) at a point SR 0222, Station 230+00; (3) a 12 foot × 9 foot box culvert in the channel of Klines Creek (CWF) at a point at Grings Hill Road; (4) a 16 foot × 6 foot box culvert in the channel of a tributary to Klines Creek (CWF) at a point at Old Lancaster Pike; (5) to relocate the channel of a tributary to Wyomissing Creek (CWF) into a stormwater system consisting of culverts and detention basins at a point downstream of Hain Road; and (6) impact 1.35 acre of wetlands for the purpose of reconstructing and realigning existing Route 222 (Sinking Spring PA Quadrangle N: 7.5 inches; W: 1.4 inch—N: 7.8 inches; W: 1.0 inch—N: 7.8 inches; W: 1.4 inch—N: 7.8 inches; W: 1.4 inch—N: 8.5 inches; W: 0.1 inch and N: 8.5 inches; W: 0.1 inch respectively) in Cumru Township, **Berks County**.

**E67-682.** Encroachment. **York County Commissioners**, One West Marketway, 4th Fl, York, PA 17401. To remove an existing structure (Bridge No. 193) and to construct and maintain a 90-foot single clear span concrete bridge with a minimum underclearance of 12 feet on Bowers Road (T-940) over the Little Conewago Creek (TSF) approximately 100 yards upstream of the confluence with the West Conewago Creek for roadway improvements (York Haven, PA Quadrangle N: 15.9 inches; W: 14.3 inches) in Conewago and East Manchester Townships, **York County**.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E08-354.** Encroachment. **David Lubin, Raven Holding Co., LLC**, 225 Colonial Dr., Horseheads, NY 14845. To construct and maintain 1) an 18-inch 60-foot long

HDPE pipe culvert in an unnamed intermittent stream, 2) a 30-inch 40-foot long HDPE pipe culvert in an unnamed perennial stream, both of which are to be located on an access road to the Valley Business Park South water tank (Sayre, PA Quadrangle N: 20.44 inches; W: 10.91 inches and N: 20.50 inches; W: 11.16 inches, respectively) in Athens Township, **Bradford County**. The streams drain to a wetland that is in the drainage basin of a warm water fishery.

**E14-369.** Encroachment. **Andrew Zangrilli**, 936 East College Ave., State College, PA 16801. To maintain a 34 foot long structural bottomless arch culvert pipe 6 feet 11 inches high and 22 feet wide attached to concrete strip footers on either side of the stream. The project is located at 936 East College Ave (SR 26) directly across from Damon's Restaurant (State College, PA Quadrangle, N: 10.2 inches; W: 12.6 inches) in College Township, **Centre County**. This project proposes to impact 40 linear feet of Thompson Run which is designated Cold Water Fishery and will not impact any wetlands.

**E17-343.** Encroachment. **Andrew S. Haversack**, R. R. 3, Box 83A, Clearfield, PA 16830. To maintain a channel realignment for a distance of 75 feet in an unnamed tributary to Little Clearfield Creek located .25 mile up Lewis Road from the intersection with SR2023 (Glen Richey, PA Quadrangle, N: 14 inches, W: 14 inches) in Lawrence Township, **Clearfield County**. This project proposes to impact 75 linear feet of an unnamed tributary to Little Clearfield Creek that is designated High Quality—Cold Water Fishery and will not impact any wetlands.

**E41-459.** Encroachment. **Transcontinental Gas Pipe Line Corporation**, 2800 Post Oak Boulevard, Level 10, Houston, TX 77056. To repair, operate and maintain an existing 24-inch diameter gas pipeline beneath Sugar Run (Cold Water Fishery) for the transmission of natural gas. The repair work shall consist of paving the streambed over an existing pipeline with a grout mat that will not exceed 30-foot wide × 20-foot long. The streambed paving work shall be done in dry work conditions diverting flow through the use of a dam and pump or flume. The grouting area will be flushed until a pH of 9 is reached; all flush water shall be discharged to an upland area to preclude any reentry into any regulated waterway or wetland. The project will not impact wetlands while impacting 20-feet of waterway. The project is located along the western right-of-way of SR 2061 approximately 2000-feet north of Huddy Hill Road and SR 2061 intersection (Picture Rocks, PA Quadrangle N: 3.2 inches; W: 4.25 inches) in Penn Township, **Lycoming County**.

**E41-460.** Encroachment. **Transcontinental Gas Pipe Line Corporation**, 2800 Post Oak Boulevard, Level 10, Houston, TX 77056. To repair, operate and maintain an existing 24-inch diameter gas pipeline beneath Larry's Creek (High Quality—Cold Water Fishery) for the transmission of natural gas. The repair work shall consist of paving the streambed over an existing pipeline with a grout mat that will not exceed 75-foot wide × 90-foot long. The streambed paving work shall be done in dry work conditions by diverting flow through a dam and pump or flume. The grouting area will be flushed until a pH of 9 is reached; all flush water shall be discharged to an upland area to preclude any reentry into any regulated waterway or wetland. The project will not impact wetlands while impacting 90-feet of waterway. The project is located along the western right-of-way of SR 0287 approximately 500-feet south of Zinck Road and SR 0287 intersection (Salladasburg, PA Quadrangle N: 1.7 inches; W: 5.5 inches) in Mifflin Township, **Lycoming County**.



**E41-462.** Encroachment. **John D. Lynch, Sr., Montgomery Borough**, P. O. Box 125, Montgomery, PA 17752-0125. To remove the existing structure and to construct and maintain an adjacent box beam bridge with a 66 foot clear span on a skew of 90 degrees with an underclearance of 10.5 feet. To remove the abandoned easterly downstream railroad abutment and to remove three small areas of stream gravel and debris measuring 16' x 32', 8' x 15' and 7' x 22'. The project is located in Black Hole Creek adjacent to the intersection of Main Street and Bower Street (Montoursville South, PA Quadrangle N: 7.9 inches; W: 0.2 inch) in Montgomery Borough, **Lycoming County**. The project will not impact wetlands while impacting approximately 160 feet of waterway. Black Hole Creek is a trout stocked fisheries stream.

**E53-340.** Encroachment. **Matthew Love, Chairman, Coudersport Municipal Authority**, P. O. Box 820, Coudersport, PA 16915. To construct and maintain 8-inch and 10-inch gravity sewer extensions and a 24 inch PVC outfall from the Coudersport area sewage treatment plant. The sewer extensions will require crossing of Trout Run, Lyman Creek, Mill Creek, several intermittent streams and emergent wetlands. The project also includes sewage treatment plant expansion with construction of new clarifiers, oxidation ditch, mechanical and administration buildings and appurtenances in the floodplain of the Allegheny River. The centroid of the proposed sewer construction is located approximately 300 feet south of Route 6 and 4500 feet east of the Coudersport Borough/Sweden Township boundary line (Sweden Valley, PA Quadrangle N: 2.0 inches; W: 12.1 inches) in Sweden Township, **Potter County**. The project will temporarily impact wetlands while impacting approximately 290 feet of waterway. Lyman Creek and Mill Creek are Cold Water Fisheries Streams. Trout Run is a High Quality—Cold Water Fisheries Stream. The Allegheny River is a cold water fisheries stream.

**E55-161.** Encroachment. **Narin Srivastava**, 8 North Stonebridge Dr., Selinsgrove, PA 17870. To construct and maintain a channel realignment for a distance of 125 feet and install a 5 foot wide by 13 feet high steel plate pipe arch located .7 mile north on Park Road from the intersection with SR 11/15 (Sunbury, PA Quadrangle, N: 16.8 inches, W: 13.2 inches) in Monroe Township, **Snyder County**. This project proposes to impact 150 linear feet of Rolling Green Run that is designated Warm Water Fishery and will not impact any wetlands.

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

**E26-267.** Encroachment. **Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689. To construct and maintain eight fish enhancement structures each consisting of a cone shaped rock pile having a base diameter of 10.0 feet and a height of 4.0 feet in the Cheat River (WWF) located directly downstream from Lake Lynn Power Station (Lake Lynn, PA—WV Quadrangle N: 17.6 inches; W: 15.2 inches) in Springhill Township, **Fayette County**.

**E02-658-A1.** Encroachment. **L. W. Molnar and Associates**, P. O. Box 11067, Pittsburgh, PA 15237. To place and maintain fill in a de minimis area of wetlands (PEM) and to construct and maintain eight outfall structures along the left bank of an unnamed tributary to Piney Fork (TSF), and to construct and maintain a sanitary sewer line under the bed and across the channel of said stream for the purpose of constructing the Kings School Village phase 3 located just west from the intersection of

Kings School Road, Red Barn Road and Allandale (Bridgeville, PA Quadrangle N: 9.5 inches; W: 5.9 inches) in the Municipality of Bethel Park, **Allegheny County**.

**E02-1299.** Encroachment. **The Pittsburgh Water and Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222. To construct and maintain a 60 inch submerged stormwater outfall on the left bank of the Allegheny River (WWF) near River Mile 1.1 (Pittsburgh East, PA Quadrangle N: 13.3 inches; W: 16.5 inches) in the City of Pittsburgh, **Allegheny County**.

**E65-754.** Encroachment. **Latrobe Country Club**, P. O. Box 52, Youngstown, PA 15696-0052. To construct a bridge having a clean span of 30 feet and an underclearance of 9.68 feet across Ninemile Run (WWF) for the purpose of golf cart and service vehicle crossings located in the Latrobe Country Club approximately 1.1 mile south of the intersection of S. R. 30 and S. R. 982 (Derry, PA Quadrangle N: 4.35 inches; W: 16.8 inches) in Unity Township, **Westmoreland County**.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E43-277.** Encroachment. **Borough of Greenville, Greenville Area Leisure Services Assoc.**, 125 Main Street, Greenville, PA 16125. To place fill in a total of 0.73 acre of two separate wetland areas (PEM/PSS) for the development of the Greenville Area Leisure Services Association Sports Park Complex approximately 1,000 feet northwest of the intersection of SR 58 and SR 400 (Porter Road). This project will include creation of a 0.77-acre wetland replacement area adjacent to the Sports Park (Greenville West, PA Quadrangle N: 9.6 inches; W: 2.7 inches) located in West Salem Township, **Mercer County**.

**E43-278.** Encroachment. **Northeast Industrial Manufacturing Inc.**, 640 Keystone Road, Greenville, PA 16125. To place fill in a 0.09 acre wetland area for the construction of a Northeast Industrial Manufacturing Facility on Lot 15C within the Greenville-Reynolds Development. This project will include the construction of a 0.10 acre replacement wetland on Lot 15C. Lot 15C is within the Greenville-Reynolds Development directly northwest of the intersection of Kidds Mill Road (SR 4012) and Keystone Road (Sharpsville, PA Quadrangle N: 20.1 inches; 0.7 inch) located in Delaware and Hempfield Townships, **Mercer County**.

## ENVIRONMENTAL ASSESSMENT

**Request for Environmental Assessment approval under 25 Pa. Code § 105.15 and request for certification under section 401 of the Federal Water Pollution Control Act.**

*Northcentral Regional Office: Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, (570) 327-3574.*

**EA14-002NC.** Environmental Assessment. **George Steiner, Bureau of Abandoned Mine and Reclamation**, P. O. Box 8476, Harrisburg, PA 17105-8476. To restore an abandoned mine site identified under Contract No. OSM 14(6817)101.1 that eliminates approximately



8,000 linear feet of highwalls. To restore the site approximately 0.34 acre of PEM wetlands within mine pits will be backfilled and 0.82 acre of wetlands will be replaced. Approximately 1.3 million cubic yards will be graded and 152 acres will be seeded. The project is located along an access road off SR 0144 approximately 2.9 miles North of the SR 0053 and SR 0144 intersection (Karthaus PA Quadrangle N: 12.2 inches; W: 0 inches) in Burnside Township, **Centre County** (Baltimore District, U. S. Army Corps of Engineers). Approval of an Environmental Assessment is requested in conjunction with § 105.12(a)(16), Dam Safety and Waterway Management, regarding restoration activities.

### WATER QUALITY CERTIFICATION

#### Initial Notice of Request for Certification under Section 401 of the Federal Pollution Control Act

The following requests have been made to the Department of Environmental Protection (Department) under section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)), for certification that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of that act, and that the construction will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to any comments/suggestions/objections, which are submitted in writing within 30 days of the date of this notice. Comments should be submitted to the Department at the address indicated above for each request for certification. Comments should contain the name, address and telephone number of the person commenting; identification of the certification request to which the comments are addressed; and a concise statement of comments/suggestions/objections in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given comments, if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings, and other data pertinent to the certification request are available for inspection and review at the address indicated between the hours of 8 a.m. and 4 p.m. on each working day.

Final or proposed action on certain other certification requests for projects which require both a Water Obstruction and Encroachment Permit and either a United States Army Corps of Engineers individual permit or a nationwide permit 14, 18 or 26 will be published with the Actions of Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

*Regional Office: Regional Manager, Water Management Program Northwest Region, 230 Chestnut Street, Meadville, PA 16335.*

*Certification Request Initiated by: **Erie Western Pennsylvania Port Authority**, Raymond P. Schreckengost, Executive Director, 17 West Dobbins Landing, Erie, PA 16507-1424.*

*Project Description:* The Erie-Western Pennsylvania Port Authority has requested a State certification under section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) that the dredging of the East Avenue Launch Ramp basin and the discharge of this dredged material into the Lake Erie Harbor Confined Disposal Facility (CDF) will comply with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act.

This request was necessitated by conditions imposed by the Department's Water Obstruction and Encroachment Permits E25-404A and E25-581 issued to the Erie-Western Pennsylvania Port Authority requiring Federal Water Act Section 401 certification for the disposal of dredged material in the CDF prior to each dredging and disposal event. The Erie-Western Pennsylvania Port Authority has sampled and tested the sediments in accordance with Attachment A "Sample Collection and Testing Protocol" of both Water Obstruction and Encroachments Permits E25-404A and E25-581. Laboratory testing was conducted in accordance with the United States Army Corps of Engineer's Inland Testing Manual and the document "Ecological Evaluation of Proposed Discharge of Dredged or Fill Material in Navigable Waters." Based upon this sampling and laboratory testing, the Erie-Western Pennsylvania Port Authority indicates that the dredging of this approximately 1175 cubic yards of basin sediments from the East Avenue Launch Ramp basin (Erie North, PA Quadrangle N: 3.6 inches; W: 8.9 inches) and the discharge of this dredged material into the Lake Erie Harbor Confined Disposal Facility (Erie North, PA N: 4.7 inches; W: 10.3 inches) will not degrade the water quality of Lake Erie or Presque Isle Bay. The Erie-Western Port Authority has also requested because of reported aggravated accumulation of basin sediments the past 2 years, this Section 401 Water Quality Certification allow for subsequent dredging of the East Avenue Launch Ramp and discharge of that material into the CDF for 1 year after final certification without additional sampling and testing. Any subsequent use of the CDF for the discharge of dredged materials from the East Avenue Launch Ramp past this 1 year certification period will require a separate 401 Water Quality Certification.

### STORAGE TANKS

#### SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permit application has been received by the Department and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Watershed Conservation, Division of Storage Tanks, P. O. Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it is based.

<i>SSIP Application Number</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
00002	Charles Kurtz American Port Services 90 Moonachie Avenue Teterboro, NJ 07608	Allegheny County Moon Township	4 ASTs storing Jet A Fuel at 40,000 gallons each 1 AST storing Aviation Gasoline at 12,000 gallons 1 AST storing Motor Gasoline at 2,000 gallons 1 AST storing Diesel Fuel at 2,000 gallons 1 AST storing Waste at 550 gallons

## 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).**

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

**Permit No. 3999404.** Sewerage. **Lynn Township Sewer Authority**, P. O. Box 208, New Tripoli, PA 18066. Permit to modify sewage treatment plant, located in Lynn Township, **Lehigh County**.

**Permit No. 4099201.** Industrial waste. **Pennsylvania-American Water Company**, 20 East Union Street,

Wilkes-Barre, PA 18711. Permit to construct two wastewater lagoons on the site of the new Huntsville Water Treatment Plant, located in Dallas Township, **Luzerne County**.

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

**Permit No. PA0080756.** Sewerage. **Hershey Farms, Inc.**, P. O. Box 159, Strasburg, PA 17579 is authorized to discharge from a facility located in Strasburg Township, **Lancaster County** to the receiving waters named Pequea Creek.

**Permit No. PA0086461.** Sewerage. **Pinch Pond Campground, Inc.**, 3075 Pinch Road, Manheim, PA 17545 is authorized to discharge from a facility located in Rapho Township, **Lancaster County** to the receiving waters named Chickies Creek.

**Permit No. PA 0082635.** Sewerage. **Sun Valley Campground**, P. O. Box 708, Bowmansville, PA 17507 is authorized to discharge from a facility located in Brecknock Township, **Lancaster County** to the receiving waters named unnamed tributary to Rock Run.

**Permit No. PAG043629.** Sewerage, single family residence. **Timothy J. and Pamela L. Boronow**, 25 Railroad Street, Denver, PA 17517 is authorized to discharge from a facility located in West Cocalico Township, **Lancaster County** to the receiving waters named Little Cocalico Creek.

**Permit No. 0500401.** Sewage. **East Providence Township Municipal Authority**, P. O. Box 83, Breezewood, PA 15533. This permit approves the construction of sewers and appurtenances and pump station in East Providence Township, **Bedford County**.

**Permit No. 2199406.** Sewage. **Monroe Township Municipal Authority**, 1220 Boiling Springs Road, Mechanicsburg, PA 17055. This permit approves the construction of sewers and appurtenances and pump station in Monroe Township, **Cumberland County**.

**Permit No. 0700401.** Sewage. **Frankstown Township**, Box 19, Sylvan Drive, Hollidaysburg, PA 16648. This permit approves the construction of sewers and appurtenances in Frankstown Township, **Blair County**.

**Permit No. 3699408.** Sewage. **Timothy J. and Pamela L. Boronow**, 25 Railroad Street, Denver, PA 17517. This permit approves the construction of sewage treatment facility in West Cocalico Township, **Lancaster County**.

*Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**WQM Permit No. 6000401.** Sewerage. **Mifflinburg Municipal Authority**, 333 Chestnut St., Mifflinburg, PA 17844. Permission granted to install an ultraviolet disinfection system to replace existing chlorination system. Facility located at Mifflinburg Borough, **Union County**.

**WQM Permit No. 1400402.** Sewerage. **Mountaintop Area Municipal Authority**, P. O. Box 275, Snow Shoe, PA 16875. Permission granted to modify the chlorine addition. The new chlorine system will use effluent to make a chlorine solution. The facility is located at Snow Shoe Township, **Centre County**.

**WQM Permit No. 4786201-T1.** Transfer Industrial Waste. **Hines Color**, 233 PP&L Road, Danville, PA 17821. Applicant request for transfer has been granted. This is the only permit for the facility which is located at Derry Township, **Montour County**.

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

**NPDES Permit No. PA0006131.** Industrial. **LTV Steel Company, Inc.**, 200 Public Square, Cleveland, OH 44114-2308 is authorized to discharge from a facility located at Pittsburgh Works, Pittsburgh, **Allegheny County** to receiving waters named Monongahela River.

**NPDES Permit No. PA0218219.** Industrial Waste. **C & C Marine Maintenance Company**, P. O. Box 520, Point Pleasant, WV 25550 is authorized to discharge from a facility located at the Georgetown Landing, Georgetown Borough, **Beaver County** to receiving waters named Ohio River.

**NPDES Permit No. PA0110663. Amendment No. 1.** Sewerage. **Municipal Authority of the Borough of Cresson**, P. O. Box 75, Cresson, PA 16630-0075 is authorized to discharge from a facility located at Cresson Sewage Treatment Plant, Cresson Township, **Cambria County** to receiving waters named Unnamed Tributary of the Little

Conemaugh River (locally known as Laurel Run).

**NPDES Permit No. PA0216186.** Sewerage. **Greene Arc, Inc.**, P. O. Box 431, Waynesburg, PA 15370 is authorized to discharge from a facility located at Association for Retarded Citizens STP, Washington Township, **Greene County** to receiving waters named Ruff Creek.

**Permit No. 3274211-A1.** Industrial Waste. **Sithe Northeast Management Company**, 1001 Broad Street, Johnstown, PA 15907. Construction of Clarifier Sludge Dewatering Pond located in West Wheatfield Township, **Indiana County** to serve Conemaugh Generating Station.

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

**NPDES Permit No. PA0221384.** Industrial Waste. **GTE Operations Support, Inc.**, 1225 Corporate Drive, Irving, TX 75038 is authorized to discharge from a facility located in Oil Creek Township, **Venango County** to an unnamed tributary to Pine Creek.

**WQM Permit No. 4399431.** Sewerage, **Gale L. Klingler, SRSTP**, 523 Orangeville Road, Greenville, PA 16125. Construction of Gale L. Klingler SRSTP located in West Salem Township, **Mercer County**.

**WQM Permit No. 2000402.** Sewerage, **Edward E. and Charlotte J. Sternby, SRSTP**, 16963 Park Avenue Extension, Saegertown, PA 16433. Construction of Edward E. and Charlotte J. Sternby SRSTP located in East Fairfield Township, **Crawford County**.

**WQM Permit No. 2499404.** Sewerage, **Rodney J. Dinsmore, SRSTP**, 710 Theresa Street, St. Marys, PA 15857. Construction of Rodney J. Dinsmore SRSTP located in City of St. Marys, **Elk County**.

**WQM Permit No. 6200403.** Sewerage, **J. Thomas Deet, SRSTP**, 2688 East Overlook Road, Cleveland, OH 44106-2843. Construction of J. Thomas Deet SRSTP located in Conewango Township, **Warren County**.

## INDIVIDUAL PERMITS

(PAS)

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

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-5309	PA Department of Transportation 200 Radnor-Chester Road St. Davids, PA 19087	City of Philadelphia Philadelphia County	Open Ditch in Tinicum Township

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

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10Q066-R	Fieldstone Associates, L.P. 906 A Cross Keys Drive Doylestown, PA 18901	Lehigh County Upper Macungie Township	Little Lehigh Creek
PAS10U122	H.M.B. Management, Inc. 2375 Woodland Drive Allentown, PA 18103	Northampton County Palmer Township	Bushkill Creek

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10F084	Richard Graham and Richard Rider 1900 Halfmoon Valley Rd. 124 Autumn Circle Port Matilda, PA 16870	Centre County Halfmoon Township	Halfmoon Creek

**INDIVIDUAL PERMITS**

**(PAR)**

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**Approvals to Use NPDES and/or Other General Permits**

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The following parties have submitted (1) Notices of Intent (NOIs) for Coverage under General NPDES Permit(s) 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 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.

