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# PENNSYLVANIA BULLETIN

Volume 29  
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**Agencies in this issue:**

The Courts  
Department of Agriculture  
Department of Banking  
Department of Community and Economic  
Development  
Department of Corrections  
Department of Environmental Protection  
Department of General Services  
Department of Labor and Industry  
Department of Revenue  
Department of Transportation  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Liquor Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public School Employes' Retirement Board  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 292, March 1999**

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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.

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

### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 5]

Amendment to the Rules of Procedure of the  
Court of Judicial Discipline; Doc. No. 1 JD 94

#### Order

*Per Curiam*

*And Now*, this 5th day of March, 1999, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted an amendment to Rule of Procedure No. 502(B)(4), as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That Rule of Procedure No. 502(B)(4) shall become effective immediately.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART IV. COURT OF JUDICIAL DISCIPLINE

#### ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

#### CHAPTER 5. TRIAL PROCEDURES

#### Rule 502. Trial. Stipulations of Fact. Conclusions of Law. Withdrawal of Complaints or Withdrawal of Counts.

\* \* \* \* \*

#### (B) Conduct of Trial.

\* \* \* \* \*

(4) The trial shall be recorded verbatim. Requests and orders for transcripts shall be governed by Pa.R.J.A. 5000.5. Any party requesting notes of testimony shall bear the cost of transcription. When the notes of testimony have been transcribed, the court reporter shall first submit the transcript to the Clerk. Following receipt and review of the transcript, the [ Court ] Clerk shall lodge the transcript and shall inform the court reporter of said lodging. In no instance shall the court reporter provide a version of the transcript to a requesting party until the transcript is lodged, and the Clerk has informed the court reporter and the parties that the transcript has been lodged.

\* \* \* \* \*

[Pa.B. Doc. No. 99-447. Filed for public inspection March 19, 1999, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 39]

Promulgation of New Rule 3901; No. 118; Appellate  
Court Rules Doc. No. 1

#### Order

*Per Curiam*:

*And Now*, this 3rd day of March, 1999, the Pennsylvania Rules of Appellate Procedure are amended to include new rule 3901 which is promulgated to read as follows.

This rule change is promulgated without prior publication in the interests of efficient administration. This Order shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective immediately.

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### CHAPTER 39. APPEALS PURSUANT TO ADOPTION ACT

#### Rule 3901. Confidentiality.

All petitions, exhibits, reports, notes of testimony, and all other papers filed in an appellate court pertaining to any proceeding under the Adoption Act, 23 Pa.C.S. § 2101, et seq., shall not be disclosed to a non-party by the appellate court without an order of the appellate court upon cause shown.

Note:

See Rule 15.7 pertaining to confidentiality of Adoption Act matters in the Orphans' Court.

[Pa.B. Doc. No. 99-448. Filed for public inspection March 19, 1999, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 1910]

[RECOMMENDATION 50]

#### Proposed Amendments to the Rules Relating to the Establishment of Paternity and the Enforcement of Support Obligations

The Domestic Relations Procedural Rules Committee proposes the following amendments to the Rules of Civil Procedure governing the establishment of paternity and the enforcement of support obligations. These amendments implement Act 58-1997. The Committee solicits comments and suggestions from all interested persons prior to submission of the proposed rules for consideration and review by the Supreme Court.

Written comments relating to the proposed amendments must be received no later than April 16, 1999 and must be directed to: Sophia P. Paul, Esquire, Counsel, Domestic Relations Committee, 429 Forbes Avenue, Suite 300, Pittsburgh, PA 15219, FAX (412) 565-2336, or E-Mail to spaul@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 be officially adopted or promulgated by the Court.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1910. ACTIONS FOR SUPPORT**

**Rule 1910.1. Scope. Definitions.**

\* \* \* \* \*

(c) As used in this chapter, unless the context of a rule indicates otherwise, the following terms shall have the following meanings:

\* \* \* \* \*

**“Overdue support,” the amount of delinquent support equal to or greater than one month’s support obligation which accrues after entry or modification of a support order as the result of obligor’s nonpayment of that order.**

**“Past due support,” the amount of support which accrues prior to entry or modification of a support order as the result of retroactivity of that order. When nonpayment of the order causes overdue support to accrue, any and all amounts of past due support owing under the order shall convert immediately to overdue support and remain as such until paid in full.**

\* \* \* \* \*

**Explanatory Comment to Rule 1910.1—1999**

In December of 1998, Governor Ridge signed into law a series of technical amendments to Act 58-1997. One amendment was to define and differentiate between past due and overdue support to clarify that only overdue support constitutes a lien by operation of law against the obligor’s real or personal property. 23 Pa.C.S. § 4302 defines overdue support as “support which is delinquent under a payment schedule established by the court.” Past due support is defined as “support included in an order of support which has not been paid.”

The definitions being proposed by the Committee do not substantively change the legislative definitions. They merely elaborate on them by using terms which are more familiar and helpful to the bench and bar. Specifically, past due support consists of the purely retroactive arrearages which accumulate between the date of filing of the complaint (or petition for modification) and the date of hearing and entry of the initial (or modified) support order. Overdue support refers to the delinquent arrearages which accrue because of obligor’s failure to pay support pursuant to the order.

The definitions are important for determining the remedies available for collecting support arrearages. Pursuant to 23 Pa.C.S. § 4352(d), only overdue support, i.e., the delinquent arrearages, constitutes a lien by operation of law against obligor’s real and personal property. Past

due support does not operate as a lien against obligor’s property as long as obligor remains current on the support order.

Pursuant to Rule 1910.20, the Committee proposes to extend the distinction between overdue and past due support to the following other remedies: (1) consumer agency reporting under 23 Pa.C.S. § 4303, (2) suspension of licenses under 23 Pa.C.S. § 4355; and (3) the full range of new collection remedies under 23 Pa.C.S. § 4305(b)(10). If, therefore, overdue support accrues under the order, the obligor is subject to credit bureau reporting, possible license suspension and the remedies in § 4305(b)(10) until the overdue support is collected in full. Conversely, an obligor who owes past due support only will not be subject to these remedies as long as he or she remains current on the support order. If, however, the obligor subsequently defaults on the support order and causes overdue support to accrue, any past due support still owing under the order immediately becomes overdue support subject to the full panoply of collection remedies. It remains overdue support until collected in full.

Pursuant to proposed Rule 1910.20(c), all overdue support, including past due support which has converted to overdue support, remains subject to Act 58 remedies until paid in full. Any repayment plan subsequently agreed to by the parties, or ordered by the court pursuant to a contempt proceeding (including any arrearage component), does not preclude the use of these remedies for collecting overdue support more quickly, whenever feasible.

**Rule 1910.5. Complaint. Order of Court.**

\* \* \* \* \*

(c) An order shall be attached at the front of the complaint directing the defendant to appear before an officer for a conference at the time and place directed by the court. The order shall be substantially in the form [ provided ] prescribed by Rule 1910.26(b).

**Official Note: For service of original process in support matters, see Rule 1930.4.**

**Rule 1910.6. [ Service. Proof of Service (Rescinded) ] Notification.**

**Parties to a support proceeding shall be notified of all proceedings in which support obligations might be established or modified and shall be provided with a copy of any order issued in a case within 14 days after issuance of such order.**

**Explanatory Comment to Rule 1910.6—1999**

Existing Rules 1910.11 and 1910.12 require the court to provide copies of the support order to the parties. Proposed Rule 1910.6 follows the statutory language in 23 Pa.C.S. § 4352(b)(2) to require the court to notify the parties of the support or modification proceedings and also to furnish copies of all orders entered in those proceedings within 14 days after issuance.

**Rule 1910.15. Paternity.**

(a) **Acknowledgment of Paternity.** If the action seeks support for a child born out of wedlock and the alleged father is named as defendant, the defendant may acknowledge paternity in a verified writing [ **substantially in the form provided by Rule 1910.28(a)** ]. **The conference officer shall advise the parties that the acknowledgment constitutes conclusive evidence of defendant’s paternity without further judicial ratification in any action to establish support. [ In that**

event ] Upon defendant's execution of the acknowledgment, the action shall proceed as in other actions for support.

[ (b) If defendant fails to appear as ordered for a conference, hearing or trial, or for genetic tests, the court shall enter an order establishing paternity, and the matter shall proceed as in other actions for support. ]

[ (c) ] (b) *Genetic Testing.* If the [ alleged father ] defendant appears but does not execute an acknowledgment of paternity at the conference[ , ]:

[ (2) ] (1) the court shall enter an order [ substantially in the form required by Rule 1910.28(c) ] directing the parties to appear for genetic testing[ ; and ]. The order must advise the defendant that his failure to appear for the testing will result in entry of an order finding that he is the father of the child. The order must also advise the plaintiff that her failure to appear for testing may result in entry of an order dismissing the paternity action; and

[ (1) ] (2) the conference officer shall advise [ the parties that there will be a trial without jury on the issue of paternity unless within ten days after the conference either party demands a trial by jury. The parties shall be provided with the form set forth in Rule 1910.28(b); ] and provide written notice to the parties that they may enter into a written stipulation whereby both agree to submit to genetic testing for the purpose of resolving finally the issue of paternity. If the test results indicate a 99% or higher probability of paternity, the defendant shall be stipulated to be the biological father of the child and the case referred for a child support conference. If the test results indicate an exclusion, the action shall be dismissed. The written stipulation constitutes a waiver of the right to a hearing or trial on the issue of paternity.

(3) [ the court shall make available to the parties a stipulation substantially in the form required by Rule 1910.28(d) ] the conference officer shall advise and provide written notice to the parties that if they do not enter into a written stipulation and the test results do not indicate an exclusion, there will be a hearing or trial before a judge without a jury on the issue of paternity in accordance with the procedures set forth in subdivision (d) of this Rule.

[ (d) ] (c) *Estoppel.* \*\*\*

[ (e) ] (d) *Post-Testing Procedures.*

(1) The results of the genetic tests shall be provided in writing to counsel for the parties or, if unrepresented, to the parties themselves.

[ (f)(1) ] (2) If the results of the genetic tests resolve the issue of paternity pursuant to the stipulation of the parties, a paternity order [ substantially in the form set forth in Rule 1910.28(e) ] shall be entered and served on the parties.

[ (i) ] If the defendant is excluded, the action shall be dismissed[ ; ].

[ (iii) ] If the defendant is stipulated to be the biological father, the action shall proceed as in other actions for support.

[ (2) ] (3) If the results of the genetic tests do not resolve the issue of paternity pursuant to the stipulation of the parties [ the case shall be listed promptly for expedited trial ] but the test results indicate a 99% or more probability of paternity, the court shall issue a rule against the defendant to show cause why an order should not be entered finding him to be the father. The rule shall advise the defendant that pursuant to 23 Pa.C.S. § 4343(c)(2) his defense is limited to a showing by clear and convincing evidence that the results of the genetic tests are not reliable. The rule shall direct that an answer be filed within 20 days after service of the rule on the defendant. The answer shall state the material facts which constitute this defense. Any allegation of fact which does not appear of record must be verified.

If an answer is not timely filed, the court shall enter an order finding paternity and refer the action to conference and hearing as in other actions for support. If an answer is filed raising a disputed issue of material fact relating to the reliability of the genetic testing, the case shall be listed promptly for expedited hearing before a judge. The burden of proof at the hearing is on the defendant and is limited to proof by clear and convincing evidence that the results of the genetic tests are not reliable.

(4) If the results of the genetic tests do not resolve the issue of paternity and the test results indicate less than a 99% probability of paternity, the case shall be promptly listed for expedited trial before a judge.

[ (g)(1) ] (5) If, after a hearing or trial, the [ verdict or ] decision is for the defendant on the issue of paternity, a final order shall be entered by the court dismissing the action as to the child.

[ (2) ] If the [ verdict or ] decision is against the defendant on the issue of paternity, an interlocutory order shall be entered by the court[ , ] finding paternity. The court may enter an interim order for child support at that time and shall refer the action to conference and hearing as in other actions for support.

(e) *Failure to Appear.* If defendant fails to appear as ordered for a conference, hearing or trial, or for genetic tests, the court shall, upon proof of service on the defendant, enter an order establishing paternity. The court may also enter an interim order for child support at that time and shall refer the action to conference and hearing as in other actions for support.

(f) *Appealability of Paternity Order.* An order establishing paternity is not an appealable order. The issue of paternity may be included in an appeal from the final order of child support.

[ (h) After an interlocutory order is entered finding that the defendant is the father of the child, the court shall either refer the case to a conference as in other actions for support or as expeditiously as possible hold a hearing and enter a final order of support.

(i) An order establishing paternity is not an appealable order. Any issue of paternity may be included in an appeal from the final order of support. If paternity is tried before a jury, and only then, all issues of paternity raised on appeal must first be

**raised in timely post-trial motions in accordance with Rule of Civil Procedure 227.1. ]**

**The existing Explanatory Comments to Rule 1910.15 are replaced by the following:**

**Explanatory Comment to Rule 1910.15—1999**

Rule 1910.15 is amended generally to reflect the elimination of jury trials in paternity actions. It also reflects the Committee's decision to propose to the Court that many of the standard forms currently required by rule to be used in paternity and support actions be rescinded in light of the statewide implementation of the Pennsylvania Child Support Enforcement System (PACSES). Prior to PACSES, statewide uniformity was possible only through the rule-making authority of the Supreme Court. PACSES now provides this same uniformity and eliminates the need for the Court to prescribe the actual forms which must be used in these actions. Standard forms will now be developed by the Department of Public Welfare working in conjunction with this Committee and the individual county domestic relations sections in Pennsylvania. To the extent any forms require inclusion of certain provisions, the Committee will propose to the Court that those provisions be prescribed by rule.

Rule 1910.15 has also been reorganized so that the entire rule more logically follows the four ways in which paternity may be established: 1) by voluntary acknowledgment under subdivision (a); 2) in the absence of an acknowledgment, by stipulation of the parties to be bound by the genetic test results under subdivision (b); 3) in the absence of either an acknowledgment or stipulation, by a hearing or trial before a judge upon receipt of the test results under subdivision (d); or 4) by failing to appear for the initial conference, genetic testing, trial or hearing, which results in entry of a default order establishing paternity under subdivision (e).

Subdivision (d)(3) is new. In cases where there is no voluntary acknowledgment or stipulation by the parties, but the genetic test results reveal a 99% or higher probability of paternity, the Committee proposes expedited hearing procedures for resolving paternity prior to a full evidentiary trial before a judge. These procedures borrow heavily from the rule to show cause procedures set forth in Pa.R.C.P 206.1 through 206.7 except that 1) plaintiff is not required to petition the court to have the rule issued and 2) the court is required to issue the rule if the test results indicate a 99% or higher probability of paternity. The burden is on the defendant to return the rule by filing an answer within 20 days of service. Pursuant to 23 Pa.C.S. § 4343(c)(2), his defense is limited to showing by clear and convincing evidence that the results are not reliable.

**Rule 1910.17. Support Order. Effective Date. Change of Circumstances. Copies of Order.**

\* \* \* \* \*

(b) The order shall notify the obligee and the obligor that each is under a continuing obligation to inform the domestic relations section **in writing or by personal appearance** and all other parties in writing within seven days of any material change in circumstances relevant to the level of support or the administration of the support order, including but not limited to, loss or change of income or employment and change of personal address or change of address of any child receiving support. The order shall also notify the parties that if a party wilfully fails to inform the domestic relations section of the required information, the court may adjudge the party to

be in contempt of court pursuant to [ **Rule 1910.21-1 through 1910.21-7** ] **Rules 1910.24-1 through 1910.24-7** and may order the party to be punished by one or more of the following: jail, fine or probation.

\* \* \* \* \*

**Rule 1910.19. Support [.] Modification. Termination. Guidelines as Substantial Change of Circumstances.**

(a) A petition for modification or termination of an existing support order shall specifically aver the material and substantial change in circumstances upon which the petition is based.

(b) A new guideline amount resulting from new or revised support guidelines may constitute a material and substantial change in circumstances. **The existence of additional income, income sources or assets identified through automated methods or otherwise may also constitute a material and substantial change in circumstances.**

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

[ (c) ] (d) \*\*\*

**Explanatory Comment to Rule 1910.19—1999**

The Pennsylvania Child Support Enforcement System (PACSES) is electronically linked to a variety of governmental and private agencies and institutions. This linkage essentially enables PACSES to immediately locate and identify an obligor's income, income sources and assets. To the extent the income and assets materially affect the amount of support being paid, Rule 1910.19 is amended to provide that identification through these automated methods provides a basis for modifying both the current support obligation and the rate of repayment on either past due or overdue support. Identification through means other than PACSES may also provide the same basis for modification.

**Rule 1910.20. [Support Order.] Enforcement. General.**

**[ A support order shall be enforced by income attachment as required by law in the manner provided by Rule 1910.22. A support order also may be enforced by contempt proceedings pursuant to Rule 1910.21-1 through 1910.21-7, execution upon a judgment for arrearages pursuant to Rules 1910.23-1 and 1910.23-2 and posting of bond.**

**Official Note: Attachment of an obligor's income is mandatory under 23 Pa.C.S. § 4348(b) for all support orders unless the obligor is not in arrears in an amount equal to or greater than one month's support obligation, and the court finds that there is good cause not to require immediate income withholding or a written agreement is reached between the parties which provides for an alternative arrangement.**

**The remedy of posting of bond is set forth in 23 Pa.C.S. § 4348(n).**

**The remedies provided by this rule are cumulative and not alternative. ]**

(a) **A support order shall be enforced by income withholding as required by law in the manner provided by Rule 1910.21.**

(b) **When nonpayment of a support order causes overdue support to accrue, the order may also be enforced by any one of the following remedies:**

(1) pursuant to Rule 1910.21, and without further hearing or prior notice to the obligor, increasing the amount of monthly support payments for payment of the overdue support at a rate to be determined by the court; withholding or seizing periodic or lump sum payments of income from a government agency, including unemployment compensation, social security, retirement or disability benefits and any other benefits; withholding or seizing periodic or lump sum payments of income from insurance carriers or privately-insured employers, including workers' compensation benefits; withholding or seizing judgments or settlements; and withholding or seizing public and private retirement funds in pay status;

(2) pursuant to Rule 1910.22, imposing and executing on liens against real and personal property;

(3) pursuant to Rule 1910.23, attaching and seizing assets of the obligor held in financial institutions;

(4) pursuant to Rules 1910.24-1 through 1910.24-7, initiating contempt proceedings;

(5) reporting the amount of overdue support to consumer reporting agencies in the manner prescribed by 23 Pa.C.S. § 4303; and

(6) when the obligor owes overdue support in an amount of three months or more, suspending occupational, commercial/driver's and recreational licenses in the manner prescribed by 23 Pa.C.S. § 4355.

(c) For purposes of this Rule, overdue support remains subject to the remedies set forth in subdivision (b) of this Rule until paid in full. The remedies are cumulative and not alternative. Except as provided in 23 Pa.C.S. § 4355 for suspension of licenses, neither a repayment schedule subsequently agreed to by the parties nor an order of court establishing such a schedule precludes the use of these remedies for collecting overdue support more quickly, whenever feasible.

The existing Explanatory Comments to Rule 1910.20 are replaced by the following:

#### Explanatory Comment to Rule 1910.20—1999

Subdivision (a) continues to reflect the use of mandatory income withholding as the primary method of enforcing a support obligation. Withholding is applicable to all forms of income, not merely wages, as the term "income" is broadly defined in 23 Pa.C.S. § 4302. See Rule 1910.21 which prescribes the procedures for income withholding.

Subdivision (b) is new and reflects the availability of the new enforcement remedies set forth in 23 Pa.C.S. § 4305(b)(10). Consistent with the definitions of past due and overdue support, these remedies are restricted to cases involving overdue support, i.e., the delinquent support arrearages which accumulate as the result of nonpayment of a support order. They may not be used to collect past due support more quickly so long as the obligor remains current on the support order, including payment on the arrearages. If, however, the obligor subsequently defaults on the support order and causes overdue support to accrue, subdivision (c) of this Rule and the definitions in Rule 1910.1 make it clear that any past due support still owing under the order immediately converts to overdue support and remains overdue support subject to these remedies until collected in full.

Subdivision (b) also applies to restrict consumer agency reporting and suspension of licenses to cases involving overdue support. Actual procedures for consumer agency reporting and license suspension continue to be governed by statute rather than rule. Subdivision (b) does not purport to address IRS intercepts, which are governed almost exclusively by federal law. Nor does it address Pennsylvania state tax intercepts, lottery winnings or any other remedies which are not specifically listed in subdivision (b).

#### Rule 1910.21. [ (Rescinded) ] Enforcement. Withholding of Income.

(a) *Immediate Income Withholding.* Every order of court shall contain an immediate order for the withholding of income unless (1) there is no overdue support owing under the order and (2) either the court finds there is good cause not to require immediate income withholding or the parties agree in writing to an alternative arrangement.

(b) *Initiated Income Withholding.* If there is no immediate income withholding pursuant to subdivision (a), and nonpayment of the support order causes overdue support to accrue, the court shall enter an order for the immediate withholding of income.

(c) An order for income withholding must include a provision directing that no commutation or compromise and release of worker's compensation benefits, severance pay or any payment in lieu thereof shall be paid to the defendant until the order for withholding is dissolved by further order of court.

#### (d) *Service on Employer.*

(1) The order for income withholding shall be served upon the obligor's employer in the manner prescribed by Rules 400 through 406 governing service of original process or by registered mail, return receipt requested. Service by mail is complete upon the return of the registered mail receipt personally signed by the employer or other evidence of service satisfactory to the court.

(2) The employer shall pay to the domestic relations section the full amount set forth in the order and may deduct from the balance due the obligor an amount authorized by law for clerical work and expense involved in complying with the order. Upon termination of the obligor's employment, the employer shall notify the domestic relations section of the termination, the obligor's last known address, and the name and address of the obligor's new employer, if known.

(3) Upon willful failure to obey an order for income withholding, the employer, or an officer or employee of the employer, may be held in contempt and subject to other remedies provided by law.

*Official Note:* 23 Pa.C.S. § 4348(k)(1) provides that contempt is punishable by jail or fine. 23 Pa.C.S. § 4348(k)(2) provides that the employer is liable for any amount which the employer willfully fails to withhold or for any amount withheld but not forwarded to the domestic relations section. 23 Pa.C.S. § 4348(k)(3) provides that the court may attach funds or property of an employer.

(e) *Notice to Obligor: Objections.* A notice of entry of an order for income withholding shall be served on the obligor. The obligor may object to the order in writing or by personal appearance before the

domestic relations within ten days after issuance of the notice. The grounds for an objection are limited to the following mistakes of fact: (i) no overdue support exists under the order or there is a mistake in the amount of overdue support; (ii) there is a mistake in the identity of the obligor; or (iii) the amount being withheld exceeds the maximum amount which may be withheld under the federal Consumer Credit Protection Act, 15 U.S.C. § 1673. If a mistake of fact has occurred, the order shall be modified accordingly.

**(f) Income Withholding When the Obligor Defaults on Support Order:** When nonpayment of the support order causes overdue support to accrue, the court may increase the order for income withholding until the overdue support is paid in full. The court may also direct the employer to withhold any periodic or lump-sum distributions of income which may be payable to the defendant in addition to regular income until further order of court.

**(g) Priority of Income Withholding.** If there is more than one order [ of attachment ] for income withholding in effect against the income of the obligor, the court shall allocate among the obligees the amount of income available for withholding, giving priority to current child support to the limit provided by law and stating the priority of payment to the obligee.

**(h) Termination of Order for Income Withholding.** An order for income withholding shall continue until dissolved by the court as provided by law.

**Official Note:** Pursuant to 23 Pa.C.S. § 4348(h), an order for income withholding may be terminated when (1) the support obligation has terminated and the total arrears are paid; (2) the payee cannot be located and it becomes impossible to forward payments; or (3) the result would be unconscionable.

#### Explanatory Comment to Rule 1910.21—1999

1. This Rule continues to implement the requirements of mandatory income withholding under 23 Pa.C.S. § 4348(b) in all support cases except those in which there is no overdue support and either the parties agree to an alternative arrangement or the court finds good cause for not requiring such withholding. Consistent with Act 58, advance notice to the obligor is no longer required before the court may issue an order for income withholding. Notice to the obligor is now provided concurrently with issuance of the order to the obligor's employer under subdivision (e).

2. This Rule continues to apply to the withholding of "income," not merely wages. Income is broadly defined in 23 Pa.C.S. § 4302 as including "compensation for services, including, but not limited to, wages, salaries, bonuses, fees, compensation in kind, commissions and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; all forms of retirement; pensions; income from discharge of indebtedness; distributive share of partnership gross income; income with respect of a decedent; income from an interest in an estate or trust; military retirement benefits; railroad employment retirement benefits; social security benefits; temporary and permanent disability benefits; worker's compensation; unemployment compensation; other entitlements to money or lump sum awards, without regard to source, including lottery winnings, income tax refunds, insurance compen-

sation or settlements; awards or verdicts; and any form of payment due to and collectible by an individual regardless of source."

The Consumer Credit Protection Act, 15 U.S.C. § 1673, sets forth the limitations on monetary withholding. Notably, however, these limitations apply only to an obligor's wages or earnings and not to other forms of income as defined in 23 Pa.C.S. § 4302.

3. The term "employer" is broadly defined in 23 Pa.C.S. § 4302 as including an individual, partnership, association, corporation, trust, Federal agency, Commonwealth agency or political subdivision paying or obligated to pay income.

4. Subdivision (c) requires all orders for income withholding to include a provision directing the employer to withhold any income which may be payable to the obligor at the end of the employment relationship. This provision contemplates forms of income payable to obligor as a direct result of the end of that relationship—e.g., lump-sum commutations of workers' compensation benefits, severance pay, golden parachutes, or any form of income payable in lieu of the regular stream of income which had been used during the course of employment to secure the monthly support obligation.

5. Subdivision (f) applies only in cases in which there is overdue support. It permits the court to increase the rate of income withholding until the overdue support is paid in full. It also allows the court to order the employer to withhold all forms of income which may be payable to the obligor "in addition to" regular income—e.g., bonuses, proceeds from the exercise of stock options or any other kinds of income which are periodically payable during the course of employment. Subdivision (f) differs in purpose and scope from subdivision (c) insofar as the latter provision applies to all cases, including those involving past due support only, and restricts withholding to income payable "in lieu of" regular income at the end of employment.

6. Subdivision (g) incorporates existing Rule 1910.22(e) relating to income withholding for multiple support obligations. The provision is amended only to establish the priority of collecting child support over spousal support in cases where the income withheld is not sufficient to cover all obligations in full. In those cases, the income must be allocated to meet all of the obligor's child support obligations before it may be used to satisfy any of the obligor's spousal support obligations. Any portion of the obligations which remain unsatisfied must be collected through means other than income withholding.

*(Editor's Note:* The existing text of Rule 1910.22, as it appears at 231 Pa. Code pages 1910-74 to 1910-76, serial pages (200348) to (200350), is proposed to be deleted in its entirety and replaced by the following text.)