*List of  
General Permit Types*

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>
Lackawanna County Taylor Borough	PAR10N100	Thomas Hill Sr. 1001 N. Keyser Ave. Scranton, PA 18504	Tributary to Lackawanna River	Lackawanna CD (570) 281-9495
Northampton County Washington Township	PAR10U127	Leo Nagle TDJ Enterprises 1405 Blue Valley Dr. Pen Argyl, PA 18072	Martins Creek	Northampton CD (610) 746-1971

<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>
Schuylkill County Reilly Township	PAR105798	DEP/Bur. of Abandoned Mine Reclamation Two Public Square, 5th Fl. Wilkes-Barre, PA 18711	Swatara Creek	Schuylkill CD (570) 622-3742
Butler County Lancaster Township	PAR10E123	Timber Ridge Kenneth C. and Patricia L. Brennan 120 Brennan Lane Evans City, PA 16033	Connoquenessing Creek	Lawrence Conservation District Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (724) 652-4512
Erie County City of Erie	PAR10K153	Lake Erie College of Osteopathic Medicine 1858 West Grandview Blvd. Erie, PA 16509	Lake Erie	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Bradford County Standing Stone Township	PAR100821	Martin Subdivision R. R. 1, Box 2652 Towanda, PA 18848	Unt. Susquehanna River	Bradford County Cons. Dist. R. R. 5, Box 5030C Stoll Natural Resource Cent. Towanda, PA 18848 (570) 265-5539
Centre County Ferguson Township	PAR10F061-1	Tanglewood Manor Sunrise Homes Barry Beqoumian 467 East Beaver Ave. State College, PA 16801	Big Hollow Run	Centre County Const. Dist. 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Hamburg Borough Berks County	PAR-10-C304	Hamburg Area High School Charles L. Miller Windsor Street Hamburg, PA 19526	Schuylkill River	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Robeson Township Berks County	PAR-10-C311	Formica Property Anthony S. Formica 226 West Church Street Downingtown, PA 19335	Seidel Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Union Township Mifflin County	PAR-10-4504	Grand View Heights Subdiv. Samuel P. Hostetter 5596 SR 655 Belleville, PA 17004	West Branch Upper Kishacoquillas Creek	Mifflin County CD 20 Windmill Hill Rm. 4 Burnham, PA 17009 (717) 248-4695
Bensalem Township Bucks County	PAR10-D455	CW Schrenk/Holland Enterprise 130 Buck Road, Suite 201 Holland, PA	Unnamed Tributary of Neshaminy Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Buckingham Township Bucks County	PAR10-D506	The Rosen Organization, I Corp. 3625 Welsh Road Willow Grove, PA	Tributary to Pine Run Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130

## NOTICES

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<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>
Lower Makefield Township	PAR10-D496	M & S Limited Partnership 301 Oxford Valley Rd. Suite 501 Yardley, PA	Brock Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Northampton Township Bucks County	PAR10-D495	George Leck and Son, Inc. P. O. Box 8507 Newtown, PA 18940	Neshaminy Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
West Fallowfield Township Chester County	PAR10-G365	EIM Associates 650 West Uwchlan Avenue Exton, PA	Unnamed Tributary to Octoraro Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Eddystone Borough Delaware County	PAR10-J170	Columbia Electric Corporation 13880 Dulles Corner Lane Denudn, VA 20171-4600	Crum Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Providence Township Montgomery County	PAR10-T585	Gambone Brothers Development Co. 1030 West Germantown Pike Fairview Village, PA 19409	Rock Run	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Plymouth Township Montgomery County	PAR10-T550	Conicelli, Inc. 1200 Ridge Pike Conshohocken, PA	Plymouth Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Merion Township Montgomery County	PAR10-T601	Lockheed Martin Corporation P. O. Box 8048, Philadelphia, PA 19101	Tributary to Trout Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
New Hanover Township Montgomery County	PAR10-T578	New Hanover Township 2943 North Charlotte Street, Gilbertsville, PA	West Branch of Swamp Creek	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130

*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>
Lancaster County New Holland Borough	PAR123509	Zausner Food Corporation 400 South Custer Avenue New Holland, PA 17557	UNT to Mill Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Penn Township	PAR113538	FCI USA, Inc. 504 Fame Avenue Hanover, PA 17331	Oil Creek Basin	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Manchester Township	PAR113536	FCI USA, Inc. 25 Grumbacher Road York, PA 17402	Conewago Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Lampeter Township	PAR203574	High Steel Structures, Inc. P. O. Box 10008 Lancaster, PA 17605-0008	UNT to Conestoga River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Schuylkill Co. North Manheim Twp. Cresson, Borough	PAR212221	Schuylkill Products, Inc. 121 River Street Cressona, PA 17929	West Branch of Schuylkill Panther Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511

*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>
Tioga County Delmar Township	PAG045083	Philip L. Sweet R. R. 5, Box 330A Wellsboro, PA 16901	UNT to Kelsey Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
City of St. Marys Elk County	PAG048650	Rodney J. Dinsmore 710 Theresa Street St. Marys, PA 15857	Unnamed Tributary to Hell Fire Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
East Fairfield Township Crawford County	PAG048655	Edward E. and Charlotte J. Sternby 16963 Park Avenue Extension Saegertown, PA 16433	Unnamed Tributary to French Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Columbus Township Warren County	PAG048320	Steven J. Brudage R. R. 1 Center Road Columbus, PA 16405	Unnamed Tributary to Coffee Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugar Grove Township Warren County	PAG048653	Gary W. Hodges P. O. Box 363 Jones Hill Road Sugar Grove, PA 16350-0363	Unnamed Tributary to Stillwater Creek	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>
Connoquenessing Township Butler County	PAG048654	Richard C. Franke 208 South 6th Street Butler, PA 16001	Semiconon Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conewango Township Warren County	PAG048656	J. Thomas Deet 2688 Overlook Road Cleveland, OH 44106-2843	Scott Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048649	Gale L. Klingler 523 Orangeville Road Greenville, PA 16125	Tributary to Big Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugar Grove Borough Warren County	PAG048330	Weston W. Wilcox R. R. 2, Box 72 Sugar Grove, PA 16350	Unnamed Tributary to Stillwater Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### **Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

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

#### **Borough of Weissport, Carbon County.**

The Department has reviewed the Official Sewage Facilities Plan Update Revision (Plan Update Revision) dated July 1998 and revised January 2000 (received by the Department on January 20, 2000), as submitted by Spotts, Stevens & McCoy, Inc., on behalf of the Borough of Weissport (Borough).

The Department's review has found that the Plan Update Revision is acceptable and hereby grants planning approval. This review has also not identified any significant environmental impacts resulting from this proposal.

The Plan Update Revision calls for replacement of the Borough's entire existing wastewater collection system. The selected wastewater disposal alternative is described in the Plan Update Revision as "Gravity Sewerage Alternative No. 1." The alternative also proposes a limited rehabilitation of the Weissport Borough Municipal Authority's (Authority) existing main pumping station.

Replacement of the Borough's entire wastewater collection system was found to be the only cost-effective alternative which would successfully eliminate excessive amounts of infiltration/inflow (I/I) from the Borough's wastewater collection system. Elimination of the excessive amounts of I/I is required to eliminate the existing hydraulic overload at the existing Lehighon Sewerage Authority's Wastewater Treatment Facility. Wastewater from the proposed, replacement collection system will be

discharged to the existing Lehighon Sewerage Authority's Wastewater Treatment Facility for treatment and discharge. Upon completion of the proposed Central Carbon Municipal Authority's (CCMA) Wastewater Treatment Facility, wastewater from the Borough's wastewater collection system will be conveyed to and treated at the CCMA facility.

Financing of the proposed wastewater construction improvements is to be provided by the United States Department of Agriculture's Rural Utilities Service. The Borough plans also to apply to the Pennsylvania Infrastructure Investment Authority (PENNVEST) for financing of the system as a secondary or backup financing source.

In accordance with the provisions of the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20(a)) (Act 537), and Chapter 71 of the Department's regulations (25 Pa. Code Chapter 71), the Department will hold the Borough of Weissport and the Weissport Borough Municipal Authority responsible for the complete and timely implementation of the Plan Update Revision's selected wastewater disposal alternative, as listed in the Plan Update Revision, and its corresponding Schedule of Implementation.

Please be advised that any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the Plan Update Revision and its correspondence, must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

This approval correspondence covers only the wastewater planning aspects of the selected wastewater disposal alternative as it relates to the Borough's Official Sewage Facilities Plan. Implementation of the selected wastewater disposal alternative will require a Water Management Part II Permit for the construction and operation of the



proposed sewage facilities. The permit application must be submitted in the name of the Borough or Authority, as appropriate. Issuance of a Part II Permit will be based upon a technical evaluation of the permit application and supporting documentation. Starting construction prior to obtaining a Part II Permit is a violation of The Clean Streams Law. Please include a copy of this approval correspondence with the Water Management Part II Permit Application when it is submitted to this office.

Other Departmental permits may be required for construction if encroachment to streams or wetlands will result. Information regarding the requirements for such permits or approvals can be obtained from the Northeast Regional Office's Soils and Waterways Section at the letterhead address or by telephoning (570) 826-2511.

*Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Ave., Harrisburg, PA 17110.*

*Location:* Leesport Borough, Berks County, Box T, Leesport, PA 19533. The approved plan provides for expansion and upgrade of an existing sewage treatment plant to a new capacity of 0.5 mgd. Discharge will be to the Schuylkill River. A new service area will extend into Ontelaunee 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:* South Heidelberg Township, Berks County, 68-A North Galen Hall Road, Wernersville, PA 17565. The approved plan provides for extension of existing public sewers to serve the Fritztown Road area in the vicinity of its intersection with Galen Hall Road. Portions of Preston Road and Keener Road will also be served. 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.

*Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

*Location:* Carolyn Schofield Subdivision, Southampton Township, **Bedford County**.

*Project Description:* Approval of a revision to the Official Plan of Southampton Township, Bedford County. Project involved construction of a small flow facility to serve an existing residential dwelling with sewage flows of 400 gpd. Located on the west side of Route 36, 3.5 miles south of Chaneyville. Treated effluent is to be discharged into Town Creek, a tributary of the Potomac River. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

## SAFE DRINKING WATER

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

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

**Permit No. 1799502.** The Department issued a construction permit to Clearfield Municipal Authority, 107 East Market Street, Clearfield, PA 16830, Clearfield

Borough, **Clearfield County** for construction of wells 4 and 5 to be used as permanent public water supply sources to replace Wells 2 and 3. The water will be pumped to the Montgomery Creek Filter Plant for treatment.

**Permit No. 4496031-A8.** The Department issued a construction permit to Tulpehocken Spring Water Company, Inc., R. R. 1, Box 157, Sunbury, PA 17801-9746, Point Township, **Northumberland County**. This permit authorizes construction of the Oak Park Bottling Plant.

## HAZARDOUS SITES CLEANUP

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

**Notice of Proposed Interim Response**

**Marino Brothers Scrap Yard**

**Borough of Rochester, Beaver County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA) is proposing a response action for the Marino Brothers Scrap Yard. The Marino Brothers Scrap Yard (site) is located between Railroad Street and the Ohio River in the Borough of Rochester, **Beaver County**, PA. The facility encompasses approximately 3 acres and is occupied by several buildings that date back to the early 1900s including a building/scale house, an associated truck scale, a 3-story garage building and a storage building. Formerly on the site were also a hydraulic metal crusher with its associated building and hydraulic shears. The property is located in an industrial area and is bordered on the north by Railroad Street, on the South by the Ohio River, on the east by a concrete supplier, and on the west by commercial properties. The property is partially fenced and is easily accessed by trespassers.

Hazardous substances were released into the environment and are present in site soils and groundwater in excess of Statewide health standards. Surface contamination includes polychlorinated biphenols (PCBs), antimony, arsenic, cadmium, chromium, lead, mercury, thallium and zinc with concentrations exceeding direct contact and/or soil to groundwater Statewide health standards under the Land Recycling and Environmental Remediation Standards Act (Act 2). Surface media collected from the site and analyzed for Toxicity Characteristic Leaching Procedure (TCLP) metals exceeded the hazardous waste criteria for lead and cadmium. Light non-aqueous phase liquids (LNAPLs) were found in one monitoring well installed on the site. This floating product contained elevated concentrations of PCBs. Department sampling of Ohio River sediments indicate elevated concentrations of metals and PCBs. These conditions, along with easy access to the site by trespassers and the site's location along the Ohio River within its 100-year floodplain, present a threat to human health through direct contact, inhalation, and ingestion as well as a threat to the environment including the Ohio River.

The Department proposes to conduct an investigation of the site to determine the contaminants of concern and the extent of combination at the site. This investigation will determine the depth and lateral extent of the soil contamination, evaluate and characterize the groundwater, and qualify any threats to human health and the environment posed by the site. The Department will use the information from the investigation to determine the appropriate remediation for the site.

A. The following alternatives were considered to address the current conditions at this site:

*Alternative 1.* No action. This alternative would involve no response by the Department to address the threats associated with this site. The contamination would remain onsite and the associated threats would not be mitigated. There would be no additional investigation and the extent of contamination and its impacts would remain unknown. This alternative would not comply with the Applicable Rules and Regulations (ARARs) identified for this site. Specifically HSCA Section 501(a) requires the Department to investigate if there is a release or threat of release of a hazardous substance. Although no direct costs are associated with this alternative, indirect costs associated cannot be quantified and would include ongoing degradation of groundwater, surface water and the Ohio River as well as loss of tax base and revenue.

*Alternative 2.* Further investigation to fully characterize the site. Threats posed by this site would be qualified by determining the concentrations, depth and lateral extent of contamination in the soils and the groundwater. The site soils will be characterized by soil borings or other appropriate means and adequately sampled to determine the extent of contamination. Monitoring wells will be installed to supplement those already on the site and sampled to provide analytical results and other data to adequately define groundwater at the site and the presence of groundwater contamination. This alternative would comply with all the ARARs identified for this site and will meet the requirements if HSCA section 501(a) that requires the Department to investigate the release of hazardous substances. The Department estimates that an investigation conducted at this site will cost approximately \$500,000. This investigation would gather information necessary, using the most cost-effective methods available, for the Department to determine if additional remediation efforts are necessary at the site to protect human health and the environment.

The Department has determined that alternative 2 is the most appropriate response. This alternative is more protective of human health and the environment than alternative 1 and would be cost-effective. An investigation to fully characterize the site will determine the extent of soil contamination and characterize the groundwater aquifers associated with the site. This investigation will provide the Department with sufficient information to determine if additional remediation is necessary for this site and will enable the Department to determine the most appropriate and efficient methods to remediate the site.

This notice is being provided under Section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response action, is available for public review and comment. The administrative record is located at Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comments from February 23 until June 12. Persons may submit written comments into the record during this time only, by sending them to Terry Goodwald at 400 Waterfront Drive or by delivering them to this office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on March 28 at 7 p.m. at the Rochester Municipal Building, 300 West Park, Rochester. Persons wishing to present oral comments must register with Betsy Mallison before

March 24 by telephone at (412) 442-4182 or in writing at 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Betsy Mallison at (412) 442-4184 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

### Notice of Further Investigation

#### Mays Hickman Road Site

#### Robinson Township, Allegheny County

The Department of Environmental Protection (Department) under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), is proposing a further investigation response action at the Mays Hickman Road Site (site).

The site is located in Robinson Township, Allegheny County at the end of Hickman Road. The property consists of approximately 38 acres, however the area of concern for this response is approximately 8 acres. The site was used from the 1950s until the 1960s as a disposal site for carbon sweepings and other industrial wastes. A large pile of contaminated carbon wastes and leaking 55 gallon drums are located along the bank of Montour Run. Samples taken from the carbon pile and site soils have detected the following contaminants: phenanthrene, flouranthene, pyrene, benzo-a-anthracene, benzo-a-pyrene, chrysene, benzo-b-flouranthene, benzo-k-flouranthene, indeno(1,2,3-cd)pyrene, carbon disulfide, acetone, 2-butanone, lead and zinc.

The Department proposes to conduct an investigation at the site to determine the type and volume of waste present at the site and the extent of contamination. This investigation will determine the depths and lateral extent of contaminated soils, location and volume of buried waste and the condition of the groundwater aquifers. The investigation will also access any threats posed by the site. The Department will use the information from the investigation to determine the appropriate remediation for the site.

The Department has considered the following alternatives for the investigation of this site: 1) No Action, 2) Further Investigation.

Alternative 2 is being proposed by the Department because this alternative would identify risks posed by the site, provide information on the volume, type and nature of the waste and characterize the effects on the groundwater and sediment. Upon completion of the investigation, the Department should have sufficient information to determine if additional remediation is needed and the most appropriate methods to complete the remediation of this site.

This notice is being provided under section 506(b) of HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 and is available for review from 8 a.m. to 4 p.m.

The administrative record will be open for comment from February 27 to June 12. Persons may submit written comments into the record during this time only, by sending the comments to Terry E. Goodwald at 400 Waterfront Drive, Pittsburgh, PA 15222-4745 or by delivering the comments to the Department's Southwest Regional Office at the address listed previously.

In addition, persons may present oral comments at a public hearing for inclusion in the administrative record. The Department has scheduled the hearing on March 29 at 7 p.m. at the Robinson Township Municipal Building, 1000 Churchhill Road, Pittsburgh, PA 15202, (412) 788-8120. Persons wishing to present oral comments must register with Betsy Mallison before March 24 at (412) 442-4182 or in writing to Terry Goodwald, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Betsy Mallison at (412) 442-4182 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 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, 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:

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

**Charles and Cindy Stoudt Residence**, Swatara Township, **Lebanon County**. Charles and Cindy Stoudt, 407 South Lancaster Street, Lebanon, PA 17046 have submitted a Final Report concerning remediation of site

soils contaminated with BTEX and PAHs. The report is intended to document remediation of the site to 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 Remediations Standards 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, 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 final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

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

**Thomas Saylor Property**, Horsham Township, **Montgomery County**. Philip F. Gray, Jr., Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on January 19, 2000.

**Harvey Knechel Residence**, New Britain Township, **Bucks County**. Philip F. Gray, Jr., Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on February 9, 2000.

**The Former Heintz Corp.**, Property, Parcel A., City of Philadelphia, **Philadelphia County**. Edwin Hicks, Roy F. Weston, Inc., 1515 Market St., Suite 151, Philadelphia, PA 19102-1956, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons and groundwater contaminated with solvents and BTEX. The report demonstrated attainment of Statewide health site-specific standards and was approved by the Department on February 14, 2000.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate 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.*

**Permit No. 101243. Bradford County Landfill, Northern Tier Solid Waste Authority** (P. O. Box 10, Burlington, PA 18814-0010). Renewal of permit for a municipal waste landfill located in West Burlington Township, **Bradford County**, issued in the regional office on February 24, 2000.

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

*Responsible Office: Southcentral Regional Office, Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.*

**Permit No. 603426. Stair Farm, White Run Regional Municipal Authority**, (2001 Baltimore Pike, Gettysburg, PA 17325). This permit has been revoked at the request of the permittee for a site in Mt. Joy Township, **Adams County**. Permit revoked in the Southcentral Regional Office February 15, 2000.

## AIR QUALITY

### OPERATING PERMITS

**Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**OP-09-0025: Delbar Products, Inc.** (7th and Spruce Streets, Perkasio, PA 18944) for replacement of an afterburner to reduce volatile organic compound emissions from an existing pyrolysis cleaning furnace in Perkasio, **Bucks County**. This replacement will result in the

reduction of VOC emissions. The afterburner is to be operated at 1200°F. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**59-304-008B: ACP Manufacturing Co., LLC** (P. O. Box 9, Blossburg, PA 16912-0068) on February 18, 2000, to incorporate requirements established in Plan Approval 59-304-008D for a core-making machine and associated air cleaning device (a packed bed scrubber) in Lawrence Township, **Tioga County**.

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

**TVOP-25-00924: Erie Forge & Steel, Inc.** (1341 West 16th Street, Erie, PA 16502) on February 18, 2000, to incorporate into their Title V Operating Permit, the newly applicable requirements contained in the facility's Reasonably Available Control Technology (RACT) permit in Erie, **Erie County**. No other changes to the permit were made.

**Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**TVOP-09-00012: Klearfold, Inc.** (364 Valley Forge Road, Warrington, PA 18976) on February 3, 2000, for operation of a Facility Title V Operating Permit in Warrington Township, **Bucks County**.

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

**06-03072A: Animal Rescue League of Berks** (P. O. Box 69, Mohnton, PA 19540) on February 22, 2000, for operation of an animal crematorium secondary chamber at the Berks County Chapter in Cumru Township, **Berks County**.

**22-305-001B: Kimmel's Coal and Packaging** (P. O. Box 1, Machamer Avenue, Wiconisco, PA 17097) on February 18, 2000, for coal handling operations controlled by six fabric collectors in Wiconisco Township, **Dauphin County**. This source is subject to 40 CFR Part 60, Subpart Y—Standards of Performance for Coal Preparation Plants.

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

**62-329-001A: United Refining Co.** (Bradley and Dobson Streets, P. O. Box 780, Warren, PA 16365) on September 30, 1999, for operation of catalytic converters on two internal combustion engines in Warren, **Warren County**.

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**PLAN APPROVALS**


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**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**PA-23-0009A: Boeing MACAM Systems Group, Philadelphia** (Stewart Avenue and Route 291, Ridley, PA 19078) on February 24, 2000, for operation of four gas turbine generators in Ridley Township, **Delaware County**.

**PA-46-0037B: Cabot Performance Materials** (County Line Road, Boyertown, PA 19512) on February 18, 2000, for operation of a dust collector on the KTaF Tray in Douglass Township, **Montgomery County**.

**PA-23-0077: County of Delaware** (340 North Middletown Road, Lima, PA 19037) on February 23, 2000, for operation of a natural gas-fired generator in Middletown Township, **Delaware County**.

**PA-09-0115: Draper—DBS** (1803 North Fifth Street, Perkasio, PA 18944), on February 23, 2000, for operation of paint spray booths in East Rockhill Township, **Bucks County**.

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

**66-315-035: The Procter & Gamble Paper Products Co.** (P. O. Box 32, Route 87 South, Mehoopany, PA 18629) on February 25, 2000, for construction of two paper machines and modification of the boiler plant in Washington Township, **Wyoming County**. This is a Prevention of Significant Deterioration (PSD) Plan Approval.

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

**01-05027A: McDermitt, Inc.** (P. O. Box 3219, Gettysburg, PA 17325-0219) on February 25, 2000, for construction and installation of a drum mix asphalt plant controlled by a fabric collector at 1850 Carlisle Road (Rt. 94) in Oxford Township, **Adams County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants, and Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels).

**06-01002F: Lucent Technologies, Inc.** (P. O. Box 13396, Reading, PA 19612-3396) on February 23, 2000, for construction of a 900 KW generator at the Reading Facility in Muhlenberg Township, **Berks County**.

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

**PA-25-124A: Mayer Brothers Construction Co.** (1227 West 18th Street, Erie, PA 16502) on February 16, 2000, for operation of a baghouse on an existing continuous batch asphalt plant in Erie, **Erie County**.

**PA-25-069C: Engelhard Corp.** (1729 East Avenue, Erie, PA 16503) on February 15, 2000, for construction of a new sphere plant pneumatic conveying system in Erie, **Erie County**.

**PA-25-971A: Erie Plating Co.** (656 West 12th Street, Erie, PA 16512) on February 9, 2000, for operation of an existing chromic acid anodizing tank in Erie, **Erie County**.

**PA-25-971B: Erie Plating Co.** (656 West 12th Street, Erie, PA 16512) on February 9, 2000, for operation of an existing decorative chrome plating operation scrubber in Erie, **Erie County**.

**PA-25-971C: Erie Plating Co.** (656 West 12th Street, Erie, PA 16512) on February 9, 2000, for operation of a wet scrubber on an existing plating tank system in Erie, **Erie County**.

**10-307-041A: Bear Metallurgical Co.** (679 East Butler Road, Butler, PA 16002) on March 3, 2000, for modification of Plan Approval 10-307-041 (baghouse on the existing molybdenum and Ferro-Vanadium reduction process) in Summit Township, **Butler County**.

**PA-37-051D: Reactive Metals & Alloys Corp.** (Route 168, West Pittsburgh, PA 16160) on February 29, 2000, for modification of Plan Approval PA-37-051B (SMS Grinding System) in Taylor Township, **Lawrence County**.

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**Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**PA-46-0154: Eye Designs LLC** (245 West Fifth Avenue, Trappe, PA 19426) on February 18, 2000, for operation of two spray booths in Trappe Borough, **Montgomery County**.

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

**06-318-064B: Can Corp. of America, Inc.** (P. O. Box 170, Blandon, PA 19510) on February 17, 2000, to authorize temporary operation of two sheet coating lines with thermal oxidizers, covered under this Plan Approval until June 16, 2000, at the Blandon Plant in Maiden Creek Township, **Berks County**.

**67-310-001E: York Building Products Co., Inc.** (P. O. Box 1708, York, PA 17405) on February 10, 2000, to authorize temporary operation of an aggregate processing plant, covered under this Plan Approval until June 8, 2000, in West Manchester Township, **York County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

**10-313-028B: Indspec Chemical Corp.** (133 Main Street, P. O. Box 307, Petrolia, PA 16050) on February 29, 2000, for a scrubber in Petrolia, **Butler County**.

**PA-25-974A: Hi-Tech Plating Co.** (1015 West 18th Street, Erie, PA 16502) on February 29, 2000, for a chrome plating operation in Erie, **Erie County**.

**37-309-046: Essroc Cement Corp.** (2nd Street, P. O. Box 779, Bessemer, PA 16112) on February 29, 2000, for tire-derived fuel systems in Bessemer Borough, **Lawrence 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

**32950901.** Permit Renewal for reclamation only, **Simpson Coal Company** (R. D. 1, Box 244, New Alexandria, PA 15670), for continued restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 10.9 acres, receiving stream unnamed tributary to Harpers Run and an unnamed tributary to Blacklegs Creek to the Kiskiminetas River, application received February 15, 2000, issued February 22, 2000.

**32980110.** Permit Revision, **Opal Industries, Inc.** (P. O. Box 980, Latrobe, PA 15650), to add 4.0 acres to the existing 293.0 acre permit for a haul road access, only, with surface drainage to an additional watershed area; this 297.0 acre bituminous surface mine is in Conemaugh Township, **Indiana County**, and the receiving streams are unnamed tributaries to/and Sulphur Run, unnamed tributaries to/and Blackleg's Creek, and unnamed tributaries to/and Kiskiminetas River, application received November 5, 1999, issued February 22, 2000.

**32840109.** Permit Renewal for reclamation only, **Black Oak Development Corporation** (P. O. Box 176, Glen Campbell, PA 15742), for continued restoration of a bituminous surface mine in Banks Township, Glen Campbell Borough, **Indiana County**, affecting 151.3 acres, receiving stream Brady Run, unnamed tributary to Cush Creek and Cush Creek to West Branch Susquehanna River, application received February 7, 2000, issued February 15, 2000.

**32940108.** Permit Renewal for reclamation only, **R & L Coal Corporation** (P. O. Box 26, Punxsutawney, PA 15767), for continued restoration of bituminous surface mine in Canoe Township, **Indiana County**, affecting 22.4 acres, receiving stream Canoe Creek, application received February 8, 2000, issued February 15, 2000.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

#### Coal Permits Issued

**17980126. K & J Coal Company, Inc.** (P. O. Box 189, Westover, PA 16692), commencement, operation and restoration of a bituminous surface mine-auger permit in Chest Township, **Clearfield County** affecting 146 acres. Receiving streams: Kings Run and/or Chest Creek to the

West Branch of the Susquehanna River. Application received November 30, 1998. Permit issued February 16, 2000.

**17980101. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717-7960), commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 214.2 acres. Receiving streams: unnamed tributary of Curry Run to Curry Run; Curry Run to West Branch Susquehanna River. Application received March 16, 1999. Permit issued February 9, 2000.

**17940116. Moravian Run Reclamation Company, Inc.** (605 Sheridan Drive, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Penn Township, **Clearfield County** affecting 247 acres. Receiving streams: Poplar Run. Application received October 20, 1999. Permit issued February 9, 2000.

**17930124. Al Hamilton Contracting Company** (R. R. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine-auger permit in Woodward and Decatur Townships, **Clearfield County** affecting 346 acres. Receiving streams: North Branch to Upper Morgan Run, Upper Morgan Run to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River; and Little Beaver Run to Beaver Run, Beaver Run to Moshannon Creek, Moshannon Creek to West Branch Susquehanna River. Application received September 27, 1999. Permit issued February 10, 2000.

**17910109. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), revision to an existing bituminous surface mine-auger permit for a change in permit acreage from 67.2 to 83.6 acres, located in Bell Township, **Clearfield County**. Receiving streams: unnamed tributaries of Whiskey Run. Application received September 22, 1999. Permit issued February 14, 2000.

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

**61990103. Ancient Sun, Inc.** (P. O. Box 129, Main Street, Shippenville, PA 16254) Commencement, operation and restoration of a bituminous strip operation in Clinton Township, **Venango County** affecting 18.5 acres. Receiving streams: Unnamed tributary to Bullion Run. Application received April 16, 1999. Permit issued February 23, 2000.

**61990102. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Clinton and Venango Townships, **Venango and Butler Counties** affecting 40.7 acres. Receiving streams: Unnamed tributary to Scrubgrass Creek. Application received April 14, 1999. Permit issued February 23, 2000.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

#### Coal Mining Permits Issued

**63831302. Eighty Four Mining Company** (P. O. Box 284, Eighty Four, PA 15330), to revise the permit for the Mine No. 84 in South Strabane Township, **Washington County** to add 30 acres to the surface permit area for a new ventilation shaft, unnamed tributary to Little Chartiers Creek. Permit issued February 14, 2000.

**56911302. Rox Coal, Inc.** (1576 Stoystown Road, P. O. Box 149, Friedens, PA 15541), to revise the permit for the Long T Permit—Longview Mine in Shade Township, **Somerset County** to add five ventilation boreholes and associated surface acreage to the Longview Mine, no additional discharges. Permit issued February 14, 2000.

**32753702. EME Homer City Generation L.P.** (18101 Von Karman Ave., Suite 1700, Irvine, CA 92612-1046), to transfer the permit for the Homer City Refuse Disposal Facility in Centre Township, **Indiana County** from Pennsylvania Electric Company, no additional discharges. Permit issued February 23, 2000.

**30841316. Consol Pennsylvania Coal Company** (P. O. Box 174, Graysville, PA 15337), to revise the permit for the Bailey Mine in Richhill Township, **Greene County** to add 11,200 acres to the underground permit area and 4,126 acres to the planned subsidence control plant area to the south of the Bailey Mine, no additional discharges. Permit issued February 24, 2000.

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

*Small Noncoal (Industrial Mineral) Permits Issued*

**58990843. Burts Bros. Logging** (R. R. 2, Box 114, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Forest Lake Township, **Susquehanna County** affecting 2.0 acres, receiving stream—none. Permit issued February 25, 2000.

**66990807. Victor Choplosky** (R. R. 1, Box 1594, Nicholson, PA 18446), commencement, operation and restoration of a bluestone quarry operation in Nicholson Township, **Wyoming County** affecting 2.0 acres, receiving stream—none. Permit issued February 25, 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 permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board (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 rule 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.

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**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.)

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*Permits Issued and Actions on 401 Certifications*

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E51-180.** Encroachment Permit. **Pennsylvania Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406. To place fill and other structures in 0.39 acre of wetlands (PEM/OW and PEM/SS) and to temporarily disturb 0.29 acre of wetland (PEM/OW and PEM/SS) associated with the construction of roadway access ramps from Interstate 95 to the Philadelphia International Airport, as part of the Terminal Development and Roadway Access Improvement Project. The applicant proposes to restore all temporary impacts and compensate 0.48 acre of permanent wetland impact by constructing replacement wetlands in accordance with a plan made part of application E23-386. The project is located approximately 3,000 feet east of the intersection of S. R. 0291 and Bartram Avenue (Bridgeport, NJ-PA Quadrangle N: 2.65 inches and W: 0.50 inch) in Tinicum Township, **Delaware County** and the **City and County of Philadelphia**.

*Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third Street, Williamsport, PA 17701.*

**E41-454.** Encroachment. **Pennsylvania Department of Transportation, District 3-0**, 715 Jordan Avenue, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing structure and to construct and maintain a concrete culvert with a span of 91 inches and underclearance of 58 inches in Sugar Run located on S. R. 2061, Segment 0240, approximately 0.7 mile south of S. R. 2073 (Picture Rocks, PA Quadrangle N: 3.7 inches; W: 4.2 inches) in Penn Township, **Lycoming County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-324.** Encroachment. **Adelphia Communications Corporation**, Main at Water Street, Coudersport, PA 16915. To construct and maintain a single span pedestrian foot bridge with a span of 82 feet and a underclearance of 14 feet. The bridge will be constructed over the Allegheny River located 1 block west on Water Street from the intersection with Main Street (Coudersport, PA Quadrangle N: 4 inches; W: 3 inches) Coudersport Borough, **Potter County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E55-160.** Encroachment. **Big Daddy's Ice Cream Parlor and Restaurant**, 127 South Main Street, Middleburg, PA 17842. To construct and maintain two decks, 50 feet by 20 feet and 12 feet by 15 feet next to the restaurant building and to pave the adjacent parking lot in the floodway of Middle Creek located just downstream of the Route 522 bridge (Middleburg, PA Quadrangle N: 7.0 inches; W: 6.1 inches) in the Borough of



Middleburg, **Snyder County**. This permit was issued under section 105.13(e) "Small Projects."

**E59-388.** Encroachment. **Donald S. Miller**, 67 American Street, Wellsboro, PA 16901. To 1) stabilize 90.4 linear feet of a swale like section of Boynton Creek, which has a 5-foot top width, a 2-foot depth and 30° side slopes, with grass and wildflowers at the rear of 67 American Street, 2) stabilize 89.9 linear feet of an irregular shaped channel section of Boynton Creek, which has a 3-foot width and a 2-foot depth, with R-4 riprap and Siberian Dogwood on the right bank and grass on the sloped left bank located at the rear of 69 American Street (Antrim, PA Quadrangle N: 21.2 inches; W: 9.2 inches) in Wellsboro Borough, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-392.** Encroachment. **TE Products Pipeline Co.**, 71-73 Denison Parkway, Corning, NY 14830-0099. To operate and maintain a petroleum gas pipeline across Pine Creek to a minimum depth of 36 inches. All maintenance work shall be conducted in the dry and have Departmental approval prior to commencement. This permit also authorizes the maintenance of a wing deflector located on the north bank, 200 feet upstream of the existing pipeline right-of-way. Located .25 mile west on T-451 from the intersection with SR 3001 just south of Watrous (Marshland, PA Quadrangle N: 5.88 inches, W: 3.38 inches) in Gaines Township, **Tioga County**. This permit was issued under Section 105.13(e) "Small Projects."

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

**E26-263.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. To remove the existing Everson Bridge and to construct and maintain a two-span reinforced concrete bridge having normal clear spans of 59.4 feet each and an underclearance of 9.0 feet across Jacobs Creek (WWF). Also to construct and maintain two 18-inch diameter concrete pipe outfalls in Jacobs Creek (WWF) and a temporary causeway for pier and beam erection. The project is located on S. R. 1031 (Section F00) between Scottdale and Everson (Connellsville, PA Quadrangle N: 16.7 inches; W: 13.0 inches) in Scottdale Borough, **Westmoreland County** and Upper Tyrone Township, **Fayette County**.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E16-113.** Encroachment. **Limestone Township**, R. D. 2, Box 313A, Summerville, PA 15864-9027. To remove the existing structure and to construct and maintain a composite steel I-beam bridge having a clear span of 12.335

meters and a minimum underclearance of 2.464 meters on a 50 degree skew across Little Piney Creek on T-539 (McGregor Road) approximately 0.15 mile west of S. R. 0066 (Strattanville, PA Quadrangle N: 2.9 inches; W: 10.4 inches) in Limestone Township, **Clarion County**.

**ENVIRONMENTAL ASSESSMENT**

*Environmental Assessment Approval and Actions on 401 Certification*

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**EA 10-005CO.** Environmental Assessment. **Pheasant Ridge, Inc.** (6065 Rittman Road, Gibsonia, PA 15044). To construct a nonjurisdictional dam across a tributary to Bull Creek (TSF) for irrigation at the Pheasant Ridge Golf Course expansion impacting 0.29 acre of wetlands and approximately 360 linear feet of stream channel. The proposed dam will be located approximately 1,800 feet east of the intersection of Deer Creek Road and Kyle Road (Valencia, PA Quadrangle, N: 9.25 inches; W: 1.00 inch) in Middlesex Township, **Butler County**.

**D24-031EA.** Environmental Assessment. **North Central Pennsylvania Regional Planning and Development Commission** (651 Montmorenci Avenue, Ridgway, PA 15853). To breach and remove a dam across the Clarion River (CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 3,800 feet upstream from the confluence of the Clarion River and Elk Creek (Ridgway, PA Quadrangle N: 10.4 inches; W: 15.3 inches) in Ridgway Borough, **Elk County**.

**EA 46-031CO.** Environmental Assessment. **Gambone Brothers Development Company** (1030 West Germantown Pike, Fairview Village, PA 19409). To construct and maintain a non-jurisdictional dam across a tributary to Wissahickon Creek (TSF) for the purpose of stormwater management at the proposed Renner Tract subdivision located approximately 1,300 feet southeast of the intersection of Swedesford Road and School House Lane (Lansdale, PA Quadrangle N: 12.85 inches; W: 1.80 inches) in Lower Gwynedd Township, **Montgomery County**.

**STORAGE TANKS**

**SITE SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site Specific Installation Permits under the authority of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6020.101-6020.2105) and 25 Pa. Code Chapter 245, Subchapter C have been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>
00-54-001	Brian King Dosch-King Emulsions, Inc. 16 Troy Hills Rd. Whippany, NJ 07981

<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
Schuylkill County West Penn Township	2 ASTs Storing Asphalt Emulsion 20,000 gallons each 1 AST storing Asphalt Emulsion 17,000 gallon



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## SPECIAL NOTICES

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### Notice of Planning Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and section 901 and section 208 of the Waste Tire Recycling Act (Act 190 of 1996). The awards listed here are based upon applications received by the Department in 1999 and 2000.

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, re-

search and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

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<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
<i>Southeast Region</i>		
Chester County	HHW Education	\$23,450
<i>Northeast Region</i>		
Pike County	Revision of the Pike County Municipal Waste Management Plan	\$28,106
<i>Northcentral Region</i>		
Centre County	Studies conducted in support of the county's 1996 plant revision for which no grant application was submitted	\$65,736
<i>Northwest Region</i>		
Venango County	Revision of the Venango County Municipal Waste Management Plan	\$31,453

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### STORMWATER MANAGEMENT

#### Action on plans submitted under the Storm Water Management Act (32 P. S. § 680.9).

*Bureau of Watershed Conservation: P. O. Box 8555, Harrisburg, PA 17105-8555.*

**Plan No. SWMP 159:39, Little Lehigh Creek Stormwater Management Plan Update**, as submitted by **Lehigh County**, was disapproved on February 10, 2000.

[Pa.B. Doc. No. 00-429. Filed for public inspection March 10, 2000, 9:00 a.m.]

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#### Air Quality Technical Advisory Committee; Change of Meeting Time and Location

The Air Quality Technical Advisory Committee (AQTAC) has changed the time and the meeting location for its March 21, 2000 meeting. The March 21, 2000, meeting will be held at the Three Rivers Rowing Club, 300 Waterfront Drive, Pittsburgh, PA 15222 and will begin at 8:30 a.m.

The contact for the meeting is Terry L. Black, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4310, E-mail black.terry@dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should con-

tact J. Wick Havens at (717) 787-4310 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-430. Filed for public inspection March 10, 2000, 9:00 a.m.]

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#### Mining and Reclamation Advisory Board; Regulation, Legislation and Technical Committee

The Mining and Reclamation Advisory Board (MRAB) Regulation, Legislation and Technical Committee will meet on Friday, March 17, 2000, 10 a.m., at the Best Western University Inn, Indiana, PA. The purpose of the meeting is to further discuss the Department of Environmental Protection's (Department) conventional full cost bonding proposal.

Questions concerning the agenda can be directed to Robert Dolence at (717) 783-5338 or e-mail to dolence.robert@dep.state.pa.us. The agenda for this meeting will be available through the Public Participation Center on the Department'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 Robert Dolence directly at (717) 783-5338 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-431. Filed for public inspection March 10, 2000, 9:00 a.m.]

### Safe Fill Policy and Related Documents

The Department of Environmental Protection (Department) has developed a draft safe fill policy and related documents to address the safe movement and use of soil as fill or construction material. The draft fill policy included in the proposal applies to uncontaminated soil and dredge material. The package also includes proposed amendments to the residual waste regulations to provide flexibility for movement of contaminated soil under a permit-by-rule, a general permit for beneficial use of contaminated soil and a permit waiver for the movement of waste materials onsite as part of a remediation under the Land Recycling Program (Act 2).

#### A. Background

The Department first published revisions to its guidance on the management of fill in the August 30, 1997, *Pennsylvania Bulletin*. Based upon comments received and the increased interest from the public on the movement of soil materials, the policy has been substantially redrafted and is being re-proposed for further public comment.

#### B. Summary of the Fill package

1) *Fill Policy*. The fill policy identifies levels of constituents in soils and dredge material that are acceptable for unrestricted movement and safe use as fill. This draft fill policy revises the current fill policy, titled "Policy and Procedures Establishing Criteria for Use of Uncontaminated Soil, Rock, Stone, Unused Brick and Block, Concrete and Used Asphalt as Clean Fill," Document Number 258-2182-773, published February 29, 1996.

2) *General Permit No. WMGR058*. A Department-initiated general permit proposed under the Solid Waste Management Act and the residual waste regulations for

the beneficial use of soil affected by regulated substances. The proposed general permit regulates the use of contaminated soil by establishing acceptable levels of organic and inorganic substances for specific uses identified in the permit.

3) *Permit-by-rule*. Draft changes to 25 Pa. Code § 287.102 (relating to permit-by-rule) to allow the use of materials as fill to bring an area to grade as a construction material, for control of fire and subsidence events or in reclamation at abandoned mines. The following categories of contaminated soil are included under permit-by-rule: soils contaminated as a result of mixing with slag, fly ash and incinerator ash commonly used as fill prior to September 7, 1980; soil contaminated by air-borne pollution or sediment and that cannot be attributed to a specific point source; agricultural soil contaminated by authorized use of lead and arsenic pesticides applied to crops in accordance with the law; soils contaminated by a known spill or release that are being removed from a site undergoing remediation; and soils that exceed the numeric levels for contaminants under the fill policy. These proposed changes will be incorporated into the final residual waste rulemaking that is currently pending as proposed rulemaking.

4) *Waiver language*. Draft changes to 25 Pa. Code § 287.101 (relating to general requirements for permit) to allow the movement of waste encountered when performing a site remediation under the land recycling program. This waiver allows the onsite movement and placement of waste in accordance with a Department approved remediation investigation report. The permit waiver is available to persons conducting a cleanup using the site-specific standards under Act 2. These proposed changes will be incorporated into the final residual waste rulemaking that is currently pending as proposed rulemaking.

#### C. Public Meetings and Hearings

The Department will hold three public information meetings/hearings for the purpose of discussing the proposal, answering questions and receiving testimony. The first hour and a half will be for presentation of the package and questions and answers; the second hour will provide an opportunity to present testimony. The meetings will be held from 6:30 p.m. to 9 p.m. on the following dates and locations:

April 27, 2000

Southwest Region  
Monongahela Room  
400 Waterfront Drive  
Pittsburgh, PA 15222

May 2, 2000

Southcentral Region  
Codorus Room  
909 Elmerton Avenue  
Harrisburg, PA 17110

May 4, 2000

Southeast Region  
Main Conference Room  
Suite 6010, Lee Park  
555 North Lane  
Conshohocken, PA 19428

Persons wishing to present testimony at the hearings must contact Millie Smith at the Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 or by telephone at (717) 787-7564, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to 10 minutes for each witness and three written copies of the oral testimony are requested to be submitted at the

hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate should contact Millie Smith at (717) 787-7564 or through the Pennsylvania AT&T relay service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

*D. Contact Persons*

Persons interested in obtaining more information or a copy of any of this proposed package may contact Millie Smith in the Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 or by calling (717) 787-7564. The draft fill package is also available electronically through the Department website (<http://www.dep.state.pa.us>), directLINK "safe fill policy."

Written comments on the fill package or components of the fill package must be submitted to Khatija Swaroop, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, within 60 days of this notice. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Comments may also be transmitted electronically to [Swaroop.Khatija@dep.state.pa.us](mailto:Swaroop.Khatija@dep.state.pa.us). If the sender does not receive an acknowledgment of electronic comments within 2 working days, the comment should be resubmitted to ensure receipt. Comments must be received by May 10, 2000. A subject heading of the proposal and a return name and address must be included in each letter of transmission. Comments will not be accepted by facsimile or voicemail.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-432. Filed for public inspection March 10, 2000, 9:00 a.m.]

**Sewage Advisory Committee Meeting Cancellation**

Due to lack of agenda items, the March 15, 2000, meeting of the Sewage Advisory Committee has been cancelled. The Committee's next scheduled meeting will be held on November 1, 2000, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, located in Harrisburg, PA.

For further information, contact Jay Africa at (717) 787-8184.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-433. Filed for public inspection March 10, 2000, 9:00 a.m.]

**Stream Redesignation Evaluation; Water Quality Standards Review**

Under 25 Pa. Code § 93.4d (relating to public notice of receipt of evaluation or assessment of waters for High Quality or Exceptional Value Waters redesignation) the Department of Environmental Protection (Department) hereby gives notice that an evaluation of all or a portion of the stream listed is being conducted. Persons who have technical data concerning the water quality, instream habitat or biological condition of this stream are encouraged to make it available to the Department for consideration in the assessment. This assessment may lead to a recommendation to the Environmental Quality Board for redesignation.

Data should be submitted to Robert F. Frey, Division of Water Quality Assessment and Standards, Bureau of

Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555, E-mail [frey.robert@dep.state.pa.us](mailto:frey.robert@dep.state.pa.us). Data should be submitted no later than April 11, 2000. Questions concerning this evaluation can be directed to Robert Frey at (717) 787-9637.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Rambo Run	York	North Branch Muddy Creek

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Robert Frey directly at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-434. Filed for public inspection March 10, 2000, 9:00 a.m.]