#### **Rule 1910.22. Enforcement. Liens on Real and Personal Property.**

(a) Overdue support obligations of this or any other state which are of public record at the county Domestic Relations Section shall constitute a lien by operation of law against all real property owned by the obligor within the county in which the lien is recorded. A lien of record shall also have the effect of a fully perfected security interest in personal property owned by the obligor in which a security interest can arise.

(b) *Certification and Recording of Liens.*

(1) A person seeking certification for payment of the amount of overdue support owed by an obligor shall

submit a written request for certification to the Domestic Relations Section. The request must include the obligor's full name, date of birth and social security number, if known. Within two business days, the Domestic Relations Section shall provide written certification of the amount of overdue support owed as of the date of certification.

*Official Note:* Rule 76 defines "person" as including a corporation, partnership and association as well as a natural person.

(2) The Domestic Relations Section shall provide a copy of the written certification to the parties. The obligor may object to the certification in writing or by personal appearance before the domestic relations section. The grounds for an objection are limited to the following mistakes of fact: (1) no overdue support exists under the support order or there is a mistake in the certified amount of overdue support; or (2) there is a mistake in the identity of the obligor. If a mistake of fact has occurred, the order shall be modified accordingly.

(c) Payment of the certified amount of overdue support shall constitute a satisfaction of the certified amount.

(d) *Enforcement of lien.* A lien of record may also be enforced as provided by Rules 3001 through 3011, governing transfer of judgments, and Rules 3101 through 3149, governing enforcement of judgments for the payment of money. A lien from another state shall be enforceable in the same manner in Pennsylvania provided it is forwarded to the Department of Public Welfare Central Registry. Upon receipt and verification of the amount owed, the Central Registry shall forward the lien to the domestic relations section in the county in which the property is located. The domestic relations section shall record the lien as a lien of public record.

*Official Note:* An out-of-state support lien is enforceable throughout Pennsylvania and not just in the county in which the arrears arose.

**Rule 1910.23. [ (Rescinded) ] Enforcement. Attachment of Assets Held by Financial Institutions.**

(a) Upon identification of an obligor's assets held by a financial institution, the court shall, upon certification of the overdue support owed by the obligor, enter an immediate order prohibiting the release of those assets until further order of court. The order shall be served on the financial institution in the manner prescribed by Rules 400 through 406 governing service of original process or by registered mail, return receipt requested. Service by mail is complete upon the return of the registered mail receipt personally signed by the financial institution or other evidence of service satisfactory to the court. Service of the order on the financial institution shall attach the asset up to the amount of the overdue support until further order of court.

(b) The Domestic Relations Section shall provide written notification of the attachment to the obligor. The obligor and/or any joint owner of the account who has been notified by the financial institution may object to the attachment in writing or by personal appearance before the domestic relations section within 30 days after issuance of the notice. The grounds for an objection are limited to the following mistakes of fact: (1) no overdue support exists under the support order or there is a mistake in the certified amount of overdue support; or (2) there is a mistake in the identity of the

obligor. If a mistake of fact has occurred, the order shall be modified accordingly.

(c) If no objection is made within 30 days after notice was issued, the court shall, upon proof that obligor was properly served with notice of the attachment, enter an order seizing the assets up to the amount of overdue support owed. The order shall be served on the financial institution and a copy of the order provided to both parties.

*Official Note:* A "financial institution" is defined in 23 Pa.C.S. § 4304.1(g) and includes any bank, federal or state credit union, insurer, safe deposit company and a money-market mutual fund authorized to do business in Pennsylvania.

Rule [ 1910.21-1 ] 1910.24-1. Civil Contempt. Petition. Service. No Answer Required.

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Rule [ 1910.21-2 ] 1910.24-2. Hearing by Court. Conference by Officer.

\* \* \* \* \*

Rule [ 1910.21-3 ] 1910.24-3. Office Conference. Agreement. Alternative Procedures Upon Failure to Agree.

\* \* \* \* \*

Rule [ 1910.21-5 ] 1910.24-5. Alternative Procedure. Record Hearing. Report. Exceptions. Order.

\* \* \* \* \*

Rule [ 1910.21-6 ] 1910.24-6. Contempt Order. Incarceration.

\* \* \* \* \*

Rule [ 1910.21-7 ] 1910.24-7. No Post Trial Relief.

\* \* \* \* \*

*Official Note:* Existing Rules 1910.21-1 through 1910.21-7 governing civil contempt proceedings are moved after Rule 1910.24. No substantive changes to these rules are being proposed by the Committee. When the Committee sends its final recommendation to the Court, however, it will recommend insertion of a note in these rules stating that any order entered pursuant to a contempt proceeding which establishes a rate of repayment on overdue support does not preclude the use of other remedies under Title 23 or these Rules for collecting overdue support more quickly, whenever feasible. See Rule 1910.20(c).

Rule 1910.25. Stay of Proceedings. Special Relief.

(a) An action for support or a support order may be stayed only by a special order of court upon a showing of compelling circumstances following notice and hearing or upon agreement of the parties in writing.

(b) At any time after the filing of the complaint, the court may on application issue a preliminary or special injunction, appoint a temporary receiver, order the seizure of property, dispose of seized property or grant other appropriate interim or special relief.

**Explanatory Comment—1999**

Rule 1910.25 consolidates into one Rule the provisions which currently appear in Rules 1910.25 and 1910.26.

*(Editor's Note:* The existing text of Rule 1910.26, as it appears at 231 Pa. Code pages 1910-77 to 1910-88, serial



pages (228795) to (228806) is proposed to be deleted in its entirety and replaced by the following.)

**Rule 1910.26. Conduct of Record Hearing. Evidence.**

Except as provided in this Rule, the Pennsylvania Rules of Evidence shall be followed in all record hearings conducted in an action for support. A verified petition, affidavit or document, and any document incorporated by reference therein which would not be excluded under the hearsay rule if given in person shall be admitted into evidence if (1) at least 20 days' notice of the intention to offer them into evidence was given to the adverse party accompanied by a copy of each document to be offered; and (2) the other party does not object to their admission into evidence. An objection must be in writing and served on the proponent of the document within 10 days of the support hearing. In the event a timely objection is made, the Rules of Evidence apply to determine admissibility of the document into evidence.

**Explanatory Comment to Rule 1910.26—1999**

23 Pa.C.S. § 4342(f) creates a hearsay exception in support actions to permit a verified petition, affidavit or document and a document incorporated by reference in any of them to be admitted into evidence if it would not otherwise be excluded as hearsay if given in person and it is admitted under oath by a party or witness to the support action. The Committee proposes to limit the admissibility of hearsay evidence in record hearings to cases where prior notice has been given and there is no objection by the other party. If the requisite 20-day notice is given and there is no objection, this Rule applies to require that the document be admitted into evidence. In the event of an objection, the Rules of Evidence apply to govern the document's admissibility.

This Rule is not intended to affect 23 Pa.C.S. § 4342(g) and (h) relating to admissibility of payment records, billing statements and bills for genetic testing and prenatal and postnatal health care of the mother and child.

*(Editor's Note: The existing text of Rules 1910.28—1910.31, as they appear at 231 Pa. Code pages 1910-92 to 1910-97, serial pages (228810) to (228814), (200369) to (200370) and (252117) are proposed to be deleted in their entirety and replaced by the following.)*

**Rule 1910.28. (Rescinded).**

**Official Note: Rules 1910.28 through 1910.30 prescribed various forms to be used in paternity actions. The Committee proposes to rescind these forms for the reasons set forth in the Explanatory Comment to Rule 1910.15.**

**Rule 1910.29. (Rescinded).**

**Official Note: Rule 1910.29 prescribed 1) the form of the parties' agreement to waive income withholding and 2) the notice of income withholding that must be sent to the obligor. The Committee proposes to rescind these forms for the reasons set forth in the Explanatory Comment to Rule 1910.15.**

**Rule 1910.30. (Rescinded).**

**Official Note: Rule 1910.30 prescribed the form for notice of the decision upon objections to the issuance of an order for attachment. The Committee proposes to rescind this form for the reasons set forth in the Explanatory Comment to Rule 1910.15.**

**Rule 1910.31. (Rescinded).**

**Official Note: Rule 1910.31 prescribed the form order for attachment of income. The Committee**

**proposes to rescind this form for the reasons set forth in the Explanatory Comment to Rule 1910.15.**

**Rule 1910.50. Suspension of Acts of Assembly.**

The following Acts or parts of Acts of Assembly are suspended insofar as they apply to the practice and procedure in an action for support:

\* \* \* \* \*

(2) Section 4 of Act 1996-20, 23 Pa.C.S. § 4342, insofar as it provides that long arm jurisdiction shall be used in preference to proceedings under Part VIII-A relating to intrastate family support actions; [ and ]

(3) Section 4 of Act 1997-58, 23 Pa.C.S. § 4342(f), insofar as it is inconsistent with Rule 1910.26 as it relates to record hearings in support actions; and

**Official Note: See Explanatory Comment to Rule 1910.26.**

(4) All Acts or parts of Acts of Assembly inconsistent with these rules to the extent of such inconsistency.

**CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY**

**Rule 1930.3. Use of Telephone Testimony.**

With the approval of the court upon good cause shown, telephone testimony may be taken in all domestic relations matters. **The court may permit a party or witness to be deposed or to testify by telephone, audiovisual or other electronic means at a designated location.**

**Explanatory Comment to Rule 1930.3—1999**

This change incorporates verbatim the statutory provision in 23 Pa.C.S. § 4342(j) relating to actions for support. The Committee proposes extending the provision to all domestic relations matters.

[Pa.B. Doc. No. 99-449. Filed for public inspection March 19, 1999, 9:00 a.m.]

**PART II. ORPHANS' COURT RULES**

**[231 PA. CODE PART II]**

**Amendment of Orphans' Court Rule 15.7; No. 217  
Supreme Court Rules Doc. No. 1**

**Order**

*Per Curiam:*

*And Now,* this 3rd day of March, 1999, Pennsylvania Orphans' Court Rule 15.7 is amended as follows.

This rule change is promulgated without prior publication in the interests of efficient administration. This Order shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective immediately.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART II. ORPHANS' COURT RULES**

**RULE 15. ADOPTIONS**

**Rule 15.7. Impounding; docket entries; reports; privacy.**

(a) All proceedings shall be impounded, docket entries made, reports made to the Department of Public Welfare,

and certificates of adoption issued as provided in Sections 505, 506, 507 and 508, respectively, of the Adoption Act, **23 Pa.C.S. § 2101, et seq.**

\* \* \* \* \*

**Note**

**For confidentiality requirements on appeal, see Pa.R.A.P. 3901.**

[Pa.B. Doc. No. 99-450. Filed for public inspection March 19, 1999, 9:00 a.m.]

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**Title 255—LOCAL  
COURT RULES**

**WESTMORELAND COUNTY**

**Rule WJ5000.13 Ownership of Notes; No. 3 of 1999**

**Order**

*And Now, this 5th day of March, 1999, It Is Hereby Ordered that current Westmoreland County Rule of Judi-*

cial Administration WJ5000.13 is rescinded and that new Rule of Judicial Administration WJ5000.13 is adopted.

*By the Court*

CHARLES H. LOUGHRAN,  
*President Judge*

**Rule WJ5000.13. Ownership of Notes.**

(a) In all cases, the court shall have the original transcript available for its own use. Except as otherwise provided by law, no person shall reproduce the original or a copy of the transcript by any method other than as provided in Westmoreland County Rule of Judicial Administration WJ5000.7. Any person making such an unauthorized reproduction is liable to the reporter for the cost.

(b) The prothonotary, register of wills, and clerk of courts shall not permit the original transcript or a copy thereof to leave its custody except either for use by a trial or appellate court, by order of court, or as otherwise provided by law.

[Pa.B. Doc. No. 99-451. Filed for public inspection March 19, 1999, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 130d]

### Nutrient Management Education Grant Program

The Department of Agriculture hereby withdraws the notice of proposed rulemaking for the Nutrient Management Education Grant Program (NMEGP), which was published at 28 Pa.B. 4923 (October 3, 1998).

Further information is available by contacting Karl Brown, Executive Secretary, State Conservation Commission at (717) 787-8821.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-452. Filed for public inspection March 19, 1999, 9:00 a.m.]

[7 PA. CODE CH. 130c]

### Sustainable Agriculture Programs

The Department of Agriculture (Department), under the specific authority conferred by section 15(1) of the Sustainable Agriculture Act (act) (3 P. S. §§ 2101—2117), proposes to establish Chapter 130c to read as set forth in Annex A. Section 4(a) of the act (3 P. S. § 2104(a)) directs the Department to establish a program to promote sustainable agriculture. Sections 4(b), 8 and 12 (3 P. S. §§ 2104(b), 2108 and 2112) of the act delineate the duties of the Department and direct the Department to establish loan programs and grant programs to encourage the practice of sustainable agriculture.

The proposed regulations will delineate the objectives of the loan and grant programs and the general conditions for obtaining a sustainable agriculture loan or grant. In addition, the proposed regulations will establish submission, processing and review procedures, eligibility and evaluation criteria, notification and recordkeeping requirements and enforcement mechanisms for the sustainable agriculture loan program, the sustainable agriculture grant program and the alternative crop grant program. Sustainable agriculture emphasizes farm practices which are ecologically beneficial, ensure and improve the quality of the soil and water for future generations and make the best use of on-farm resources thereby eliminating or reducing the need for off-farm inputs, such as fertilizers and pesticides. The loan and grant programs are intended to promote and encourage the use and development of sustainable agriculture practices.

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

#### *Summary of Major Features*

##### *Subchapter A. General Provisions*

Proposed § 130c.1. (relating to objectives) sets forth the overall objectives and purpose of the sustainable agriculture act.

Proposed § 130c.2. (relating to definitions) sets forth the definitions of proposed words and terms used in this chapter.

Proposed § 130c.3. (relating to records) establishes the proposed recordkeeping requirements for the recipients of sustainable agriculture loans or grants.

Proposed § 130c.4. (relating to conflict of interest) allows members of the Board to apply for sustainable agriculture loans or grants or alternative crop grants, provided they meet specified criteria.

Proposed § 130c.5. (relating to notice of disposition of application) establishes the time period in which the Board will notify an applicant of the acceptance or rejection of the application.

Proposed § 130c.6. (relating to loan or grant cancellation) will allow the Secretary to cancel a sustainable agriculture loan or grant or an alternative crop grant when a determination is made that the funds are not being used properly.

Proposed § 130c.7. (relating to right of recovery) establishes the Department's right to recover, from a sustainable agriculture loan or grant recipient or an alternative crop grant recipient, moneys not expended in accordance with the act, the loan or grant agreement or this proposed chapter.

Proposed § 130c.8. (relating to deficits) limits the Department's financial obligation to the amount of the sustainable agriculture loan or grant or the alternative crop grant.

#### *Subchapter B. Sustainable Agriculture Loan Program*

Proposed § 130c.11. (relating to objective) sets forth the proposed objectives of this subchapter, which are to establish the procedures and requirements of the sustainable agriculture loan program.

Proposed § 130c.12. (relating to funding) sets forth the requirement of availability of funding, delineates the sources from which funding for the sustainable agriculture loan program may be obtained and establishes the requirement that all funds pertaining to the sustainable agriculture loan program must be deposited into the revolving loan account.

Proposed § 130c.13. (relating to amount of loan) delineates the maximum loan amounts allowed under the sustainable agriculture loan program.

Proposed § 130c.14. (relating to general conditions) establishes the interest rate to be charged on sustainable agriculture loans and delineates the maximum term of a loan and the payment plans available. This section also contains the sustainable agriculture loan agreement, security, default and verification requirements and establishes the Department's right to recall the entire principal balance of a sustainable agriculture loan plus interest due.

Proposed § 130c.15. (relating to submission of application) sets forth the sustainable agriculture loan application process, including the deadline for submission of loan applications.

Proposed § 130c.16. (relating to processing of applications) establishes the procedure which the Department will follow when processing a sustainable agriculture loan application and delineates the duties of the executive director and the Board regarding the processing of sustainable agriculture loan applications.

Proposed § 130c.17. (relating to applicant eligibility) establishes the criteria which individuals, family farm

partnerships, family farm corporations and corporate farms must meet to be considered for a loan under the sustainable agriculture loan program.

Proposed § 130c.18. (relating to review of a loan application) sets forth the criteria which the Board will use when reviewing and evaluating sustainable agriculture loan applications.

Proposed § 130c.19. (relating to eligible uses) delineates the agricultural practices for which sustainable agriculture loan proceeds may and may not be used.

*Subchapter C. Sustainable Agriculture Grant Programs and Alternative Crop Grant Programs*

Proposed § 130c.31. (relating to objectives) sets forth the proposed objectives of this subchapter, which are to establish the procedures and requirements of the sustainable agriculture grant program and the alternative crop grant program.

Proposed § 130c.32. (relating to funding) sets forth the requirement of availability of funding and delineates the sources from which funding for the sustainable agriculture grant program and the alternative crop grant program may be obtained.

Proposed § 130c.33. (relating to amount of grant) delineates the maximum dollar value of any grant which can be awarded under the sustainable agriculture grant program or alternative crop grant program.

Proposed § 130c.34. (relating to general conditions) regarding the sustainable agriculture grant program and the alternative crop grant program discusses the requirements of a grant agreement and sets forth default and verification conditions and requirements.

Proposed § 130c.35. (relating to submission of application) sets forth the application process for the sustainable agriculture grant program and alternative crop grant program, including the deadline for submission of grant applications and limitations.

Proposed § 130c.36. (relating to processing of applications) establishes the procedure which the Department will follow when processing a sustainable agriculture grant program application or an alternative crops grant program application and delineates the duties of the executive director and the Board regarding the processing of the grant applications.

Proposed § 130c.37. (relating to applicant eligibility) establishes the criteria which individuals, family farm partnerships, family farm corporations, corporate farms and nonprofit educational institutions must meet to be considered for a grant under the sustainable agriculture grant program or the alternative crop grant program.

Proposed § 130c.38. (relating to review of a grant application) sets forth the criteria which the Board will use when reviewing and evaluating sustainable agriculture grant applications and alternative crop grant applications.

Proposed § 130c.39. (relating to eligible uses) delineates the agricultural practices for which sustainable agriculture grant and alternative crop grant proceeds may and may not be used.

*Fiscal Impact*

*Commonwealth*

The proposed regulations do not create any fiscal impact or impose any costs on the Commonwealth, which are not already contained in the act itself. The act and

these proposed regulations are intended to have a positive fiscal impact on the Commonwealth, through increased return on investment to the producer/farmer, increased soil and water quality and other ecological benefits which accrue from reducing or eliminating the need for fertilizers and pesticides.

*Political Subdivisions*

The proposed regulations will not have any direct fiscal impact on political subdivisions.

*Private Sector*

The proposed regulations will not have any direct fiscal impact on the private sector except for the possible positive effects discussed with regard to their fiscal impact on the Commonwealth.

*General Public*

The proposed regulations will not have any direct fiscal impact on the general public, although the general public may benefit from the decreased use of pesticides and fertilizers and the increased soil and water quality these proposed regulations seek to promote.

*Paperwork Requirements*

These proposed regulations will result in increased paperwork requirements of the recipients of sustainable agriculture loans and grants and alternative crop grants. The recipients of the loans and grants will be required to keep detailed records of all sustainable agriculture activities and projects undertaken using the loan or grant moneys. The Department will incur increased paperwork requirements through tracking and recordkeeping requirements and review of applications related to the sustainable agriculture loan program, the sustainable agriculture grant program and the alternative crop grant program.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 5, 1999, the Department submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Agriculture and Rural Affairs Committees. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1 "Improving Government Regulations." A copy of this material is available to the public upon request. If IRRC has an objection to any portion of the proposed regulations, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

*Contact Person*

Interested persons are invited to submit written comments regarding the proposed regulations within 30 days following publication in the *Pennsylvania Bulletin*. Comments are to be submitted to Lyle Forer, Director, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5203.

*Effective Date*

The proposed regulations will become effective upon final adoption.

SAMUEL E. HAYES,  
*Secretary*

**Fiscal Note:** 2-115. No fiscal impact; (8) recommends adoption. Grant moneys could come from a line item specifically appropriated in the budget, farmland preservation, United States Department of Agriculture and programs from private industry.

**Annex A****TITLE 7. AGRICULTURE****PART V. BUREAU OF PLANT INDUSTRY****CHAPTER 130c. SUSTAINABLE AGRICULTURE PROGRAMS****Subch.****A. GENERAL PROVISIONS****B. SUSTAINABLE AGRICULTURE LOAN PROGRAM****C. SUSTAINABLE AGRICULTURE GRANT PROGRAMS AND ALTERNATIVE CROP GRANT PROGRAMS****Subchapter A. GENERAL PROVISIONS****Sec.**

- 130c.1. Objectives.
- 130c.2. Definitions.
- 130c.3. Records.
- 130c.4. Conflict of interest.
- 130c.5. Notice of disposition of application.
- 130c.6. Loan or grant cancellation.
- 130c.7. Right of recovery.
- 130c.8. Deficits.

**§ 130c.1. Objectives.**

The purpose of the act is to:

- (1) Establish a program for sustainable agriculture practices and to create the Board.
- (2) Define the powers and duties of the Department and the Board.
- (3) Provide for sustainable agriculture loan and grant programs and an alternative crop grant program.
- (4) Provide for funding.

**§ 130c.2. Definitions.**

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

*Act*—The Sustainable Agriculture Act (3 P. S. §§ 2101—2117)

*Agricultural activity or farming*—The commercial production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products or fruits and other horticultural products.

*Alternative crop*—Crops not normally grown on an annual or rotational basis in this Commonwealth. The term may include crops used to replenish soil nutrients, crops used for animal or human consumption or crops used to reduce reliance on fuel, agricultural chemicals or synthetic fertilizer.

*Applicant*—A farm enterprise applying for a loan or grant.

*Beneficial insects*—Insects which, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial to farming.

*Board*—The Board of Sustainable Agriculture.

*Corporate farm*—A corporation formed for the purpose of engaging in agricultural activity or farming which is not a family farm corporation.

*Creditworthy*—The ability to pay debts as they become due, to offer sufficient security and collateral and having no history of any previous default on loans specified in § 130c.14(g) (relating to general conditions).

*Department*—The Department of Agriculture of the Commonwealth.

*Executive Director*—The person appointed by the Secretary to advise the Board. The Executive Director's duties include:

- (i) Reviewing, evaluating and submitting loan applications to the Board.
- (ii) Identifying sustainable agriculture practices.
- (iii) Integrating and coordinating sustainable agriculture activities and education.
- (iv) Developing information systems.
- (v) Promoting sustainable agriculture practices.

*Family farm corporation*—A corporation formed for the purpose of farming in which the majority of the voting stock is held by and the majority of the stockholders are natural persons or their spouses or other persons related to the natural persons or their spouses and at least one of the majority stockholders is residing on or actively operating or managing the farm and none of the stockholders of which are corporations.

*Family farm partnership*—A general partnership entered into for the purpose of farming, having no more than three unrelated members and having at least one member residing on or actively operating or managing the farm.

*Farm enterprise*—A natural person, family farm corporation, family farm partnership engaged in farming or a corporate farm or nonprofit educational institution.

*Farmland*—Land in this Commonwealth that is capable of supporting the commercial production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products, fruit or other horticultural products.

*Fund—Sustainable Agriculture Fund*—A fund created by section 7 of the act (3 P. S. § 2107) and established by the Department which shall receive all revenues and appropriations, allowed under the act. The Fund shall pay all costs, except administrative expenses, related to the Program. This Fund shall also contain the revolving loan account created by section 9 of the act (3 P. S. § 2109).

*Individual*—A natural person, meaning a single person as distinguished from a group or class, and as distinguished from a partnership, corporation or association.

*Nonprofit educational institution*—A State-owned or State-related college or university in this Commonwealth or any nonprofit organization, association or group in this Commonwealth which:

- (i) Has demonstrated a capacity to conduct agricultural research or education programs.
- (ii) Has experience in research or education in sustainable agricultural practices.
- (iii) Qualifies as a nonprofit organization under section 501(c) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 501(c)).

*Pest*—An insect, rodent, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator of the Environmental Protection Agency declares to be a pest under section 25(c)(1) of the Federal Insecticide, Fungicide and Rodenticide Act of 1947 (7 U.S.C.A. § 136w(1)).

*Pesticide*—

(i) A substance or mixture of substances intended for preventing, destroying, repelling or mitigating a pest.

(ii) A substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

*Program*—The Sustainable Agriculture Loan Program.

*Project*—A specific plan set forth on a loan or grant application submitted under the act and this chapter, describing sustainable agriculture or alternative crop practices to be implemented using loan or grant funds received under that application.

*Secretary*—The Secretary of Agriculture of the Commonwealth or a designee.

*Sustainable agriculture*—An integrated system of plant and animal production practices having a site-specific application that will over the long term:

- (i) Satisfy human food and fiber needs.
- (ii) Enhance environmental quality and the natural resource base upon which the agricultural economy depends.
- (iii) Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls.
- (iv) Sustain the economic viability of farm operations.
- (v) Enhance the quality of life for farmers and society as a whole.

**§ 130c.3. Records.**

(a) A recipient of grant or loan funds under the act and this chapter shall maintain books, records and other evidence pertinent to expenditures and costs incurred in connection with the sustainable agriculture project to which those funds are applied. The books and records shall be maintained according to generally accepted accounting principles.

(b) Financial records, supporting documents, statistical records and other records pertaining to any loan or grant made under the act shall be retained by the recipient for 3 years following the year in which the loan or grant expires.

(c) The records and documents shall be available for inspection or audit at reasonable times by the Department or its authorized agents.

**§ 130c.4. Conflict of interest.**

A member of the Board may apply for a sustainable agriculture loan or grant or an alternative crop grant provided all decisions regarding the loan or grant application are subject to section 3(j) of the Public Official and Employee Ethics Act (65 Pa.C.S. § 1103(j)) and if the action does not violate the State Adverse Interest Act (71 P. S. §§ 776.1—776.8), or 4 Pa. Code Chapter 7, Subchapter K (relating to code of conduct for appointed officials and State employees).

**§ 130c.5. Notice of disposition of application.**

The Board will provide an applicant written notice of the acceptance or rejection of the application by mailing a notice within 90 days of receipt of the application. If the application is incomplete, the Board will follow the action prescribed by § 130.16 or § 130.36 (relating to processing of loan applications; and processing of grant applications).

**§ 130c.6. Loan or grant cancellation.**

A sustainable agriculture loan or grant or an alternative crop grant may be canceled by the Secretary upon a determination that the funds are not being spent or utilized in accordance with the act, the loan or grant agreement or this chapter.

**§ 130c.7. Right of recovery.**

The Department has the right to make a claim for and receive from the loan or grant recipient moneys not expended in accordance with the act, the loan or grant agreement or this chapter. When a loan or grant recipient defaults, the Department has the right to make a claim for and receive from the loan or grant recipient, the principle balance of the loan and interest incurred to date. Payment shall be due within 60 days of the written demand.