**DEPARTMENT OF  
GENERAL SERVICES****Design Professional Selections**

The Selections Committee for the Department of General Services (Department) will meet to consider selections of Design Professionals for the following projects:

**Project No. DGS 992-17**—Installation of Fire Protection Systems, Anthracite Heritage Museum, Scranton, Lackawanna County, PA. Construction Cost: \$150,000. The scope of work includes, but is not limited to, installation of a pre-action, dry-pipe water suppression system in the Museum and a water suppression system in the Maintenance Building. Note: The fee to be paid to the design professional and the terms of the contract will be negotiated.

**Project No. DGS 992-18**—Installation of Fire Protection Systems, Eckley Miners' Village, Weatherly, Luzerne County, PA. Construction Cost: \$250,000. The scope of work includes, but is not limited to, installation of a pre-action, dry-pipe water suppression system in the Visitor Center and other selected historic buildings. Project also includes fire-fighting stations throughout the Village. Note: The fee to be paid to the design professional and the terms of the contract will be negotiated.

**Requirements and Information**

*Note—Project Program*

A Project Program, prepared by the Using Agency, is available for the following projects: DGS 992-17 and DGS 992-18. Copies of the Project Programs may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468.

*Instructions for Filing Application*

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Form 150-ASP must be filed with the Department. The signature on Form 150-ASP must be an original signature. Consultants listed on the requesting professional firm's application, Form 150-ASP shall be deemed to be designated Key Consultants. Form 150-ASP, Application for Specific Project, may be obtained upon

request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468. The Form 150-ASP can be downloaded from the Department's Internet Home Page at <http://www.dgs.state.pa.us>. In addition, the Form 150-ASP can be obtained by E-mail by addressing a request to: [pbianchi@exec.gsinc.state.pa.us](mailto:pbianchi@exec.gsinc.state.pa.us).

(b) The requesting professional firm shall obtain from each consultant listed in Question 9, page 4 of the requesting professional firm's application (Form 150-ASP) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-ASP) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-ASP) for the specific project. The signature on the letter of certification must be an original signature.

(c) The requesting professional firm must submit six copies of Form 150-ASP, Application for Specific Project, for each project herein advertised in which the firm is interested and qualified to perform. At least one of the six copies submitted must contain all original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three relevant projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). The requesting professional firm or joint venture firm must be the Professional of Record for the projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). It is not acceptable to list work performed by Key Consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the Professional of Record. Color photo copies are acceptable, however, renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-ASP). The pages of each copy of Form 150-ASP must be stapled with photographs and consultant's letters of certification followed by the resumes of Key Personnel (listed in Question 10 and/or 11 on Pages 5 and/or 6) included as the last section of the application. Do not bind the application (Form 150-ASP) in any way to any other documentation. Do not bind the application (Form 150-ASP) in a binder of any type.

(d) A complete project submission, which consists of documents described in previous paragraphs (a), (b) and (c), must be received on or before the close of business (5 p.m.) Friday, March 24, 2000, and addressed to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the Form 150-ASP. Applications submitted on any other form are unacceptable and will not be considered by the Committee.

(e) The Selections Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

### *Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials*

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed state work and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under Act 57 of May 15, 1998.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 00-435. Filed for public inspection March 10, 2000, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### **Application of Bon Secours-Holy Family Regional Health System for Exception to 28 Pa. Code § 571.1**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Bon Secours-Holy Family Regional Health System has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Specifically, Bon Secours-Holy Family Regional Health System requests an exception from Section 7.14.B.14, which requires that an environmental service closet shall be provided adjacent to and for the exclusive use of the Renal Dialysis Unit and 7.14.C3, which requires that a waiting room, toilet room with handwashing facilities, drinking fountain, public telephone and seating accommodation for waiting periods shall be available or accessible to the dialysis unit.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, E-Mail: [lvia@state.pa.us](mailto:lvia@state.pa.us).

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-436. Filed for public inspection March 10, 2000, 9:00 a.m.]

### **Application of Community Medical Center for Exception to 28 Pa. Code § 571.1**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Community Medical Center has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Specifically, Community Medical Center requests an exception from Section 7.6.D. which requires that the seclusion room be located for direct nursing staff supervision.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-Mail: lvia@state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-437. Filed for public inspection March 10, 2000, 9:00 a.m.]

### **Application of Girard Medical Center for Exception to 28 Pa. Code § 571.1**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Girard Medical Center has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and

Healthcare Facilities. Specifically, Girard Medical Center requests an exception from Section A7.9.E3. which requires a minimum of 100 square feet of clear floor space in any observation station.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-Mail: lvia@state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-438. Filed for public inspection March 10, 2000, 9:00 a.m.]

### **Application of Grandview Surgery and Laser Center for Exception to 28 Pa. Code § 551.22(3)(ii)**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Grandview Surgery and Laser Center has requested an exception to the requirements of 28 Pa. Code § 551.22(3)(ii) which requires the practitioner performing surgery on persons older than 6 months and younger than 18 years of age shall be either board certified by or have obtained preboard certification status with the American Board of Medical Specialties, the American Osteopathic Board of Surgery, the American Board of Podiatric Surgery or the American Board of Oral and Maxillofacial Surgery.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-Mail: lvia@state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154

for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-439. Filed for public inspection March 10, 2000, 9:00 a.m.]

### Application of Jeanes Hospital for Exception to 28 Pa. Code § 107.62

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Jeanes Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62 which relates to physicians giving oral orders and the specific personnel who may accept them.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-Mail: lvia@state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-440. Filed for public inspection March 10, 2000, 9:00 a.m.]

### Application of the Hospital of the University of Pennsylvania for Exception to 28 Pa. Code § 571.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that the Hospital of the University of Pennsylvania (HUP) has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Specifically, HUP requests an exception from Section 7.16.A2. which requires one vacuum outlet per autopsy room workstation and one medical air outlet per autopsy room workstation.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-Mail: lvia@state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-441. Filed for public inspection March 10, 2000, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, March 15, 2000.

The meeting will be held at the Sheraton Inn Harrisburg East, 800 East Park Avenue, Harrisburg, PA 17111, from 10 a.m. to 4 p.m.

For additional information please contact Thomas M. DeMelfi, Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0574.

Persons with a disability who desire to attend the meeting, and require an auxiliary aid service or other accommodation to do so, should also contact Thomas DeMelfi at the above number or at 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, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-442. Filed for public inspection March 10, 2000, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

#### Butler County Project Reference No. 08430AG2514

The Department will retain an engineering firm under a multi-phase agreement to provide preliminary engineering, environmental studies, final design and services during construction for S.R. 0422, Section 291 (Route 68 interchange) in Summit and Butler Townships, Butler County. The project is located at the interchange of S.R. 0422, SR 68 and S.R. 0038. It will consist of redesign of

the interchange and adjacent intersecting roads. The estimated construction cost is \$12 million.

The selected firm will be required to provide the following engineering and design services: field survey; traffic studies; public involvement; safety review meeting; design field view; environmental studies; erosion and sedimentation control plan; type, size and location report; foundation report; highway lighting plan; utility and right-of-way plans; traffic control plans; design exception report; Step 9 submission; final construction plans; two signal plans; signing plans; H&H Report; NPDES Permit; final structure plans for one widened bridge, one rehabilitated concrete arch bridge and one widened or replaced bridge; value engineering; CPM and project management. Services during construction will include consultation and shop drawing review.

Letters of Interest will be evaluated at the District 10-0 office with emphasis of the following factors:

- a) Demonstrated ability to meet project schedules and control costs.
- b) Experience and competence of project manager and key personnel.
- c) Past performance and experience on similar projects.
- d) Method of controlling quality on project and submissions.
- e) Understanding of the Department's requirements, Design Manuals, policies and specifications.
- f) Location of office to perform work.
- g) Understanding of the specific project requirements.

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).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8.5" 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:

Richard H. Hogg, P.E., District Engineer  
Engineering District 10-0  
P. O. Box 429, Route 286 South  
Indiana, PA 15701  
Attn: Mark S. Rozich

The letter of Interest submission for this project reference number must be received at the above listed address by 4:30 p.m. prevailing time on the twentieth (20th) day following the date of this notice.

Engineering District 10-0 will announce the firms that have been shortlisted at an open public meeting to be held in the District Office. All firms that have submitted a letter of interest will be notified of the date and time. Specify two (2) contact persons in the letter of interest.

Any technical questions concerning the requirements for this project should be directed to Mark Rozich, P.E., District 10-0, at (724) 357-2852.

**Erie County  
Project Reference No. 08430AG2515**

The Department will retain an engineering firm to provide final design services and services during construc-

tion for S.R. 9900, Section 000, the realignment of West 38th Street in the City of Erie, Erie County, Pennsylvania. The project involves the realignment of approximately 1433m (4701 ft.) of West 38th Street and 420m (1378 ft.) of S.R. 0505. In addition to the roadway design, traffic signal designs will need to be prepared for four intersections and structure designs will be required for two retaining walls and two structures to span Mill Creek. A small portion of the Mill Creek Channel will require relocation.

The selected firm will be required to provide the following services or perform the following tasks (note: this list may be expanded or reduced as project requirements dictate): field surveys; utility coordination; foundation reports; final structure designs; final traffic signal designs; final erosion and sedimentation control plans; final roadway design and construction drawings; completion of all applicable forms, specifications and estimates; preparation of CPM schedules; public and agency coordination; and, project management and administration. Services during construction activities will include construction consultation, alternative review and shop drawing reviews.

The environmental clearance document for this project is currently under review. The project is being advanced through the completion of the preliminary design submission and field view and type, size & location report(s). These tasks are being completed by others along with a right-of-way plan. The selected firm must build upon the work that has been performed to date with minimal redundancy.

Firms that are under contract, or are being considered, to provide engineering services to a land developer for a site that is located along the project corridor will not be considered for this assignment. Firms are to state within their letter-of-interest that they are not under contract nor are being considered for a contract with interests in the project area.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of firms submitting letters-of-interest:

- a) Proven ability to meet project schedules and control costs.
- b) Experience and competence of project manager and key personnel.
- c) Cooperation, innovations and flexibility in thinking, particularly with respect to the needs of the local community.
- d) Past record of performance on similar projects.
- e) Past performance record of listed subconsultants.
- f) Availability of listed staff.

Engineering District 1-0 will announce the firms that have been shortlisted at an open, public meeting to be held in the District Office. All firms that have submitted letters-of-interest will be notified of the time and date of this announcement. Specify two (2) contact persons in the letter-of-interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning the DBE participation in this agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered 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" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The letter-of-interest submission shall be sent to:

Mr. John L. Baker, P.E., District Engineer  
Engineering District 1-0  
255 Elm Street  
Oil City, PA 16301

Attention: Mr. Michael L. McMullen, P.E.

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. Michael L. McMullen, P.E., District 1-0, at (814) 678-7077.

**Mercer County  
Project Reference No. 08430AG2516**

The Department will retain an engineering firm to provide the preparation of an Environmental Assessment, Alternative Investigations and Preliminary Engineering for S.R. 0208, Section A00 in Springfield Township, Mercer County, Engineering District 1-0. The primary purpose is to relieve traffic congestion and to improve the level of service at the S.R. 0208/I-79 interchange. The secondary purpose is to improve the intersection with S.R. 0208 and S.R. 0258 west of the interchange.

The selected firm will be required to prepare an Environmental Assessment, perform field surveys, prepare a location study with a preferred alternative, prepare for the chosen alternative the preliminary roadway design, cross sections, topography, soils and geological investigation, erosion and sedimentation control plan, preliminary right-of-way submission, preliminary utility investigation, preliminary traffic investigation, and prepare structure design in detail to submit a type, size and location submission with all associated permits. The attendance at various public involvement meetings is a must. The consultant will be required to provide material for and attend a safety review meeting, attend various field views to be held on the site, and provide efficient project management.

The Department will reserve the option to add final design activities and services during construction to the scope of this Agreement. Final design activities will include the preparation of a final right-of-way plan, final utility coordination, final roadway design, final structure design, construction plans and PS&E (plans, specifications and estimates submission). Services during construction will include construction consultation and shop drawing review.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

- a. Specialized experience and technical competence of firm. The specific experience of individuals who constitute the firms will be considered.
- b. Understanding of the Department's requirements, Design Manuals, policies and specifications.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules.
- d. Project management skills and public involvement experience. The specific experience of individuals who constitute the firms will be considered.

e. Method of controlling quality of projects and submissions. Consideration will be given to coordination between disciplines, subconsultants, etc.

f. Location of consultant with respect to the District. This will include ability/provisions for quick responses to District requests.

The goal for Disadvantage Business Enterprise (DBE) participation in this agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project is a complex project. 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" in size), and additional resumes, if applicable (See General Requirements and Information Section).

The letter of interest submission shall be sent to:

Mr. John L. Baker, P.E., District Engineer  
Engineering District 1-0  
255 Elm Street  
Oil City, PA 16301

Attention: Mr. Michael L. McMullen, P.E.

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 tenth (10) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael L. McMullen, P.E., District 1-0, at (814) 678-7077 or Ms. E. Mariah Hanson, District 1-0, at (814) 678-7078.

**Fayette, Greene, Washington and Westmoreland  
Counties  
Project Reference No. 08430AG2517**

The Department will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 12-0, that is in Fayette, Greene, Washington and Westmoreland Counties. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of \$2 Million dollars.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Number of available inspectors in each class.
- b. Previous District 12 experience.
- c. Past performance ratings for District 12.
- d. Number of NICET/NECEPT certified inspectors.
- e. Ability to provide CDS operator.
- f. Understanding of District's and Department's policies Requirements, and specifications



The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	3 (3)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	12 (8)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	4 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$47.65
(TCIS)	\$41.75
(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 may be required to supply the following equipment at no direct cost to the Department:

- 2 Nuclear Densometer Gauges/License at point of need when needed
- 1 Paint Test Kit
- 10 Cellular Phones (for Engineer's employees only)

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	4
TCI	15
TA	0

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:

Michael Dufalla, P.E., District Engineer  
 Engineering District 12-0  
 North Gallatin Ave Ext.  
 Uniontown, PA 15401  
 Attn: Charles Thompson P.E.

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 day (20th) following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Charles Thompson, District 12-0, at (724) 439-7137.

**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. 00-443. Filed for public inspection March 10, 2000, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Michael Matthews, Country Estates MIIP v. DEP;  
EHB Doc. No. 2000-025-R**

Michael Matthews Country Estates MIIP has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Clinton Township, Venango County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 00-444. Filed for public inspection March 10, 2000, 9:00 a.m.]

# FISH AND BOAT COMMISSION

## Additional Restrictions on Fish and Boat Commission Property

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.18 (relating to additional restrictions), has established the following additional restrictions for Commission property. These additional restrictions shall be posted at the sites and shall be effective each year during the time periods set forth herein.

<i>County</i>	<i>Area</i>	<i>Additional Restrictions</i>
Beaver	Hereford Manor Lakes	During the period April 1 through May 31, the use or possession of beer and alcoholic beverages is prohibited and open fires are prohibited.
Washington	Dutch Fork Lake	During the period April 1 through May 31, the use or possession of beer and alcoholic beverages is prohibited and open fires are prohibited.
Washington	Canonsburg Lake	During the period April 1 through May 31, the use or possession of beer and alcoholic beverages is prohibited and open fires are prohibited.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 00-445. Filed for public inspection March 10, 2000, 9:00 a.m.]

### Designation of Wilderness Trout Waters

The Fish and Boat Commission (Commission) is considering the republication of its list of Wilderness Trout Streams. Under 58 Pa. Code § 57.4 (relating to wilderness trout streams), it is the Commission's policy to manage the wilderness trout streams program where the stream remoteness and populations of naturally reproducing trout combine to offer a sport fishing opportunity for the recreation of anglers in a wilderness setting away from roads or vehicular access. It is the Commission's intent to advocate proper watershed management to maintain the wilderness setting and to advance and seek the highest water quality standards through the Department of Environmental Protection.

The Commission intends to consider the designation of Wilderness Trout Streams at its spring meeting on April 7 and 8, 2000. Persons with comments, objections or sug-

gestions concerning the designations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 no later than 4 p.m on April 6, 2000. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

A complete list of waters that the Commission is designating as Wilderness Trout Waters is as follows:

<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Length</i>
Adams	Carbaugh Run	From headwaters downstream to Carbaugh Run Reservoir Pool	1.6 miles
Adams	Carbaugh Run	From Carbaugh Run Reservoir downstream to Forestry Rd	2.2 miles
Cambria	Conemaugh River, Little South Fork	From headwaters downstream to Beaverdale Reservoir	2.1 miles
Cambria/Clearfield	Rogues Harbor Run	From headwaters downstream to mouth	3.3 miles
Cameron	Clear Creek	From headwaters downstream to confluence with Mud Run	6.1 miles
Cameron	Cooks Run	From confluence of Left and Right Branches downstream to mouth	4.0 miles
Cameron	Elk Fork	From headwaters downstream to confluence of Nichols Run	3.6 miles
Cameron	Hicks Run, West Branch	From headwaters downstream to confluence with Middle Branch Hicks Run	3.6 miles
Cameron	Lushbaugh Run	From headwaters downstream to mouth	4.3 miles

<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Length</i>
Carbon	Bear Creek, Little	From headwaters downstream to confluence with Big Bear Creek	1.9 miles
Carbon	Deep Run	From headwaters downstream to mouth	2.1 miles
Carbon	First Hollow Creek	Headwaters downstream to mouth (sink near Nesquehoning)	1.5 miles
Carbon	Hell Creek	From headwaters downstream to mouth	3.5 miles
Carbon	Jeans Run	From headwaters downstream to lower SGL boundary	2.5 miles
Carbon	Stony Creek	From Yellow Run downstream to mouth	2.7 miles
Centre	Benner Run	From headwaters downstream to 1st tributary below Pine Haven Camp	2.0 miles
Centre	Hayes Run	From headwaters downstream to mouth	3.6 miles
Centre	Panther Run	From headwaters downstream to 1st tributary upstream of mouth	4.0 miles
Centre	Roaring Run	From headwaters downstream to 2 km upstream of Laurel Run	4.2 miles
Centre	Rock Run	From headwaters downstream to Middle Branch Rock Run	1.4 miles
Centre	Two Rock Run	From headwaters downstream to mouth	3.0 miles
Centre	Wallace Run	From headwaters downstream to confluence of North Branch Wallace Run	4.3 miles
Centre	Yost Run	From headwaters downstream to mouth	4.2 miles
Clarion	Blyson Run	From headwaters downstream to mouth	2.1 miles
Clarion	McCanna Run	From headwaters downstream to mouth	2.2 miles
Clearfield	Cole Run	From headwaters downstream to mouth	6.1 miles
Clearfield	Twelvemile Run	From headwaters downstream to mouth	5.1 miles
Clinton	Barney Run	From headwaters downstream to mouth	4.7 miles
Clinton	Big Run, E Br	From headwaters downstream to 7.2 km upstream of mouth	4.6 miles
Clinton	Big Run, M Br	From headwaters downstream to mouth	3.7 miles
Clinton	Boggs Hw Run	From headwaters downstream to mouth	5.2 miles
Clinton	Burns Run	From headwaters downstream to mouth	3.8 miles
Clinton	Cherry Run	From headwaters downstream to mouth	7.9 miles
Clinton	John Summerson Branch	From headwaters downstream to mouth	2.4 miles
Clinton	Fish Dam Run	From headwaters downstream to mouth	4.2 miles
Clinton	Lick Run	From headwaters downstream to SR 1001	16.7 miles
Clinton/Centre	Big Run, W Br	From headwaters downstream to mouth	6.1 miles
Columbia/Sullivan	Elk Run	From headwaters downstream to mouth	4.9 miles
Elk	Mix Run	From headwaters downstream to confluence with English Draft Run	3.7 miles
Elk	Vineyard Run	From headwaters downstream to Spring Creek/Horton Twp line	2.5 miles
Fayette	Quebec Run	From headwaters downstream to mouth of Mill Run	2.5 miles
Forest	Fourmile Run	From headwaters downstream to mouth	2.3 miles
Franklin	Trout Run	From headwaters downstream to mouth	7.6 miles
Jefferson	Craft Run	From headwaters downstream to mouth	2.7 miles
Jefferson	North Fork Red Bank Ck, S Br	From headwaters downstream to mouth	7.0 miles
Jefferson	Shippen Run	From headwaters downstream to mouth	2.5 miles
Lawrence	Hell Run	From T-395 bridge downstream to mouth	1.9 miles

<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Length</i>
Lycoming	Engle Run	From headwaters downstream to mouth at King Run	4.9 miles
Lycoming	Mill Run	From headwaters downstream to mouth	3.8 miles
Lycoming	Wolf Run, Noon Branch	From headwaters downstream to mouth	2.0 miles
McKean	Kinzua Creek, South Branch	From headwaters downstream to confluence with Hubert Run	7.1 miles
McKean/Elk	Crane Run	From headwaters downstream to mouth	3.6 miles
Monroe	Cross Keyes Run	From headwaters downstream to mouth	2.5 miles
Monroe	Devils Hole Creek	From headwaters downstream to upper boundary of SGL #221	0.4 miles
Monroe	Devils Hole Creek	From separated SGL #221 border downstream to SGL #221 border	1.8 miles
Monroe	Devils Hole Creek	From upper boundary of SGL #221 downstream to lower boundary of SGL#221	1.4 miles
Monroe	Frame Cabin Run	From headwaters downstream to mouth	3.7 miles
Monroe	Poplar Run (Laurel Run)	From headwaters downstream to mouth	3.7 miles
Monroe	Mill Creek	From headwaters downstream to SGL #221 border	1.9 miles
Monroe	Rattlesnake Creek	From headwaters downstream to end of T-594	3.1 miles
Monroe	Sand Spring Run	From outlet of Sand Spring Lake downstream to confluence with Pocono Creek	1.7 miles
Monroe	Wolf Swamp Run	From outlet of Wolf Lake downstream to confluence of Pocono Creek	2.1 miles
Perry	Laurel Run, North Branch	From headwaters downstream to confluence with South Branch Laurel Run	6.5 miles
Potter	Bailey Run	From headwaters downstream to 120 miles upstream to confluence with Little Bailey Run	6.5 miles
Potter	Big Nelson Run, Left Branch	From headwaters downstream to mouth	4.0 miles
Potter	Birch Run	From headwaters downstream to mouth	5.3 miles
Potter	Hammersley Fork	From headwaters downstream to confluence with Bell Branch	6.9 miles
Potter	Hammersley Fork	Confluence with Bell Branch downstream to Ford	1.8 miles
Potter	Johnson Brook	From headwaters downstream to SGL boundary above Thunder Run	3.5 miles
Potter	Sinnemahoning Creek, East Fork	From headwaters downstream to Dolliver Trail	2.5 miles
Potter	Stony Lick Run	From headwaters downstream to mouth	3.2 miles
Somerset	Iser's Run	From Rockwell Reservoir Dam outflow downstream to mouth	5.6 miles
Somerset	Laurel Run	From PA/MD state line downstream to 300 miles downstream of T-331	2.9 miles
Somerset	Piney Run	From headwaters downstream to T-816	2.4 miles
Somerset	Roaring Run	From headwaters downstream to Boswell Reservoir	1.0 miles
Sullivan	Elklick Run	From headwaters downstream to mouth	2.7 miles
Sullivan	Kethum Run	From headwaters downstream to mouth	2.9 miles
Sullivan	Kettle Creek	From headwaters downstream to confluence with Ogdonia Creek	7.3 miles
Sullivan	The Outlet (Lewis Creek)	From Eagles Mere Lake downstream to confluence with Big Run	5.2 miles

<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Length</i>
Sullivan	Shanerburg Run	From headwaters downstream to 1.5 miles above mouth	2.0 miles
Sullivan	Shingle Mill Run	From headwaters downstream to mouth	2.4 miles
Tioga	Cushman Branch	From headwaters downstream to confluence with Bear Run	3.7 miles
Tioga	Long Run	From headwaters downstream to confluence with Custard Run	4.6 miles
Tioga	Nickel Run	From headwaters downstream to mouth	4.1 miles
Tioga	Pine Island Run	From headwaters downstream to mouth	2.5 miles
Union	Buffalo Creek, North Branch	From headwaters downstream to outflow of Mifflinburg Reservoir	7.0 miles
Union	Cherry Run	From headwaters downstream to 4.3 km upstream of mouth (Stone Camp)	2.6 miles
Union	Panther Run	From headwaters downstream to mouth	3.0 miles
Venango	Dennison Run	From headwaters downstream to mouth	2.5 miles
Warren	Arnot Run	From headwaters downstream to mouth	6.6 miles
Warren	Hickory Creek, East	From headwaters downstream to confluence of Middle Hickory Creek	5.2 miles
Warren	Wildcat Run	From headwaters downstream to mouth	5.2 miles
Westmoreland	Baldwin Creek	From headwater downstream to SGL #42 boundary	3.2 miles
Westmoreland	Mill Creek, Left Middle Fork	From headwaters downstream to mouth	2.1 miles
Westmoreland	Mill Creek, Right Middle Fork	From headwaters downstream to mouth	2.6 miles
Westmoreland	Mill Creek, South Fork	From headwaters downstream to Ligonier Twp Reservoir	3.2 miles
Westmoreland	Powdermill Run	From headwaters downstream to mouth	3.2 miles
Westmoreland	Roaring Run	From headwaters downstream to 1 mile upstream T332 Bridge	3.5 miles
Westmoreland	Shannon Run	From headwaters downstream to lower SGL boundary	1.7 miles
Wyoming	Cider Run	From headwaters downstream to mouth	2.4 miles
Wyoming	Sorber Run	From headwaters downstream to mouth	3.0 miles

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 00-446. Filed for public inspection March 10, 2000, 9:00 a.m.]

**Temporary Changes to Miscellaneous Special Regulations**

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), is taking immediate action to modify temporarily the miscellaneous special regulations at § 65.24 as follows:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
Huntingdon	Raystown Lake (includes Raystown Branch from the Raystown Dam downstream to confluence with Juniata River).	Trout (all species)—no closed season. Creel limits: regular inland season—[ <b>8</b> ] <b>5</b> . Day after Labor Day to opening day of next regular inland season—3 (combined species). * * *
Somerset, Fayette, Westmoreland and Allegheny	Youghiogheny River from reservoir downstream to confluence with Casselman River	Closed season on trout—April 1 until 8 a.m. first Saturday after April 11. Daily limit—opening day of trout season to Labor Day—[ <b>eight</b> ] <b>five</b> trout per day; day after Labor Day to midnight March 31 of the following year—three trout per day. Inland regulations apply to warmwater/coolwater species.

When the Commission amended its Statewide trout regulations last year to reduce the creel limit from eight to five, these miscellaneous regulations should have been amended as well. The Commission's Executive Director finds that temporarily modifying these miscellaneous special regulations to make them consistent with Statewide trout regulations is necessary and appropriate for the protection, preservation and management of fish and fish habitat and to conserve and preserve fishing opportunities. The Commission will take appropriate rulemaking action to amend the miscellaneous special regulations at its upcoming meeting on April 8, 2000.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 00-447. Filed for public inspection March 10, 2000, 9:00 a.m.]

**INDEPENDENT  
REGULATORY REVIEW  
COMMISSION**

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-465	State Board of Dentistry Expanded Function Dental Assistants	2/29/00
11-193	Insurance Department Medicare Supplement Insurance Minimum Standards	3/1/00
16A-576	State Board of Veterinary Medicine Professional Conduct; Advertising	3/1/00

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-448. Filed for public inspection March 10, 2000, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Delta Dental of Pennsylvania, Delta Premier and Delta Preferred; UCR Fee Level Increase**

Delta Dental of Pennsylvania has filed for approval of an update to its usual, customary and reasonable fee levels for its premier and preferred programs to be effective April 1, 2000.

The fee level increase for the UCRs is 4.0%. The proposed updates will have an immediate impact of 4.9% in Delta's liability.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-449. Filed for public inspection March 10, 2000, 9:00 a.m.]

# LIQUOR CONTROL BOARD

## Expiration of Leases

The following Liquor Control Board lease will expire:

Chester County, Wine & Spirits Shoppe #1510, 41 North Bailey Road, Thorndale, PA 19372-1077.

*Lease Expiration Date:* August 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a 1 mile radius of North Bailey Road, Thorndale.

*Proposals due:* March 31, 2000 at 12 noon

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5165, 7322 Castor Avenue, Philadelphia, PA 19152-4205.

*Lease Expiration Date:* March 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 5,000 to 9,000 net useable square feet of new or existing retail commercial space within a 1/2 mile radius of Cottman Avenue and Castor Avenue, Philadelphia.

*Proposals due:* March 31, 2000 at 12 noon

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert J. Jolly, (215) 482-9670

Allegheny County, Wine & Spirits Shoppe #0244, 739 Monongahela Avenue, Glassport, PA 15045-1425.

*Lease Expiration Date:* March 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space in the Glassport Central Business District.

*Proposals due:* March 31, 2000 at 12 noon

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0247, 5430 Center Avenue, Pittsburgh, PA 15232-1622.

*Lease Expiration Date:* March 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 6,000 net useable square feet of new or existing retail commercial space located within the area bounded by Walnut Street, Baum Boulevard, South Negly Avenue and Cyprus Street, Pittsburgh.

*Proposals due:* March 31, 2000 at 12 noon

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Joseph J. Molhoek, (412) 565-5130

Westmoreland County, Wine & Spirits Shoppe #6521, 4610 William Penn Highway, Murrysville, PA 15668-2004.

*Lease Expiration Date:* March 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in a shopping center environment along Route 22 in Murrysville.

*Proposals due:* March 31, 2000 at 12 noon

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

JOHN E. JONES, III,  
*Secretary*

[Pa.B. Doc. No. 00-450. Filed for public inspection March 10, 2000, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Acquire Water System Assets Without Hearing

**A-212370F0057. Philadelphia Suburban Water Company.** Application of Philadelphia Suburban Water Company for approval to acquire the water system assets of Fulmor Heights Homeownership Association located in the certificated service territory of Philadelphia Suburban Water Company in Hatboro Borough, Montgomery 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 March 27, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* Philadelphia Suburban Water Company

*Through and By Counsel:* Mark J. Kropilak, Vice President and General Counsel, Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-451. Filed for public inspection March 10, 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. 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 April 3, 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-00116616. A Kings Limo, Inc.** (1051 Herbert Boulevard, Williamstown, NJ 08094), a corporation of the Commonwealth of Pennsylvania—(1) persons in limousine service between points in the county of Chester and the townships of Birmingham, Concord and Thornbury, Delaware County, and from said county and townships to points in Pennsylvania within and airline distance of 50 statute miles of the limits of the county of Chester and the townships of Birmingham, Concord and Thornbury, Delaware County, and return; right 1 subject to the following condition: that no right, power or privilege is granted to originate transportation in Lancaster County, and (2) persons in limousine service between points in the counties of Berks, Chester and Montgomery, and from points in said counties, to points in Pennsylvania, and return; right 2 subject to the following conditions: that no right, power or privilege is granted to provide service to or from hotels and motels in Montgomery County or to or from the following points in Chester County: Guest Quarters, Alcoa Standard and Chesterbrook Shopping Center in Chesterbrook or MAI Sorbus in Great Valley; that no right, power or privilege is granted to provide service to or from Berks County, except for the city of Reading, the boroughs of Robesonia, West Reading, Bally, Bechtelsville, Birdsboro, Boyertown, Fleetwood, Lyons, Hamburg, Leesport and Mount Penn, and the townships of Bern, Douglass, Amity, Exeter, Union, Oley, Earl Coalbrookdale, Alsace, Robeson and Washington; that no right, power or privilege is granted to provide service to or from Delaware County, except Tinicum Township; which is to be a transfer of all of the rights authorized Fashion Limousine, Inc., under the certificate issued at A-00115113, subject to the limitations and conditions. *Attorney:* John J. Gallagher, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**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-00086705, F. 2, AM-A. Posten Taxi, Incorporated** (777 South Franklin Street, Wilkes-Barre, Luzerne County, PA 18702), a corporation of the Commonwealth of Pennsylvania—persons, upon call or demand, in the city of Wilkes-Barre, Luzerne County, and within 10 miles by the usually traveled highways of the limits of said city, all call to be accepted in the city of Wilkes-Barre: *So as to permit* the transportation of persons, upon call or demand, in the city of Scranton, Lackawanna County, and

within an airline distance of 10 statute miles of the limits of said city. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-452. Filed for public inspection March 10, 2000, 9:00 a.m.]

**Telecommunications**

**A-310838F0002. Bell Atlantic-Pennsylvania, Inc. and Cavalier Telephone Mid-Atlantic, LLC.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Cavalier Telephone Mid-Atlantic, LLC, d/b/a Cavalier Telephone for approval of an interconnection agreement under section 252(e) of The Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Cavalier Telephone Mid-Atlantic, LLC, d/b/a Cavalier Telephone, by its counsel, filed on February 25, 2000, at the Pennsylvania Public Utility 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 Cavalier Telephone Mid-Atlantic, LLC, d/b/a Cavalier Telephone Joint Petition are on file with the Pennsylvania Public Utility 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. 00-453. Filed for public inspection March 10, 2000, 9:00 a.m.]

**Telecommunications**

**A-310718. Bell Atlantic-Pennsylvania, Inc. and Eagle Communications, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Eagle Communications, Inc. d/b/a Eagle Telco, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Eagle Communications, Inc. d/b/a Eagle Telco, Inc., by its counsel, filed on February 25, 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 Eagle Communications, Inc. d/b/a Eagle Telco, 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. 00-454. Filed for public inspection March 10, 2000, 9:00 a.m.]

### Telecommunications

**A-310510. United Telephone Company of Pennsylvania d/b/a Sprint and CTSI, Inc.** Joint Application of the United Telephone Company of Pennsylvania d/b/a Sprint and CTSI, Inc. for approval of an interconnection and resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and CTSI, Inc., by its counsel, filed on February 23, 2000, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection and 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 United Telephone Company of Pennsylvania d/b/a Sprint and CTSI, 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. 00-455. Filed for public inspection March 10, 2000, 9:00 a.m.]

### Telecommunications

**A-310863. United Telephone Company of Pennsylvania d/b/a Sprint and Comm South Companies, Inc.** Joint Application of United Telephone Company of Pennsylvania d/b/a Sprint and Comm South Companies, Inc. for approval of a resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and Comm South Companies, Inc., by its counsel, filed on February 22, 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 United Telephone Company of Pennsylvania d/b/a Sprint and Comm South Companies, 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. 00-456. Filed for public inspection March 10, 2000, 9:00 a.m.]

### Transfer and Abandonment Without Hearing

**A-210009 F2000. Waterflow Pike, Inc.** Application of Waterflow Pike, Inc., for approval of the transfer and abandonment of the system serving Woodland Hills Development, Paupack Township, Wayne County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before March 27, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* Waterflow Pike, Inc.

*Through and By Counsel:* Richard B. Henry, Bugaj and Henry, Maple Leaf Gardens, 308 Ninth Street, Honesdale, PA 18431.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-457. Filed for public inspection March 10, 2000, 9:00 a.m.]

### Transfer by Merger Without Hearing

**A-110650 F0006. Pike County Light and Power Company.** Application of Pike County Light and Power Company for approval of the transfer by merger from Consolidated Edison, Inc., to a newly-formed holding company also named Consolidated Edison, Inc., the Title to, or the possession or use of, all property of Pike County Light and Power Company, used or useful in the public service.

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 March 27, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pike County Light and Power Company

*Through and By Counsel:* Michael W. Hassell, Morgan, Lewis and Bockius, LLP, 417 Walnut Street, Harrisburg, PA 17101-1904.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-458. Filed for public inspection March 10, 2000, 9:00 a.m.]

**Transfer by Sale  
Without Hearing**

**A-210105F2000 and A-210089. Fannie Beiler, t/a Acorn Water Company.** Application of Fannie Beiler, t/a Acorn Water Company for approval of the transfer by sale of all the property and rights of the Acorn Water Company business of the former to a limited liability company to be formed by Greg T. and Melissa M. Hurst anticipated to be called Acorn Water Company, LLC, and for the approval of Fannie Beiler, t/a Acorn Water Company to abandon or discontinue providing water service.

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 March 27, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* Fannie Beiler, t/a Acorn Water Company, Greg T. and Melissa M. Hurst

*Through and By Counsel:* Linda Kling, Esquire, Wentz, Weaver and Kling, 132 West Main Street, New Holland, PA 17557. (Attorney for Fannie Beiler, t/a Acorn Water)

Joshua D. Cohen, Esquire, Hartman Underhill & Brubaker, LLP, 221 East Chestnut Street, Lancaster, PA 17602. (Attorney for Greg T. and Melissa M. Hurst)

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-459. Filed for public inspection March 10, 2000, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-211070. F0008. Citizens Utilities Water Company of PA.** Application of Citizens Utilities Water Company of Pa for approval to begin to offer, render, furnish or supply water service to the public in additional territory in a portion of Schuylkill 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 March 27, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* Citizens Utilities Water Company of PA

*Through and By Counsel:* John H. Isom, Morgan, Lewis and Bockius, LLP, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-460. Filed for public inspection March 10, 2000, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-212285F0070. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish

or supply water service to the public in an additional portion of Perkiomen Township, Montgomery County, Pennsylvania.

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 March 27, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan D. Simms, Esquire, 800 West Hersheypark Drive, Hershey, Pa. 17033.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-461. Filed for public inspection March 10, 2000, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, March 23, 2000 for Project No. 00-059-001 (Purchase of commercial grade, aluminum, double hung, tilt windows with half screens—installation is not required).

The bid documents can be obtained from the Director of Procurement, 210 W. Washington Sq., 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available March 14, 2000. The PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 00-462. Filed for public inspection March 10, 2000, 9:00 a.m.]

## STATE BOARD OF VOCATIONAL REHABILITATION

### Public Meeting

The State Board of Vocational Rehabilitation will hold its next public meeting in York, PA.

*Location:* Holiday Inn—Holidome and Conference Center  
2000 Loucks Road  
York, PA 17404

*Date:* March 14, 2000

*Time:* 10:30 a.m.—12 noon (Executive Session)—closed to the public  
1 p.m.—3 p.m. (Public Session)

Persons who require special arrangements (including a sign language interpreter or alternate format), should call Nancy Dutchko at (717) 787-1112 or (800) 442-6351.

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 00-463. Filed for public inspection March 10, 2000, 9:00 a.m.]

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# 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

**8141840** Bituminous wearing course. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Mercer, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**8062450** 4707-078-00 Screed Kit. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Bloomsburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1417159** Cort stacking tables per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

**Department:** State System of Higher Education  
**Location:** University Park, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**SU 24000-96** Shippensburg University is seeking vendors interested in bidding on the commercial printing of the University's nine Admissions 2-Color Publications. Requirements include generating film from designer-supplied QuarkXpress application file (on MAC disk). Bid opening scheduled for April 4, 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 jlneid@ship.edu. Questions may be addressed to (717) 477-1123, Ext. 3139. 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

**1431119** Resurfacing of baker, cooler and counter floors. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1428359** Air monitoring equipment shelter. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**ADV No. 69** Indiana University of PA (IUP) Indiana, PA 15705 is seeking bids for 35 refrigerators for student on-campus apartments. Units must be frost-free, size: 28"W x 30-7/8"D x 62-1/4"H, capacity: 14 cubic ft., color: white. Acceptable Mfg. Model: Roper Model No. RT14DKZGW, or approved equal. Request for bid package should be made in writing, referencing Advertisement No. ADV69 and directed to Patty Bash, Purchasing Agent, IUP, 650 S. 13th Street, Indiana, PA 15705; Fax No. (724) 357-2670. Phone (724) 357-3077; or E-mail: PABash@grove.iup.edu. Requests for a bid package will be accepted until March 24, 2000. The University encourages responses from small and disadvantaged, minority and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Duration:** N/A  
**Contact:** Patty Bash, (724) 357-3077

**1384209** Vans per bid specifications. 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

**9515-000-000** Cold Rolled Sheet Steel: Must conform to ASTM A366. Must be lightly oiled and free from rust. Manufacturers' Standard Gauge No. 11 (.1196" Nominal Thickness [+ .006 or -.006"]). Size: 48" x 96" x 11 Gauge, 5.00 lbs./sq. ft. will request 500 sheets on bid. To request a bid package call (412) 761-1955, Ext. 303-Rich.

**Department:** Corrections  
**Location:** Metal Plant—S.C.I. Pittsburgh, 3001 New Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** Thirty Days  
**Contact:** Richard J. Stofko, Purchaser I, (412) 761-1955, Ext. 303

**1430159** AVID XPRESS/NT "Plus" bundle workstations per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

**Department:** State System of Higher Education  
**Location:** Philadelphia, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**SU 49230-67** Shippensburg University is seeking vendors interested in bidding on 30,100 square feet of rolled Bluegrass Blend Sod with 3 point bar for installation of the practice football field renovation. Bid opening scheduled for March 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 jlneid@ship.edu. Questions may be addressed to (717) 477-1123, Ext. 3139. 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

**1434119** Stapchek XL. 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

**1374139** Latest Model Cutaway Cab and Chassis with Omnibus body conversion per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1372219** Assistive Devices and Durable Medical Equipment. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Public Welfare  
**Location:** Ebensburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1363219** Automated Pharmaceutical Dispensing System. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Public Welfare  
**Location:** Torrance, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1338169** Automotive Chassis Dynamometer. 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

**49630E99-52** SU49630-52: Furnish and install emergency generator: Shippensburg University of the State System of Higher Education invites vendors to request bid documents for this item. Prospective bidders may obtain bid packages by contacting Zora Frank at the University Purchasing Office at (717) 477-1386 or fax (717) 477-1350. Prebid Meeting with site visit immediately to follow will be held on Thursday, March 23, 2000 at 10 a.m. at Reed Operation Conference Room. Bids due: April 12, 2000 by 4 p.m. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA  
**Duration:** N/A  
**Contact:** Zora Frank, (717) 477-1386

**SU 24000-95** Shippensburg University is seeking vendors interested in bidding on the commercial printing of the University's Viewbook, Application Packet, Search Piece, and Recruitment Poster. Requirements include printing on a 6-color offset press that can accommodate a 23" x 35" sheet, 200-line screen printing, in-house separations, and manipulating images in Photoshop. Bid opening scheduled for April 4, 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 jlnid@ship.edu. Questions may be addressed to (717) 477-1123, Ext. 3139. 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

**1352189** Truck, Van Body. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Revenue  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1423119** Polycotton twill. 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

## SERVICES

### Agricultural Services—02

**3881109010** A Whitfield Model F-500D Transplanter or approved equal with the following specs.: Planter with double crank axle, hydraulic quick disconnects, solid 4" x 6" lifting legs, 3" rotating axle, frame 3/8" x 4" x 6" heavy duty tubing, carrier wheels to work independently from each other, 6 lug carrier hubs, with 1000 x 20 x 12 truck tires, full safety cab, 12 volt safety horn, low profile comfort seat, seedling trays, packing wheels, adjustable packing wheel scrapers.

**Department:** Conservation and Natural Resources  
**Location:** DCNR, Bureau of Forestry, HCR 62, Box 90, Renovo, PA 17764  
**Duration:** Indeterminate 1999—2000  
**Contact:** R. W. Kugel, (570) 923-6011

### Audio/Video—04

**0200-31** Contractor shall furnish, assemble and provide training for an estimated quantity of two complete self-contained trailer mounted portable highway advisory radio units in accordance with NTCIP protocol with a minimum broadcast range of 2 to 5 miles. For each unit the Contractor must be complete a frequency search and apply for license from the FCC which will be turned over to the Department of Transportation for permanent use in the Centre County region. Must include one frequency per unit to enable operation throughout Centre County and must meet requirements of FCC Rules Section 90.242, 120V AC/24V DC power selectable, diesel powered 24V DC generator. Award shall be by competitive bid. Request for bid package by fax to Janis Miele at (814) 765-0424 or phone (814) 765-0404 and include the full company name, address, phone and fax numbers and contact person.

**Department:** Transportation  
**Location:** Maintenance District 2-1, 1000 Bishop Street, Bellefonte, Centre County, PA 16823  
**Duration:** Estimated within 30 days after receipt of approved Field Purchase Order  
**Contact:** Janis Miele, (814) 765-0404, Fax (814) 765-0424

**0200-32** Contractor shall furnish, assemble and provide training of an estimated quantity of two solar-assisted (with battery pack and 120 VAC power supply back up) full matrix three line changeable message signs in accordance with NTCIP protocol equipped with cellular and land line telephone call-up, radar interrupt capabilities, mounted on trailers. Signs must be in accordance with PennDOT Publication 35, Bulletin 15 approved for incident management and moving operations. Award by competitive bid. Request for bid package by fax to Janis Miele at (814) 765-0424 or phone (814) 765-0404 and include the full company name, address, phone and fax numbers and contact person.

**Department:** Transportation  
**Location:** Maintenance District 2-1, 1000 East Bishop Street, Bellefonte, Centre County, PA 16823  
**Duration:** Estimated within 30 days after receipt of approved Field Purchase Order  
**Contact:** Janis Miele, (814) 765-0404, Fax (817) 765-0424

### Barber/Cosmetology—05

**SP 1345001005** Vendor to provide beautician services for the resident population of the Southeastern Veterans Center. All work to be performed onsite.

**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, 1 Veterans Drive, Spring City, PA 19475  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Theresa Barthel, P.A., (610) 948-2493

**SP 1345001006** Vendor to provide haircuts for residents of the Southeastern Veterans Center. Work to be performed onsite.