**§ 130c.8. Deficits.**

The Department's financial obligation is limited to the amount of the sustainable agriculture loan or grant or the alternative crop grant. The Department is not responsible for funding cost overruns incurred by loan or grant recipients.

**Subchapter B. SUSTAINABLE AGRICULTURE LOAN PROGRAM**

Sec.  
 130c.11. Objective.  
 130c.12. Funding.  
 130c.13. Amount of loan.  
 130c.14. General conditions.  
 130c.15. Submission of application.  
 130c.16. Processing of applications.  
 130c.17. Applicant eligibility.  
 130c.18. Review of a loan application.  
 130c.19. Eligible uses.

**§ 130c.11. Objective.**

This subchapter establishes the requirements and procedures of the Program, under which an applicant may receive a loan to implement farming practices that emphasize sustainable agriculture in this Commonwealth.

**§ 130c.12. Funding.**

Sustainable agriculture loans will be made to the extent funds are made available in the revolving loan account. The revolving loan account, created under section 9 of the act (3 P. S. § 2109), shall be used to fund all sustainable agriculture loans. The revolving loan account shall be funded by appropriations made by the General Assembly and interest earned on the account and interest from loan repayment.

**§ 130c.13. Amount of loan.**

The maximum amount of a loan is \$15,000 for farm enterprises which are not corporate farms and \$25,000 for corporate farms.

**§ 130c.14. General conditions.**

(a) *Interest rates.* The interest rate on any loan shall be calculated using simple interest at the percentage rate equal to the Federal Reserve discount rate at the time the loan was made.

(b) *Term of loan and rate of payment.* The term of the loan may not be greater than the useful life of the project, which shall be defined in the loan agreement. The term of the loan may not exceed 7 years. Payments shall be made monthly, quarterly or semiannually, as determined by the Board.

(c) *Security.*

(1) *Requirement.* The Board will secure each loan before distributing the loan proceeds and its lien position may not be less than a second position as to liens on real estate and equipment connected with the farm operation. A loan shall be fully secured and no part of the loan may be unsecured.

(2) *Valuation of collateral.* Real estate security shall be valued on the basis of resale value, taking into account any liens or encumbrances on the land.

(3) *Additional security.* The Board may require other and additional security as it deems just and reasonable, including personal liability promissory notes with confessions of judgment, judgment notes, additional collateral, insurance and guarantees.

(d) *Sale of real or personal property.* If the recipient sells real or personal property connected with the project which is subject to a lien in favor of the Department or Board the principal balance of the loan and interest incurred to date shall immediately become due and payable.

(e) *Verification.* Within 3 months of the project completion date specified in the loan agreement, the recipient shall submit to the Department a final report which includes written receipts, records and any other pertinent documentation evidencing the total amount of the costs incurred and expenditures associated with the project. At the same time, the recipient shall also submit a narrative report describing the effectiveness of the project, the results obtained, the experience gained and the personal knowledge acquired.

(f) *Failure to verify.* If the required receipts, records and documentation are not submitted within the 3-month period or a portion of loan proceeds are unaccounted for, the Secretary may demand that the recipient repay the entire principal balance of the loan or a lesser amount and interest incurred to date. Payment shall be due within 60 days of the written demand.

(g) *Loan agreement.* A recipient shall sign a loan agreement setting forth the term and amount of the loan, a repayment schedule and other terms or conditions as the Department may reasonably require.

(h) *Previous default.* A loan will not be made under this chapter to an applicant who has previously defaulted on a loan made, guaranteed or insured by the Commonwealth, the Federal government or by the government of another state.

(i) *Default.* A recipient who fails to abide by the terms of the act, the loan agreement or this chapter shall be in default. Additionally, a loan will be declared in default if the loan recipient fails to make the required payment within 30 days of the due date. When a loan recipient defaults the Department may seek recovery of the loan funds as delineated in § 130c.7 (relating to right of recovery). A default may be waived by the Secretary, after consultation with the Board, in the event of a physical disability suffered by the recipient or other extenuating circumstances.

#### § 130c.15. Submission of application.

An applicant desiring to be considered for a loan under this chapter shall submit to the Board, on a form prepared by the Board, an application for a loan. The completed application shall contain all information requested by the Board. Applications shall be postmarked by July 31 of each year.

#### § 130c.16. Processing of applications.

(a) *Executive Director.* Upon receipt of an application for a sustainable agriculture loan and any required supporting documentation, the Executive Director will review this information for completeness and accuracy and submit it to the Board. If the Executive Director determines the application is incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is requested, processing of the application will cease until the applicant supplies the requested data. If additional data has been requested, the Executive Director may terminate the processing of an incomplete application when the additional data is not supplied within 30 days of a written request.

(b) *Board.* The Board will review all complete applications and supporting documentation and shall have the power to accept, accept with special conditions or reject applications and issue loans in accordance with the general considerations and eligibility criteria of the act and this chapter.

#### § 130c.17. Applicant eligibility.

(a) *Individuals.* To be eligible for a loan under this chapter, the applicant, if an individual, shall be:

(1) A resident of this Commonwealth or show sufficient evidence that he intends to become a resident.

(2) An active resident operator or resident manager of the farm.

(3) Sufficiently educated, trained or experienced to carry out the project and shall certify he will participate in the project for the duration of the loan period.

(4) Able to prove and document that the farmland or farm enterprise for which the loan is acquired is located in this Commonwealth.

(5) Able to demonstrate the proceeds of the loan will be used for eligible sustainable agriculture purposes as defined in the act and this chapter and that all loan proceeds will be used exclusively for sustainable agriculture purposes in Commonwealth farming operations only.

(6) Creditworthy.

(b) *Family farm partnership.* To be eligible for a loan under this chapter, if a family farm partnership, the applicant's principal operating or managing partners shall:

(1) Be residents of this Commonwealth or demonstrate they intend to become residents.

(2) Have no more than three unrelated members.

(3) Have at least one member residing on or actively operating or managing the farm.

(4) Demonstrate the applicant or the principal operating or managing partners thereof have sufficient education, training or experience to carry out the sustainable agriculture project proposed in the loan application and shall certify that he or they will participate in the project for the duration of the loan period.

(5) Be able to prove and document that the farmland or farm enterprise for which the loan is acquired is located in this Commonwealth.

(6) Be able to demonstrate the proceeds of the loan will be used for eligible sustainable agriculture purposes as defined in the act and this chapter and that all loan proceeds will be used exclusively for sustainable agriculture purposes in Commonwealth farming operations only.

(7) Be creditworthy.

(c) *Family farm corporation.* To be eligible for a loan under this chapter, the applicant, if a family farm corporation, shall meet the following requirements:

(1) The family farm corporation shall be incorporated or registered to do business in this Commonwealth.

(2) The principal operating or managing members or shareholders of the family farm corporation shall be residents of this Commonwealth or show sufficient evidence that they intend to become residents.

(3) At least one of the majority stockholders of the family farm corporation shall reside on or actively operate or manage the farm.

(4) None of the shareholders of the family farm corporation may be corporations.

(5) The applicant or the principal operating or managing members or shareholders of the family farm corporation shall have sufficient education, training or experience to carry out the sustainable agriculture project proposed in the loan application and shall guarantee that he or they will participate in the project for the duration of the loan period.

(6) The family farm corporation shall demonstrate that the farmland or farm enterprise for which the loan is acquired is located in this Commonwealth.

(7) The family farm corporation shall be able to demonstrate the proceeds of the loan will be used for eligible sustainable agriculture purposes as defined in the act and this chapter and that all loan proceeds will be used exclusively for sustainable agriculture purposes in Commonwealth farming operations only.

(8) The family farm corporation shall be creditworthy.

(d) *Corporate farm.* To be eligible for a loan under this chapter, the applicant, if a corporate farm, shall meet the following requirements:

(1) The corporate farm shall be incorporated or registered to do business in this Commonwealth.

(2) The principal operating or managing members or shareholders of the corporate farm shall have sufficient education, training or experience to carry out the sustainable agriculture project proposed in the loan application and shall guarantee that the corporation will participate in the project for the duration of the loan agreement.

(3) The corporate farm shall demonstrate that the farm enterprise owns or leases farmland in this Commonwealth.

(4) The corporate farm shall be able to demonstrate the proceeds of the loan will be used for eligible sustainable agriculture purposes as defined in the act and this chapter and that all loan proceeds will be used exclusively for sustainable agriculture purposes in Commonwealth farming operations only.

(5) The corporate farm shall be creditworthy.

(e) *Nonprofit educational institution.* A nonprofit educational institution is not eligible for a loan.

#### § 130c.18. Review of a loan application.

(a) *Evaluation.* The Board will evaluate the application based on the applicant's eligibility as set out in § 130c.17 (relating to applicant eligibility).

(b) *Ranking.* No single factor will be paramount. In rendering a decision, the Board will rank the application based on the following criteria:

(1) *Financial responsibility.* Financial responsibility reflecting the ability of the applicant to meet and satisfy all debt service as it becomes due and payable, continue farm operations and protect the Department against undue risk. The applicant's cash flow history, total assets controlled, equity owned, contingent liabilities and history of earnings to date are significant measures of financial responsibility.

(2) *Collateral offered on available security.* The requirement of collateral and collateral taken shall reasonably protect the Department, provide the necessary control of equity and repayment and leave the applicant in a position to reasonably manage the farm operation. The applicant's ability to give the Department a first position in terms of a lien on collateral or to share a first position, will be given great weight.

(3) *Repayment capacity.* The relevant criminal and credit history and ratings of the applicant as determined from credit reporting services and other sources.

(4) *Tax obligations.* The payment to date of all tax obligations due and owing by the applicant to the Commonwealth or any political subdivisions thereof.

(5) *Projected use.* The manner in which loan proceeds will be utilized in furthering sustainable agriculture in this Commonwealth. This encompasses the goals of the project, its impact on agriculture, the environment and society, its ability to increase farm profitability and productivity, and the potential for success of the project.

(6) *Capital needs (amount of the loan).* The Board will look at the capital needs of the applicant in light of available funds.

(7) *Farming practices.* The intent to use practices that would improve soil fertility, lower the cost of production, cause the optimum and environmentally compatible use of off-farm inputs, such as chemical or synthetic fertilizers, insecticides and herbicides, or otherwise promote sustainable agriculture. These practices are further explained and defined in § 130c.19 (relating to eligible uses).

(c) *Discretion.* The Board may exercise its judgment in reviewing applications and in determining the amount of each loan so that, when possible, the widest audience becomes acquainted with the principles of sustainable agriculture. This discretion may be exercised to assure loan funds are distributed to the maximum number of applicants and dispersed throughout this Commonwealth.

#### § 130c.19. Eligible uses.

(a) *Loan proceeds.* Proceeds from a loan made under this chapter shall be used by the loan recipient solely for eligible sustainable agriculture practices. Sustainable agriculture practices include agricultural practices which:

(1) Are ecologically beneficial.

(2) Improve and ensure the soil and water quality for future generations.



(3) Enhance environmental quality and the natural resource base upon which the agricultural economy depends.

(4) Make the most efficient use of nonrenewable resources.

(5) Integrate natural biological cycles and controls, such as planting cover crops to defend against insects and weeds, using mechanical tillage to control weeds and relying on natural systems, such as biological controls and natural predators.

(6) Ensure the optimum and environmentally compatible use of or eliminate the need for the purchase of off-farm inputs such as chemical or synthetic fertilizers, insecticides and herbicides.

(7) Make the best use of on-farm labor and resources, such as using animal and plant manure to enrich soil.

(8) Sustain the economic viability of farm operations, by implementing practices which lower production costs.

(9) Enhance the quality of life for farmers and society.

(10) Satisfy human food and fiber needs.

(11) Emphasize planting a diverse array of crops and the production of alternative crops.

(b) *Ineligible uses of proceeds.* Loan proceeds may not be used for any of the following purposes:

(1) To refinance a portion of the total project cost or any other existing loans or debts.

(2) To finance, fund or to use in a project outside the geographic boundaries of this Commonwealth.

(3) To purchase off-farm inputs, such as chemical or synthetic fertilizers, insecticides and herbicides.

(4) To fund any educational or promotional program.

**Subchapter C. SUSTAINABLE AGRICULTURE  
GRANT PROGRAMS AND ALTERNATIVE CROP  
GRANT PROGRAMS**

Sec.

- 130c.31. Objectives.
- 130c.32. Funding.
- 130c.33. Amount of grant.
- 130c.34. General conditions.
- 130c.35. Submission of application.
- 130c.36. Processing of applications.
- 130c.37. Applicant eligibility.
- 130c.38. Review of a grant application.
- 130c.39. Eligible uses.

**§ 130c.31. Objectives.**

This subchapter establishes the requirements and procedures of the Program and the Alternative Crop Grant Program, under which an applicant may receive grants that enable it to implement practices and develop programs which emphasize sustainable agriculture and the use of alternative crops to promote sustainable agriculture in this Commonwealth.

**§ 130c.32. Funding.**

Sustainable agriculture grants and alternative crop grants will be made to the extent funds are made available. The revenues and appropriations will be deposited in the Fund. All costs, except administrative expenses, related to the sustainable agriculture program will be paid from the Fund.

**§ 130c.33. Amount of grant.**

Grants may not exceed \$25,000 except as provided in this subchapter. An additional amount of up to \$25,000

may be granted if the applicant matches that additional amount dollar for dollar so that a single grant may not exceed \$50,000 in one calendar year.

**§ 130c.34. General conditions.**

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

(b) *Verification.* Within 3 months of the project completion date specified in the grant agreement, the applicant shall submit to the Department a final report which includes written receipts, records and any other pertinent documentation evidencing the total amount of the costs incurred and expenditures associated with the project. At the same time, the applicant shall also submit a narrative report describing the effectiveness of the project, the results obtained, the experience gained and the personal knowledge acquired.

(c) *Failure to verify.* If the required receipts, records and documentation are not submitted within the 3-month period or a portion of grant proceeds are unaccounted for, the Secretary may demand the applicant repay the entire principal balance of the grant or a lesser amount and interest incurred to date. The interest rate will be calculated using simple interest at the percentage rate equal to the Federal Reserve discount rate at the time the grant was made. Payment shall be due within 60 days of the written demand.

(d) *Default.* A recipient who fails to abide by the terms of the act, the grant agreement or this chapter shall be in default. When a grant recipient defaults the Department may seek recovery of the grant funds as delineated in § 130c.7 (relating to right of recovery). A default may be waived by the Secretary, after consultation with the Board, in the event of a physical disability suffered by the recipient or other extenuating circumstances.

**§ 130c.35. Submission of application.**

(a) *Obtaining an application/deadline.* An applicant desiring to be considered for a grant under this chapter shall submit to the Board, on a form prepared by the Board, an application for a grant. The completed application shall contain the information requested by the Board. Applications shall be postmarked by July 31 of each year.

(b) *Limitations.* An applicant may submit applications, in the same year, under both the sustainable agriculture grant program and the alternative crop grant program. An applicant will not be awarded more than one grant in each calendar year and an applicant already possessing a grant will not be eligible to apply for any other grant under this chapter until the applicant's current grant is completed and the proper verification has been provided to the Board.

**§ 130c.36. Processing of applications.**

(a) *The Executive Director.* Upon receipt of an application for a sustainable agriculture grant or alternative crop grant and the required supporting documentation, the Executive Director will review this information for completeness and accuracy and submit it to the Board. If the Executive Director determines the application is incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is requested, processing of

the application will cease until the applicant supplies the requested data. If additional data has been requested, the Executive Director may terminate the processing of an incomplete application when the additional data is not supplied within 30 days of a written request.

(b) *The Board.* The Board will review all complete applications and supporting documentation and has the power to accept, accept with special conditions or reject applications and issue grants in accordance with the general considerations and eligibility criteria of the act and this chapter.

### § 130c.37. Applicant eligibility.

(a) *Individuals.* To be eligible for a grant under this chapter, the applicant, if an individual, shall be:

(1) A resident of this Commonwealth or show sufficient evidence that he intends to become a resident.

(2) An active resident operator or resident manager of the farm.

(3) Sufficiently educated, trained or experienced to carry out the sustainable agriculture or alternative crop project proposed in the grant application and must guarantee he will participate in the project for the duration of the grant period.

(4) Able to prove and document that the farmland or farm enterprise for which the grant is acquired is located in this Commonwealth.

(5) Able to demonstrate the proceeds of the grant will be used for eligible sustainable agriculture or alternative crop purposes as defined in the act and this chapter and that all grant proceeds will be used exclusively for sustainable agriculture or alternative crop purposes in Commonwealth farming operations only.

(b) *Family farm partnership.* To be eligible for a grant under this chapter, if a family farm partnership, the applicant's principal operating or managing partners shall:

(1) Be residents of this Commonwealth or demonstrate they intend to become residents.

(2) Have no more than three unrelated members.

(3) Have at least one member residing on or actively operating or managing the farm.

(4) Demonstrate the applicant or the principal operating or managing partners thereof have sufficient education, training or experience to carry out the sustainable agriculture or alternative crop project proposed in the grant application and shall guarantee he or they will participate in the project for the duration of the grant period.

(5) Be able to prove and document that the farmland or farm enterprise for which the grant is acquired is located in this Commonwealth.

(6) Be able to demonstrate the proceeds of the grant will be used for eligible sustainable agriculture or alternative crop purposes as defined in the act and this chapter and that all grant proceeds will be used exclusively for sustainable agriculture or alternative crop purposes in Commonwealth farming operations only.

(c) *Family farm corporation.* To be eligible for a grant under this chapter, the applicant, if a family farm corporation, shall meet the following requirements:

(1) The family farm corporation shall be incorporated or registered to do business in this Commonwealth.

(2) The principal operating or managing members or shareholders of the family farm corporation shall be residents of this Commonwealth or show sufficient evidence that they intend to become residents.

(3) At least one of the majority stockholders of the family farm corporation shall reside on or actively operate or manage the farm.

(4) None of the shareholders of the family farm corporation may be corporations.

(5) The applicant or the principal operating or managing members or shareholders of the family farm corporation shall have sufficient education, training or experience to carry out the sustainable agriculture or alternative crop project proposed in the grant application and shall guarantee the family farm corporation will participate in the project for the duration of the grant period.

(6) The family farm corporation shall demonstrate that the farmland or farm enterprise for which the grant is acquired, is located in this Commonwealth.

(7) The family farm corporation shall be able to demonstrate the proceeds of the grant will be used for eligible sustainable agriculture or alternative crop purposes as defined in the act and this chapter and that all grant proceeds will be used exclusively for sustainable agriculture or alternative crop purposes in Commonwealth farming operations only.

(d) *Corporate farm.* To be eligible for a grant under this chapter, the applicant, if a corporate farm, shall meet the following requirements:

(1) The corporate farm shall be incorporated or registered to do business in this Commonwealth.

(2) The principal operating or managing members or shareholders of the corporate farm shall have sufficient education, training or experience to carry out the sustainable agriculture or alternative crop project proposed in the grant application and shall guarantee the corporation will participate in the project for the duration of the grant agreement.

(3) The corporate farm shall demonstrate that the farm enterprise owns or leases farmland in this Commonwealth.

(4) The corporate farm shall be able to demonstrate the proceeds of the grant will be used for eligible sustainable agriculture or alternative crop purposes as defined in the act and this chapter and that all grant proceeds will be used exclusively for sustainable agriculture or alternative crop purposes in Commonwealth farming operations only.

(e) *Nonprofit educational institution.* To be eligible for a grant under this chapter, the applicant, if a nonprofit educational institution, shall:

(1) Qualify as a nonprofit organization under section 501(c) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 501(c)).

(2) Be a State-owned or State-related college or university in this Commonwealth or any nonprofit organization, association or group in this Commonwealth.

(3) Have experience in research or education in sustainable agriculture practices.

(4) Have demonstrated a capacity to conduct agricultural research or education programs.

**§ 130c.38. Review of a grant application.**

(a) *Evaluation.* The Board will evaluate the application based on the applicant's eligibility as set out in § 130c.37 (relating to applicant eligibility).

(b) *Ranking.* No single factor will be paramount. In rendering a decision the Board will rank the application based on the following criteria:

(1) *Financial responsibility.* Financial responsibility reflecting the ability of the applicant to meet and satisfy all debt service as it becomes due and payable, continue farm operations and protect the Department against undue risk. The applicant's cash flow history, total assets controlled, equity owned, contingent liabilities and history of earnings to date are significant measures of financial responsibility.

(2) *Repayment capacity.* The relevant criminal and credit history and ratings of the applicant as determined from credit reporting services and other sources.

(3) *Tax obligations.* The payment to date of all tax obligations due and owing by the applicant to the Commonwealth or any political subdivisions thereof.

(4) *Projected use.* The manner in which grant proceeds will be utilized in furthering sustainable agriculture in this Commonwealth. This encompasses the goals of the project, its impact on agriculture, the environment and society, its ability to increase farm profitability and productivity, and the project's potential for success.

(5) *Capital needs (amount of the grant).* The Board will look at the capital needs of the applicant in light of available funds.

(6) *Environment.* The environmental benefit.

(7) *Profitability.* The potential impact on farm profitability.

(8) *Technology.* The applicability of the techniques or technology to other farm enterprises.

(9) *Effectiveness.* The effectiveness of the project as a demonstration, when applicable.

(10) *Farming practices.* The intent to use practices that would improve soil fertility, lower the cost of production, cause the optimum and environmentally compatible use of off-farm inputs, such as chemical or synthetic fertilizers, insecticides and herbicides, or otherwise promote sustainable agriculture. These practices are further explained and defined in § 130c.39 (relating to eligible uses).

(c) *Discretion.* The Board may exercise its judgment in reviewing applications and in determining the amount of each grant so that, when possible, the widest audience becomes acquainted with the principles of sustainable agriculture. This discretion may be exercised to assure grant funds are distributed to the maximum number of applicants and dispersed throughout this Commonwealth.

**§ 130c.39. Eligible uses.**

(a) *Grant proceeds.* Proceeds from a grant made under this chapter shall be used by the grant recipient for the practice or promotion of sustainable agriculture or for research or educational programs pertaining to the development of sustainable agriculture, or to adopt practices that emphasize the use of alternative crops. Sustainable agriculture practices include, but are not limited to, agricultural practices which:

(1) Are ecologically beneficial.

(2) Improve and ensure the soil and water quality for future generations.

(3) Enhance environmental quality and the natural resource base upon which the agricultural economy depends.

(4) Make the most efficient use of nonrenewable resources.

(5) Integrate natural biological cycles and controls, such as planting cover crops to defend against insects and weeds, using mechanical tillage to control weeds and relying on natural systems, such as biological controls and natural predators.

(6) Ensure the optimum and environmentally compatible use of or eliminate the need for the purchase of off-farm inputs such as chemical or synthetic fertilizers, insecticides and herbicides.

(7) Make the best use of on-farm labor and resources, such as using animal and plant manure to enrich soil.

(8) Sustain the economic viability of farm operations, by implementing practices which lower production costs.

(9) Enhance the quality of life for farmers and society.

(10) Satisfy human food and fiber needs.

(11) Emphasize planting a diverse array of crops and the production of alternative crops.

(12) Identify agricultural practices that maintain productivity and minimize environmental and farmland degradation.

(13) Develop, integrate and coordinate field experiments and on-farm research and educational efforts related to the practice of sustainable agriculture.

(14) Develop, integrate and coordinate new techniques and technologies which advance the field of sustainable agriculture.

(b) *Ineligible use of grant proceeds.* Grant proceeds may not be used for any of the following purposes:

(1) To refinance a portion of the total project cost or any other existing loan or debt.

(2) To finance, fund or to use in a project outside the geographic boundaries of this Commonwealth.

(3) To purchase off-farm inputs, such as chemical or synthetic fertilizers, insecticides and herbicides.

(4) To fund any educational or promotional program which is not for the sole purpose of advancing the practice of sustainable agriculture.

[Pa.B. Doc. No. 99-453. Filed for public inspection March 19, 1999, 9:00 a.m.]

## DEPARTMENT OF CORRECTIONS

[37 PA. CODE CH. 95]

### County Correctional Institutions

The Department of Corrections (Department) proposes to amend Chapter 95 (relating to county correctional institutions), to read as set forth in Annex A. The

Department is proposing the amendments under the authority of section 506 of The Administrative Code of 1929 (act) (71 P. S. § 186).

#### A. *Contact Person*

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed amendments to Deputy Secretary for Intergovernmental Relations William M. Reznor, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598, (717) 975-4876.

#### B. *Statutory Authority*

The Department proposes the amendments to Chapter 95 under the authority of section 506 of the act. Under section 506 of the act, the Department is empowered to prescribe rules and regulations for the performance of the Department's business. A portion of the Department's business includes establishing standards for county jails and prisons, including physical facilities and standards for correctional programs of treatment, education and rehabilitation of inmates. See section 3 of the act of December 27, 1965 (P. L. 1237) (61 P. S. § 460.3(3)).

#### C. *Purpose and Background*

Under the authority of Executive Order 1996-1 the Department undertook a review of its regulations relating to county correctional institutions. Based on that review, the Department found that many of the regulations are outdated, too technical and do not afford county prison administrators with sufficient flexibility to address prison management problems that are strictly local in nature. While the Department still wants to ensure that county prisons maintain minimum professional standards for prison operations, it wants to provide county prison administrators with the flexibility they need to address strictly local issues in the manner the counties deem most appropriate and cost efficient. Therefore, the Department proposes amendments to Chapter 95 to read as set forth in Annex A.

#### D. *Compliance with Executive Order 1996-1, Regulatory Review and Promulgation*

Prior to drafting the proposed amendments contained in Annex A, the Department sought and received input from county prison wardens from across this Commonwealth. In May of 1997, the Department mailed a preliminary survey to the wardens of all 63 counties which asked them to rate the individual sections contained within Chapter 95 and to identify specific areas of concern. The overall response rate to the survey was 59%. The results from the survey were compiled by the Department's Planning and Research Division to develop a standard agenda for regional work sessions that the Department planned to conduct with county prison officials. The survey revealed that 12 sections of Chapter 95 were deemed most worthy of revision by the county wardens that responded to the survey. During the months of July and August 1997, five regional work sessions were conducted with county prison officials to discuss the 12 sections targeted for revision.

The five work sessions were held for the Northwest, Northeast, Southwest and Southeast regions of this Commonwealth and Philadelphia County. The work sessions were held in centralized locations in an effort to maximize warden participation by minimizing travel inconveniences. A team from the Department, which included representation from the Office of Chief Counsel, Bureau of Operations, Office of Grants and Special Projects, Bureau of Health Care and the Deputy Secretary for Intergovernmental Relations, was assembled to facilitate

warden input at each of the work sessions and to develop recommendations for a reduction in the regulations of the targeted sections.

After the work sessions, and with due consideration being given to the input of the county prison officials, the Department drafted proposed amendments to the 12 regulatory sections that were targeted for revision. Those amendments were then submitted to a Wardens' Committee representing the Pennsylvania Prison Wardens Association and the Courts and Corrections committee representing the County Commissioners Association of Pennsylvania for final review and comment. After reviewing the comments submitted by the County Commissioners Association and the Wardens Committee the Department drafted the proposed amendments as set forth in Annex A.