**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, 1 Veterans Drive, Spring City, PA 19475  
**Duration:** July 1, 2000 through June 30, 2003  
**Contact:** Theresa Barthel, P.A., (610) 948-2493

**Computer Related Services—08**

**RFP 20000114** Provide off-the-shelf desktop demographics software.

**Department:** Liquor Control Board  
**Location:** Harrisburg, PA  
**Duration:** A 2 year contract with three 1 year options. A longer contract may be negotiated if terms are favorable.  
**Contact:** Nelson A. McCormick II, (717) 787-9851

**Construction & Construction Maintenance—09**

**FDC-450-452R** Repair two fish passageways on the Leigh River at the Chain Dam and Easton Dam. Work includes excavation; concrete work; miscellaneous metal work (platforms, ladders, railings, grating, trash rack, stop logs); pre-cast concrete inlet; ductile iron pipe; fencing; warning signs; and fall prevention system, located in Northampton County. Note: Bid documents will be available on or after March 13, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Palmer Township and City of Easton  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-305-607** Rehabilitate Sewage Treatment Plant (sludge removal; lagoon liner; tank lining; piping and valves; chlorinator, communitator and aeration equipment), and rehabilitate collection system lines and manholes (open trench and trenchless methods). Work is at Cowans Gap State Park in Fulton County. Note: Bid documents will be available on or after March 13, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Todd Township  
**Duration:** 210 days  
**Contact:** Construction Management Section, (717) 787-5055

**C59-04-101.1M2** Sliplining Existing Drainage Structures includes relining six existing corrugated metal pipes with high density polyethylene pipe; the total length of pipe relining for the six pipes is approximately 445 feet. This project will issue March 10, 2000; payment in the amount of \$10 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Tioga, Tioga County  
**Duration:** 70 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**FDC-424-681** Rehabilitate an existing comfort station which was damaged by fire. Work includes masonry, concrete, carpentry, plumbing, mechanical and electrical work. Also included is drilling a water well and installing water and sewer lines. Project is in Memorial Lake State Park at Fort Indiantown Gap, Lebanon County. Note: Bid documents will be available on or after March 15, 2000.

**Department:** Conservation and Natural Resources  
**Location:** East Hanover Township  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-213-771** Design and construct all measures necessary to reduce inflow and infiltration in the existing sewage system through the use of pipe bursting/relining; open cut sewer replacement/realignment, and/or manhole repair and replacement at Raccoon Creek State Park, Beaver County. Note: Bid documents will be available on or after March 15, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Hanover Township  
**Duration:** 240 days  
**Contact:** Construction Management Section, (717) 787-5055

**MI-760** Millersville University: Project Title: Residence Hall Door Replacements and Card Access. Scope of Work: Replace approximately 42 doors and modify approximately 69 doors and frames; install security devices and hardware on approximately 109 doors and frames; and furnish and install electrical panels, devices and conduits for a card access system. Plans Cost \$100 nonrefundable.

**Department:** State System of Higher Education  
**Location:** Millersville University, Millersville, Lancaster County, PA 17551  
**Duration:** 98 calendar days from the date of the Notice to Proceed  
**Contact:** Jill M. Coleman, (717) 872-3730

**SP 3864009018** Rehabilitation of stormwater drainage system along the back wall of the Nolde Forest EE Center office building.

**Department:** Conservation and Natural Resources  
**Location:** DCNR—Bureau of State Parks, Nolde Forest Environmental Education Center, 2910 New Holland Road, Reading, PA 19607  
**Duration:** June 30, 2000  
**Contact:** Alice Begley, (215) 453-5016

**KUFR-0005** Kutztown University is seeking qualified contractors for an open-ended requirements facilities contract to perform Major Concrete Renovations 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. Packages are available March 13, 2000 through prebid. A prebid meeting has been scheduled on March 23, 2000 at 10 a.m. in Room OM-26 in the Old Main Building. Bids are to be received no later than 3 p.m. on April 6, 2000 in the Office of Planning and Construction, Room 236. Bids will be opened on April 6, 2000 at 3 p.m. 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:** One year after NTP (4 additional 1 year renewal option)  
**Contact:** Barbara Barish, (610) 683-4602

**IN-805.1** Concrete Construction General Campus Area. Work included under this project consists of Open-Ended Concrete Construction, General Campus Area (including Punxsutawney and Armstrong Campuses), consisting of the replacement of existing asphaltic concrete paving throughout the University Campus. Notice to Contractors may be requested from IUP. Phone: (724) 357-2289, Fax: (724) 357-6480, Internet: <http://www.iup.edu/engcons>.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six Months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (724) 357-4851

**015DGS4594-32** Project Title: Third Phase of Electrical Conversion. Brief Description: Renovate electric service to accommodate 3-phase primary change. Coordinate utility work to add 3rd phase and change transformers. Estimated Range: Under \$100,000. Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. 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. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your 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, (717) 787-3923. Bid Date: Wednesday, March 29, 2000 at 1 p.m.

**Department:** General Services  
**Location:** Hickory Run State Park—Youth Forestry Camp No. 2, White Haven, Carbon County, PA  
**Duration:** 60 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**SP 3864009017** Paving at Promised Land State Park.

**Department:** Conservation and Natural Resources  
**Location:** DCNR—Bureau of State Parks, Promised Land State Park, R. R. 1, Box 96, Route 390, Greentown, PA 18426-9735  
**Duration:** June 30, 2000  
**Contact:** Regional Park Office, (215) 453-5016

**015DGS4251-527** Project Title: Roof Replacement. Brief Description: Remove existing roof system and replace with a new tapered insulation, thermal plastic membrane roof system. Recondition all joints in stone coping and install new drains. Estimated Range: \$100,000 to \$500,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your 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, (717) 787-3923. Bid Date: Wednesday, March 29, 2000 at 2 p.m.

**Department:** General Services  
**Location:** County Maintenance Office 3-2, Montoursville, Lycoming County, PA  
**Duration:** 90 Calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**0200-33** Contractor shall assemble and deliver an estimated quantity of three low profile enclosed portable trailers with approximately 7,000 pound GVWR—minimum payload capacity at 56 mph, with estimated deck measurements of 8 foot width and 16 foot length. The contractor shall also furnish each trailer with various items for use during management of roadway emergency occurrences. Award shall be by competitive bid. Request for bid package by fax to Janis Miele at (814) 765-0424 or phone (814) 765-0404 and include the full company name, address, phone and fax numbers and contact person.

**Department:** Transportation  
**Location:** Maintenance District 2-1, 1000 East Bishop Street, Bellefonte, Centre County, PA 16823  
**Duration:** Estimated within 30 days after receipt of approved Field Purchase Order  
**Contact:** Janis Miele, (814) 765-0404, Fax (814) 765-0424



**015DGS589-47** Project Title: Replace Aluminum Wire With Copper Wire. Brief Description: Replace the existing 600 volt aluminum distribution wire with new copper wire. Estimated Range: Under \$100,000. Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. 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 the express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, March 29, 2000 at 11 a.m.

**Department:** General Services  
**Location:** Youth Development Center, New Castle, Lawrence County, PA  
**Duration:** 120 Calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

## Court Reporting—10

**1000-12227** Court Reporting Services, one court stenographer to take minutes of meetings or testimony, and provide verbatim transcriptions of the same within 2 weeks of meetings or hearings. Approximately 4,000 pages, 25 appearances.

**Department:** Corrections  
**Location:** Camp Hill area  
**Duration:** 12 month  
**Contact:** Beth Procopio, (717) 975-4960

## Engineering Services—14

**08430AG2514** To provide preliminary engineering, environmental studies, final design and services during construction for S. R. 0422, Section 291, Route 68 Interchange, in Summit and Butler Townships, Butler County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 10-0  
**Duration:** Thirty days after construction completion  
**Contact:** N/A

**08430AG2515** To provide final design service and services during construction for S. R. 9900, Section 000, West 38th Street realignment in the City of Erie, Erie County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 1-0  
**Duration:** Thirty days after construction completion  
**Contact:** N/A

**08430AG2517** Open-End Contract to provide supplementary construction staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 12-0, that is, Fayette, Greene, Washington and Westmoreland Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 12-0  
**Duration:** Sixty Months  
**Contact:** N/A

**08430AG2516** To provide environmental assessment, alternative investigations and preliminary engineering with the Department's option to add final design and services during construction after environmental clearance for S. R. 0208, Section A00 (I-79/PA 208 Interchange) in Mercer County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 1-0  
**Duration:** Thirty days after construction completion  
**Contact:** N/A

## Environmental Maintenance—15

**AMD 32(2447)101.1** Acid Mine Drainage Abatement, Tanoma South, involves approximately three borehole laterals installation, 49,000 c.y. wetland/pond construction, sealing two abandoned boreholes and 5,500 c.y. spent mushroom substrate. This project will issue March 10, 2000; payment in the amount of \$10 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Rayne Township, Indiana County  
**Duration:** 190 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**BF 434-101.1** Abandoned Mine Land Reclamation, James W. Giron Coal Company, involves approximately 296,800 c.y. grading, three temporary stream crossings, 4,900 c.y. ditch excavation, 8,500 s.y. high velocity erosion control mulch blanket, 3,160 s.y. rock lining with filter material, wetland mitigation and seeding 48 acres. This project will issue March 10, 2000; payment in the amount of \$15 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Madison Township, Clarion County  
**Duration:** 360 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

## Extermination Services—16

**00-004** CC No.: 9999-3600-000. Contractor shall provide pest control and extermination service for the institutional grounds and physical structure. Requested service shall be provided to this agency on a twice a month schedule.

**Department:** Corrections  
**Location:** State Regional Correctional Facility, 801 Butler Pike, Route 258, South Mercer, PA 16137  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** John Pitonyak, (724) 662-1837, Ext. 194

## Hazardous Material Services—21

**FM-0161** Removal and replacement of asbestos floor tile floor. To obtain a copy of this bid package fax the following information to Roberta Cooper at (717) 783-7971: Contract No. FM-0161; Company Name; Company Contact Person; Address; Telephone Number and Fax Number; Please reference FM-0161 on the Fax.

**Department:** Transportation  
**Location:** PennDOT BDL Site Meadville Driver Exam, R. D. 4 Patricia Drive, Meadville, Crawford County, PA  
**Duration:** 90 Calendar Days  
**Contact:** Roberta Cooper, (717) 787-4006

**SP 1345001004** Vendor will remove and incinerate all infectious waste in accordance with the Department of Environmental Protection and all other applicable regulations.

**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, 1 Veterans Drive, Spring City, PA 19475  
**Duration:** July 1, 2000 through June 30, 2003  
**Contact:** Theresa Barthel, P.A., (610) 948-2493

**080s44** To inventory, remove and dispose of hazardous and residual waste.

**Department:** Transportation  
**Location:** Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry Counties  
**Duration:** 1 year contract with option to renew for 5 additional 1 year periods  
**Contact:** Scott Sykes, (717) 787-4813

## HVAC—22

**1509-03292** Labor and parts to service and repair Thermo-King Refrigeration units on C. I. Freight Fleet Reefer trailers.

**Department:** Corrections  
**Location:** SCI Camp Hill Freight Terminal, Camp Hill, PA  
**Duration:** 3 years  
**Contact:** Beth Procopio, (717) 975-4960

**FM0026** Removal and replacement of heating pipe insulation at PennDOT's District 6-5, County Maintenance Facility, Blaine and Ruffner Streets, Philadelphia, Philadelphia County, PA. To obtain a copy of the bid package, fax the following information to Diane Cole at (717) 783-7971. Contract No. FM0026; Company Name; Company Contact Name; Address; Telephone Number and Fax Number.

**Department:** Transportation  
**Location:** PennDOT District 6-5, County Maintenance Facility, Blaine and Ruffner Streets, Philadelphia, Philadelphia County, PA  
**Duration:** 6 Months, 180 calendar days  
**Contact:** Diane Cole, (717) 783-8913

## Janitorial Services—23

**461456** Provide twice-weekly, Monthly and Quarterly Janitorial Service. Fax request for bid package to Darlene Barnhart at (717) 783-4438, include paper mailing address, contact person and telephone number.

**Department:** Transportation  
**Location:** Western PA Training Academy (WPTA), 449 Crawford Run Road, Cheswick, PA 15024  
**Duration:** Contract is a one term of 5 years  
**Contact:** Robert Gamera, (724) 265-4980

**02-B-00** Janitorial Services for Labor and Industry Allentown Office, 1 South 2nd Street, Suite 400, Allentown, PA 18102-4901. There will be a mandatory walk-through March 24, 2000.

**Department:** Labor and Industry  
**Location:** Labor and Industry, 1 South 2nd Street, Suite 400, Allentown, PA 18102-4901  
**Duration:** July 1, 2000 to June 30, 2001 with three 1 year renewal options  
**Contact:** Cherianita Thomas—BF, (717) 787-2877

**Bid No. 8138** Furnish all equipment, materials and labor to perform janitorial services 3 visits per week at the Clarion Station, R. D. 2, Box 1A, Clarion, PA 16214. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Clarion Station, R. D. 2, Box 1A, Clarion, PA 16214  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**09201** Furnish all materials, equipment and labor to provide janitorial services 7 days a week, including windows, walls, blinds, wastebasket emptying, clean lavatories, sweep floors, stripping and waxing, buffing, vacuum carpets and shampoo, dust furniture. This contract will be for a 1-year period and renewable by mutual consent of the parties. Site visit is scheduled for Tuesday, March 7 at 10 a.m. To request a copy of bid packet and pertinent information, contact Antonia Williams, online at awilliams@cheyney.edu or fax (610) 399-2128.

**Department:** State System of Higher Education  
**Location:** Cheyney and Creek Roads, Cheyney, PA 19319  
**Duration:** 1-year with renewal options  
**Contact:** Antonia Williams, (610) 399-2360

## Laundry/Dry Cleaning—25

**APR No. 2** Vendor to furnish laundering, dry cleaning, pressing, repairs and alterations for Capitol Police uniforms at the Capitol complex in Harrisburg. Services required from July 1, 2000 through June 30, 2003. This is a 3 year contract. Approximately 12,000 shirts, 10,000 trousers, 200 jackets, and other assorted cleaning is done each year, plus alterations and repairs. Quantities are estimated and payments are made for only actual services performed. Vendor agrees to pick up and deliver all work twice a week on a schedule convenient to both parties. Insurance coverage for garments is required by vendor. Invoicing will be made monthly.

**Department:** General Services  
**Location:** Bureau of Police and Safety, Suite 70E, Capitol East Wing Addition, Harrisburg, PA 17125  
**Duration:** July 1, 2000 through June 30, 2003  
**Contact:** Charles Klein, Supply Office, (717) 787-9635

## Medical Services—29

**sp-13430009** Vendor to supply services of a Board Certified Oral Surgeon for all clients either presented to their office or, if required, the vendor agrees to provide the needed service at the Hollidaysburg Veterans Home. Vendor to see all clients for examination, oral diagnosis, and treatment of oral medical and surgical problems. There are approximately 514 residents. Please fax your request to: Becky Clapper, (814) 696-5395.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** Contract to begin July 1, 2000 and end June 30, 2001 with the option to renew for up to 4 years.  
**Contact:** Becky Clapper, (814) 696-5210, Fax (814) 696-5395

**00-002** CC No.: 9999-1500-000, Contractor shall provide dental laboratory services and dental prosthetic devices to this Agency's resident population. Specifications may be obtained by contacting the Agency listed.

**Department:** Corrections  
**Location:** State Regional Correctional Facility, 801 Butler Pike, Route 258 South, Mercer, PA 16137  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** John Pitonyak, (724) 662-1837, Ext. 194

## Moving Services—30

**SP 3890081** Provide moving consultation services for the relocation of employees, furnishings and equipment in the Harrisburg area and the Department's regional and district offices Statewide. Services are required on an as needed basis.

**Department:** Conservation and Natural Resources  
**Location:** Harrisburg and Regional and District Offices Statewide  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Corey Walters, (717) 783-0733

**02-A-00** Office Move: Bid must be firm. This is a two part move, 1st Phase will commence on or about March 27, 2000, 2nd Phase approximately 6 weeks later. Contractor must be able to disassemble Haworth Unigroup Modular furniture, move, redesign and reassemble. Each phase will be invoiced separately, both moves will occur weekdays during normal business hours.

**Department:** Labor and Industry  
**Location:** Office of Vocational Rehabilitation (OVR), 13th Floor Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120  
**Duration:** On or about March 27, 2000. One 24-Hour Period  
**Contact:** Cherianita Thomas—NK, (717) 787-2877

**7839898** Specialized library mover required to map library's collections, professionally clean and move books and other library materials from several different locations in the State Museum of Pennsylvania and the State Archives Building in Harrisburg. Once moved, cataloged items are to be merged into one Dewey Decimal range and shelved in a library located in the newly erected Keystone Building. Some boxed uncataloged items are to be placed on shelves in storage areas in the Keystone Building. The time of the move is dependent on the new building's construction schedule; the current schedule places the move sometime toward the end of this summer. A formal walk-through and references are required to submit a bid.

**Department:** Historical and Museum Commission  
**Location:** PA Historical and Museum Commission, State Museum of Pennsylvania/State Archives Building, 3rd and North Streets, Harrisburg, PA 17108  
**Duration:** Will depend upon new building construction schedule  
**Contact:** Paula Heiman, (717) 783-9898

### Personnel, Temporary—31

**3091810024** The Pennsylvania Historical and Museum Commission is transitioning its files to a high density storage system when it moves to the Commonwealth's Keystone Building. The new system necessitates a large scale file conversion from top to side tab file folders. Files and reports must be folded or refolded and other files must have side/end tabs added. All files will require labeling.

**Department:** Historical and Museum Commission  
**Location:** State Museum of Pennsylvania, 3rd and North Streets, Harrisburg, PA 17108  
**Duration:** To be determined  
**Contact:** Tobi Gilson, (717) 772-8875

### Property Maintenance—33

**SP 3590009278** Provide maintenance services for the Hawk Run District Office to include maintaining building exterior, gutters, minor carpentry, and the like.

**Department:** Environmental Protection  
**Location:** Hawk Run, PA  
**Duration:** Through June 30, 2001, with option to renew  
**Contact:** Sherry Morow, (717) 772-1216

**110035** The contractor will perform herbicide application, mowing, wildflower bed preparation and seeding, and site management at prescribed locations according to specific contract specifications. The contract is renewable by mutual consent, and prices are negotiable for each 1-year renewal period, but are limited to the current CPI.

**Department:** Transportation  
**Location:** Allegheny, Beaver and Lawrence Counties  
**Duration:** One year with five 1-year renewal options. Renewals must be by mutual consent.  
**Contact:** Joe DiPietro, (412) 429-4954

**6115-99-002** Provide and plant trees for landscape project.

**Department:** Conservation and Natural Resources  
**Location:** Lyman Run State Park  
**Duration:** 45 days after receipt of purchase order  
**Contact:** Harry P. Harrison, (814) 435-5010

**006** Water Meter Hatch Door Replacement.

**Department:** Military Affairs  
**Location:** PA Army National Guard Armory, 100 Valley-Hi Drive, Pittsburgh, PA 15229  
**Duration:** Date of Award to June 30, 2000  
**Contact:** Aimee or Brenda, (717) 861-8519/2118

**FM0073** Install new fence and gate at the Department of Transportation's Cresco Stockpile, Hardytown, Monroe County, PA. To obtain a copy of the bid package, please fax the following information to Diane Cole at (717) 783-7971. Contract No. FM0073; Company Name; Company Contact Name; Address; Telephone Number and Fax Number.

**Department:** Transportation  
**Location:** PennDOT Cresco Stockpile, Hardytown, Monroe County, PA  
**Duration:** 90 calendar days  
**Contact:** Diane Cole, (717) 783-8913

**FM0042** Installation of new ceiling, lighting and painting a PennDOT's Driver Exam Site, Route 58, Mercer, Mercer County, PA. To obtain a copy of this bid package, fax the following information to Vikki Mahoney at (717) 783-7971. Contract No. FM0042; Company Name; Company Contact Name; Address; Telephone Number and Fax Number.

**Department:** Transportation  
**Location:** PennDOT Driver's License Exam Site, Route 58, Mercer, Mercer County, PA  
**Duration:** 90 calendar days  
**Contact:** Vikki Mahoney, (717) 787-7001

**FM0140** Replacement of security fence at the PennDOT Stockpile No. 01, Main Shed, Temple, Berks County, PA. To obtain a copy of this bid package, please Fax the following information to Vikki Mahoney at (717) 783-7971. Contract No. FM0140; Company Name; Company Contact Name; Address; Telephone Number and Fax Number.

**Department:** Transportation  
**Location:** PennDOT Stockpile 01 Main Shed, Temple, Berks County, PA  
**Duration:** 90 calendar days  
**Contact:** Vikki Mahoney, (717) 787-7001

**FM0133** Replacement of 12 doors at the PennDOT Stockpile 01, 421 West Main Street, New Bloomfield, Perry County, PA. To obtain a copy of this bid package, please Fax the following information to Vikki Mahoney at (717) 783-7971. Contract No. FM0133; Company Name; Company Contact Name; Address; Telephone Number and Fax Number.

**Department:** Transportation  
**Location:** PennDOT Stockpile 01, 421 West Main Street, New Bloomfield, Perry County, PA  
**Duration:** 120 calendar days  
**Contact:** Vikki Mahoney, (717) 787-7001

**110036** Mowing of various sites in Lawrence County in accordance with contract specifications. Sickle bar, flail or rotary as directed.

**Department:** Transportation  
**Location:** Various sites in Lawrence County  
**Duration:** One Year with five 1-year renewal periods. Contract renewable by mutual consent. Price escalation limited to CPI.  
**Contact:** Joe DiPietro, (412) 429-4954

**SP-3821219003** This work will consist of complete removal of the existing roofing and the installation of new fiberglass shingles on the office at Leonard Harrison State Park and the complete removal of the existing shingles and installation of new fiberglass shingles on three buildings at Hills Creek State Park. These buildings include the park office, maintenance building, and campground restroom in loop D.

**Department:** Conservation and Natural Resources  
**Location:** Leonard Harrison State Park in Shippen/Delmar Township, Tioga County and Hills Creek State Park in Charleston Township, Tioga County  
**Duration:** Work to be completed by June 30, 2000  
**Contact:** Gene Strick, (814) 486-5637

**SP3861009002** Services required to re-roof Park Region 1/Forest District 13 office building located in Emporium, PA.

**Department:** Conservation and Natural Resources  
**Location:** Regional Park Office 1/Forest District 13, R. R. 4, Box 212, Route 155N, Emporium, PA 15834  
**Duration:** All work to be completed by June 30, 2000  
**Contact:** Christine Slusarick, (814) 486-3365

**09710** To provide a reasonable and weather tight closure to Marian Anderson by coping of the cross joints, inside be and flashing repair, repair of window and control joints, seal cracked brick and limestone and provide water repellent seal to brick and limestone coping panels. Bid packet and all pertinent information may be obtained from the Contracts Office, online at awilliams@cheyney.edu or fax (610) 399-2128.