#### E. *Summary of Proposed Amendments*

An introductory statement will appear in § 95.220 (relating to purpose). The introductory statement is intended to impress upon county prison officials the need to develop, utilize and maintain local policies and procedures that are consistent with Pennsylvania law and recognized professional standards. The introductory statement will also exempt compliance with the regulations if a county prison achieves American Correctional Association accreditation using Adult Local Detention Facilities standards. These are the same standards endorsed by the American Jailers Association. In addition, all Chapter 95 regulations governing medical and health care services will be waived if a county prison achieves accreditation from the National Commission on Correctional Health Care.

Twelve sections have been selected for revision based on input from county wardens and prison administrators concerning the most burdensome regulations. Those sections include § 95.221, Personnel; § 95.222, Admissions; § 95.225, Classification; § 95.226, Housing; § 95.228 Clothing; § 95.231, Personal Hygiene; § 95.232, Medical and Health Services; § 95.234, Correspondence; § 95.236, Library; § 95.238, Recreation; § 95.239, Commissary and § 95.240, Discipline and Punishment. The proposed amendments are designed to reduce the number of technical, burdensome and mandatory requirements that are currently imposed on county prison administrators. The proposed amendments are also designed to provide county prison administrators with sufficient flexibility to address purely local operational concerns within the confines of local budgetary constraints. At the same time, the proposed amendments establish for county prison administrators the minimum general professional standards that should govern county prison operations.

#### F. *Fiscal Impact*

The proposed amendments are not expected to have any negative fiscal impact upon the Commonwealth, its political subdivisions or the general public.

#### G. *Paperwork Requirements*

The proposed amendments are not expected to have any affect on the paperwork requirements of the Commonwealth, its political subdivisions or the public.

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act, on March 4, 1999, the Department submitted a copy of this notice of proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the Chairpersons of the House and Senate Judiciary Committees. In addition to submitting the proposed amendments, the Department

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, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

#### I. *Effective Date*

The proposed amendments shall take effect upon completion of the regulatory review process and final publication in the *Pennsylvania Bulletin*.

#### *Public Comment Period/Contact Person*

Written comments concerning the Department's proposed amendments shall be submitted to Victoria S. Freimuth, Executive Assistant to the Secretary, Department of Corrections, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598. Written comments must be received within 30 days of the publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

MARTIN F. HORN,  
*Secretary*

**Fiscal Note:** 19-4. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 37. LAW

#### PART III. AGENCIES AND OFFICES

#### Subpart B. DEPARTMENT OF CORRECTIONS

#### CHAPTER 95. COUNTY CORRECTIONAL INSTITUTIONS

#### Subchapter B. ADMINISTRATIVE STANDARDS, REGULATIONS AND FACILITIES

#### COUNTY [ JAILS ] PRISONS

#### § 95.220. Purpose.

This subchapter is designed to encourage county prisons to develop and utilize local policies and procedures that are in keeping with existing State law and recognized professional standards for all sections addressed in this chapter. Each category sets forth minimum requirements, which are mandatory, and recommended guidelines, which are not mandatory. For those counties achieving American Correctional Association accreditation using Adult Local Detention Facilities standards, this chapter will be waived in its entirety. Regulations pertaining to medical and health services will be waived for those counties which achieve National Commission on Correctional Health Care accreditation.

#### § 95.221. Personnel.

(a) *Minimum requirements.* The following are the minimum requirements applicable to personnel at county [ jails ] prisons:

(1) An education and [ training ] awareness program shall seek to impress upon personnel and the public at

large that this work is a public service of great importance.

(2) Before [ duty ] being assigned duties, all personnel shall be given a course of training in their general and specific responsibilities.

(3) [ After entering on duty, and at regular times during their career, personnel shall improve their knowledge and professional capacity by attending inservice training courses. ] Full time corrections personnel shall receive training from a training program approved by the Department of Corrections (Department) within 12 months of assuming their duties.

(4) [ The seeking and dispensing of favors or the unwarranted use of force, whether physical or psychological, shall never be condoned. ] Part-time corrections personnel shall be provided training appropriate to their duties under a training program approved by the Department. Part-time corrections personnel who have not completed an approved training program may not be permitted to work without close supervisory direction.

(5) [ All persons shall be enrolled within 6 months of the date they entered on duty in the Bureau of Correction Training School. ] Written local policy shall provide for training and staff development for all personnel. The training shall include the use of force, prohibition on the seeking and dispensing of favors to and from the inmate population and instruction in the facility's code of conduct and ethics.

(b) *Recommended guidelines.* The following are the recommended guidelines applicable to personnel:

(1) The governing body in control of the [ jail ] prison should provide for careful selection of all levels of personnel.

(2) [ Personnel should be appointed on a full-time basis as career jail officers. ] Salaries and employment benefits should be adequate to attract and retain competent and professional men and women.

(3) Personnel should [ have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness ] always conduct themselves in a professional manner in the presence of inmates.

(4) [ Salaries should be adequate to attract and retain suitable men and women. ] At no time should an atmosphere of familiarity be allowed to exist between inmates and correctional personnel.

(5) [ Employment benefits and conditions of service should be favorable and in line with State employes and other civil servants. ] Prison officers should be encouraged to maintain themselves in good physical condition.

[ (6) Personnel should at all times conduct themselves and perform their duties in a manner which shall help prisoners form sound attitudes toward productive living in a free society.

(7) The administrator of the jail should be qualified by character, administrative ability, suitable training and experience.

(8) The administrator of the jail should be appointed on a full-time basis.

(9) Prison officers should be given special physical training.

(10) Professional stature should be the goal of all jail personnel.

(11) Respect for the dignity of one's fellow man is absolutely essential for all personnel who work with prisoners. ]

**§ 95.222. Admission.**

(a) *Minimum requirements.* The following are the minimum requirements applicable to [admission procedures] admissions:

(1) [The officer assigned to the admissions desk shall determine that each prisoner being admitted has been committed.] With all admissions to the prison, commitment under proper legal authority and completeness of paperwork shall be verified. [The commitment papers shall be carefully examined for completeness and signature by authorized officials. The identity of the person being admitted should be verified as the person named in the commitment papers.]

(2) [An injured, sick or unconscious prisoner may not be admitted to the jail until medical treatment has been provided and arresting officers produce verification from a medical doctor that the prisoner is not in need of emergency hospitalization. If an injured, sick or unconscious prisoner is admitted to the jail then he shall receive immediate medical attention by a medical doctor.] An inmate may not be admitted into the prison when it is determined that the inmate is in need of medical treatment that cannot be provided by the prison. A written verification of treatment from a medical doctor shall be provided by the transporting authority prior to admittance.

(3) [The clothing of the prisoner shall be carefully searched for contraband.] Intake procedures relating to contraband searches, property disposition, notification and medical assessments and personal hygiene should be described in local policy developed from recognized professional standards.

(4) [Personal property removed from the prisoner shall be listed and described in detail, item by item, in the presence of the prisoner. The admission officer and the prisoner shall both check the listing together, and each sign a duplicate receipt form. One copy of the receipt shall be given to the prisoner and the original filed in the property records.] As part of the intake process, basic personal information shall be obtained for identification and classification purposes. In the event of a transfer, this basic information shall include:

- (i) The name of the inmate.
- (ii) Any aliases.
- (iii) The address of the inmate.
- (iv) A description of the inmate.

(v) The occupation of the inmate.

(vi) Education.

(vii) Offense committed.

(viii) Religious affiliation.

(ix) The date of commitment.

(x) The authority for the commitment.

(xi) Previous criminal record.

(xii) The facts of the crime committed.

(xiii) The name and address of the person to be contacted in event of an emergency.

(xiv) Marital status.

(xv) Medical history.

(xvi) The name and address of the inmate's attorney.

(5) [Personal property of the prisoner shall be stored in a safe place until the prisoner is released or until he releases their property to persons designated in writing by them. Personal property released to persons designated by the prisoner shall be transferred only when the prisoner is present.] Upon admission, a copy of the rules of the prison shall be provided to each inmate.

(6) [A telephone should be available within the receiving area. The prisoner shall be permitted to contact an attorney, a bondsman or a family member. If without funds, a phone call shall be provided.] Written local policy shall identify the means by which an inmate will have the opportunity to notify a relative of his whereabouts.

[ (7) If it is not possible for a doctor to be in attendance during the admission process, the admission officer should look for injuries, medical tags and question the prisoner to determine if he has any medical problems which need attention. This should include information concerning drug or alcohol abuse.

(8) If a prisoner has any medication on his person at the time of admission, the medical doctor shall decide what use is to be made of the medication.

(9) Prisoners upon admission shall take a shower and be deloused if necessary.

(10) During the receiving process, certain personal history information shall be obtained from the prisoner for identification and classification purposes and so that relatives may be notified in case of emergency. The basic information shall include: name of prisoner, aliases, address, description, occupation, education, offense, religious affiliation, date of commitment, authority for the commitment, previous criminal record, name and address of attorney.]

(b) *Recommended guidelines.* The following are the recommended guidelines concerning the admission process:

(1) [Each prisoner admitted shall be stripped and searched] Admission procedures may include the unclothed search of inmates for weapons and contraband. The determination for necessity of strip searches should coincide with prevailing laws and statutes. [The search should also include a check

for body vermin, and for cuts, bruises, needle scars and other injuries. The ] Any strip search should be conducted in a professional [ nonhumiliating manner, ] fashion and [ for security and privacy reasons, the search should be conducted in an area where the prisoner is in view of only those officers in charge of the search ] supervised by correctional staff of the same sex as the inmate.

(2) [ A matron shall be present when female prisoners are admitted, and the strip search area shall be supervised by female staff members in a private portion of the jail. ] Inmates newly committed to the prison should be fingerprinted and photographed at the discretion of the prison administrators.

(3) [ Prisoners newly committed to the jail shall be fingerprinted and photographed as soon as possible. Copies of the fingerprint record should be forwarded to the proper State authorities and to the Federal Bureau of Investigation. ] For prisons that permit use of personal clothing, inmates should be provided with clean clothing if necessary.

(4) [ Each prisoner shall be provided with clean clothing if his is inappropriate.

(5) ] \*\*\*

[ (6) ] (5) Any serious wounds existing at the time of admission should be photographed [ and immediately attended by a medical doctor ], documented and referred to the prison medical section for proper attention.

[ (7) ] (6) [ Until the medical doctor is able to verify that the prisoner is free of any communicable disease, the prisoner shall be housed in quarantine area separate from the general population for the safety of staff and other prisoners. ] Quarantine procedures should be addressed in written local policy and consistently utilized for the safety of staff and other inmates. If possible, the quarantine area should consist of separate cells.

[ (8) Inmates entering the quarantine area shall receive a copy of the rules and regulations of the jail. ]

#### § 95.225. Classification.

(a) [ *Generally*. Every jail in the Commonwealth should use a classification process to coordinate all information about the prisoner so that the decisions concerning security, housing and treatment programs may be made on a basis of knowledge instead of guess. Classification may be an uncomplicated or a very complex process depending upon the size, physical facilities and staff of the jail. The purpose of classification is to help the jail administrator as follows ] The following minimum requirement applies to classification:

(1) [ Assure the security of the jail ]

(1) A written inmate classification plan shall be documented in local policy.

(2) In keeping with recognized professional standards, this plan shall establish categories based on the degree of security risk and need for supervision and specify how the classification process is accom-

plished, what process of appeals exist, the review mechanism utilized and explicit procedures for reclassification.

[ (2) Assure the welfare of the inmates.

(3) Assure the protection of the community by preventing escapes.

(4) Assure the most effective use of the jail, within its limitations, as an instrument of correction and rehabilitation.

(b) *Minimum requirements*. The minimum requirements as regards classification of prisoners in county jails are as follows:

(1) To implement a classification process, the jail administrator in counties of the first through fifth class shall form a classification committee composed of representatives of administration, security and treatment. A citizen member of the community may also be of great benefit to the committee.

(2) In determining each prisoner's degree of security needed, housing assignment, job assignment and overall treatment plan, the following items should be considered through the classification process:

(i) Sex.

(ii) Age.

(iii) Crime.

(iv) Sentence.

(v) Past criminal history.

(vi) Medical condition and needs.

(vii) Mental condition and needs.

(viii) Educational and vocational needs.

(ix) Special services and program needs.

(x) Other pertinent information.

(xi) The thinking and feeling of the prisoner about his life and future plans.

(3) If possible, each prisoner should appear before the classification committee to discuss his case and future life goals.

(4) Each prisoner should be informed of the decision and the reason for the decision of the classification committee.

(5) Classification is an ongoing process and a procedure for reclassification shall be developed and each prisoner shall be informed under what conditions reclassification is possible.

(c) *Recommended guidelines*. Jails of the sixth, seventh and eighth class counties may find that it is unwieldy to have a formal classification committee. In such cases, the administrator should use the classification process himself as a guideline for operating the jail. ]

#### § 95.226. Housing.

(a) [ *Generally*. The immediate problem of housing the new prisoner shall be solved when he enters the jail. Some housing arrangements are required by Pennsylvania law. Few jails have a formal procedure for evaluating new inmates. However, an immediate decision shall be made as to which housing unit he is to be assigned. The housing assignment of a prisoner may have serious consequences for him and for the jail. For example,

a violent prisoner may be placed in a double cell with a weaker and older person whom he may assault. Or the youthful prisoner may be placed in a cell with an aggressive homosexual and be raped. The jail administration shall carefully assess the need for segregating prisoners who should be segregated and assure that the housing arrangements required by law are followed, and that all prisoners are handled according to good jail management standards. ] *Minimum requirements.* The following are the minimum requirements applicable to housing:

(1) Decisions involving housing segregation or removal and transfer of seriously ill inmates shall be in keeping with existing laws and National standards.

(2) An inmate who is mentally ill or known to have a contagious disease shall be separated from the general population.

(3) Female inmates shall be completely separated from male inmates. This does not preclude possible rehabilitative projects and food service assignments where male and female inmates could participate together with proper supervision.

(4) Accommodations for inmates shall meet the requirements of the Department of Health. In determining housing adequacy, climatic conditions, minimum floor space, lighting, heating and ventilation shall be considered. In addition, the following should also be considered:

(i) Each room shall allow the entrance of fresh air.

(ii) Artificial light sufficient for inmates to read or work without injury to eyesight shall be provided.

(iii) Sufficient toilet facilities are required.

(iv) Bathing facilities shall be provided so that every inmate may use them as frequently as necessary for personal hygiene.

(5) All parts of the prison used by inmates shall be properly maintained and kept clean at all times.

(b) [ *Minimum requirements* ] *Recommended guidelines.* The [ minimum requirements ] recommended guidelines for housing are as follows:

(1) [ Some housing arrangements are mandatory. Under the provisions of the act of May 10, 1921 (P. L. 433) (61 P. S. § 1-4), the following is required: ] Housing arrangements which achieve necessary separation among populations should be defined in local policy and be consistent with recognized professional standards and applicable laws.

[ (i) Prisoners whose physical condition is not considered good or who are suffering from any disease shall be segregated from prisoners considered to be in good physical condition.

(ii) Prisoners who are found to be mentally weak shall be segregated.

(iii) Prisoners considered to be habitual criminals shall be segregated. ]

(2) [ The act of January 26, 1965 (P. L. 356) (61 P. S. § 81) provides that a seriously ill prisoner may

be removed from any prison by the court for confinement in some other suitable institution where proper treatment may be administered. ] If applicable, local policies relating to housing should be consistent with any existing local classification policies.

[ (3) Women prisoners shall be completely separated from male prisoners. This does not preclude possible rehabilitative projects and food service where male and female residents could participate together with proper supervision.

(4) Accommodations for prisoners shall meet all requirements of the State Health Department. In determining adequacy, climatic conditions, cubic content of air, minimum floor space, lighting, heating and ventilation shall be considered. In addition, the following shall also be considered:

(i) Each room shall allow the entrance of fresh air.

(ii) Artificial light sufficient for prisoners to read or work without injury to eyesight shall be provided.

(iii) Modern toilet facilities are required.

(iv) Bathing facilities shall be provided so that every prisoner may use them as frequently as necessary for personal hygiene.

(v) All parts of the institution used by prisoners shall be properly maintained and kept clean at all times.

(c) *Recommended guidelines.* The recommended guidelines for housing are as follows:

(1) Prisoners should be housed in single occupancy cells.

(2) If dormitories are used, they should be occupied by prisoners who are carefully selected. The jail staff should determine if prisoners to be assigned for dormitory housing are able to associate with one another in close living arrangements.

(3) Sentenced prisoners should be housed separately from those who are only accused of having committed a crime.

(4) If possible, trustees should not be housed with other prisoners.

(5) Work releases should be housed in separate quarters.

(6) Elderly and infirm prisoners should be housed away from more youthful and aggressive prisoners. They should be located in an area close to the dining room and the place where sick call is held. If at all possible, they should not be required to climb stairs. ]

§ 95.228. Clothing.

(a) [ *Generally.* Whether or not the jail supplies prisoner clothing is left to county policy. Jail clothing, if provided by the county administration, may be cover-alls, two-piece shirt and trouser outfits, surplus military fatigue trousers and T-shirts, rented uniforms or other suitable clothing. Regardless of the policy, jail inmates should be returned to the community wearing clean clothes. Therefore, if the prisoner has street clothes in need of fumigation and laundering, arrangements should be made



to have this done in the jail before the prisoner is discharged. ] *Minimum requirements:* The following are the minimum requirements applicable to clothing:

(1) Written local policy shall provide for each inmate to receive suitable clothing including adequate footwear and underwear.

(2) Whether inmates may possess personal clothing shall be stipulated in written local policy.

(3) Whether or not a prison elects to store personal clothing shall be determined in written local policy. Personal clothing, if stored, shall be stored in a sanitary manner.

[ (b) *Minimum requirements.* The following minimum requirements are applicable for clothing:

(1) Prisoners shall be provided footwear, an outfit of clothing, and underwear suitable for the climate and adequate to his good health if they do not provide their own. Jail clothing shall in no manner be degrading or humiliating.

(2) Clothing shall be changed and washed as often as necessary and kept in proper condition for the maintenance of hygiene.

(c) *Recommended guidelines.* Any prisoner who wishes to provide his own clothing should be able to do so, providing it meets the specification of the jail administrator. ]

#### § 95.231. Personal hygiene.

[ *Minimum requirements.* ] The following are the minimum requirements applicable [ for ] to personal hygiene:

(1) [ Prisoners shall bathe no less than twice a week and preferably daily if the physical facilities allow. ] Inmates shall be required to maintain proper hygiene standards.

(2) [ The jail shall provide all prisoners with soap, clean towels, razor, toothbrush and hot and cold water for bathing and shaving. ] Inmates shall bathe at least twice a week.

(3) [ Jail administrators and staff may not enforce their hair styles on prisoners provided that the hair of the prisoner is clean and well groomed, unless there is a definite health hazard. ] An inmate determined to be indigent shall be provided with articles to attain satisfactory personal hygiene.

(4) [ Female prisoners shall be provided articles for feminine hygiene when needed. ] Inmate hair styles shall comply with sanitation and security policies of the prison.

(5) [ The jail shall furnish laundry facilities for personal clothing, with capacity to provide laundry services on a weekly basis for the personal garments of each inmate. ] Female inmates shall be provided articles for feminine hygiene when needed.

(6) Written local policy and procedure shall provide a means for inmates to obtain clean clothing on a weekly basis.

#### § 95.232. Medical and health services.

[ (a) *Minimum requirements.* ] The following are the minimum requirements applicable [ for ] to medical and health services:

(1) [ Persons admitted to jail shall, within 48 hours after his admission, be examined as to his physical condition and also as to his mental condition. ] Written local policy shall specify that all inmates admitted to the prison receive a health care screening performed and recorded by a person with health care training within 24 hours of admission. A record of the result of the examination shall be kept as a part of the permanent [ jail ] prison documents. [ Reference should be made to act of May 10, 1921 (P. L. 433) (61 P. S. §§ 1—4). ]

(2) [ A competent physician shall be available to take care of the medical needs of the prisoners. The arrangements for medical services shall vary greatly with the size of the prisoner population and the community. Therefore, it is suggested that the jail should have one of the following arrangements for medical services: ] An inmate determined upon admission not to be in good health shall be assessed by a health care professional within 24 hours.

[ (i) A contract with a local physician for full time coverage on specified hours and for emergencies.

(ii) A contract with a local physician to be on call to conduct sick call, for emergencies and to examine newly received prisoners.

(iii) Arrangements with a local hospital to provide all medical services needed. ]

(3) [ Jails having an average daily prisoner population of over 125 shall have a registered nurse or licensed practical nurse or a medically trained technician to provide adequate medical services. ] Following review of the initial commitment screening by the prison medical personnel, a medical history and physical shall be performed by the prison medical provider within 14 days following admission.

(4) [ Any medical supplies kept in the jail should be stored in a locked cabinet and dispensed only by the jail physician or by jail staff in accordance with the advice of the doctor. ] Written local policy shall specify routine screening procedures utilized for infectious diseases, acute illness and suicide risk.

(5) [ Medication should be given to the inmate one dose at a time and he or she should be required to take each dose in the presence of the doctor or jail staff. ] Written local policy shall designate a health provider/authority responsible for control of the delivery of health care services. This authority shall have sole province on matters involving medical judgement.

(6) [ The most stringent controls should be placed on all dangerous drugs. ] Written local policy shall provide that the health provider/authority report on the health care delivery system in writing and review findings with prison administrators on a routine basis.

(7) [ As a minimum requirement, all jails shall provide dental service for extractions and other

work of an emergency nature. Jails housing long term inmates should provide all remedial services as needed. ] Written local policy shall provide for an annual documented review of a prison's health care delivery system and when necessary, revisions shall be made to each health care procedure and program by the appropriate health care authority.

(8) [ An individual medical record should be kept for each prisoner showing his condition at the time of admission, as much of his prior medical history as can be obtained, any illness or injury occurring during confinement and any medical treatment provided, and his condition at time of discharge. ] Written local policy shall provide for access to emergency care 24 hours a day for all inmates. A written plan shall outline onsite treatment, evacuation, transportation and security procedures and designate emergency facilities to be utilized.

(9) [ Jails involved in medical research shall comply with existing Commonwealth and Federal law and follow standards developed by the American Correctional Association for the safety and well being of the jail population. ] Written local policy shall specify ongoing access to medical care for inmates. A written plan shall specify management of treatment by appropriate credentialed professionals.

(10) [ Unless the jail maintains its own hospital, there shall be a standing arrangement with some local hospital whereby prisoners may be admitted without delay. ] Written local policy shall specify ongoing access to mental health care for inmates. A written plan shall outline management of treatment by appropriate credentialed professionals.

(11) Written local policy shall provide for the management of pharmaceuticals in accordance with existing Federal and State laws.

(12) Written local policy shall provide for a suicide prevention and intervention program and shall outline the program review mechanisms utilized and staff training procedures for program implementation.

[ (b) *Recommended guidelines.* The following are the recommended guidelines for medical and health services:

(1) Jails having an average daily prisoner population of 75 to 124 should have a registered nurse or licensed practical nurse or medically trained technician to provide adequate medical services.

(2) Jails should have an infirmary for sick prisoners not requiring hospitalization, and equipment for the jail physician to use in examining and treating prisoners.

(3) Psychiatric services should be provided on a contractual basis where full-time psychiatrists are impractical or in case they are not attracted to full-time duty. ]

§ 95.234. [ Correspondence ] Inmate mail privileges.

(a) *Minimum requirements.* The following are the minimum requirements [ shall apply to correspondence ] applicable to inmate mail privileges:

(1) [ Soon after being admitted to the jail, all prisoners shall be given a free letter if they desire to notify the immediate family or other close relative of their whereabouts and to instruct them on how they may write or visit. ] Inmates shall be permitted to send and receive mail consistent with the following:

(i) Incoming and outgoing mail may be examined for contraband.

(ii) Incoming and outgoing mail to and from public officials, courts and attorneys will not be opened for purposes of examining for contraband unless the interested inmate is present.

(iii) Incoming and outgoing mail to a person or entity may be read by the prison warden if reasonable grounds exist to believe that receipt of the mail is likely to jeopardize prison security or public safety and welfare, or both.

(iv) The sending and receipt of mail shall be restricted or prohibited for valid penological reasons.

[ (2) Prisoners shall be able to correspond with his family members and approved friends as often as desired.

(3) Prisoners shall receive all letters sent to them.

(4) Incoming packages shall be carefully examined for contraband.

(5) Inmates shall be permitted to seal letters addressed to county commissioners, the Commissioner of Correction, other government officials and attorneys.

(6) Incoming and outgoing letters, with the exception of those outgoing letters addressed to public officials and therefore sealed, may be opened and examined for contraband. They may not be read.

(7) Incoming mail from attorneys, courts, Department of Corrections personnel, and other public officials shall be opened and examined for contraband in the presence of the addressee.

(8) There may not be limit placed on the number of incoming or outgoing letters.

(b) *Recommended guidelines.* Good jail administration requires that a record be kept of all outgoing mail. ]

§ 95.236. [ Library ] Access to legal resources.

[ (a) *Minimum requirements.* ] Every jail shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books. The library should be open during the prisoner's idle hours. ] The following are the minimum requirements applicable to access to legal resources:

(1) To enable inmates to exercise their right of access to the courts, inmates shall be permitted access to adequate legal resources. Written local policy shall provide a means of assistance for an inmate that does not speak English.

(2) County wardens shall have discretion in determining the type of legal resources to be made available to ensure inmates can exercise their right to access to the courts.

[ (b) *Recommended guidelines.* The following are the recommended guidelines for the library:

(1) All jails should have a copy of *Purdon's Titles* 12, 17, 18, 19 and 60, 61 in the library, and other additional legal research materials as may be required.

(2) The jail administrator should actively seek community help in developing a library from the state and local library, colleges, civic groups, bookstores, publishers, interested citizens, Goodwill Industries, Salvation Army and the Volunteers of America.

(3) For guidelines in developing a jail library, the jail administrator should consult the Manual of Correctional Standards published by the American Correctional Association. ]

§ 95.238. Recreation.

[ *Minimum requirements.* ] The following are the minimum requirements [ are ] applicable [ for ] to recreation:

(1) [ Jails shall provide all prisoners at least 2 hours daily, physical exercise in the open, weather permitting, if the weather is inclement, each inmate shall have 2 hours physical exercise daily indoors. ] Written local policy shall describe the prison's recreational programming for inmates.

(2) [ Jail administrators shall develop an organized recreational program to meet the needs of all prisoners, regardless of age and sex. ] Prisons shall provide general population inmates with at least 1 hour of access to out of cell activity on a daily basis.

(3) Physical exercise schedules for males, females and juveniles shall have to be arranged so as to provide segregation. Jail administrators may separate inmates further based on age, vulnerability and other appropriate security criteria.

(4) [ The jail administrator should refer to the Manual of Correctional Standards published by the American Correctional Association for guidelines in developing an organized recreational program. ] Inmates under disciplinary status (segregation), shall receive 1 hour of outdoor activity 5 days a week, weather permitting.

[ (5) The jail administrator should actively seek help from responsible citizens in the community to help develop an ongoing recreational program in the jail. ]

§ 95.239. Commissary.

[ *Minimum requirements.* ] The following are the minimum requirements [ applies ] that apply to commissaries:

(1) [ The jail administrator shall establish, maintain and operate a commissary in conjunction with the jail. For this purpose, the jail administrator should purchase confectionery, tobacco, postage and writing materials, and toilet articles and supplies. The jail administrator should sell the goods, articles and supplies to the prisoners in the jail. ] County prisons may provide commissary services if the county so chooses.

(2) [ The sale prices of articles offered in the commissary shall be fixed at amounts that make the commissary self-supporting and, in addition, may provide a small margin of profit. ] Funds associated with commissary services shall be audited and reported on an annual basis by an independent party using generally accepted accounting procedures.

[ (3) The margin of profit from the sale of commissary items may not be excessive.

(4) Any profit from the sale of commissary items shall be deposited in a prisoner welfare fund. The money in the prisoner welfare fund shall be spent solely for the benefit and welfare of the prisoners.

(5) Records of the commissary shall be audited annually by the county controller or a recognized public or private agency qualified to do so. ]

§ 95.240. [ Discipline and punishment ] Inmate disciplinary procedures.

(a) *Minimum requirements.* The following are the minimum requirements [ applies ] applicable to [ discipline and punishment ] inmate disciplinary procedures:

(1) [ A formal report shall be written if the infraction jeopardizes the security of the jail, threatens the safety of staff or prisoners, or is a violation of State law. ] County prisons shall operate a disciplinary process that provides clear notice of prohibited behavior and consistently applied sanctions for violations of prison rules.

(2) [ The disposition of a disciplinary report, whatever the action taken, shall be documented. ] Violation of prison rules may result in the imposition of discipline. Discipline may not be imposed unless the prisoner has been informed of the offense charged in writing, has had an opportunity to present a defense and has been found guilty of the charge by an impartial party or board designated by the prison administrator.

(3) [ Confinement is punishment, therefore no further punishment is permitted unless the prisoner violates the rules and regulations of the prison or violate State law. ] Findings of guilt or innocence shall be made by an impartial party to be designated by the prison administrator. Findings shall be expressed in writing and based on information presented. Written findings of guilt shall state the reasons for the finding.

(4) [ The objectives of jail discipline are as follows: ] Disciplinary charges and written findings shall be recorded and made a permanent part of an inmate's prison file.

[ (i) To achieve order in the jail.

(ii) To assist prisoners in achieving self-control.

(iii) To provide personnel with guidelines for judging the behavior of prisoners.

(iv) To achieve fairness in the administration of discipline. ]

(5) [ In a jail having an average daily inmate population of more than ten, the administrator

shall appoint a board consisting of a minimum of three persons to hear and dispose of disciplinary cases. ] Disciplinary sanctions imposed after a finding of guilt may include loss of privileges, segregation or other sanctions as set forth in written local policy.

(6) [In a jail having an average daily inmate population of less than ten, the administrator may determine guilt and decide the disciplinary action to be taken. ] The imposition of discipline may not violate an inmate's right to be free from cruel and unusual punishment.

[ (7) A prisoner may not be punished unless he has been informed of the offense alleged against him and given an opportunity to present his defense. In addition, the following shall apply:

(i) The hearing shall be staffed by an impartial tribunal.

(ii) The hearing shall be preceded by notice to the prisoner, in writing, of the charges against him.

(iii) The decision reached shall be based upon evidence raised at the hearing.

(iv) The decision-makers shall state the reason for their determination of guilt if that is the decision reached.

(8) All disciplinary actions shall be recorded and made a part of the permanent files of the jail.

(9) Punishment may fall into the two following categories:

(i) Loss of privileges.

(ii) Segregation.

(10) Conditions in segregation shall be as follows:

(i) The cell shall be clean, well lighted, heated, ventilated and sanitary.

(ii) The cell shall be furnished with a mattress, bedding and toilet facilities.

(iii) Except in special circumstances, as for example, a suspected suicide threat, the prisoner shall be allowed to wear regular clothing.

(iv) Three meals a day shall be provided, identical with meals provided the remainder of the jail population.

(v) A bathing and shaving schedule shall be maintained including the minimum of twice weekly opportunities.

(vi) Toilet tissue and drinking water shall be provided.

(vii) The prisoner shall have an opportunity to exercise.

(viii) A regular review of segregated prisoners shall be practiced. The time interval should not exceed 5 days.

(ix) The segregation unit shall be adequately supervised.

(x) Writing privileges shall not be denied to prisoners in segregation.

(xi) The chaplain shall be permitted to visit regularly.

(11) The medical officer shall visit all prisoners in segregation on his regularly scheduled visit to the prison.

(12) Corporal punishment, punishment by placing in a dark cell and cruel, inhuman or degrading punishments shall be completely prohibited.

(13) If a serious criminal offense is committed in a jail, the two main considerations should be the following:

(i) Identify and isolate the offender as a matter of internal security, discipline and morale.

(ii) With due regard to constitutional protection of the prisoner's rights, once a suspect is identified and isolated, no further questioning by jail staff shall be permitted. The suspect shall be isolated until the arrival of police investigators.

(b) *Recommended guidelines. Visiting privileges should not be denied to prisoners in segregation. ]*

[Pa.B. Doc. No. 99-454. Filed for public inspection March 19, 1999, 9:00 a.m.]

### [37 PA. CODE CH. 93]

#### Motivational Boot Camps

The Department of Corrections (Department) acting under the authority conferred by the Motivational Boot Camp Act (act) (61 P. S. §§ 1121—1129), gives public notice of its intention to promulgate regulations to be included in Chapter 93 (relating to State correctional institutions and facilities) pertaining to motivational boot camps to read as set forth in Annex A.

Under section 5(c) of the act (61 P. S. § 1125(c)), the Secretary of the Department of Corrections is required to promulgate regulations concerning motivational boot camps. At a minimum, the regulations shall address inmate discipline, selection criteria, curriculum, supervision, administration and intensive training for all staff prior to their involvement with a motivational boot camp.

The proposed regulations will amend Chapter 93 by adding Subchapter C entitled "Motivational Boot Camps." Subchapter C will consist of seven new sections beginning with § 93.301 and ending with § 93.307. Section 93.301 (relating to selection criteria) will contain the minimum criteria required for selection into a motivational boot camp. Section 93.302 (relating to selection committee) will establish selection committees, which shall be responsible for recommending whether inmates are favorable candidates for placement in a motivational boot camp. Section 93.303 (relating to administration) will establish how motivational boot camps are to be administered by the Department. The supervisory structure of boot camp facilities will be addressed in § 93.304 (relating to supervision/organizational structure). Prescribed curriculum for motivational boot camp inmates will be contained in § 93.305 (relating to curriculum). Inmate discipline for boot camp participants will be addressed in § 93.306 (relating to inmate discipline) and staff training will be contained in § 93.307 (relating to staff training).

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

The Department has reviewed the proposed regulations and has considered their purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1 (relating to regulatory

review and promulgation). The proposed regulations are statutorily mandated and otherwise comply with Executive Order 1996-1.

#### *Statutory Authority*

The Department proposes to adopt the regulations under the authority of section 5(c) of the act.

#### *Fiscal Impact and Paperwork Requirements*

Since the Department currently operates a motivational boot camp in accordance with the proposed regulations, it does not expect the regulations to have a fiscal impact on or to create new paperwork requirements for the Commonwealth, its political subdivisions or the private sector.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 4, 1999, the Department submitted a copy of the proposed regulations to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Judiciary Committees (Committees). In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department 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 regulations, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion of the proposed regulations. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

#### *Effective Date*

The proposed regulations shall be effective upon closure of the public comment period, the regulatory review process and final publication in the *Pennsylvania Bulletin*.

#### *Public Comment Period/Contact Person*

Written comments concerning the Department's proposed regulations shall be submitted to Victoria S. Freimuth, Executive Assistant to the Secretary, Department of Corrections, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598. Written comments must be received within 30 days of the publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

MARTIN F. HORN,  
Secretary

**Fiscal Note:** 19-3. No fiscal impact; (8) recommends adoption.

### **Annex A**

#### **TITLE 37. LAW**

#### **PART III. AGENCIES AND OFFICES**

#### **Subpart B. DEPARTMENT OF CORRECTIONS**

#### **CHAPTER 93. STATE CORRECTIONAL INSTITUTIONS AND FACILITIES**

#### **Subchapter C. MOTIVATIONAL BOOT CAMPS**

Sec.	
93.301.	Selection criteria.
93.302.	Selection committee.
93.303.	Administration.
93.304.	Supervision/organizational structure.

93.305.	Curriculum.
93.306.	Inmate discipline.
93.307.	Staff training.

#### **§ 93.301. Selection criteria.**

(a) An eligible inmate, as that term is defined in section 3 of the Motivational Boot Camp Act (61 P. S. § 1123), may be selected by the Department of Corrections (Department) for participation in a motivational boot camp. In selecting inmates for participation in a motivational boot camp, the selection committee will consider all information relevant to whether the inmate is eligible for placement in a motivational boot camp and likely to perform competently while in the motivational boot camp. Selection criteria will include the following:

- (1) The written application submitted by the inmate.
- (2) Whether the inmate's participation in a motivational boot camp is consistent with the safety of the community.
- (3) Whether the inmate's participation in a motivational boot camp is consistent with the welfare of the inmate.
- (4) Whether the inmate's participation in a motivational boot camp is consistent with the objectives of the Department.
- (5) The health and physical condition of the inmate.
- (6) The inmate's criminal history.
- (7) The inmate's escape history.
- (8) The inmate's institutional adjustment during current and prior incarcerations.
- (9) Outstanding detainers or parole warrants, or both, for the inmate.
- (10) The inmate's psychological profile.

(b) An inmate will not be guaranteed acceptance into a motivational boot camp even if the inmate is eligible and likely to successfully graduate from a motivational boot camp.

#### **§ 93.302. Selection committee.**

(a) There shall be a motivational boot camp selection committee in each diagnostic and classification center operated by the Department of Corrections.

(b) Each selection committee shall be composed of the following individuals:

- (1) The diagnostic center director or a corrections counselor supervisor, or both.
- (2) A lieutenant or corrections counselor, or both.
- (c) The selection committee is only responsible for recommending inmates for participation in a motivational boot camp.

(d) The superintendent of the State correctional institution in which a diagnostic and classification center is operated shall make the final decision as to inmate participation in a motivational boot camp.

#### **§ 93.303. Administration.**

(a) The Department of Corrections (Department) will administer motivational boot camps at sites to be determined by the Department.

(b) Each motivational boot camp will operate under the administrative supervision of a regional deputy commissioner or other official designated by the Secretary of the Department.

**§ 93.304. Supervision/organizational structure.**

(a) Each motivational boot camp will be organized as a paramilitary unit with a supervisory structure consisting of a camp commander, a deputy commander and area commanders.

(b) The inmates will be organized into platoons consisting of no more than 50 inmates per platoon.

**§ 93.305. Curriculum.**

Each motivational boot camp shall consist of the following curriculum:

- (1) Rigorous physical activity.
- (2) Intensive regimentation and discipline.
- (3) Work on public and community projects.
- (4) Substance abuse treatment.
- (5) Continuing education.
- (6) Vocational training.
- (7) Prerelease counseling.
- (8) Ventilation therapy.

**§ 93.306. Inmate discipline.**

(a) A list of the rules to be followed by inmates participating in a motivational boot camp will be provided to all inmates during their orientation to the motivational boot camp.

(b) Serious rule infractions may result in an inmate's expulsion from a motivational boot camp.

(c) Minor rule infractions will be dealt with according to a three-tiered approach.

(d) Inmates can be suspended or removed from a motivational boot camp for reasons other than violations of disciplinary rules.

**§ 93.307. Staff training.**

Staff directly involved with a motivational boot camp shall undergo a minimum of 4 weeks of intensive training.

[Pa.B. Doc. No. 99-455. Filed for public inspection March 19, 1999, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

[58 PA. CODE CH. 75]

**Endangered, Threatened and Candidate Species**

On August 1, 1998, the Fish and Boat Commission (Commission) published a notice of proposed rulemaking (Regulation No. 48A-82) in the *Pennsylvania Bulletin* at 28 Pa.B. 3591, seeking public comments, objections or suggestions about proposed changes to its threatened and endangered species regulations. The Commission published additional changes to these regulations at 29 Pa.B. 1087 (February 27, 1999).

The Commission is extending the public comment period for both proposals until March 31, 1999. Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, on

or before March 31, 1999. 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. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The Commission is holding a hearing/meeting on these proposals on March 29, 1999 at 7 p.m. in the Meadville area.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-456. Filed for public inspection March 19, 1999, 9:00 a.m.]

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

[52 PA. CODE CH. 59]

[L-980134]

**Reporting Requirements Relating to the Submission of Gas Supply and Demand Data**

The Pennsylvania Public Utility Commission (Commission) at its July 9, 1998, public meeting adopted a proposed rulemaking in response to a petition filed by the Pennsylvania Gas Association (PGA) to modify the reporting requirements in §§ 59.81 and 59.84 (relating to periodic reporting requirements for major gas utilities; and formats) regarding gas supply and demand data. The proposed amendments consolidate the existing ten forms with 49 tables that provide data on 5 historic years and 3 projected years. The changes eliminate seasonal data requirements, reduce the historical reporting period from 5 years to 2 years, eliminate detailed pricing information and tariff rates for transportation and storage and add tables which focus on the current year annual and peak day data. The result is that the existing 10 forms with 49 tables will be reduced to 9 forms with 9 tables. The contact persons are William Hall, Bureau of Conservation Economics and Energy Planning (CEEP) (717) 783-1547 and Ramona Cataldi, Assistant Counsel, Law Bureau (717) 787-3639.

*Executive Summary*

On February 9, 1998, the PGA filed a petition requesting that the Commission modify the reporting requirements in §§ 59.81 and 59.84. These requirements involve gas supply and demand data. The petition requested that the existing requirements be replaced by the proposed modified supply and demand forms.

The purpose of this proposed rulemaking is to consolidate the existing 10 forms, containing 49 tables which now provide data on 5 historic years and 3 projected years. The proposed changes eliminate seasonal data requirements, reduce the historical reporting period from 5 years to 2 years, eliminate detailed pricing information and tariff rates for transportation and storage, and add new tables which are focused on the current year annual and peak day data. The result is that the existing 10 forms with 49 tables will be reduced to 9 forms with 9 tables. These new forms and tables will provide a clearer and more concise presentation than the current tables.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 10, 1999, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. In addition to submitting the proposed amendments, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in Compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

Public Meeting  
held July 9, 1998

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David Rolka; Nora Mead Brownell; and Aaron Wilson, Jr.

**Proposed Rulemaking Order***By the Commission:*

On February 9, 1998, the PGA filed a petition requesting that the Commission amend §§ 59.81 and 59.84. These regulations concern the Natural Gas Integrated Resource Planning reports. The petition specifically involves the gas supply and demand forms (Forms IRP 1A, 1B, 1C, 2A, 2B, 2C, 4A, 4B, 4C).

Simultaneously, the PGA requested a waiver of the existing reporting requirements, and also requested that the proposed modified supply and demand forms be accepted by the Commission in lieu of the current requirements. The Commission approved that request on February 26, 1998.

By this order, we propose to amend the reporting requirements in §§ 59.81 and 59.84 relating to the submission of gas supply and demand data. The PGA's petition requests consolidation of the ten forms containing 49 tables, which now provide data on 5 historic years and 3 projected years. The proposed nine new consolidated forms would eliminate seasonal data and duplicative data. Each new form would contain one table and would provide data for 2 historic years and 3 projected years. Under the proposed rulemaking, the existing ten forms with 49 tables would become nine forms with a total of nine tables.

The proposed changes cover four main topics: elimination of seasonal data requirements, reduction of the historical reporting period from 5 years to 2 years, elimination of detailed pricing information and tariff rates for transportation and storage, and the addition of new tables which are focused on the current year annual and peak day data.

We are satisfied that we need not continue requiring the submission of seasonal data, except for the annual storage report. The Commission has not had occasion to use seasonal data for policy review for at least the past

few years, nor have we received a request for seasonal information from the public or any other agency.

There have been some special cases in which we have examined seasonal storage data (injections and withdrawals). However, if seasonal data is necessary in a particular instance, specific data can always be gathered on a case by case basis. Additionally, the proposed rulemaking continues to require the submission of annual and peak day storage injection and storage withdrawal data.

A reduction of the historical reporting period from 5 years to 2 years is reasonable. Since a 5 year span only reiterates data which is available from previous reports, the Commission would continue to have access to this information, as necessary.

The elimination of detailed supply pricing information and tariff rates for transportation and storage would significantly simplify the reports. The contract volumes and termination dates of contracts will still be important during the continued restructuring of the gas industry. The contracts may represent a significant stranded cost for certain companies. The PGA is correct in the statement that the supply pricing data, along with the pipeline transportation tariffs and storage tariffs, is also contained in the 1307(f) filings. The 1307(f) filings contain data on storage and pipeline transportation tariffs in addition to other gas costs. Summary information would still be provided under the proposed reporting requirements.

The proposed new tables for supply provide a clearer presentation than the current tables. The new tables provide peak day and annual data based on the most recent year. The suggested forms present the data in a more concise and clear format. The new forms still provide the supply, transport, upstream and storage information that is used for analysis. Detailed supply contract reporting is limited to the ten largest contracts or 75% of total gas supply contracts (by volume). The remaining gas supply would be reported as miscellaneous (other) contract supplies which would provide a balance of supply and demand data.

We will not mandate the format of the required data. Instead, each jurisdictional utility shall continue to use the forms and schedules as specified by the Bureau of Conservation, Economics and Energy Planning, as already stated in § 59.84.

We are interested in receiving comments from any interested party on the proposed reporting requirements. Additionally, it is our intent that this data be made available to the public, to the extent possible. As the gas industry has been opened up to more competition, some gas utilities have considered this information to be confidential and proprietary. We request comments on what information, if any, contained in these reports should be considered confidential.

The Commission may still require additional data or information in certain instances. Nothing in this proposed rulemaking should be construed as restricting our authority to require the submission of additional gas utility data as the Commission may deem necessary. Rather, it is the intention of the Commission to eliminate unnecessary and burdensome reporting requirements whenever it is possible. Accordingly, under 66 Pa.C.S. §§ 308(c), 501, 504, 5213, 1319 and 1501, and the Commonwealth Documents Law (45 P. S. § 1201 *et. seq.*) and regulations promulgated thereunder in 1 Pa. Code §§ 7.1—7.4, we hereby propose amendments to the regulations in 52 Pa. Code §§ 59.81 and 59.84; *Therefore,*

It is Ordered that:

1. A proposed rulemaking docket shall be opened pertaining to the reporting requirements in §§ 59.81—59.84 to read as set forth in Annex A of this order.

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

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

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

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

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

7. A copy of this order and Annex A shall be served upon all jurisdictional gas utility companies, the Office of Consumer Advocate and the Office of Small Business Advocate.

JAMES J. MCNULTY,  
Secretary

**Fiscal Note:** 57-198. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 59. GAS SERVICE**

**ANNUAL RESOURCE PLANNING REPORT**

**§ 59.81. Periodic reporting requirements for major gas utilities.**

(a) For the purposes of this subchapter, each jurisdictional public utility with sales of 8 billion cubic feet per year or more including transportation volume shall submit to the Commission an annual integrated resource planning report. Except for Form 1A/2A, whose filing date is March 1, copies of the report shall be submitted on or before June 1, 1996, and June 1 of successive years. An original and five copies of the report shall be submitted. This report shall include a plan that includes the past year's historical data, program changes, and the next 3-year forecast. One copy of the report shall also be submitted to the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff. The information contained within the report shall conform to the following requirements:

\* \* \* \* \*

(2) A forecast of annual [ , winter season ] and peak day energy demand requirements in million cubic feet

displayed by component parts, as indicated in [ **Form 1A, Form 1B and Form 1C, respectively** ] **Form-IRP-Gas-1A and Form-IRP-Gas-1B**. The load growth projections shall reflect the effects of price elasticity, market-induced conservation, building and appliance efficiency standards and the effects of the utility's existing and planned conservation and load management activities.

(3) A forecast of annual [ , winter season ] and peak day energy **supply** resources in million cubic feet indicating sources of presently available and new supplies which the utility estimates will become available displayed by component parts, as indicated in Form-IRP-Gas-2A, **a list of contracts for gas transportation to the reporting utility's city gate, upstream of the city gate and related to transportation, as indicated in** Form-IRP-Gas-2B **and a list of contracts for gas storage services provided to the reporting utility, as indicated in** Form-IRP-Gas-2C [ , respectively ].

\* \* \* \* \*

(5) A summary forecast of annual [ , winter season ] and peak day energy **supply** resources and demand requirements in million cubic feet, as indicated in Form-IRP-Gas-4A [ , ] **and** Form-IRP-Gas-4B [ **and Form-IRP-Gas-4C** ].

(6) The data required under paragraphs (1)—(5) shall consist of the past [ 5 ] 2 years actual historical data, the current year (both actual and projected) and a 3-year forecast. For the purpose of this section, the term "current year" refers to the year in which the filing is being made.

\* \* \* \* \*

(b) The reporting formats referred to in this section are contained in § 59.84 (relating to formats). Annual data shall be submitted on a calendar year basis, January 1 through December 31. If the utility purchases gas on a contract basis other than a calendar year, the contract time interval shall be identified. [ **Winter season data shall be submitted for the period November 1 through March 31 unless compelling reasons require the use of a different interval, in which case, the interval utilized shall be indicated.** ]

\* \* \* \* \*

**§ 59.84. Formats.**

In preparing the annual integrated resource planning reports required by § 59.81(a) (relating to periodic reporting requirements for major gas utilities), each jurisdictional utility shall use the forms and schedules specified by the Bureau of Conservation, Economics and Energy Planning, which shall include the following:

\* \* \* \* \*

(1) Form-IRP-Gas-1A—Annual [ **Energy** ] **Gas Demand Requirements**; Form-IRP-Gas-1B—[ **Winter Season Energy Demand Requirements**; **Form-IRP-Gas-1C—** ] **Peak Day [ Energy Demand ] Gas Requirements.**

(2) Form-IRP-Gas-2A—[ **Annual Energy Resources** ] **Natural Gas Supply**; Form-IRP-Gas-2B—[ **Winter Season Energy Resources** ] **Natural Gas Transporta-**



tion; Form-IRP-Gas-2C—[ **Peak Day Energy Resource** ] **Natural Gas Storage.**

\* \* \* \* \*

(4) Form-IRP-Gas-4A—Annual [ **Supply/Demand** ] **Supply and Demand Requirements** Summary; Form-IRP-Gas-4B—[ **Winter Season Supply/Demand; Form-**

**IRP-Gas-4C— ] Peak Day [ Supply/Demand ] Supply and Demand Requirements** Summary.

\* \* \* \* \*

[Pa.B. Doc. No. 99-457. Filed for public inspection March 19, 1999, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 9, 1999.

### BANKING INSTITUTIONS

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-22-99	Premier Bank Doylestown Bucks County	101 Floral Vale Blvd. Yardley Bucks County	Opened
2-22-99	Summit Bank Bethlehem Northampton County	Genuardi's Family Market 4275 County Line Road Chalfont Bucks County	Opened
3-1-99	Suburban Community Bank Chalfont Bucks County	40 East Street Road Feasterville Lower Southampton Twp. Bucks County	Opened
3-1-99	Firsttrust Savings Bank Flourtown Montgomery County	288 S. Main Street Doylestown Bucks County	Opened
3-1-99	Twin Rivers Community Bank Easton Northampton County	2400 Schoenersville Rd. Bethlehem Hanover Township Northampton County	Opened
3-1-99	Twin Rivers Community Bank Easton Northampton County	3815 Linden Street Bethlehem Bethlehem Township Northampton County	Opened
3-4-99	Wayne Bank Honesdale Wayne County	Stroud Mall US Route 611 Stroud Township Monroe County	Filed
3-8-99	Prime Bank Philadelphia Philadelphia County	12 Chestnut Road Paoli Chester County	Approved
3-8-99	Prime Bank Philadelphia Philadelphia County	1401 Dreshertown Rd. Dresher Upper Dublin Twp. Montgomery County	Approved
3-8-99	Prime Bank Philadelphia Philadelphia County	473 York Road Warminster Bucks County	Approved
3-8-99	Pittsburgh Home Savings Bank Pittsburgh Allegheny County	1000 Village Run Rd. Wexford Pine Township Allegheny County	Approved
3-8-99	Farmers First Bank Lititz Lancaster County	Route 897 & Toddy Dr. East Earl Township Lancaster County	Filed

## NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-8-99	Reliance Savings Bank Altoona Blair County	Corner of North Pine Street & Logan Blvd. Lakemont Altoona Blair County	Opened

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-8-99	Harris Savings Bank Harrisburg Dauphin County	<i>To:</i> 3556 Old Gettysburg Rd. Lower Allen Township Cumberland County  <i>From:</i> 3555 Capital City Mall Lower Allen Township Cumberland County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-12-99	U. S. Bank Johnstown Cambria County	101 W. High Street Ebensburg Cambria County	Effective
2-27-99	Patriot Bank Pottstown Montgomery County	Redner's Supermarket 703 S. West End Blvd. Quakertown Bucks County	Effective
3-3-99	Laurel Bank Johnstown Cambria County	922 N. Philadelphia Ave. Indiana Indiana County	Filed
3-8-99	Patriot Bank Pottstown Montgomery County	500 Main Street Royersford Montgomery County	Approved

**SAVINGS ASSOCIATIONS****Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
3-3-99	East Stroudsburg Savings Association Stroudsburg Monroe County	Mr. Z's Supermarket 695 N. Courtland St. East Stroudsburg Monroe County	Filed
3-8-99	First Financial Savings Bank, PaSA Downingtown Chester County	414 Lancaster Avenue Devon Chester County	Opened

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

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-4-99	Philadelphia Telco Credit Union, Trevose, and Connelly Container Credit Union, Bala Cynwyd Surviving Institution— Philadelphia Telco Credit Union, Trevose	Trevose	Approved and Effective
3-4-99	Philadelphia Telco Credit Union, Trevose, and UTO Philadelphia Federal Credit Union, Philadelphia Surviving Institution— Philadelphia Telco Credit Union, Trevose	Trevose	Approved and Effective

**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-3-99	First Credit Union of Scranton Scranton Lackawanna County	2800 Stafford Avenue Scranton Lackawanna County	Approved Opened 3-4-99

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 99-458. Filed for public inspection March 19, 1999, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of April 1999**

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of April, 1999, is 8%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 5.60 to which was added 2.50 percentage points for a total of 8.10 that by law is rounded off to the nearest quarter at 8%.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 99-459. Filed for public inspection March 19, 1999, 9:00 a.m.]