**Department:** State System of Higher Education  
**Location:** Cheyney and Creek Roads, Cheyney, PA 19319  
**Duration:** 90 days  
**Contact:** Antonia Williams, (610) 399-2360

**Bid No. 8137** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the Newport Station, 3 cuttings per month, or as required by the Station Commander. Fertilization/vegetation once a year. Trim shrubs once a year. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Newport Station, 52 Red Hill Court, Newport, PA 17074  
**Duration:** April 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Railroad/Airline—34**

**SP3890088** Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 12. A 4-place, single engine, high wing aircraft, 180 horsepower or greater is required. All flights will begin and end at the Williamsport Regional Airport, Lycoming County.

**Department:** Conservation and Natural Resources  
**Location:** Forest District 12, Williamsport, PA  
**Duration:** July 1, 2000 through June 30, 2002  
**Contact:** C. Walters, (717) 783-0733

**SP3890087** Rental of two aircraft with pilots for forest fire prevention and detection including forest pest management work in PA Forest District 11, Lackawanna State Forest. Two single engine, four place, high wing aircraft with 150 horsepower or greater (will accept one of the aircraft as a low wing) are required. All flights will begin and end at the Wilkes-Barre/Scranton International Airport.

**Department:** Conservation and Natural Resources  
**Location:** Forest District 11, Scranton, PA  
**Duration:** July 1, 2000 through June 30, 2002  
**Contact:** Corey Walters, (717) 783-0733

**SP3890086** Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 18. A 4-place, single engine, high wing aircraft with 150 horsepower or greater, equipped with camera port for internally mounted camera used for aerial photography, is required. All flights will begin and end at DCNR approved airport within 30 air miles of Cressona.

**Department:** Conservation and Natural Resources  
**Location:** Forest District 18, Cressona, PA  
**Duration:** July 1, 2000 through June 30, 2002  
**Contact:** Corey Walters, (717) 783-0733

**SP3890083** Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 10. A 4-place, single engine, high wing aircraft, 160 horsepower or greater is required. All flights will begin and end at the Lock Haven Airport.

**Department:** Conservation and Natural Resources  
**Location:** Forest District 10, Renovo, PA  
**Duration:** July 1, 2000 through June 30, 2002  
**Contact:** C. Walters, (717) 783-0733

**SP3890089** Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 13. A 4-place, single engine, high wing aircraft, 180 horsepower or greater is required. All flights will begin and end at St. Mary's Airport.

**Department:** Conservation and Natural Resources  
**Location:** Forest District 13, Emporium, PA  
**Duration:** July 1, 2000 through June 30, 2002  
**Contact:** C. Walters, (717) 783-0733

**Real Estate Services—35**

**373883** Lease Office Space to the Commonwealth of Pennsylvania Board of Probation and Parole, 5,195 useable sq. ft. of new or existing office space with parking for 12 vehicles, in Pittsburgh, PA within the following boundaries: North: Butler Street, South: Penn Lincoln Parkway, East: Braddock Avenue and West: 16th Street through to Route 579 to the Penn Lincoln Parkway. 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: May 1, 2000. Solicitation No.: 92971.

**Department:** Probation and Parole Board  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** N/A  
**Contact:** John Hocker, (717) 787-4396

**373883** Lease Office Space to the Commonwealth of Pennsylvania Board of Probation and Parole, 10,075 useable sq. ft. of new or existing office space with parking for 22 vehicles, in Philadelphia, Philadelphia County, PA within the following boundaries: North: Girard Avenue, South: Washington 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: May 8, 2000. Solicitation No.: 92977.

**Department:** Probation and Parole Board  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** N/A  
**Contact:** John Hocker, (717) 787-4396

**Sanitation—36**

**00-003** CC No.: 9999-4400-015, Contractor shall provide trash removal service. Trash composition shall be waste food products and a degree of its sludge. Estimated monthly amount of trash shall approximate 200 cubic yards. Contractor shall provide 5-day weekly collection service and receptacles. Receptacle maintenance and sanitation shall be provided by the Contractor.

**Department:** Corrections  
**Location:** State Regional Correctional Facility, 801 Butler Pike, Route 258, South Mercer, PA 16137  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** John Pitonyak, (724) 662-1837, Ext. 194

**20009** Refuse Handling and Removal, disposal of solid waste material with recycling of aluminum cans, paper and organic waste. More detailed information can be obtained from the Institution.

**Department:** Corrections  
**Location:** SCI—Chester, 500 E. 4th Street, Chester, PA 19013  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Jacqueline Newson, Purchasing, (610) 490-4370

**SP1345001003** Vendor will provide complete waste removal service from the grounds of the Southeastern Veterans Center.

**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, 1 Veterans Drive, Spring City, PA 19475  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Theresa Barthel, PA, (610) 948-3493

**SP1381001229** Pump, transport and dispose of domestic waste from two 3,000 gallon tanks. Contractor will be notified by Armory Personnel when pumping is needed.

**Department:** Military Affairs  
**Location:** Johnstown Armory, 554 Airport Road, Johnstown, PA 15904-1298  
**Duration:** July 1, 2000 through June 30, 2003  
**Contact:** Emma Schroff, (717) 861-8518

**Vehicle, Heavy Equipment—38**

**300898143** Equipment repair parts for 1998 Bartmill Milling Machine, Model BM-300-B, Serial Number 300898143. Parts include lacers, belts, fittings, clamps, rollers, endless belting, roller chain links and the like.

**Department:** Transportation  
**Location:** 716 Jordan Avenue, P. O. Box 218, Montoursville, PA 17754-0218  
**Duration:** Parts to be supplied within 30 days after receipt of order  
**Contact:** Christine H. Hohman, (570) 368-4392

## Miscellaneous—39

**PDA445** A contract will be issued to secure services of a commercial food distributor or food warehouse to receive, store and deliver to identified recipient agencies, USDA commodity available to Pennsylvania under various USDA commodity programs. Commodity includes product requiring dry, chilled and frozen storage and handling. A contract will be issued in Agriculture Distribution Region (ADR) I which includes the counties of Erie, Warren, McKean, Crawford, Mercer, Venango, Forest, Clarion and Jefferson.

**Department:** Agriculture  
**Location:** ADR I  
**Duration:** Two year contract  
**Contact:** Barry Shutt, (717) 787-2940

**SP3890084** Services required for machine application of fertilizer in Forest District 15, Potter County, Commonwealth of Pennsylvania.

**Department:** Conservation and Natural Resources  
**Location:** Forest District 15, Coudersport, Potter County, PA  
**Duration:** 1 year with two 1-year renewals. Fertilization to be applied in late April to early May  
**Contact:** Corey Walters, (717) 783-0733

**RFP 20000210** Pickup, consolidate, label and transport LCB merchandise from various locations in France and Germany to LCB Distribution Centers located in Blawnox, Philadelphia and Taylor, PA. Service required includes all inland transportation, consolidation, labeling, ocean freight and marine insurance.

**Department:** Liquor Control Board  
**Location:** France, Germany and Pennsylvania  
**Duration:** Proposed contract is 1 year with four 1 year options. A longer contract may be negotiated if terms are favorable.  
**Contact:** Nelson A. McCormick II, (717) 787-9851

**LBLA 1263** Ready-fold doors with sensor, electric strikes and push plates for doors.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** Indeterminate 1999—2000  
**Contact:** Arletta K. Ney, Purchasing Agent, (570) 372-5070

**PDA 438** The Pennsylvania Hardwoods Development Council seeks grant proposals from non-profit organizations to develop and implement a program of education, outreach, marketing and economic development activities in support of the forest-product related industries within the multi-county regions. Work plan should cover the period from the July 1, 2000 to June 30, 2001.

**Department:** Agriculture  
**Location:** 2301 North Cameron Street, Room 310, Harrisburg, PA 17110-9408  
**Duration:** Upon final execution/approval through June 30, 2001  
**Contact:** Paul A. Lyskava, (717) 772-3715

**X9224** Summa polished or Silica Lined Canisters.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** As soon as possible  
**Contact:** Dawn M. Levarto, (717) 787-9645

**09713** Cheyney University is seeking proposals from qualified vendors to provide a comprehensive fixed asset inventory record. The contract will continue for 2-years from the effective date. Bid packet and all pertinent information may be obtained from the Contracts Office. A prebid meeting is scheduled for March 21 at 10 a.m. Bids are due April 18 at 11 a.m. To request a copy of specifications, contact Antonia Williams, online at awilliams@cheyney.edu or fax to (610) 399-2128.

**Department:** State System of Higher Education  
**Location:** Cheyney and Creek Roads, Cheyney, PA 19139  
**Duration:** Two years  
**Contact:** Antonia Williams, (610) 399-2360

**09711** Cheyney University is seeking proposals from qualified firms for a bookstore operation at its main and satellite campus. To request a copy of specifications, contact Antonia Williams, online at awilliams@cheyney.edu or by fax, (610) 399-2360. The Contract shall be for 1-year and by mutual consent of both parties shall be renewable two times for a 2-year renewal period.

**Department:** State System of Higher Education  
**Location:** Cheyney and Creek Roads, Cheyney, PA 19139  
**Duration:** 1 year with renewal options  
**Contact:** Antonia Williams, (610) 399-2360

**6115-99-001** Provide two 20-foot diameter YURTS (year-round recreational tents).

**Department:** Conservation and Natural Resources  
**Location:** Lyman Run State Park, 454 Lyman Run Road, Galeton, PA 16922  
**Duration:** 45 days after receipt of purchase order  
**Contact:** Harry P. Harrison, Park Manager, (814) 435-5010

**02-C-00** Microfilming Services: Microfilming services of blueprints, 35 mm role film is required on plastic reels with trailer locks. The Bureau is requesting a duplicate roll of film to be made. Duplicated film is to be a silver process or archival standard.

**Department:** Labor and Industry  
**Location:** Department of Labor and Industry, Bureau of Occupational and Industrial Safety, Room 1603, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120  
**Duration:** July 1, 2000 through June 30, 2002, plus one 2-year renewal option  
**Contact:** Cherianita Thomas, BF, (717) 787-2877

**RFP 6-00** The Department of Public Welfare (DPW) will fund grant awards to establish and administer programs to support and facilitate noncustodial parents' access to and visitation of their children. The grant funds are available through the county Domestic Relations Sections (DRSs) to local public agencies and to nonprofit private entities (that is, fatherhood groups, community-based organizations). DRSs are encouraged to sponsor a joint initiative with any of the above groups.

**Department:** Public Welfare  
**Location:** Services can be provided in any county within Pennsylvania  
**Duration:** September 1, 2000 to September 30, 2001  
**Contact:** Amanda Pennypacker, (717) 783-8597

**PDA 442** Pennsylvania Hardwoods Development Council seeks grant proposals from non-governmental organizations developing and producing events in Pennsylvania that highlight Pennsylvania-made, value-added hardwood products or the State's hardwood industry heritage. Events must take place between July 1, 2000 and June 30, 2001.

**Department:** Agriculture  
**Location:** 2301 Cameron Street, Room 310, Harrisburg, PA 17110-9408  
**Duration:** Upon final execution/approval through June 30, 2001  
**Contact:** Paul A. Lyskava, (717) 772-3715

**PDA 441** Pennsylvania Hardwoods Development Council seeks grant proposals from organizations for the delivery of the Sustainable Forestry Initiative of Pennsylvania. Proposals should be Statewide in nature and include a work plan that addresses the development and implementation of logger training, sawmill outreach, landowner education and education/promotion of sustainable forestry practices to members of the general public.

**Department:** Agriculture  
**Location:** 2301 Cameron Street, Room 310, Harrisburg, PA 17110-9408  
**Duration:** Upon final execution/approval through June 30, 2001  
**Contact:** Paul A. Lyskava, (717) 772-3715

**PDA 439** Pennsylvania Hardwoods Development Council seeks grant proposals from non-governmental organizations for the development and implementation of projects that provide technical assistance services to hardwood manufacturers in the State. Suggested subject areas include, but are not limited to, operational and ergonomic issues, implementation of new technology, energy efficiency, utilization of low grade and small material, product development processes and technology-based marketing.

**Department:** Agriculture  
**Location:** 2301 North Cameron Street, Room 310, Harrisburg, PA 17110-9408  
**Duration:** Upon first execution/approval through June 30, 2001  
**Contact:** Paul A. Lyskava, (717) 772-3715

**CRE-0270** Supplemental Chaplaincy Services for approximately 435 inmates of the Protestant faith. Contractor shall assist institutional chaplain in religious duties within the institution. Estimated requirements—approximately 20 hours per week. Details and specifications will be detailed in Request for Proposal on file in agency purchasing department.

**Department:** Corrections  
**Location:** Commonwealth of Pennsylvania, Department of Corrections, State Correctional Institution at Cresson, P.O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 2000—June 30, 2003 (three fiscal years)  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 881-8181, Ext. 166

**PDA 443** Pennsylvania Hardwoods Development Council seeks grant proposals from organizations and individuals that investigate research subjects related to the ability of the public and private forest resource in Pennsylvania to support the needs of the State's forest products industry. Proposals may address issues related to forest inventory or specific issues that impact the current and/or future access of the State's forest products industry to the resource. Proposals may address regional or Statewide issues. The perspective grantee should be to focus their proposal towards the impact that the issue will have on the State's forest products industry and the local economies.

**Department:** Agriculture  
**Location:** 2301 Cameron Street, Room 310, Harrisburg, PA 17110-9408  
**Duration:** Upon final execution/approval through June 30, 2001  
**Contact:** Paul A. Lyskava, (717) 772-3715

**B0000279** Millersville University is soliciting vendors who can provide the following: Keystone Ridge 6' reading benches w/back, Keystone Ridge Pullman ash urns. Qualified vendors may offer substitutions for consideration but will be expected to supply descriptive literature with their bid submissions. Contact Anna Stauffer by fax (717) 871-2000 to be placed on a bidder's list no later 2 p.m., Friday, March 17, 2000.

**Department:** State System of Higher Education  
**Location:** Millersville University, Millersville, PA 17551  
**Duration:** April 1, 2000—April 30, 2000  
**Contact:** Anna Stauffer, (717) 872-3041

**PDA 444** Pennsylvania Hardwoods Development Council seeks grant proposals from organizations for product development research or market research for hardwood products that come from underutilized source material. Underutilized source material could include red maple and/or other low-demand hardwood species; small diameter source from any species, or other low quality source material from any species.

**Department:** Agriculture

**Location:** 2301 Cameron Street, Room 310, Harrisburg, PA 17110-9408

**Duration:** Upon final execution/approval through June 30, 2001

**Contact:** Paul A. Lyskava, (717) 772-3715

**PDA 440** Pennsylvania Hardwoods Development Council seeks grants proposals from organizations for the development and implementation of projects that educate members of the general public on hardwood-related issues. Examples of the subject areas that could be covered in an educational program include, but are not limited to: silviculture, forestry industry practices, the impact of the forest products industry on a state or regional economy, industrial heritage or the impact of forest products in people's daily lives.

**Department:** Agriculture

**Location:** 2301 North Cameron Street, Room 310, Harrisburg, PA 17110-9408

**Duration:** Upon final execution/approval through June 30, 2001

**Contact:** Paul A. Lyskava, (717) 772-3715

[Pa.B. Doc. No. 00-464. Filed for public inspection March 10, 2000, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
9905-14	03/01/00	Vulcan Inc. d/b/a Vulcan Aluminum	375,230.33
1220119-01	02/29/00	Sherman Feinberg Corp.	42,700.00
1252119-01	02/29/00	Westgate Chevrolet d/b/a Apple Chevrolet	421,856.00
8169480-01	02/29/00	A. H. Harris & Sons Inc.	29,337.60
8177280-01	02/29/00	Highway Equipment & Supply Co.	31,534.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 00-465. Filed for public inspection March 10, 2000, 9:00 a.m.]





# RULES AND REGULATIONS

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

[31 PA. CODE CHS. 154 AND 301]

#### Quality Health Care Accountability and Protection

The Insurance Department (Department) amends Chapter 154 (relating to quality health care accountability and protection), to read as set forth in Annex A. The Department is publishing the amendments as a final-form rulemaking.

#### *Statutory Authority*

The final-form regulations are adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); section 320 of The Insurance Department Act of 1921 (40 P. S. § 443); and section 2181 of The Insurance Company Law of 1921 (40 P. S. § 991.2181), added by the act of June 17, 1998 (P. L. 464, No. 68) (act).

#### *Comments and Response*

A notice of proposed rulemaking was published at 29 Pa.B. 4064 (July 31, 1999) with a 30-day comment period ending August 30, 1999. During the 30-day comment period, comments were received from the American Association of Retired Persons (AARP), American College of Emergency Physicians (ACEP), American College of Obstetricians and Gynecologists and American College of Nurse Midwives (ACOP/ACNM), David Farrick of Blair Orthopedic Associates & Sports Medicine (BLAIR), BlueCross of Northeastern Pennsylvania (BCNE), Capital Blue Cross (CBC), Commonwealth of Pennsylvania Department of Public Welfare (DPW), Community Medical Center (CMC), Delaware Valley Hospital Council of the Healthsystems Association of Pennsylvania (DVHC), Eastern Paralyzed Veterans Association (EPVA), Highmark, Inc. (HIGHMARK), The Hospital and Healthsystem Association of Pennsylvania (HAP), Independence Blue Cross (IBC), Insurance Federation of Pennsylvania, Inc. (IFP), Keystone Health Plan Central, Inc. (KHPC), League of Women Voters (LWV), Managed Care Association of Pennsylvania (MCAP), Pennsylvania Academy of Family Physicians (PAFP), Pennsylvania Catholic Health Association (PCHA), Pennsylvania Community Providers Association (PCPA), Pennsylvania Health Law Project (PHLP), Pennsylvania Medical Society (PMS), Pennsylvania Psychological Association (PPA) and Pennsylvania Psychiatric Society (PPS).

During its regulatory review, the Independent Regulatory Review Commission (IRRC) submitted comments to the Department. A separate comment and response document has been prepared to address these comments and is available upon request.

#### *Affected Parties*

The rulemaking applies to all insurers and managed care plans licensed to do the business of health insurance in this Commonwealth.

#### *Fiscal Impact*

#### *State Government*

Adoption of this rulemaking, consistent with the mandates of the act, may result in additional costs for the Commonwealth. However, this rulemaking is necessary

for the Department to effectively implement, and for managed care plans and licensed insurers to comply with the act. Costs to the Commonwealth are not expected to be significant.

#### *General Public*

There will be no fiscal impact to the public.

#### *Political Subdivisions*

The rulemaking will not impose additional costs on political subdivisions.

#### *Private Sector*

Adoption of this rulemaking, consistent with the mandates of the act, may result in additional costs for managed care plans and licensed insurers. However, this rulemaking is necessary for the Department to effectively implement, and for managed care plans and licensed insurers to comply with the act.

#### *Paperwork*

The adoption of the rulemaking will not impose additional paperwork on the Department; however, new disclosure requirements will be required of the industry.

#### *Effectiveness/Sunset Date*

This rulemaking becomes effective upon publication in the *Pennsylvania Bulletin*. No sunset date has been assigned.

#### *Contact Person*

Questions regarding this rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. In addition, questions or comments may be E-mailed to [psalvato@ins.state.pa.us](mailto:psalvato@ins.state.pa.us) or faxed to (717) 705-3873.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 20, 1999, the Department submitted a copy of this rulemaking to IRRC and to the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee. In addition to the submitted rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

In preparing these final-form regulations, the Department considered the comments received from IRRC, the Committees and the public. These final-form regulations were deemed approved by the Senate and House Committees on February 14, 2000. In accordance with section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), IRRC met on February 17, 2000, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act.

#### *Findings*

The Commissioner 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 Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapters 154 and 301, are amended by adding §§ 154.1—154.18 and deleting §§ 301.401—301.403 and 301.411—301.416, to read as set forth in Annex A.

(b) The Commissioner shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 1320 (March 4, 2000).)*

**Fiscal Note:** Fiscal Note 11-195 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 31. INSURANCE**

**PART VIII. MISCELLANEOUS PROVISIONS**

**CHAPTER 154. QUALITY HEALTH CARE ACCOUNTABILITY AND PROTECTION**

**GENERAL PROVISIONS**

Sec.

- 154.1. Applicability and purpose.  
154.2. Definitions.  
154.3. Changes, modifications and disclosures in subscriber and other contracts and in other materials.

**REQUIRED PROVISIONS AND ENROLLEE DISCLOSURES**

- 154.11. Managed care plan requirements.  
154.12. Direct enrollee access to obstetrical and gynecological services.  
154.13. Managed care plan reporting of complaints and grievances.  
154.14. Emergency services.  
154.15. Continuity of care.  
154.16. Information for enrollees.  
154.17. Complaints.  
154.18. Prompt payment.

**GENERAL PROVISIONS**

**§ 154.1. Applicability and purpose.**

(a) This chapter governs quality health care accountability and protection and applies to managed care plans and licensed insurers subject to the act. The Department and the Department of Health both have regulatory authority under the act. This chapter does not apply to health care services and claims processed under automobile and worker's compensation policies.

(b) The terms and conditions of group and individual contract renewals and new business written by managed care plans on or after January 1, 1999, shall conform to the act.

(c) An entity, including an IDS, subcontracting with a managed care plan to provide services to enrollees shall meet the requirements of the act and this chapter for services provided to those enrollees.

(d) Policies which partially insure an entity's risk, shall meet the requirements of the act if they are issued by a managed care plan.

**§ 154.2. Definitions.**

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

*Act*—Article XXI of The Insurance Company Law of 1921 (40 P. S. §§ 991.2101—991.2193).

*Ancillary service plan*—As defined in section 2102 of the act (40 P. S. § 991.2102).

*Clean claim*—As defined in section 2102 of the act.

*Commissioner*—The Insurance Commissioner of the Commonwealth.

*Complaint*—As defined in section 2102 of the act.

*Department*—The Insurance Department of the Commonwealth.

*Emergency service*—As defined in section 2102 of the act.

*Enrollee*—A policyholder, subscriber, covered person or other individual who is entitled to receive health care services under a managed care plan. For purposes of the complaint and grievance processes, the term includes parents of minor enrollees as well as designees or legal representatives who are entitled or authorized to act on behalf of an enrollee.

*Gatekeeper*—A primary care provider selected by an enrollee or appointed by a managed care plan, or the plan or an agent of the plan serving as the primary care provider, from whom an enrollee shall obtain covered health care services, a referral, or approval for covered, nonemergency health services as a precondition to receiving the highest level of coverage available under the managed care plan.

*Grievance*—As defined in section 2102 of the act.

*Health care provider*—As defined in section 2102 of the act.

*Health care service*—As defined in section 2102 of the act.

*IDS—Integrated delivery system—*

(i) A partnership, association, corporation or other legal entity which does the following:

(A) Enters into a contractual arrangement with a managed care plan.

(B) Employs or has contracts with providers (participating providers).

(C) Agrees under its arrangements with a managed care plan to do the following:

(I) Provide or arrange for the provision of a defined set of health care services to managed care plan members covered under a managed care plan benefits contract principally through its participating providers.

(II) Assume under the arrangements some responsibility for conduct, in conjunction with the managed care plan and under compliance monitoring of the managed care plan's quality assurance, utilization review, credentialing, provider relations or related functions.

(ii) The IDS may also perform claims processing and other functions.

*Licensed insurer*—An individual, corporation, association, partnership, reciprocal exchange, interinsurer, Lloyds insurer and other legal entity engaged in the business of insurance, and fraternal benefit societies as defined in the Fraternal Benefits Societies Code (40 P. S. §§ 1142-101—1142-701), and preferred provider organizations as defined in section 630 of The Insurance Company Law of 1921 (40 P. S. § 764a) and 31 Pa. Code § 152.2 (relating to definitions).

*Managed care plan*—

(i) A health care plan that: uses a gatekeeper to manage the utilization of health care services; integrates the financing and delivery of health care services to enrollees by arrangements with health care providers selected to participate on the basis of specific standards; and provides financial incentives for enrollees to use the participating health care providers in accordance with procedures established by the plan. A managed care plan includes health care arranged through an entity operating under any of the following:

(A) Section 630 of The Insurance Company Law of 1921.

(B) The Health Maintenance Organization Act (40 P. S. §§ 1551—1568).

(C) The Fraternal Benefit Societies Code.

(D) 40 Pa.C.S. Chapter 61 (relating to hospital plan corporations).

(E) 40 Pa.C.S. Chapter 63 (relating to professional health services plan corporations).

(ii) The term includes an entity, including a municipality, whether licensed or unlicensed, that contracts with or functions as a managed care plan to provide health care services to enrollees.

(iii) The term includes managed care plans that require the enrollee to obtain a referral from any primary care provider in its network as a condition to receiving the highest level of benefits for specialty care.

(iv) The term does not include ancillary service plans as defined by the act or an indemnity arrangement which is primarily fee for service.

*Ongoing course of treatment*—A continuous health care treatment provided to an enrollee by a health care provider which was initiated prior to and that will continue after the plan's termination of a contract with a participating provider for reasons other than cause or the enrollee's coverage by a managed care plan as a new enrollee.

*Plan*—As defined in section 2102 of the act.

*Primary care provider*—As defined in section 2102 of the act.

*Prospective enrollee*—For group contracts or policies, those persons eligible, but not yet enrolled, for coverage as either a subscriber or dependent of a subscriber. For individual contracts or policies, a person who meets the eligibility requirements of the managed care plan.

*Provider network*—As defined in section 2102 of the act.

*Referral*—As defined in section 2102 of the act.

*Utilization review*—As defined in section 2102 of the act.

*Utilization review entity*—As defined in section 2102 of the act.

**§ 154.3. Changes, modifications and disclosures in subscriber and other contracts and in other materials.**

Managed care plans shall implement changes, modifications and disclosures to subscriber and other contracts, marketing materials, member handbooks and other appropriate materials to meet the requirements of the act. Modifications can be implemented in several different ways including contract endorsements, contract amendments and modification to the contract then in effect.

**REQUIRED PROVISIONS AND ENROLLEE DISCLOSURES**

**§ 154.11. Managed care plan requirements.**

(a) Managed care plans shall adopt and maintain procedures by which an enrollee with a life-threatening, degenerative or disabling disease or condition shall, upon request, receive an evaluation, and, if the plan's established standards are met, be permitted to receive approval for either:

(1) A standing referral to a specialist with clinical expertise in treating the disease or condition.

(2) The designation of a specialist to provide and coordinate the enrollee's primary and specialty care.

(b) A managed care plan's established standards, as referenced in subsection (a) may include:

(1) Time restrictions on approved treatment plans, as set forth in section 2111(6) of the act (40 P. S. § 991.2111(6)), which include standing referrals or specialist designations.

(2) Requirements that treatment plans be periodically reviewed and reapproved by the plan.

(3) Requirements that the specialist notify the enrollee's primary care provider of all care provided within 30 days.

**§ 154.12. Direct enrollee access to obstetrical and gynecological services.**

(a) Managed care plans shall permit enrollees direct access to obstetrical and gynecological services for maternity and gynecological care, including medically necessary and appropriate follow-up care and referrals, for diagnostic testing related to maternity and gynecological care from participating health care providers without prior approval from a primary care provider. No time restrictions shall apply to the direct accessing of these services by enrollees.

(b) A managed care plan may require a provider of obstetrical or gynecological services to obtain prior authorization for selected services such as diagnostic testing or subspecialty care—for example, reproductive endocrinology, oncologic gynecology and maternal and fetal medicine.

(c) A directly accessed participating health care provider providing services to an enrollee who has direct access to the provider in accordance with section 2111(7) of the act (40 P. S. § 991.2111(7)) and this section, shall inform the enrollee's primary care provider, of all health care services provided to the enrollee. The health care provider shall communicate the information within 30 days of the services being provided under procedures established by the managed care plan. For routine obstetrical services, an initial notification and final notification, subsequent to the postpartum visit, shall meet the notification requirements.

(d) Managed care plans may not have different reimbursement levels for covered services because an enrollee obtains these services through direct access rather than with the prior approval of a primary care provider.

**§ 154.13. Managed care plan reporting of complaints and grievances.**

(a) Section 2111(13) of the act (40 P. S. § 991.2111(13)) requires managed care plans to report specific information to the Department of Health and the Department with respect to the number, type and disposition of all complaints and grievances filed with the managed care plan.

(b) Managed care plans shall report the information in subsection (a) to the Departments based on the format as required by the Departments.

(c) Notice of changes or amendments to the format for reporting complaint and grievance information will be published by the Department in the *Pennsylvania Bulletin*. The notice will provide for a 30-day public comment period. Changes in format will become effective 30 days after publication of the revised format in a subsequent edition of the *Pennsylvania Bulletin*.

**§ 154.14. Emergency services.**

(a) Managed care plans are prohibited from requiring that enrollees or health care providers obtain prior authorization for emergency services as defined by section 2102 of the act (40 P. S. § 991.2102).

(b) Plans are required to pay all reasonably necessary costs for enrollees meeting the prudent layperson definition of emergency services provided during the period of the emergency, including evaluation, testing, and if necessary, the stabilization of the condition of the enrollee.

(c) Sudden and unexpected medical events involving a chronic condition which meet the prudent layperson requirements of the act shall be considered emergency services subject to the act and this chapter.

(d) Plans are required to consider the presenting symptoms as documented by the claim file, and the services provided, when processing claims for emergency services.

(e) The emergency health care provider shall notify the enrollee's managed care plan of the provision of emergency services and the condition of the enrollee.

(1) If the enrollee is admitted to a hospital or other health care facility, the emergency health care provider shall notify the enrollee's managed care plan of the emergency services delivered within 48 hours or on the next business day, whichever is later. An exception to this requirement will be made where the medical condition of the patient precludes the provider from accurately determining the identity of the enrollee's managed care plans within 48 hours of admission.

(2) If the enrollee is not admitted to a hospital or other health care facility, the claim for reimbursement for emergency services provided shall serve as notice to the enrollee's managed care plan of the emergency services provided by the emergency health care provider.

(f) Managed care plans shall supply each enrollee, and upon written request, each prospective enrollee or health care provider, with the information concerning emergency services in § 154.16(h) (relating to information for enrollees).

**§ 154.15. Continuity of care.**

(a) Managed care plans are required to provide the option of continuity of care for enrollees when one of the following applies:

(1) A managed care plan terminates a contract with a participating provider for reasons other than for cause as set forth in section 2117(b) of the act (40 P. S. § 991.2117(b)) and the enrollee is then in an ongoing course of treatment with that provider.

(2) A new enrollee enters a managed care plan and is then in an ongoing course of treatment with a nonparticipating provider which is not otherwise covered by the terminated coverage.

(b) A current enrollee shall be allowed to continue an ongoing course of treatment with a provider whose contract has been terminated by the plan for reasons other than for cause (as set forth in section 2117(b) of the act) for a transitional period of up to 60 days from the date the enrollee was notified by the plan of the termination or pending termination. The managed care plan, in consultation with the enrollee and the health care provider, may extend the transitional period if determined to be clinically appropriate. For an enrollee in the second or third trimester of pregnancy at the time of notice of the termination or pending termination, the transitional period shall be extended through postpartum care related to the delivery.

(c) A new enrollee shall be allowed to continue an ongoing course of treatment with a nonparticipating provider when joining a managed care plan for a transitional period of up to 60 days from the effective date of enrollment in the managed care plan. The managed care plan, in consultation with the enrollee and the health care provider, may extend the transitional period if determined to be clinically appropriate. For an enrollee in the second or third trimester of pregnancy on the effective date of enrollment, the transitional period shall be extended through postpartum care related to the delivery.

(d) Continuity of care is at the option of the enrollee.

(e) Nonparticipating and terminated providers may be required by the plan to agree to the same terms and conditions which are applicable to the managed care plan's participating providers. If multiple providers are involved in an ongoing course of treatment, one of the following conditions shall be met:

(1) All of the providers involved may be required by the plan to agree to the plan's terms and conditions.

(2) Those providers who accept the plan's terms and conditions may be required by the plan to agree to utilize participating providers for the provision of all other health care services to enrollees.

(f) Health care services provided under the continuity of care requirements shall be covered by the managed care plan under the same terms and conditions as applicable for participating health care providers. To be eligible for payment by plans, providers shall agree to the terms and conditions of the managed care plan prior to providing service under the continuity of care provisions.

(g) Managed care plans may require nonparticipating or terminating providers to agree to terms that include:

(1) Accepting the plan's payment as payment in full for covered services, without balance billing, except for permitted deductibles, copayments or coinsurance.

(2) Agreeing to hold the enrollee harmless for any moneys which may be owed by the managed care plan to the provider.

(3) Complying with the plan's utilization review and quality assurance requirements.

(4) Agreeing that the provider will provide copies of the enrollee's medical records to the plan or the enrollee's participating primary care provider, or both, prior to the conclusion of the ongoing course of previously authorized treatment.

(5) Agreeing to follow the plan's procedures for precertification or prior approval of specified nonemergency services or procedures.

(h) Managed care plans may not require nonparticipating providers to undergo the full plan's credentialing process as part of the continuity of care provision.

(i) Written disclosure of the continuity of care benefit requirements imposed under the act and this chapter shall be incorporated into the subscriber and master group contracts and the enrollee handbook (if provided to the enrollee). This information and other information necessary to provide continuity of care services shall also be provided in written form to terminated or terminating and nonparticipating providers within 10 days of notice to the plan that an enrollee is requesting continuity of care benefits.

**§ 154.16. Information for enrollees.**

(a) Managed care plans shall provide the written information in section 2136(a) of the act (40 P. S. § 991.2136(a)), which relates required disclosures, to enrollees and, on written request, to prospective enrollees and health care providers.

(1) Managed care plans may determine the format for disclosure of the required information. If the information is disclosed through materials such as subscriber contracts, schedules of benefits and enrollee handbooks, the information shall be easily identifiable within the materials provided.

(2) The written information to be provided by managed care plans to enrollees, prospective enrollees and health care providers shall be subject to the filing requirements under the Accident and Health Filing Reform Act (40 P. S. §§ 3801—3813) and all other applicable statutes and regulations.

(b) The information disclosed to enrollees, prospective enrollees and health care providers shall be easily understandable to the layperson.

(c) The written disclosure of information shall include:

(1) The information required by subsection (a).

(2) A list by specialty of the name, address and telephone number of all participating health care providers which an enrollee may have access to either directly or through a referral. The list may be a separate document and may be a regional or county directory and shall be updated at least annually. If a regional or county directory is provided, enrollees shall be made aware that other regional or a full directory is available upon request. If a list of participating providers for only a specific type of provider or service is provided, it shall include all participating providers authorized to provide those services.

(3) The information covered under section 2113(d)(2)(ii) of the act (40 P. S. § 991.2113(d)(2)(ii)), which relates to a medical "gag clause" prohibition.

(4) If applicable, managed care plans shall disclose in their subscriber contracts, schedule of benefits and other appropriate material, circumstances under which the managed care plan does not provide for, reimburse for or cover counseling, referral or other health care services due to a managed care plan's objections to the provision of the services on moral or religious grounds.

(d) For the purposes of the specified disclosure statement required by section 2136(a)(1) of the act, subscriber and group master contracts and riders, amendments and endorsements, do not constitute "marketing materials" subject to the specified disclosure statement. For the purposes of written information distributed to enrollees or potential enrollees, the term "marketing materials" shall have the meaning given to written information in the term "advertisement" in § 51.1 (relating to definitions).

(e) For group contracts and policies, the managed care plan shall assure that the required disclosure information is provided to prospective enrollees upon written request. The managed care plan can either provide the information directly to prospective enrollees or allow the group policy holder or another entity to provide the information to prospective enrollees on behalf of the managed care plan.

(f) For individual contracts and policies, the managed care plan shall provide the required disclosure information directly to prospective enrollees upon written request.

(g) The disclosure of information to enrollees, prospective enrollees and health care providers as required by section 2136 of the act shall be provided as follows:

(1) During open enrollment periods managed care plans may disclose summary information to enrollees and prospective enrollees. If the disclosure of information does not include all the information required by the act and this chapter, the managed care plan shall simultaneously provide enrollees and prospective enrollees with a list of other information which has not been included with the open enrollment information. The listed information shall be made available to enrollees and prospective enrollees upon request.

(2) Following initial enrollment, or upon renewal, if benefits have changed or networks have substantially changed since the initial enrollment or last renewal, disclosure information shall be provided to enrollees within 30 days of the effective date of the contract or policy, renewal date of coverage, if appropriate, or the date of receipt of the request for the information.

(3) Disclosure information requested by prospective enrollees shall be provided to prospective enrollees within 30 days of the date of the receipt of the written request for the information.

(4) Disclosure information requested by health care providers shall be provided to health care providers within 45 days of the date of the receipt of the written request for the information.

(h) Managed care plans shall supply each enrollee, and upon written request, each prospective enrollee or health care provider, with the following information which shall be contained and incorporated into subscriber and master group contracts:

(1) A description of the procedures for providing emergency services 24 hours a day.

(2) A definition of "emergency services," as set forth in the act.

(3) Notice that emergency services are not subject to prior approval.

(4) The enrollee's financial and other responsibilities regarding emergency services, including the receipt of these services outside the managed care plan's service area.

(i) Managed care plans, upon written request by enrollees or prospective enrollees, shall provide written information as specified in section 2136(b) of the act. This information shall be easily understandable to the layperson.

#### § 154.17. Complaints.

(a) Under the complaint process established by sections 2141—2143 of the act (40 P. S. §§ 991.2141—991.2143), the Department will consider complaints including those regarding issues of contract exclusions, noncovered benefit disputes and potential violation of insurance statutes, including the Unfair Insurance Practices Act (40 P. S. §§ 1171.1—1171.15). The enrollee may be represented by an attorney or other individual before the Department. The Department of Health will focus on complaint issues including those involving enrollee quality of care and quality of service. The grievance process, which is administered by the Department of Health, includes review of the medical necessity and appropriateness of services otherwise covered by the managed care plan. Examples of the types of complaints which may be filed with the Department include:

(1) Denial of payment by the plan based upon contractual limitation rather than on medical necessity—for example, denial of payment for a visit by an enrollee on the basis that the enrollee failed to meet the contractual requirement of obtaining a referral from a primary care provider. However, a primary care provider's refusal to make an enrollee referral to a specialist, on the basis that the referral is not medically necessary, would be considered a grievance.

(2) Disputes involving a noncovered benefit or contract exclusion—for example, a request for additional physical therapy services, even if medically necessary, beyond the number specified in the enrollee contract.

(3) Problems relating to one or more of the following:

(i) Coordination of benefits.

(ii) Subrogation.

(iii) Conversion coverage.

(iv) Alleged nonpayment of premium.

(v) Dependent coverage.

(vi) Involuntary disenrollment.

(b) Managed care plans shall establish an internal complaint process with two levels of review to allow enrollees to file oral and written complaints regarding a participating health care provider or the coverage, operations or management policies of the plan.

(c) Inquiries, complaints and questions regarding premium rate increases may be filed with the Department without the necessity of following the plan's internal complaint process.

(d) If plans establish time frames for the filing of complaints and grievances with the plan, they shall allow the enrollees at least 45 days to file a complaint or grievance from the date of the occurrence of the issue being complained about or the date of the enrollees' receipt of notice of the plan's decision.

(e) Managed care plans shall complete the initial level of review of an enrollee complaint within 30 days of receipt of the complaint. The plan shall notify the enrollee in writing of the plan's decision following the initial review within 5 business days of the decision. The notification shall include the basis for the decision and the procedure to file a request for a second level review of the decision of the initial review committee.

(f) Managed care plans shall complete the second level of review of an enrollee complaint within 45 days of receipt of the enrollee's request for review. The enrollee has the right to appear before the second level review committee. The plan shall notify the enrollee in writing within 5 business days of the rendering of a decision by the second level complaint review committee, including the basis for the decision and the procedure for appealing the decision to the Department.

(g) To expedite the complaint review process, enrollees should follow and complete the plan's internal complaint process before filing an appeal of the complaint decision with the Department or the Department of Health. Under section 2143 of the act (40 P. S. § 991.2143), the Department may communicate with the appropriate parties to assist in the resolution of the complaint.

(h) Appeals of complaints shall be submitted to the Department within 15 days of receipt of notice of the second level review committee's decision.

(i) Appeals of complaints to the Department shall include the following information:

(1) The enrollee's name, address and daytime phone number.

(2) The enrollee's policy number, identification number and group number (if applicable).

(3) A copy of the complaint submitted to the managed care plan.

(4) The reasons for appealing the managed care plan's decision.

(5) Correspondence and decisions from the managed care plan regarding the complaint.

(6) Whether the enrollee will be represented by an attorney or other individual before the Department.

(j) The Department will notify the plan if a complaint appeal has been filed. The plan shall provide copies of all records from the initial and second level review to the Department. This information shall be provided to the Department within 30 days of the Department's notice to the plan of the complaint appeal.

(k) When an appeal is transferred from the Department to the Department of Health, the original submission date of the appeal will be utilized to determine compliance with the filing time frame in accordance with section 2142(a) of the act (40 P. S. § 991.2142(a)), which relates to the appeal of a complaint. The Department will notify the enrollee and the managed care plan in writing and promptly transmit the appeal to the Department of Health for consideration.

(l) The Department will provide the managed care plan and the enrollee with a copy of the final determination of an appealed complaint.

(m) Complaint appeals under subsection (i) may be filed with the Department at the following address:

Pennsylvania Insurance Department  
 Bureau of Consumer Services  
 1321 Strawberry Square  
 Harrisburg, Pennsylvania 17120

**§ 154.18. Prompt payment.**

(a) Licensed insurers and managed care plans shall pay clean claims and the uncontested portions of a contested claim under subsection (d)) submitted by a health care provider for services provided on or after January 1, 1999, within 45 days of the licensed insurer's or managed care plan's receipt of the claim from the health care provider. The prompt payment provision applies only to claims submitted under health insurance policies, excluding areas such as automobile and worker's compensation policies.

(b) For purposes of prompt payment, a claim shall be deemed to have been "paid" upon one of the following:

(1) A check is mailed by the licensed insurer or managed care plan to the health care provider.

(2) An electronic transfer of funds is made from the licensed insurer or managed care plan to the health care provider.

(c) Interest due to a health care provider on a clean claim shall be calculated and paid by the licensed insurer or managed care plan to the health care provider and shall be added to the amount owed on the clean claim. The interest shall be paid within 30 days of the payment of the claim. Interest owed of less than \$2 on a single claim does not have to be paid by the licensed insurer or managed care plan. Interest can be paid on the same check as the claim payment or on a separate check. If the licensed insurer or managed care plan combines interest payments for more than one late clean claim, the check shall include information listing each claim covered by the check and the specific amount of interest being paid for each claim.

(d) Claims paid by a licensed insurer or managed care plan are considered clean claims and are subject to the interest provisions of the act. If a paid claim is readjudicated by the licensed insurer or managed care plan, a new 45-day period for the prompt payment provision begins again at the time additional information prompting the readjudication is provided to the plan. Additional moneys which are owed or paid to the health care provider are subject to the prompt payment provisions of the act and this chapter. The prompt payment requirement of the act also applies to the uncontested portion of a contested claim. A contested claim is a claim for which required substantiating documentation for the entire claim has been supplied to the licensed insurer or managed care plan, but the licensed insurer or managed care plan has determined that it is not obligated to make payment.

(e) Licensed insurers and managed care plans shall provide written disclosure to health care providers of all the data elements necessary to insure that a claim is without defect or impropriety and meets the definition of clean claim under the act.

(1) Licensed insurers and managed care plans shall provide this information to currently participating health care providers by April 10, 2000. For health care providers entering into a participation agreement with the licensed insurer or managed care plan after March 11, 2000, the licensed insurer or managed care plan shall provide this information within 30 days of the parties entering into a participation agreement. If changes are made to the required data elements, this information shall be provided to participating health care providers at least 30 days before the effective date of the changes.

(2) For nonparticipating health care providers, a licensed insurer or managed care plan shall provide this information within 45 days of an oral or written request from the health care provider.

(f) Prior to filing a complaint with the Department, health care providers who believe that a licensed insurer or managed care plan has not paid a clean claim in accordance with the act and this chapter shall first contact the licensed insurer or managed care plan to determine the status of the claim, to ensure that sufficient documentation supporting the claim has been provided, and to determine whether the claim is considered by the licensed insurer or the managed care plan to be a clean claim. Licensed insurers and managed care plans shall respond to the health care provider's inquiries regarding the status of unpaid claims within 45 days of submission of the claim or within 30 days of the inquiry, if the inquiry is made after the 45-day period.

(g) Health care providers may file a complaint, either individually or in batches, with the Department prior to receipt of a determination from a licensed insurer or managed care plan as to whether a claim is considered a clean claim if one of the following applies:

(1) The licensed insurer or managed care plan has not responded to a health care provider's inquiries regarding the status of an unpaid claim within 45 days of submission of the claim or within 30 days of the inquiry, if the inquiry is made after the 45-day period.

(2) The health care provider believes that the licensed insurer or managed care plan is otherwise not complying with the prompt payment provisions of the act.

(h) Complaints to the Department regarding the prompt payment of claims by a licensed insurer or managed care plan under the act and this chapter shall contain the following information:

(1) The provider's name, identification number, address and daytime telephone number and the claim number.

(2) The name and address of the licensed insurer or managed care plan.

(3) The name of the patient and employer (if known).

(4) The dates of service and the dates the claims were submitted to the licensed insurer or managed care plan.

(5) Relevant correspondence between the provider and the licensed insurer or managed care plan, including requests for additional information from the licensed insurer or managed care plan.

(6) Additional information which the provider believes would be of assistance in the Department's review.

(7) Any additional information pertinent to the complaint as requested by the Commissioner.



(i) This chapter does not prevent the Department from investigating a complaint when the health care provider has failed to contact the licensed insurer or managed care plan as provided for in subsection (f).

**PART X. HEALTH MAINTENANCE  
ORGANIZATIONS**

**CHAPTER 301. HEALTH MAINTENANCE  
ORGANIZATIONS**

**Subchapter J. (Reserved)**

**§§ 301.401—301.403. (Reserved).**

**§§ 301.411—301.416. (Reserved).**

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