**DEPARTMENT OF  
COMMUNITY AND  
ECONOMIC DEVELOPMENT****Local Economic Development Program; Special Purpose Grants**

The Department of Community and Economic Development (Department) gives notice of the establishment of Special Purpose Grants under the Local Economic Development Program. The program provides grants for planning and implementing child care programs by two or more businesses that are coordinating their efforts to provide child care programs for their employees.

Industrial development agencies who wish to apply for funds under the program can receive a copy of the program guidelines by contacting the Department's Grants Office.

Further information can be obtained from: Department of Community and Economic Development, Grants Office, 494 Forum Building, Harrisburg, PA 17120, (717) 787-7120, E-mail: DCED@state.pa.us.

SAMUEL A. MCCULLOUGH,  
*Secretary*

[Pa.B. Doc. No. 99-460. Filed for public inspection March 19, 1999, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Applications, Actions and Special Notices****APPLICATIONS****APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS  
LAW AND THE FEDERAL CLEAN WATER ACT****[National Pollution Discharge Elimination System Program (NPDES)]****DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER****(Part I Permits)**

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

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

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

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

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

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

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

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

**PA 0056103.** Sewage, **Noble and Shirley McHugh**, 1981 Kimberwick Road, Media, PA 19063-1948.

This application is for renewal of an NPDES permit to discharge treated sewage from a single residence STP in Upper Providence Township, **Delaware County**. This is an existing discharge to a Tributary to Ridley Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of .0005 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0056081.** Sewage, **Jones & McKissock, Inc. (Wycombe Inn)**, P. O. Box 204, Wycombe, PA 18980.

This application is for renewal of an NPDES permit to discharge treated sewage from Wycombe Inn Restaurant in Wrightstown Township, **Bucks County**. This is an existing discharge to unnamed tributary to Mill Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1,750 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Oil and Grease	15	30
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0042978.** Sewage, **Commonwealth of Pennsylvania**, P. O. Box 103, Washington Crossing, PA 18977-0103.

This application is for renewal of an NPDES permit to discharge treated sewage from Washington Crossing Historic Park Upper Plant in Solebury Township, **Bucks County**. This is an existing discharge to Delaware River.

The receiving stream is classified for the following uses:

The proposed effluent limits for Outfall 001 mgd, based on an average flow of .025 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Ammonia (as N)	20	40
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0053015.** Sewage, **Joseph F. Werner**, 1007 Route 313, Perkasie, PA 18944.

This application is for renewal of an NPDES permit to discharge treated sewage from Country Place Restaurant in East Rockhill Township, **Bucks County**. This is an existing discharge to UNT to Three Mile Run Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 4,320 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Total Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Phosphorus (as P)	0.5	1.0
Total Residual Chlorine		
(0—3 years)	monitor/report	monitor/report
(4—5 years)	0.16	0.38
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 4.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

**PA 0063045.** Industrial waste, SIC: 2013, **Penthouse Meat Company**, 270 Congress Street, Boston, MA 02210.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater sewage into the South Branch of Tunkhannock in Scott Township, **Lackawanna County**.

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.008 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	270	540	
Total Suspended Solids	326	652	
Oil and Grease	15.0	30.0	
NH <sub>3</sub> -N			
(5-1 to 10-31)	60.0	120.0	150.0
(11-1 to 4-30)	180.0	360.0	450.0
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	400/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

*Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (717) 327-3666.*

**PA 0020800.** SIC: 4952, **Municipal Authority of White Deer Township**, P. O. Box 90, West Milton, PA 17886.

This proposed action is to amend the NPDES permit and make the NPDES permit consistent with the Water Quality Management Part II permit for the treatment plant rerate. The discharge of treated sewage is at the existing location on unnamed tributary of the West Branch Susquehanna River (locally known as Dog Run) in White Deer Township, **Union County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton, PA, 3 miles below the discharge.

The proposed effluent limits for Outfall 001, based on the existing design flow of 0.6 mgd, are:

<i>Discharge Parameter</i>	<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
pH (std units)		within the range 6.0—9.0	
Total Cl <sub>2</sub> Residual	monitor		monitor
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
NH <sub>3</sub> -N			
(6-1 to 10-31)	2.5	3.8	5.0
(11-1 to 5-31)	7.5	11	15
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

*Other Conditions:* None.

The EPA waiver is in effect.

**PA 0113948.** SIC: 4952, **Department of Corrections—Quehanna Camp**, P. O. Box 598, Camp Hill, PA 17001-0598.

This proposed action is for reissuance of an NPDES permit for an existing discharge of treated sewage to Marks Run in Karthaus Township, **Clearfield County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company, 100 miles below the discharge, on the West Branch Susquehanna River at Milton.

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

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
pH (std units)	6.0—9.0 at all times	
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Total Suspended Solids		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
NH <sub>3</sub> -N		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Total Cl <sub>2</sub> Residual*	monitor and report	monitor and report
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	

*Other Conditions:* none.

The EPA waiver is in effect.

**PA 0208558.** Sewerage, SIC: 4952, **Shamokin Township Municipal Authority**, P. O. Box 64, Paxinos, PA 17860.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Lick Creek in Shamokin Township, **Northumberland County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Shamokin Dam Municipal Water Authority located at Shamokin Dam.

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	40	50
TSS	30	45	60
Total Cl <sub>2</sub> Residual	1.0		2.3
Fecal Coliforms: (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0035602.** Sewerage, SIC: 4952, **Pennsylvania Department of Transportation**, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to an unnamed tributary to Beaver Run in Liberty Township, **Montour County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury Municipal Authority located approximately 15 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.007 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)	75		150
(11-1 to 5-31)	report		
Total Nitrogen	report		
Total Cl <sub>2</sub> Residual	report		
Fecal Coliforms		200 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0035599.** Sewerage, SIC: 4952, **Pennsylvania Department of Transportation**, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to an unnamed tributary to Beaver Run in Liberty Township, **Montour County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury Municipal Authority located approximately 15 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.007 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)	75		150
(11-1 to 5-31)	report		
Total Nitrogen	report		
Total Cl <sub>2</sub> Residual	report		
Fecal Coliforms		200 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0208736.** Sewerage, SIC: 4952, **Mountain Top Area Municipal Authority**, P. O. Box 275, Snow Shoe, PA 16874.



This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Unnamed Tributary of Black Moshannon Creek in Snow Shoe Township, **Centre County**.

The receiving stream is classified for the following uses: high quality cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.038 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	40	50
TSS	30	45	60
Total Cl <sub>2</sub> Residual	report		
Fecal Coliforms: (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

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

**PA 0032271.** Sewage, **DCNR—Bureau of State Parks, Keystone State Park**, R. R. 2, Box 101, Derry, PA 15627.

This application is for renewal of an NPDES permit to discharge treated sewage from Keystone State Park Sewage Treatment Plant in Derry Township, **Westmoreland County**.

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

*Outfall 001:* existing discharge, design flow of 0.075 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub> (5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	2.0			4.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	0.1			0.2
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions:* The applicant also proposes to discharge treated water treatment plant backwash wastewater to Keystone Lake in Derry Township, Westmoreland County. Keystone Lake is classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation.

*Outfall 002:* existing discharge, design flow of 0.01 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids	30			60
Iron	2			4
Manganese	1			2
Aluminum	4			8
pH	6—9 at all times			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	0.5			1.0

The EPA waiver is in effect.

**PA 0040843.** Sewage, **Lutheran Camp Association, Inc.**, P. O. Box 245, Jennerstown, PA 15547.

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

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Pickings Run, which are classified as a high quality-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 Jennerstown Borough Water Works.

*Outfall 001:* existing discharge, design flow of 0.015 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	6.5			13.0
(11-1 to 4-30)	19.5			39.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,500/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.0			2.5
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0042242.** Sewage, **Sewickley Hills—Kilbuck Run Sanitary Authority**, P. O. Box 283, Sewickley, PA 15143.

This application is for renewal of an NPDES permit to discharge treated sewage from the Sewickley Hills—Kilbuck Run STP in Sewickley Hills Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Kilbuck Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority.

*Outfall 001:* relocated discharge, expanded design flow of 0.04 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5	3.8		5.0
(11-1 to 4-30)	5.9	8.8		11.8
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	.13			.31
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0093335.** Sewage, **Louis and Iona Yenich**, 105 Hutchinson Road, Apt. No. 1, West Newton, PA 15089-3063.

This application is for renewal of an NPDES permit to discharge treated sewage from D. Fox's Family Diner STP in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an Unnamed Tributary of Sewickley Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Company.

Outfall 001: existing discharge, design flow of .0025 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.5			7.0
(11-1 to 4-30)	10.5			21.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	.83			1.9
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0094382.** Sewage, **Greensburg—Salem School District**, 11 Park Street, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated sewage from the Metzgar Elementary School STP in Salem Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Loyalhanna Lake, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of .0022 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	25			50
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0220736.** Sewage. **Flying "W" Ranch, Inc.**, HC 2, Box 150, Tionesta, PA 16353.

This application is for a new NPDES permit, to discharge treated sewage to Unnamed Tributary of Church Run in Kingsley Township, **Forest 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 the Allegheny River and the Emlenton Water Company located at river mile 90.00, approximately 78.47 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.010000 mgd, are:

Parameter	Average	Instantaneous
	Monthly (mg/l)	Maximum (mg/l)
CBOD <sub>5</sub>	10	20
TSS	20	40
Ammonia-Nitrogen		
(5-1 to 10-31)	5	10
(11-1 to 4-30)	15	30
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1.4	3.3

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen		minimum of 3 mg/l at all times
pH		6.0—9.0 at all times

The EPA waiver is in effect.

**PA 0210790.** Industrial waste, SIC: 3089, **West Penn Plastic, Inc.**, Route 422 W, R. D. 8, Box 801, New Castle, PA 16101.

This application is for renewal of an NPDES permit, to discharge noncontact cooling water and stormwater to the Shenango River in Union Township, **Lawrence 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 PA American Water Company intake on the Shenango River located at New Castle, approximately 2 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.00007 mgd, are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
Temperature	monitor and report		
pH			6.0—9.0 at all times

The EPA waiver is in effect.

**PA 0210196, Amendment No. 1.** Industrial waste, SIC: 4953, **Seneca Landfill, Inc.**, P. O. Box 1080, Mars, PA 16046.

This application is for an amendment of an NPDES permit, to discharge treated industrial waste to Connoquenessing Creek in Jackson Township, **Butler County**. This is an existing discharge. This amendment is being issued to remove the flow limitation contained in the previous permit.

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 Zelenople Municipal Water Works on Connoquenessing Creek located at Zelenople, approximately 2.6 miles below point of discharge.

The proposed discharge limits, based on a design flow of .016 mgd, are:

*Outfall No. 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
CBOD <sub>5</sub>	100	200	250
NH <sub>3</sub> -N	20	40	50
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml 100,000/100 ml	
TSS	100	200	250
Oil and Grease	15		30
Aluminum	0.275	0.55	0.69
Barium	0.3	0.6	0.75
Boron	3.0	6	7.5
Cobalt	0.05	0.1	0.13
Total Iron	3.5	7.0	8.8
Manganese	1.0	2.0	2.5
Arsenic	0.05	0.1	0.13
Cadmium	0.005	0.01	0.01
Total Chromium	0.125	0.25	0.31
Copper	0.05	0.1	0.13
Lead	0.036	0.07	0.09
Nickel	0.15	0.3	0.38
Selenium	0.075	0.15	0.187
Vanadium	0.009	0.02	0.023
Zinc	1.0	2.0	2.5
4,4'-DDT	0.0002	0.0004	0.0005
Total Residual Chlorine	XX		XX
pH			6.0—9.0 at all times

XX—monitor and report

The proposed discharge limits, based on a design flow of N/A mgd, are:

*Outfall No. 002 and 003*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Chemical Oxygen Demand			
Oil and Grease			
Total Dissolved Solids (TDS)			
Total Organic Carbon (TOC)			
Total Barium			
Total Chromium			
Total Lead			
Total Mercury			
Total Magnesium			
Dissolved Magnesium			
Total Selenium			
Total Silver			
Ammonia			
Total Arsenic			
Total Cyanide			
Nitrate plus Nitrite Nitrogen			
Dissolved Iron			
pH			within limits of 6.0—9.0 standard units at all times

The EPA waiver is in effect.

**PA 0222801.** Sewage. **Sarah Heinz House**, 934 East Ohio Street, Pittsburgh, PA 15212.

This application is for a new NPDES permit, to discharge treated sewage to Slippery Rock Creek in Wayne Township, **Lawrence 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 Camp Allegeny on the Slippery Rock Creek located at river mile 3.24 and is located 1.72 miles below the discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.006 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60
Fecal Coliform (5-1 to 10-31)	200/100 ml as a geometric average	
(11-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0021504, Amendment No. 1.** Sewage. **Western Butler County Authority**, P. O. Box 427, Zelienople, PA 16063.

This application is for an amendment of an NPDES permit to discharge treated sewage to the Connoquenessing Creek in Zelienople Borough, **Butler 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 Beaver Falls Municipal Authority—Eastvale Plant intake on the Beaver River located at Beaver Falls, approximately 27 miles below point of discharge.

The proposed interim effluent limits, based on a design flow of 1.5 mgd, are:

*Outfall No. 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitor and report	
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Phosphorus (as P) (4-1 to 10-31)	2		4
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 15,700/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.6
pH		6.0—9.0 at all times	

The proposed final effluent limits, based on a design flow of 2.2 mgd, are:

*Outfall No. 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitor and report	
CBOD <sub>5</sub> (5-1 to 10-31)	15	20	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	6.5		13
(11-1 to 4-30)	19.5		36
Phosphorus (as P) (4-1 to 10-31)	2		4
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 11,300/100 ml as a geometric average	
Total Residual Chlorine	0.36		1.2
pH		6.0—9.0 at all times	

The EPA waiver is not in effect.

**PA 0222810.** Sewage. **C. Thomas Cumberledge, Sr.**, P. O. Box 404, Evans City, PA 16033.

This application is for a new NPDES permit to discharge treated sewage to Little Connoquenessing Creek in Connoquenessing Township, **Butler County**. This is a new discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Harmony Water Company on Little Connoquenessing Creek located in Harmony, approximately 6.46 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of .0004 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60
Fecal Coliform	200/100 ml as a geometric average	
Total Residual Chlorine	XX	XX
pH		6.0—9.0 at all times

The EPA waiver is in effect.

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

**Applications under the Pennsylvania Clean Streams Law**

**(Part II Permits)**

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the name, address and telephone number of the protester, identifica-

tion of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan, action or application to which the protest relates. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

**A. 3599401.** Sewerage. **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519. Application for modification of the existing aerobic sludge digesters at the Archbald Wastewater Treatment Facility, located in Archbald Borough, **Lackawanna County**. Application received in the Regional Office—February 25, 1999.

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

**NPDES Permit No. PA0112020.** Sewerage. Submitted by **Brookside Manor Associates**, 215 W. Church Rd., Suite 105, King of Prussia, PA 19406. Renewal application for PA0112020 Brookside Mobile home park in North Centre Township at **Columbia County** to discharge from facility serving Mobile Home Park to the West Branch of Briar Creek, was received in the Northcentral Regional Office on February 22, 1999.

**WQM Permit No. 5999401.** Sewerage. Submitted by **Delmar Township**, R. D. 5, Box 70A, Wellsboro, PA 16901. This application to construct and operate a wastewater collection system and treatment plant to serve the Stony Fork area of Delmar Township was received in the Northcentral Regional Office on February 19, 1999.

**WQM Permit No. 1499401.** Sewerage. Submitted by **Spring-Benner-Walker Joint Authority**, 170 Irish Hollow Road, Bellefonte, PA 16823. This application to construct and operate a gravity sewer extension to serve the Spring Creek Road area of Benner Township was received in the Northcentral Regional Office on February 24, 1999.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**A. 0376201, Amendment No. 1.** Industrial waste. **Highland Car Wash**, 215 Butler Road, Kittanning, PA 16201. Application for the modification and operation of the existing wastewater treatment plant located in East Franklin Township, **Armstrong County**.

**A. 6573407-A4.** Sewerage. **Latrobe Municipal Authority**, Box 88, Latrobe, PA 15650. Application for removal of the existing chlorine disinfection system and installation and operation of a UV disinfection system to serve Latrobe Municipal Authority STP located in Latrobe City, **Westmoreland County**.

**INDIVIDUAL PERMITS  
(PAS)**

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**NPDES Individual**

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

erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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

**NPDES Permit PAS10-T098.** Stormwater. **PADOT**, District 6-0, 200 Radnor Chester Roads, St. Davids, PA 19087, has applied to discharge stormwater from a construction activity located in Upper Merion Township, **Montgomery County** and Tredyffrin Township, **Chester County**, to Trout Creek.

**NPDES Permit PAS10-G358.** Stormwater. **R. Samuel McMichael**, P. O. Box 296, Oxford, PA 19363, has applied to discharge stormwater from a construction activity located in Penn Township, **Chester County**, to East Branch Big Elk Creek.

**NPDES Permit PAS10-G052-R.** Stormwater. **J. Loew and Associates, Inc.**, 55 Country Club Drive, Downingtown, PA 19335, has applied to discharge stormwater from a construction activity located in Charles Township and East Whiteland Township, **Chester County**, to Unnamed Tributary to Valley Creek.

*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, R. R. 4, Nazareth, PA 18064-9211, (610) 746-1971.*

**NPDES Permit PAS10U109.** Stormwater. **John Burd**, 3078 Old Post Rd., Slatington, PA 18080, has

applied to discharge stormwater from a construction activity located in Plainfield Township, **Northampton County**, to Bushkill Creek.

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

**NPDES Permit PAS10Q031-R.** Stormwater. **G & W Developers**, William Hacker, 2624-B Rolling Green Drive, Macungie, PA 18062, has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

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

**NPDES Permit PAS100243.** Stormwater. **Fourways Properties, Ltd.**, 1198 Mulberry Street, Bridgewater, PA 15009, has applied to discharge from a construction activity located in South Beaver Township, **Beaver County** to the North Fork of Little Beaver Creek.

**NPDES Permit PAS10W072.** Stormwater. **Eighty Four Commerce Park**, P. O. Box 177, Eighty Four, PA 15330-0177, has applied to discharge from a construction activity located in North Strabane Township, **Washington County** to a tributary to Little Chartiers 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. 1599503.** Public water supply. **Citizen Utilities Water Company of PA**, 4 Wellington Boulevard, Wyomissing Hills, PA 19610. This proposal involves the construction of a booster pump station that will serve the Centre Creek East and West subdivisions in East Vincent Township, **Chester County**.

**A. 1599505.** Public water supply. **Elverson Water Company, Inc.**, 26 East Main Street, P. O. Box 20, Elverson, PA 19520. This proposal involves the construction of a 550,000 gallon water storage tank in Elverson Borough, **Chester County**.

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

**A. 5999501.** The Department has received a construction permit application from the **Municipal Authority of the Borough of Mansfield**, 19 East Wellsboro Street, Mansfield, PA 16933. The proposal is for construction of Well No. 2 as an additional water supply source in Mansfield Borough, **Tioga County**.

**A. 6099501.** The Department has received a construction permit application from the **Borough of Mifflinburg**, 333 Chestnut Street, Mifflinburg, PA 17844 (Mifflinburg Borough, **Union County**). The proposal is for construction of an additional filter at their water filtration plant.

*Bureau of Water Supply Management: Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105. Contact: Godfrey C. Maduka, (717) 787-9037.*

**A. 9996473. McKesson Water Products Company**, 3280 East Foothill Boulevard, Suite 400, Pasadena, CA 91107-3190; Shayron Barnes-Selby, Manager, Regulatory/Public Affairs. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand name Sparkletts Decanter Mountain Spring Water.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of 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, 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 contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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



tor 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.*

**Blue Ribbon Enterprises, Inc.**, City of Philadelphia, **Philadelphia County**. Keith Tockman, Whitestone Associates, Inc., 776 Mountain Blvd., Watchung, NJ 07060, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. 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 Leader* on February 17, 1999.

**Former Quaker Lace Company**, City of Philadelphia, **Philadelphia County**. Keith Choper, P.E., Keating Environmental Management, Inc., 479 Thomas Jones Way, Suite J, Exton, PA 19341-2552, has submitted a Notice of Intent to Remediate site soil contaminated with lead and polycyclic aromatic hydrocarbons; and groundwater contaminated with lead, heavy metals and solvents. The applicant proposes to remediate the site to meet background, Statewide health and 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 19, 1999.

**ACME Store No. 22-1764 (Former)**, East Nottingham Township, **Chester County**. Iain Bryant, Sovereign Consulting, Inc., 111 A North Gold Drive, Robbinsville, NJ 08691, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on December 11, 1998.

*Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.*

**Pennsylvania State University**, College Township, **Centre County**. David W. Mooney, EPSYS Corporation, on behalf of his client, Pennsylvania State University, 208 Old Main, University Park, PA 16802 has submitted a Notice of Intent to Remediate soil contaminated with solvents, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Centre Daily Times* on January 30, 1999.

**Williamsport Wirerope Works, Inc.**, City of Williamsport, **Lycoming County**. Jo Hinish, P.G., Mountain Research, on behalf of her client, Williamsport Wirerope Works, Inc., 100 Maynard Street, Williamsport, PA 17701 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun Gazette* on February 3, 1999.

## SOLID AND HAZARDOUS WASTE OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**A. 301280. Remtech Environmental (Lewisberry) L. P.** (550 Industrial Drive, Lewisberry, PA 17339-9537). Application for a residual waste processing facility in Fairview Township, **York County**. Application determined to be administratively complete in the Regional Office March 1, 1999.

### PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

#### INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

**Renewal applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6), and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Stericycle, Inc.**, 369 Park East Drive, Woonsocket, RI 02895; Paul B. Hartman, Regulatory and Compliance Manager; License No. **PA-HC 0196**; renewal application received on January 5, 1999.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

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

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

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

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the

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

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

### OPERATING PERMITS

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

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

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

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

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

**21-05001: Lear East LP** (50 Spring Road, Carlisle, PA 17013) located in Carlisle Borough, **Cumberland County**. The facility's major sources of emissions include two boilers, three carpet dryers and other sources which primarily emit NOx and particulate matter.

**21-05011: The Frog, Switch & Manufacturing Co.** (600 East High Street, Carlisle, PA 17013) located in Carlisle Borough, **Cumberland County**. The facility is a steel foundry. The operation primarily emits volatile organic compounds (VOC).

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

**TVOP-49-00014: Jeraco Enterprises Inc.** (135 Sodom Road, Milton, PA 17847) for the light truck accessories manufacturing facility located in Milton Borough, **Northumberland County**. The facility's main sources include: a gel coat application booth, gel coat and fiberglass mixing and application booths, surface coating booths, a drying oven and a paint mixing room. These sources emit major quantities of volatile organic compounds (VOCs) and styrene, which is a hazardous air pollutant (HAP). As a result of emissions of major quantities of VOCs and HAPs the facility is a major stationary source as defined in Title 1, Part D of the Clean Air Act Amendments. The facility is therefore subject to Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The facility also emits carbon monoxide, sulfur dioxide, nitrogen oxide and particulate matter. This facility is also subject to all applicable requirements of Reasonably Available Control Technology (RACT).

**TVOP-19-00001: Magee Rieter Automotive Systems** (480 West Fifth Street, Bloomsburg, PA 17815), for their manufacturing facility located in Bloomsburg Borough, **Columbia County**. The Magee Rieter Automotive Systems facility manufactures automotive carpet. The facility's main sources include: two coal fired boilers, two no. 4 oil-fired boilers, two propane-fired dryers, 13 propane-fired heaters and miscellaneous emergency equipment which emit major quantities of nitrogen oxides (NOx). As a result of emissions of major quantities of NOx the facility is a major stationary source as defined in Title 1, Part D of the Clean Air Act Amendments. The facility is therefore subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility also emits carbon monoxide, sulfur dioxide, volatile organic compounds and particulate matter. This facility is also subject to all applicable requirements of Reasonably Available Control Technology (RACT).

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Attn: Mark Wayner, (412) 442-4161.*

**TV-65-00837: Consolidated Natural Gas Transmission Corporation, Oakford Compressor Station** (Mail Drop 5-2, 625 Liberty Avenue, Pittsburgh, PA 15222) located in Salem Township, **Westmoreland County**. The facility's major source of emissions include 20 internal combustion engines and other combustion sources as well as several storage tanks which primarily emit NOx and VOCs.

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

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

**40-309-038: CetainTeed Corp.** (1220 Oakhill Road, Crestwood Industrial Park, Mountaintop, PA 18707) for operation of the wet multistage electrostatic precipitator to control the emissions from the M-2 Fiberglass Manufacturing Line at the facility located in Wright Township, **Luzerne County**.

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

**05-302-013: Blue Triangle Hardwoods, Inc.** (P. O. Box 249, Everett, PA 15537) for operation of a wood fired, fluidized bed boiler in West Providence Township, **Bedford County**.

**21-310-008A: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) for a crushing and screening operation in Silver Spring Township, **Cumberland County**. These sources are subject to 40 CFR 60, Subpart 000, Standards of Performance for Nonmetallic Mineral Processing Plants.

**36-05092: Greiner Industries, Inc.** (1650 Steel Way, Mount Joy, PA 17552) for a spray painting operation in Mount Joy Township, **Lancaster County**.

**36-317-070F: Tyson Foods, Inc.** (403 South Custer Avenue, New Holland, PA 17551) for a deep fryer line in New Holland Borough, **Lancaster County**.

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

**08-301-014A: Tioga Point Crematory, Inc.** (802 North Main Street, Athens, PA 18812) for operation of a crematory incinerator in Athens Borough, **Bradford County**.

**49-302-059: Runner-Less Knits, Inc.** (301 North 5th Street, Sunbury, PA 17801) for operation of a no. 2 fuel oil-fired boiler previously owned and operated by Cerven Dye and Finish Co. in the City of Sunbury, **Northumberland County**.

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

**OP-56-00159: Somerset County AVTS** (281 Vo-Tech Road, Somerset, PA 15501) for operation of a technical school in Somerset Township, **Somerset County**.

**OP-56-00155: Somerset Area School District** (645 S. Columbia Ave., Somerset, PA 15501) for operation of a senior high school in Somerset Borough, **Somerset County**.

**OP-56-00149: Somerset Area School District** (645 S. Columbia Ave., Somerset, PA 15501) for operation of Maple Ridge Elementary in Somerset Township, **Somerset County**.

**OP-56-00230: Somerset Area School District** (645 South Columbia Avenue, Somerset, PA 15501) for operation of Friedens Elementary School in Somerset Township, **Somerset County**.

**OP-63-00488: Monongahela Valley Hospital, Inc.** (1163 Country Club Road, Monongahela, PA 15063) for operation of Monongahela Valley Hospital in Carroll Township, **Washington County**.

**OP-04-00009: Maverick Tube, L. P.** (4400 West Fourth Avenue, Beaver Falls, PA 15010) for operation of metal fabricating at Beaver Falls Site in Beaver Falls, **Beaver County**.

**OP-65-00711: Airtek, Inc.** (76 Clair Street, North Huntingdon, PA 15642) for operation of industrial machinery/equipment manufacturing at North Huntingdon Facility in North Huntingdon Township, **Westmoreland County**.

**OP-11-00282: United States Bank** (216 Franklin Street, Johnstown, PA 15901) for operation of tri-fuel boiler in Johnstown, **Cambria County**.

#### PLAN APPROVALS

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

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

**36-3068A: Meridian Products, Inc.** (124 Earland Drive, New Holland, PA 17557) for construction/installation of four spray booths in East Earl Township, **Lancaster County**.

**38-03003A: Bayer Corp.** (400 West Stoever Avenue, Myerstown, PA 17067) for construction/installation of a new tablet spray coater in Myerstown Borough, **Lebanon County**.

**38-3018: Elk Corp. of America** (Wellington Centre, 14643 Dallas Parkway, Suite 1000, Dallas, TX 75240) for construction of an asphalt shingle manufacturing facility in North Londonderry Township and Palmyra Borough in **Lebanon County** and Derry Township, **Dauphin County**. This source is subject to 40 CFR 60, Subpart UU and Subpart Kb, Standards of Performance for New Stationary Sources.

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

**19-310-002C: Hanson Aggregates Pennsylvania, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for installation of an air cleaning device (a fabric collector) on a stone crusher at the Bloomsburg Quarry in Hemlock Township, **Columbia County**. The crusher is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

**18-310-002D: Hanson Aggregates Pennsylvania, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for installation of an air cleaning device (a fabric collector retrofit) on stone crushing and screening equipment at the Salona Quarry in Lamar Township, **Clinton County**. Some of the equipment is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

**41-310-001F: Hanson Aggregates Pennsylvania, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for installation of an air cleaning device (a fabric collector retrofit) on stone crushing and screening equipment at the Pine Creek Quarry in Limestone Township, **Lycoming County**.

**18-322-001B: Jersey Shore Steel Co.** (P. O. Box 5055, Jersey Shore, PA 17740) for construction of a landfill gas/natural gas/no. 2 fuel oil-fired steel railroad rail rehear furnace in Pine Creek Township, **Clinton County**.

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

**PA-11-251A: Cambria County Commissioners** (429 Manor Drive, Box 360 Loretto Road, Ebensburg, PA 15931) for installation of an oil-fired boiler at Laurel Crest Manor in Ebensburg Borough in **Cambria County**.

**PA-63-028C: Cerdec Corp.** (P. O. Box 519, Washington, PA 15301) for installation of a shuttle kiln at Drakenfeld Products in Canton Township, **Washington County**.

**PA-65-788H: Sony Electronics, Inc.** (1001 Technology Drive, Mt. Pleasant, PA 15666) for installation of FD Frit Seal Oven at Pittsburgh Mfg. Center in Mt. Pleasant Township, **Westmoreland County**.

**PA-04-306A: BASF Corporation** (370 Frankfort Road, Monaca, PA 15061) for installation of latex products manufacturing at Monaca Site in Potter Township, **Beaver County**.

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

**PA-33-002A: Owens-Brockway Glass Container, Inc.** (Route 219, North Brockway, PA 15824) for removal of NOx continuous emission monitor (CEM) requirements and institution of annual stack testing on furnace C at the Route 219 North Brockway facility, Plant No. 19, in Snyder, **Jefferson County**.

**PA-10-047C: Mine Safety Appliances (MSA) Co.** (1420 Mars-Evans City Road, Evans City, PA 16033) for installation of a catalytic oxidizer to reduce emissions from bonding room operations in Evans City, **Butler County**.

#### **REASONABLY AVAILABLE CONTROL TECHNOLOGY**

**(RACT)**

**Public Hearing**

**Clark Filter**

**Lancaster County**

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) Plan and proposes to revise the State Implementation Plan (SIP) for Clark Filter located at 3649 Hempland Road in West Hempfield Township, Lancaster County.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in RACT Operating Permit No. 36-2040 for the existing facility to comply with current regulations. The preliminary VOC RACT determination for the paper coating facility is the use of compliant coatings and/or catalytic incineration in the reduction of volatile organic compound (VOC) emissions.

The preliminary RACT determination, when finally approved, will be incorporated into an operating permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary Disanto at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on April 28, 1999, at the Lancaster District Office, 1661 Philadelphia Pike, Lancaster, PA 17602 from 1 p.m. until all scheduled comments on the proposal are received.

Those wishing to comment are requested to contact Karen Sitler at (717) 705-4904 at least 1 week in advance of the hearing to schedule their testimony. Those wishing

to provide testimony are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Rick Millard, Air Pollution Control Engineer, 909 Elmerton Avenue, Harrisburg, PA 17110-8200 on or before April 28, 1999.

Persons with a disability who wish to attend the hearing scheduled for April 28, 1999, at the Lancaster District Office and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Karen Sitler directly at (717) 705-4904 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## **MINING**

### **APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on

the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

#### *Coal Applications Received*

**56823097.** Permit Renewal for Reclamation, only, **Heritage Mining Company** (P. O. Box 126, Cresson, PA 16630), for continued restoration of a bituminous strip mine in Paint Township, **Somerset County**, affecting 72.0 acres, receiving streams to Weaver Run. Application received March 2, 1999.

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

**65810113R. M. B. Energy Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319). Renewal application received for continued reclamation of a bituminous surface mine located in Cook and Donegal Townships, **Westmoreland County**, affecting 103.8 acres. Receiving streams: unnamed tributary to Four Mile Run to Loyalhanna Creek. Renewal application received: March 3, 1999.

**26990101. PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541). Application received for commencement, operation and reclamation of a bituminous surface mine, located in Springfield Township, **Fayette County**, proposed to affect 185.4 acres. Receiving streams: unnamed tributary to Rasler Run, unnamed tributary to Poplar Run, Stony Run. Application received: March 1, 1999.

**03793072C. Kent Coal Mining Company** (P. O. Box 219, Shelocta, PA 15774). Renewal application received for continued reclamation of a bituminous surface mine located in Kiskiminetas Township, **Armstrong County** affecting 302 acres. Receiving streams: unnamed tributary to Long Run and Big Run. Renewal application received: March 5, 1999.

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

**57830101. Bernice Mining & Contracting, Inc.** (P. O. Box 208, Mildred, PA 18632), renewal of an existing bituminous surface mine permit in Cherry Township, **Sullivan County** affecting 880.1 acres. Receiving streams: Birch Creek and two unnamed tributaries of Loyalsock Creek, both of Loyalsock Creek and Loyalsock

Creek to West Branch Susquehanna River to Susquehanna River. Application received February 12, 1999.

**17820129. Kasubick Bros. Coal Co.** (501 David Street, Houtzdale, PA 16651), renewal of an existing bituminous surface mine-auger-refuse disposal permit in Woodward Township, **Clearfield County** affecting 161.8 acres. Receiving streams: unnamed tributary to Upper Morgan Run and North Branch to Morgan Run to Clearfield Creek to West Branch Susquehanna River. Application received February 26, 1999.

**17930127. Jerry C. Bowman Coal Company** (611 Spring Street, Houtzdale, PA 16651), renewal of an existing bituminous surface mine permit in Woodward Township, **Clearfield County** affecting 186.2 acres. Receiving streams: unnamed tributary to Moshannon Creek, unnamed tributary to Whiteside Run, Moshannon Creek to the West Branch Susquehanna River. Application received February 19, 1999.

**17753050. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), renewal of an existing bituminous surface mine permit Karthaus Township, **Clearfield County** affecting 642.8 acres. Receiving streams: unnamed tributaries to Saltlick Run, to Saltlick Run, unnamed tributaries to Mosquito Creek, unnamed tributaries to West Branch Susquehanna River, Saltlick, Mosquito Creek all to West Branch Susquehanna River. Application received February 25, 1999.

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

**32911601. Sprankle Mills Tipple** (P. O. Box 343, Punxsutawney, PA 1576-0343), to renew the permit for the Valier Coal Yard in N. Mahoning Township, **Indiana County**, no additional discharges. Application received February 8, 1999.

**63841306. Mon View Mining Corp.** (P. O. Box 1203, Uniontown, PA 15401), to renew the permit for the Mathies Mine in Nottingham Township, **Washington County**, revision for postmining land use change, no additional discharges. Application received February 11, 1999.

**03841302. Canterbury Coal Company** (R. D. 1, Box 119, Avonmore, PA 15618), to revise the permit for the DiAnne Mine in Kiskiminetas Township, **Armstrong County** to add a surface site for a new portal, Roaring Run. Application received February 16, 1999.

**14831301. Pennsylvania Mines Corp.** (P. O. Box 367, Ebensburg, PA 15931), to revise the permit for the Rushton Mine in Rush Township, **Centre County**, revision to add three sludge boreholes, no additional discharges. Application received February 19, 1999.

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

### **ENCROACHMENTS**

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317,

as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

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

**E15-610.** Encroachment. **PA DOT**, 200 Radnor Chester Road, St. Davids, PA 19087. To perform the following activities associated with roadway improvements near the interchange of Downingtown Pike (SR 3072) and Route 322 Bypass: 1. To extend and maintain the downstream side of an existing reinforced concrete T-beam bridge that spans Taylor Run (TSF-MF). This bridge has a single clear span of approximately 24 feet and minimum underclearance of approximately 6.1 feet. The existing structure measures approximately 52.5 feet in width and the extension will expand the width an additional 39.4 feet. The modified structure will have equivalent hydraulic dimensions as the existing structure. 2. To extend and maintain the downstream end of an 8-foot by 5.74-foot pipe arch culvert along an unnamed tributary to Taylor Run (TSF-MF). The existing structure consists of an original concrete arch culvert and pipe arch segment from a previous extension. The total length of the existing structure is approximately 73.8 feet. The proposed structure will consist of an additional 42.9 feet of equivalently sized pipe. The total length of the proposed structure will be approximately 116.7 feet. The project's total wetland impact will be 0.22 acre (PEM). The site is located in the vicinity of the aforementioned intersection (Unionville USGS Quadrangle N: 16.6 inches; W: 1.1 inches) in East Bradford Township, **Chester County**.

**E15-611.** Encroachment. **Warwick Township**, 2500 Ridge Road, Elverson, PA 19520 and **East Nantmeal Township**, 3383 Conestoga Rd., Glenmoore, PA 19343. To remove an existing bridge, and to construct and maintain a bridge with a clear span of 25 feet and an underclearance of 3 feet 10 inches across the South Branch of French Creek (EV, TSF). This project is located along James Mill Road at a point approximately 3,100 feet north of its intersection with Nantmeal Road (Elverson, PA Quadrangle N: 4.25 inches; W: 0.45 inch) in East Nantmeal and Warwick Townships, **Chester County**.

**E23-378.** Encroachment. **Joyfor Joint Venture**, 1604 Walnut Street, Philadelphia, PA 19103. To place fill in a

watercourse and adjacent wetland (PEM/PSS) to facilitate the construction of a hotel and associated parking facilities. The project also includes a request for an environmental assessment approval to construct a nonjurisdictional earth dam across an unnamed tributary to Reese's Run (CWF) and adjacent wetland (PEM). The project proposes to impact approximately 2.40 acres of wetland and greater than 700 linear feet of watercourse. The activities are proposed at the commercial development, Marville at Newtown Square, Parcel "B," located approximately 700 feet north of the intersection of West Chester Pike (S. R. 0003) and Alice Grim Boulevard (Media, PA Quadrangle N: 8.0 inches; W: 19.5 inches) in Newtown Township, **Delaware County**.

**E46-834.** Encroachment. **PA DOT**, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To remove an existing bridge carrying S. R. 4015 Section 42M (Second Avenue) over Mingo Creek (WWF). To construct and maintain a bridge replacement at a location approximately 46 feet downstream of the existing bridge centerline. The proposed bridge replacement will be a dual cell, precast concrete box stream enclosure with an overall length of 107 feet. Each cell of the stream enclosure will have a clear span of 20 feet and a rise of 8 feet. The bottom slab of the stream enclosure will be depressed 6 inches below the streambed to allow for low flow fish passage. Approximately 800 feet of the roadway approaches will be reconstructed to improve roadway alignment. The project site is located approximately 800 feet upstream of the confluence of Mingo Creek with the Schuylkill River and a 1/4 mile southeast of Royersford (Phoenixville, PA Quadrangle N: 8.2 inches; W: 3.7 inches) in Upper Providence Township, **Montgomery County**.

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-5485.*

**E64-194.** Encroachment. **Stephen J. Simpson**, Box 85, Lakewood, PA 18439. To maintain a nonjurisdictional dam and its associated reservoir, which was constructed by placing fill and/or excavating in 0.18 acre of PSS wetlands, within the drainage basin of Equinunk Creek (HQ-CWF). The project is located approximately 4,500 feet southeast of the intersection of S. R. 0247 and T-684 (Lake Como, PA-NY Quadrangle N: 9.3 inches; W: 10.3 inches), in Preston Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

**E45-369.** Encroachment. **Sheldon M. Copelson**, P. O. Box 741, East Stroudsburg, PA 18301. To construct and maintain an 18-inch and 24-inch C.M.P. outfall structure in Little Pocono Creek (HQ-CWF) to discharge stormwater from the proposed Mill Brooke Farms Residential Subdivision. The project is located 0.5 mile south of S. R. 0080 Interchange 46 on the north side of S. R. 2007 (Tanite Road) (Stroudsburg, PA Quadrangle N: 18.7 inches; W: 13.2 inches), Stroud Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

**E54-265.** Encroachment. **Greater Pottsville Area Sewer Authority**, P. O. Box 1163, Pottsville, PA 17901. To construct and maintain a 21-inch PVC gravity sanitary sewer line along and across the Schuylkill River (WWF) including four channel crossings. The project extends from a point near Anderson Street, approximately 0.5 mile northeast of the intersection of S. R. 0061 and S. R.

0209 (Pottsville, PA Quadrangle N: 11.0 inches; W: 8.2 inches), continuing northeasterly along the river for approximately 1 mile, in Mechanicsville Borough, Palo Alto Borough and Port Carbon Borough, **Schuylkill County** (Philadelphia District, U. S. Army Corps of Engineers).

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

**E06-522.** Encroachment. **Exeter Township**, 4975 DeMoss Road, Reading, PA 19606. To construct and maintain a pedestrian bridge having a span of 16 feet and an underclearance of 4 feet across a tributary to the Schuylkill River at a point immediately upstream of the Schuylkill River (Birdsboro, PA Quadrangle N: 7.2 inches; W: 16.4 inches) and to construct and maintain a pedestrian bridge having a span of 56 feet and an underclearance of 6 feet across the channel of Antietam Creek at a point immediately upstream of the Schuylkill River (Birdsboro, PA Quadrangle N: 6.0 inches; W: 13.7 inches) for the purpose of constructing the Schuylkill River Train in Exeter Township, **Berks County**.

**E28-267.** Encroachment. **Franklin County Commissioners**, John Hart, 157 Lincoln Way East, Chambersburg, PA 17201. To construct and maintain a new County Bridge No. 22 consisting of three spans of 48 feet with a precast I-beam and concrete decking with a minimum underclearance of 11.46 feet over the Conococheague Creek on T-481 (Boyer Mill Road) located just upstream of the existing Bridge No. 22 (Chambersburg, PA Quadrangle N: 6.9 inches; W: 8.25 inches) in Guilford and Hamilton Townships, **Franklin County**.

**E36-672.** Encroachment. **East Lampeter Township**, Ralph Hutchison, 2205 Old Philadelphia Pike, Lancaster, PA 17602. To construct and maintain an additional 20-foot extension, to widen the existing Greenfield Road (T-549) bridge having a clear span of 25-feet with an average channel underclearance of 6-feet over Stauffer Run and to widen the roadway from two lanes to three lanes to create a center turning lane for improved highway safety (Lancaster, PA Quadrangle N: 10.0 inches; W: 0.1 inch) in East Lampeter Township, **Lancaster County**.

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

**E53-324.** Encroachment. **Adelphia Cable Communications**, Main at Water St., Coudersport, PA 16915. To construct and maintain a single span arch bridge with a clear span of 80 feet and an underclearance of 20 feet over the Allegheny River located 1 block west on Water St. from the intersection with (Rt. 6) Main St. (Coudersport, PA Quadrangle N: 4 inches; W: 3 inches) in Coudersport Borough, **Potter County**. This project proposes to temporarily impact 100 feet of the Allegheny River which is designated as cold water fishery and will not impact any wetlands in the area of the proposed project.

**E59-382.** Encroachment. **Delmar Township Supervisors**, R. R. 5, P. O. Box 70-A, Wellsboro, PA 16901. To construct and maintain ten sewer line stream crossings of

East Branch Stony Fork and unnamed tributaries of this stream and to construct and maintain a 45,000 gpd wastewater treatment plant in the floodplain of East Branch Stony Fork. This project is located along Stony Fork Road approximately 6.5 miles south of Route 6 (Antrim, PA Quadrangle N: 6.8 inches; W: 15.5 inches) in Delmar Township, **Tioga County**. Estimated total stream disturbance is 260 feet; stream classification CWF.

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

**E63-465.** Encroachment. **Borough of Burgettstown**, 113 Main Street No. 306, Burgettstown, PA 15021. To remove the existing bridge and to construct and maintain a new bridge having a span of 20.0 m with an underclearance of 3.0 m across Burgetts Fork of Raccoon Creek (WWF). The bridge is located on Main Street, approximately 28.8 m south from the intersection of Main Street, Dinsmore Avenue and Maple Avenue (Burgettstown, PA Quadrangle N: 1.2 inches; W: 2.6 inches) in the Borough of Burgettstown, **Washington County**.

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

**E20-468.** Encroachment. **East Fairfield Township**, Charles R. Morrell, 22282 Freyermuth Road, Meadville, PA 16335. To remove the damaged portion of the existing concrete arch bridge on Powell Road across a tributary to French Creek (WWF) and to place and maintain a metal arch with a span of 11 feet, 7 inches and a rise of 7 feet, 6 inches within the existing concrete arch bridge waterway opening with grout being placed between the new arch and the existing structure. The project is located on Powell Road across a tributary to French Creek approximately 1,800 feet either intersection of Powell Road and SR 0322 (Cochranon, PA Quadrangle N: 6.9 inches; W: 11.3 inches) located in East Fairfield Township, **Crawford County**.

**E25-580.** Encroachment. **Waterford Township**, 12451 Circuit Road, Waterford, PA 16441. To remove the existing single span bridge and to construct and maintain a corrugated steel plate arch pipe culvert having a span of 10 feet, 9 inches and a rise of 6 feet, 11 inches on Sedgewick Road (T-455) across a tributary to Lake LeBoeuf (CWF, Drainage area 1,090 acres). The project is located on Sedgewick Road (T-455) across a tributary to Lake LeBoeuf approximately 1,400 feet west of the intersection of Sedgewick Road (T-455) and the western boundary line of the Borough of Waterford (Waterford, PA Quadrangle N: 11.8 inches; W: 15.0 inches) located in Waterford Township, **Erie County**.

**E62-342.** Encroachment. **Lightning Oil Company Ltd.**, 225 A Swede Road, Tidioute, PA 16351. To place and maintain a 4-inch-diameter steel natural gas pipeline within a 6-inch-diameter conduit pipe attached to the existing bridge on Forest Service Road 119 across East Hickory Creek (HQ-SWF, trout stocked and wild trout). The project is located on Forest Service Road 119 across East Hickory Creek approximately 9,000 feet southwest of the intersection of T-317 and Forest Service Road 119 (Cobham, PA Quadrangle N: 3.0 inches; W: 12.0 inches) located in Limestone Township, **Warren County**.

### DAM SAFETY

**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.**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D60-056. Dam. Union County Industrial Development Corporation** (219 D Hafer Road, Lewisburg, PA 17837). To construct, operate and maintain the Great Stream Commons Upper Dam across a tributary to West Branch Susquehanna River (WWF), 330 feet of stream for the purpose of stormwater detention for the Residential Park of Great Stream Commons business and residential park (Allenwood, PA Quadrangle N: 21.5 inches; W: 3.4 inches) in Gregg Township, **Union County**.

**D60-057. Dam. Union County Industrial Development Corporation** (219 D Hafer Road, Lewisburg, PA 17837). To construct, operate and maintain the Great Stream Commons Lower Dam across a tributary to West Branch Susquehanna River (WWF), 370 feet of stream for the purpose of stormwater detention for the Residential Park of Great Stream Commons business and residential park (Allenwood, PA Quadrangle N: 21.5 inches; W: 3.2 inches) in Gregg Township, **Union County**.

### ENVIRONMENTAL ASSESSMENT

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

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D06-041EA. Environmental Assessment. Charming Forge, LTD** 345 North Prince Street, P. O. Box 957, Lancaster, PA 17608-0957. To breach and remove the Charming Forge Dam across Tulpehocken Creek (CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located immediately upstream from the Charming Forge Road Bridge (S. R. 3037) (Strausstown, PA Quadrangle N: 2.1 inches; W: 6.5 inches) in Marion and Heidelberg Townships, **Berks County**.

### WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Northwest Regional Office: Regional Program Manager, Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6899.*

**A. WA 20-1000. Water Allocation. Cambridge Township Municipal Authority**, 22530 Electric Drive, Cambridge Springs, PA 16403, requests the right to purchase 42,100 gpd from Cambridge Springs Borough. This allocation will be a transfer of water across municipal bound-

aries between Cambridge Springs Borough and Cambridge Township to supply present use in Pleasant Hills Subdivision and to allow development of proposed industrial/business park. Activities are located in Cambridge Township, **Crawford County, PA**.

### 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, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

#### Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

**NPDES Permit No. PA0102822. Sewage. Rolling Valley Estates**, 369 Eagle Mill Road, Butler, PA 16001 is authorized to discharge from a facility located in Connoquenessing Township, **Butler County** to an unnamed tributary to Little Connoquenessing Creek.

**NPDES Permit No. PA0220779. Sewage. Springfield Village Mobile Home Park**, P. O. Box 76, Lake City, PA 16423 is authorized to discharge from a facility located in Springfield Township, **Erie County** to an unnamed tributary to Raccoon Creek.



## INDIVIDUAL PERMITS

## (PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS0-G331	Ethel J. Coates P. O. Box 510 Oxford, PA 19363-0510	East Nottingham Township Chester County	West Branch Big Elk Creek
PAS10-G348	Messieurs G. William and James R. Freese 503 Elkridge Road Oxford, PA 19463	East Nottingham Township Chester County	Big Elk Creek
PAS10-G350	Bruce Vanderhoef 341 Freemont Road Nottingham, PA 19362	Lower Oxford Township Chester County	East Branch Big Elk Creek
PAS10-G322	Siousca, Inc. 132 Hibernia Road Coatesville, PA 19320	West Brandywine and Valley Townships Chester County	Brandywine Basin West Branch

*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 Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10U105	Kharecha Enterprises, L. P. P. O. Box 3189 Easton, PA 18043-3189	Northampton County Bethlehem Township	Monocacy 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 Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

*List of NPDES and/or other General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application

*List of NPDES and/or other  
General Permit Type*

PAG-8 General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site

PAG-9 General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG-2*

*Facility Location*

*County and  
Municipality*

*Permit No.*

*Applicant Name  
and Address*

*Receiving Stream  
or Body of Water*

*Contact Office and  
Telephone No.*

Bethel Township Delaware County	PAR10-J132	Signature Development 1525 Windingbrook Run Boothwyn, PA	Spring Run	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Concord Township Delaware County	PAR10-J144	Garnet Valley School District 550 Smithbridge Road Glen Mills, PA	West Branch Chester Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Ridley Township Delaware County	PAR10-J135	MR Properties P. O. Box 38 Essington, PA 19029	Darby Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Providence Township Montgomery County	PAR10-T471	Philomeno and Salamone 450 South Gravers Road Plymouth Meeting, PA 19462	School House Run	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Pottstown Borough Montgomery County	PAR10-T496	Pottstown School District Franklin and East Streets Pottstown, PA	Schuylkill River	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Perkiomen Township Montgomery County	PAR10-T428	Anthony M. Dilucia, Inc. 100 Jacob's Hill Lane Lansdale, PA	Lodal Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Worcester Township Montgomery County	PAR10-T498	Victory Builders, LLP 500 Skippack Pike Broad Axe, PA	Unnamed Tributary to Stoney Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Plymouth Township Montgomery County	PAR10-T504	Plymouth Meeting General Partnership 1621 Wood Street Philadelphia, PA	Tributary No. 2 Plymouth Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Bristol Township Bucks County	PAR10-D438	Frank Green/Bristol Properties 33 Cotters Lane East Brunswick, NJ 08816	Black Ditch Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Warwick Township Bucks County	PAR10-D400	C & M Developers, Inc. 2421 Bristol Rd. Warrington, PA	Little Neshaminy Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Bensalem Township Bucks County	PAR10-D397	Louis DiEgidio 800 Haunted Lane Bensalem, PA	Unnamed Tributary Neshaminy Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Bedminster Township Bucks County	PAR10-D378	Kathleen James 121 Kellers Church Road P. O. Box 162 Bedminster, PA	Deer Run Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lehigh County Upper Saucon Township	PAR10Q118	Countryside Development Group Chuck M. Spector P. O. Box 446 Swedesboro, NJ 08085	Saucon Creek	Lehigh CD (610) 391-9583
Lehigh County Upper Saucon Township	PAR10Q121	Lutron Electronics Co., Inc. Andrew Hines 7200 Suter Rd. Coopersburg, PA 18036-1299	Saucon Creek	Lehigh CD (610) 391-9583
Luzerne County Wilkes-Barre Township	PAR10R170	Earth Conservancy 101 S. Main St. Ashley, PA 18706	Mill Creek	Luzerne CD (570) 674-7991
Centre County Ferguson Township	PAR10F084	Mark A. Kunkle Ferguson Township 3147 Research Dr. State College, PA 16801	Slab Cabin Run	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lackawanna County Archbald Borough	PAR10N063-1	PEI Power Corp. Vincent Bonaddio One PEI Center Wilkes-Barre, PA 18711-0601	Laurel Run Creek	Lackawanna CD (570) 281-9495
<i>General Permit Type—PAG-3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Carbon County Nesquehoning Borough	PAR802211	Kovatch Corporation One Industrial Complex Nesquehoning, PA 18240	Nesquehoning Creek	Northeast Regional Office Water Management (570) 826-2511
City of Scranton Lackawanna County	PAR202203	Allied Fence Manufacturing Company 1275 North Keyser Avenue Scranton, PA 18504	Lackawanna River	Northeast Regional Office Water Management (570) 826-2511
Bethlehem Township Northampton County	PAR602203	Midway Auto Wrecking 1400 Hope Road Easton, PA 18045	Lehigh River	Northeast Regional Office Water Management (570) 826-2511
Wayne Township Schuylkill County	PAR222204	Reynold's Sawmill 203 Summer Hill Road Schuylkill Haven, PA 17972	Unnamed tributary to Lower Little Swatara Creek	Northeast Regional Office Water Management (570) 826-2511
East Brunswick Township Schuylkill County	PAR602206	J. W. Zaprazny, Inc. R. R. 3, Box 340 New Ringgold, PA 17960	Koenigs Creek	Northeast Regional Office Water Management (570) 826-2511

## NOTICES

1545

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Westmoreland County East Huntingdon Township	PAR406105	Republic Services Group of Pennsylvania, IV, LLC Box 716 East Huntingdon Landfill Road Scottsdale, PA 15683	UNT to Stauffer Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-5</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Cambria County Cresson Borough	PAG056127	Martin L. Sheehan 926 Second Street Cresson, PA 16630	Little Conemaugh River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Indiana County Indiana Borough	PAG056128	Sun Company, Inc. (R&M) 5733 Butler Street Pittsburgh, PA 15201	Stoney Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Fayette County City of Connellsville	PAG056129	Chico Enterprises 331 Beechurst Avenue Morgantown, WV 26505	Opossum Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cambria County City of Johnstown	PAG056130	Modern Art & Plate Glass Company 180 Asphalt Road Johnstown, PA 15905	Conemaugh River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Schuylkill County Rush Township	PAG-052206	PA Department of Environmental Protection 2 Public Square Wilkes-Barre, PA 18711	Little Schuylkill River	Northeast Regional Office Water Management Program 2 Public Square Wilkes-Barre, PA 18711 (717) 826-2553

*General Permit Type—PAG-6**Facility Location  
County and  
Municipality*Beaver County  
Freedom Borough*Permit No.*  
PAG066131*Applicant Name  
and Address*  
Freedom Borough  
901 Third Avenue  
Freedom, PA 15042*Receiving Stream  
or Body of Water*  
Ohio River*Contact Office and  
Telephone No.*  
Southwest Regional  
Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000*General Permit Type—PAG-8**Facility Location  
County and  
Municipality*Fayette County  
Wharton Township*Permit No.*  
PAG086103*Applicant Name  
and Address*  
New Meadow Run  
Bruderhof  
P. O. Box 240  
Route 40  
Farmington, PA 15437*Receiving Stream  
or Body of Water**Contact Office and  
Telephone No.*  
Southwest Regional  
Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000Westmoreland County  
Hempfield Township

PAG096102

A-Septic Tank Service  
1046 Rolling Acres Road  
Latrobe, PA 15650*Contact Office and  
Telephone No.*  
Southwest Regional  
Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000**SEWAGE FACILITIES ACT  
PLAN APPROVAL****Plan approval granted under the Pennsylvania  
Sewage Facilities Act (35 P. S. §§ 750.1—750.20).***Northcentral Regional Office: Water Management Pro-  
gram Manager, 208 West Third Street, Suite 101, Wil-  
liamsport, PA 17701-6448, (717) 327-0530.**Location:* Borough of Ulysses, Potter County. *Project  
Description:* This sewage facilities plan update proposes  
the replacement of the existing lagoon sewage treatment  
plant with a new 150,000 gpd extended aeration sewage  
treatment plant. The Department's review of the sewage  
facilities update revision has not identified any significant  
negative environmental impacts resulting from this pro-  
posal.**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drink-  
ing Water Act (35 P. S. §§ 721.1—721.17).***Southcentral Regional Office: Sanitarian Regional Man-  
ager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200,  
(717) 705-4708.***0698502.** Public water supply, **Maxatawny Township  
Municipal Authority**, Maxatawny Township, **Berks  
County**. *Responsible Official:* Donald Miller. *Type of  
Facility:* Public Water Supply, 250,000 gallon storage  
tank, pump station and new treatment building with new  
disinfection equipment. *Consulting Engineer:* Weiser En-gineering Consultants, Christopher Falencki, P.E. *Permit  
to Operate Issued:* March 2, 1999.*Regional Office: Northcentral Field Operations, Envi-  
ronmental Program Manager, 208 West Third Street, Suite  
101, Williamsport, PA 17701.***Permit No. 1489508.** The Department issued a con-  
struction and operation permit to **Martha Furnace  
MHP**, 107 Peppermint Lane, Julian, PA 16844, Huston  
Township, **Centre County**. The permit was issued for  
construction and operation of the lower well, one Brunner  
green sand filter, the transmission line and the distribu-  
tion system.**Permit No. 5798501.** The Department issued a con-  
struction permit to **Red Rock Job Corps Center**, P. O.  
Box 218, Lopez, PA 18628-0218, Colley Township, **Sul-  
livan County**. The permit was issued for construction of  
Well No. 4 and two green sand filters.*Northwest Regional Office: Regional Manager, 230  
Chestnut Street, Meadville, PA, (814) 332-6899.***Permit No. 6198503.** Public water supply. **Sugar-  
creek Station**, R. D. 3, Box 29, Franklin, PA 16323, has  
been issued a permit for the addition of Orthal/  
polyphosphate blend (specifically Aquadene SK-7861) in  
Sugarcreek Borough, **Venango County**.*Type of Facility:* Community Water Supply.*Consulting Engineer:* Olgierd K. Wodzianski, P.E.,  
Wodzianski & Smith, Inc., 1322 Elk Street, Franklin, PA  
16323.*Permit to Construct Issued:* March 2, 1999.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**Blue Ribbon Enterprises, Inc.**, City of Philadelphia, **Philadelphia County**. Keith Tockman, Whitestone Associates, Inc., 776 Mountain Blvd., Watchung, NJ 07060, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

**Brandywine Realty II, Inc.**, Concord Township, **Delaware County**. Carl Bones, Pennoni Associates, Inc., One Drexel Plaza, 3001 Market Street, Philadelphia, PA 19104, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet background standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation 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 Remediation Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a 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.*

**18th & Callowhill Streets**, City of Philadelphia, **Philadelphia County**. James Cinelli, P. E., RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soil contaminated with PCBs and lead. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on February 24, 1999.

**Stonegate**, West Bradford Township, **Chester County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380, has submitted a Final Report concerning remediation of site soil contaminated with lead and heavy metals. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on March 3, 1999.

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

**Frenz Petroleum Corporation**, State Route 422 and Copper Rd., New Castle, PA 16103, **Lawrence County**,

Slippery Rock Township, has submitted a final report concerning the remediation of soil and groundwater. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on March 2, 1999.

## SOLID AND HAZARDOUS WASTE

### LICENSE TO TRANSPORT HAZARDOUS WASTE

#### Licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

*Bureau of Land Recycling and Waste Management:  
Division of Hazardous Waste Management, P. O. Box  
8471, Harrisburg, PA 17105-8471.*

**Cheetah Bulk Services, Inc.**, 1060 Francis Scott Key Highway, Keymar, MD 21757; License No. **PA-AH 0609**; license issued December 24, 1998.

**DTC Environmental Services, Inc.**, 2450 Congo Road, Newell, WV 26050; License No. **PA-AH 0612**; license issued January 29, 1998.

**G&O Transportation, Inc.**, 5225 East El Campo Grande, Las Vegas, NV 89115; License No. **PA-AH 0608**; license issued December 22, 1998.

**Photo Chemical Systems, Inc.**, 105 Forest Drive, Knightdale, NC 27545; License No. **PA-AH S214**; license issued January 27, 1999.

**Secure Environmental Transporters, Inc.**, 2307 Russenberger Road, Little Rock, AR 72206; License No. **PA-AH 0607**; license issued December 15, 1998.

**Stranco, Inc.**, 70459 Highway 59, Abita Springs, LA 70420; License No. **PA-AH 0611**; license issued January 27, 1999.

**USA Waste of Connecticut, Inc.**, P. O. Box 144, Portland, CT 06480; License No. **PA-AH 0610**; license issued January 22, 1999.

**Youghiogeny Environmental Services, LTD.**, 1308 Morrell Avenue, Connellsville, PA 15425; License No. **PA-AH 0613**; license issued February 22, 1999.

#### Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

*Bureau of Land Recycling and Waste Management:  
Division of Hazardous Waste Management, P. O. Box  
8471, Harrisburg, PA 17105-8471.*

**Allstate O.R.C., Inc.**, 473 Hamburg Turnpike, West Milford, NJ 07480-3746; License No. **PA-AH 0564**; renewal license issued February 2, 1999.

**Aqua-Tex Transport, Inc.**, 219 North White Horse Pike, Hammonton, NJ 08037; License No. **PA-AH S179**; renewal license issued December 10, 1998.

**Asbestos Transportation Company, Inc.**, P. O. Box 59, Yaphank, NY 11980; License No. **PA-AH S243**; renewal license issued February 2, 1999.

**Ashland Chemical Company**, P. O. Box 2219, Columbus, OH 43216; License No. **PA-AH 2219**; renewal license issued December 7, 1998.

**Autumn Industries, Inc.**, 518 Perkins-Jones Road, Warren, OH 44483; License No. **PA-AH 0267**; renewal license issued February 1, 1999.

**Buffalo Fuel Corp.**, 344 Vulcan Street, Buffalo, NY 14207-1327; License No. **PA-AH 0147**; renewal license issued February 9, 1999.

**Clean Harbors Environmental Services, Inc.**, 1501 Washington Street, Braintree, MA 02184; License No. **PA-AH 0312**; renewal license issued January 20, 1999.

**Dart Trucking Company, Inc.**, 61 Railroad Street, Canfield, OH 44406; License No. **PA-AH 0219**; renewal license issued December 9, 1998.

**Ecoflo, Inc.**, 2750 Patterson Street, Greensboro, NC 27407; License No. **PA-AH 0225**; renewal license issued February 2, 1999.

**Elliott Truck Line, Inc.**, 532 South Wilson Street, Vinita, OK 74301; License No. **PA-AH 0355**; renewal license issued February 22, 1999.

**Environmental Transport Group, Inc.**, P. O. Box 296, Flanders, NJ 07836-0296; License No. **PA-AH 0104**; renewal license issued December 9, 1998.

**Gary W. Gray Trucking, Inc.**, P. O. Box 48, Delaware, NJ 07833; License No. **PA-AH 0474**; renewal license issued December 30, 1998.

**Gulf South Systems, L.L.C.**, 500 Dakin Street, Jefferson, LA 70121; License No. **PA-AH 0482**; renewal license issued February 3, 1999.

**H.M.H.T.T.C. Response Team, Inc.**, P. O. Box 5215, Parsippany, NJ 07054; License No. **PA-AH 0554**; renewal license issued December 4, 1998.

**Hazmat Environmental Group, Inc.**, 60 Commerce Drive, Buffalo, NY 14218-1040; License No. **PA-AH 0315**; renewal license issued February 26, 1999.

**Hittman Transport Services, Inc.**, 1560 Bear Creek Road, Oak Ridge, TN 37830; License No. **PA-AH S239**; renewal license issued February 17, 1999.

**J. T. Sands Corp.**, 3445 Adamsville Road, Zanesville, OH 43701; License No. **PA-AH 0483**; renewal license issued January 28, 1999.

**Kephart Trucking Co.**, P. O. Box 386, Bigler, PA 16825; License No. **PA-AH 0352**; renewal license issued February 2, 1999.

**Lincoln Environmental, Inc.**, 333 Washington, RI 02917; License No. **PA-AH S204**; renewal license issued December 4, 1998.

**Matlack, Inc.**, P. O. Box 8789, Wilmington, DE 19899; License No. **PA-AH 0143**; renewal license issued February 24, 1999.

**MCF Systems Atlanta, Inc.**, 5353 Snapfinger Woods Drive, Decatur, GA 30035; License No. **PA-AH S240**; renewal license issued December 30, 1998.

**Newark Carting, Inc.**, P. O. Box 5670, Newark, NJ 07105; License No. **PA-AH 0551**; renewal license issued December 4, 1998.

**Novick Chemical Co., Inc.**, 705 Davis Street, Scranton, PA 18505; License No. **PA-AH 0138**; renewal license issued February 23, 1999.

**Peoria Disposal Company**, 1113 North Swords Avenue, Peoria, IL 61604-4898; License No. **PA-AH 0556**; renewal license issued January 27, 1999.

**Philip Reclamation Services Houston, Inc., DBA Eltex Chemical**, 4050 Homestead Road, Houston, TX 77028; License No. **PA-AH 0546**; renewal license issued February 19, 1999.

**Pros Services, Inc.**, P. O. Box 610548, Port Huron, MI 48061-0548; License No. **PA-AH 0481**; renewal license issued January 12, 1999.

**Robert C. Cummings Enterprises, Inc.**, P. O. Box 1286, Voorhees, NJ 08043; License No. **PA-AH 0383**; renewal license issued December 21, 1998.

**Ross Transportation Services, Inc.**, 36790 Giles Road, Grafton, OH 44044; License No. **PA-AH 0133**; renewal license issued December 31, 1998.

**Sturgron and Son, Inc.**, P. O. Box 2840, Bakersfield, CA 93303-2840; License No. **PA-AH 0563**; renewal license issued February 22, 1999.

**Textile Chemical Company, Inc.**, P. O. Box 13788, Reading, PA 19612; License No. **PA-AH 0082**; renewal license issued December 30, 1998.

**Trans-Enviro, Inc.**, 4500 Lee Road, Suite 138, Cleveland, OH 44128; License No. **PA-AH 0480**; renewal license issued January 12, 1999.

**Tri-County Industries, Inc.**, 5005 Powder Mill Road, Beltsville, MD 20704-1467; License No. **PA-AH 0430**; renewal license issued February 19, 1999.

**Trimac Transportation Services, Inc.**, P. O. Box 3500, Calgary, AB T2P 2P9, License No. **PA-AH 0555**; renewal license issued January 20, 1999.

**Triumvirate Environmental, Inc.**, P. O. Box 136, Boston, MA 02143; License No. **PA-AH 0477**; renewal license issued February 19, 1999.

**Wayne W. Sell Corporation**, 236 Winfield Road, Sarver, PA 16055; License No. **PA-AH 0123**; renewal license issued January 12, 1999.

**Licenses expired under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Clean America, Inc.**, 3300 Childs Street, Baltimore, MD 21226; License No. **PA-AH 0375**; license expired on June 30, 1998.

**Fenn-Vac, Inc.**, P. O. Box 62679, N. Charleston, SC 29419; License No. **PA-AH 0542**; license expired on November 30, 1998.

**Pat Perretti Freight Service, Inc.**, 73 Greenpond Road, Rocakaway, NJ 07866; License No. **PA-AH 0465**; license expired on November 30, 1998.

**Philip Reclamation Services Houston, Inc., DBA Eltex Chemical**, 4050 Homestead Road, Houston, TX 77028; License No. **PA-AH 0546**; license expired on January 31, 1999.

**Refiners Transport & Terminal Corporation**, 1300 East 9th Street, Suite 100, Cleveland, OH 44114; License No. **PA-AH 0343**; license expired on November 30, 1998.

**S. D. Myers, Inc.**, 180 South Avenue, Tallmadge, OH 44278; License No. **PA-AH 0468**; license expired on November 30, 1998.

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

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

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.*

**General Permit No. WMGR038-NW002. Mace Recycling**, 47 Tuna Cross Roads, Bradford, PA 16701, located in Foster Township, **McKean County**, Permit No. WMGR038. Permit originated by the Department for the beneficial use of waste tires and tire-derived material as a fuel at approved facilities, civil engineering or construction material and feedstock in the manufacturing of consumer products. Permit was issued in the Regional Office on February 26, 1999.

#### **PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE**

##### **INFECTIOUS OR CHEMOTHERAPEUTIC WASTE**

**Renewal licenses issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P.S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Pet Memorial Services Corporation**, 319 Westown Road, Suite Q, West Chester, PA 19382; License No. **PA-HC 0195**; renewal license issued December 7, 1998.

**Stericycle, Inc.**, 369 Park East Drive, Woonsocket, RI 02895; License No. **PA-HC 0196**; renewal license issued January 26, 1999.

## **AIR QUALITY**

### **OPERATING PERMITS**

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

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

**GP3-06-5073A: Dyer Quarry, Inc.** (P. O. Box 188, Birdsboro, PA 19508) authorized use of the general permit for a portable nonmetallic mineral crushing plant at the John T. Dyer Traprock Quarry in Robeson Township, **Berks County**.



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

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

**OP-15-0019: PECO Energy Co.** (Township Line and Cromby Road, Phoenixville, PA 19460) issued March 4, 1999, for Facility VOCs/NOx RACT in East Pikeland Township, **Chester County**.

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

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

**46-399-113: Ford Electronics & Refrigeration Corp.** (2750 Morris Road, Lansdale, PA 19446) issued March 5, 1999, for two selective soldering machines in Worcester Township, **Montgomery County**.

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

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

**09-313-092: Armoloy Co. of Philadelphia** (1105 Miller Avenue, Croydon, PA 19020) issued for operation of two hard chrome elect-plating baths in Bristol Township, **Bucks County**.

**46-307-008A: Freedom Alloys, Inc.** (155 Railroad Plaza, Royersford, PA 19468) issued for operation of an electric inductotherm furnace in Royersford Borough, **Montgomery County**.

**OP-09-0050: Better Materials Corp.** (Swamp Road and 2nd Street Pike, Penns Park, PA 18943) issued for operation of a stone crushing plant in Wrightstown Township, **Bucks County**.

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

**17-302-018: Pennsylvania Department of Corrections** (P. O. Box 598, Camp Hill, PA 17001-0598) on February 8, 1999, for operation of two micronized bituminous coal-fired boilers and associated air cleaning devices (two fabric collectors and two dry hydrated lime flue gas injection systems) as well as for the operation of one no. 2 fuel oil-fired boiler at SCI—Houtzdale in Woodward Township, **Clearfield County**. These boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

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

**56-307-001F: FirstMiss Steel, Inc.** (230 Box 509, Hollsopple, PA 15935) issued March 9, 1999, for operation of oxygen converter at Stony Creek Plant in Quemahoning Borough, **Somerset County**.

**PLAN APPROVALS**

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

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

**PA-15-0014B: Norwood Industries, Inc.** (57 Morehall Road, Frazer, PA 19355) issued March 5, 1999, for operation of a dust collector (baghouse) in East Whiteland Township, **Chester County**.

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

**21-310-019B: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) issued March 2, 1999, for modification of the sand processing plant controlled by a wet suppression system at the Mount Holly Springs Quarry in Dickinson Township, **Cumberland County**. These sources are subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**21-313-004A: The Little Tikes Co.** (560 Walnut Bottom Road, Shippensburg, PA 17257) issued March 5, 1999, for modification of the toy manufacturing facility in Southampton Township, **Cumberland County**.

**36-05004A: M & M/Mars, Inc.** (295 Brown Street, Elizabethtown, PA 17022) issued March 1, 1999, for modification to the existing chocolate and cocoa products manufacturing operation in Elizabethtown Borough, **Lancaster County**.

**36-05094: Keystone Wood Specialties, Inc.** (P. O. Box 10127, Lancaster, PA 17605) issued March 1, 1999, for installation of the three-spray booths controlled by three overspray collectors in East Lampeter Township, **Lancaster County**.

**67-399-022: York International Corp.** (P. O. Box 1592, York, PA 17405) issued March 2, 1999, for installation of three dry plasma cutting tables each controlled by their respective cartridge collector at the Grantley Plant in Spring Garden Township, **York County**.

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

**41-310-011: Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) on February 3, 1999, for construction of a sand and gravel processing plant and associated air cleaning device (a water spray dust suppression system) in Montoursville Borough, **Lycoming County**. Most of the equipment incorporated in this plant will be subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

**41-318-044: Ralph S. Alberts Co., Inc.** (60 Choate Circle, Montoursville, PA 17754) on February 10, 1999, for construction of a molded plastic parts surface coating operation in Montoursville Borough, **Lycoming County**.

**49-313-035M: Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821) on February 12, 1999, for modification of a pharmaceutical process facility at the Cherokee plant in Riverside Borough, **Northumberland County**.

**49-319-001: Arcos Alloys** (1 Arcos Drive, Mount Carmel, PA 17851) on February 12, 1999, for construction of four coal continuous web wire degreasers in Mount Carmel Township, **Northumberland County**. These

degreasers are subject to Subpart T of the National Emission Standards for Hazardous Air Pollutants.

**12-399-014A: GKN Sinter Metals** (R. R. 2, Box 47, Emporium, PA 15834) on February 16, 1999, for construction of two sintered metal parts induction hardening operations and associated air cleaning device (an electrostatic precipitator) at the Airport Road Plant in Emporium Borough, **Cameron County**.

**OP-59-0008A: Westfield Tanning Co.** (360 Church Street, Westfield, PA 16950) on February 16, 1999, for construction of a leather finishing operation in Westfield Borough, **Tioga County**.

**14-310-022: Glenn O. Hawbaker, Inc.** (450 East College Avenue, Bellefonte, PA 16823) on February 18, 1999, for construction of a fine aggregate washing plant and associated air cleaning device (a water spray dust suppression system) in Spring Township, **Centre County**.

**TVOP-49-00011A: Butter Krust Baking Co., Inc.** (249 North 11th Street, Sunbury, PA 17801) on February 26, 1999, for installation of an air cleaning device (a catalytic oxidizer) on a bread baking oven and a roll baking oven in the City of Sunbury, **Northumberland County**.

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

**30-399-005A: Texas Eastern Transmission Corp.** (P. O. Box 1642, Houston, TX 77251) issued March 9, 1999, for installation of gas fired turbine at Waynesburg Compressor Station in Franklin Township, **Greene County**.

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

**PA-20-284A: Multi Tool Inc.** (Route 198, South Street, Saegertown, PA 16433) issued February 3, 1999, for installation of mist eliminator on chrome plating tanks in Saegertown, **Crawford County**.

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

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

**PA-23-0003: Bayway Refinery Co.** (Post Road and Smith Street, Trainer, PA 19061) issued March 2, 1999, for operation of a Facility RACT for NOx and VOC in Marcus Hook Borough, **Delaware County**.

**46-313-006F: Cabot Corp.** (County Line Road, Douglass, PA 19504) issued March 2, 1999, for operation of a scrubber in Douglass Township, **Montgomery County**.

**PA-15-0027B: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087) issued March 2, 1999, for operation of a drum dryer in Tredyffrin Township, **Chester County**.

**15-309-016A: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087) issued March 2, 1999, for operation of a SCR System No. 1 in Tredyffrin Township, **Chester County**.

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

**34-03001: West Allegheny Biomass Energy Corp.** (327 Winding Way, King of Prussia, PA 19406) issued March 1, 1999, to authorize temporary operation for a one turbine-generator, wood fired, covered by this Plan Approval until February 29, 2000, in Fermanagh Township, **Juniata County**.

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

**PA-65-137A: Allegheny Ludlum Corp.** (100 River Road, Brackenridge, PA 15014) issued March 3, 1999, for installation of sendzimer cold rolling mill at Ludlum Corporation in Vandergrift Borough, **Westmoreland County**.

**PA-65-800A: Columbia Gas Transmission Corp.** (1700 MacCorkle Avenue S. E., Charleston, WV 25325) issued March 9, 1999, for operation of reciprocating engines at Delmont Compressor Station in Salem Township, **Westmoreland County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

#### Coal Permits Issued

**61980103. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous strip operation in Irwin Township, **Venango County** affecting 104.0 acres. Receiving streams: Five unnamed tributaries to Scrubgrass Creek. Application received: September 2, 1998. Permit Issued: February 19, 1999.

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

**63901701. Consolidation Coal Company** (200 Hidden Valley Rd., McMurray, PA 15317), to renew the permit for the Hahn AMD Plant in Cecil Township, **Washington County**, no additional discharges. Permit issued February 17, 1999.

**32851302. Helvetia Coal Company** (P. O. Box 729, Indiana, PA 15701), to renew the permit for the Lucerne No. 6E Mine in Blacklick and Center Townships, **Indiana County**, no additional discharges. Permit issued March 1, 1999.

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

**40850202R2. Northeast Energy Company** (254 Johnson Street, Wilkes-Barre, PA 18702), renewal of an existing coal refuse reprocessing/disposal operation in

Wilkes-Barre Township, **Luzerne County** affecting 29.2 acres, receiving stream—none. Renewal issued March 2, 1999.

**54813009R3. Joe Kuperavage Coal Company** (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in East Norwegian Township, **Schuylkill County** affecting 57.7 acres, receiving stream—none. Renewal issued March 5, 1999.

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

*Noncoal Permits Issued*

**7775SM8T. Dyer Quarry, Inc.** (150 Monument Drive, Suite 603, Bala Cynwyd, PA 19004), transfer of an existing quarry operation in Robeson Township, **Berks County** affecting 310.0 acres, receiving stream—Indian Corn and Siedel Creeks. Transfer issued March 4, 1999.

**06970301T. Dyer Quarry, Inc.** (150 Monument Drive, Suite 603, Bala Cynwyd, PA 19004), transfer of an existing quarry operation in Robeson Township, **Berks County** affecting 58.5 acres, receiving stream—none. Transfer issued March 4, 1999.

**06970302. Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), commencement, operation and restoration of a quarry operation in Robeson and Union Townships, **Berks County** affecting 289.6 acres, receiving stream—Hay Creek. Permit issued March 4, 1999.

**01930302C2. ISP Minerals, Inc.** (1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214), renewal of NPDES Permit No. PA0223239 in Hamiltonban Township, **Adams County**, receiving stream—unnamed tributary to Tom's Creek. Renewal issued March 5, 1999.

*Knox District Office, P. O. Box 669, Knox, PA 16232. Small Noncoal (Industrial Minerals) Permits Issued*

**62990801. Raymond C. Shield** (Box 2045A, Russell, PA 16345). Commencement, operation and restoration of a small noncoal sand and gravel operation in Pine Grove Township, **Warren County** affecting 4.0 acres. Receiving streams: None. Application received: January 4, 1999. Permit Issued: February 23, 1999.

## **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

The Department of Environmental Protection (Department) has taken the following actions on previously received 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 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 on applications filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

**E15-504. Encroachment Permit. Pennsylvania Department of Transportation**, 200 Radnor Chester Road, St. Davids, PA 19087-5178. To remove an existing 39.5 foot single span deteriorated bridge which carried Media Road (SR 3010) over Little Elk Creek and to construct and maintain a prestressed concrete bridge having a clear span of 50.5-foot and average under clearance of 6 feet at the same location and the same alignment. In addition to the bridge replacement, to improve roadway approaches for a distance of 350-feet east and 250-feet west of the bridge. This work is located (Bayview MD-PA Quadrangle N: 22.3 inches; W: 7.7 inches) in Elk Township, **Chester County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E15-604. Encroachment Permit. Bethlehem-Lukens Plate Division**, ARC Building, Coatesville, PA 19320-0911. To install and maintain a steel cantilevered access ramp and stairs on north bank of the West Branch of the Brandywine Creek, to provide safe access to the stream for crews to install and remove an oil boom as required. This project is located on Bethlehem Lukens Plate Division Property (Coatesville, PA Quadrangle N: 16.65 inches; W: 8.55 inches) in South Coatesville, **Chester County**. This permit was issued under section 105.13(e) "Small Projects."

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**E40-481. Encroachment. Frank L. Miner**, R. R. 2, Box 164, Mehoopany, PA 18629-9514. To maintain a cantilevered dock, extending from a concrete pad, in Lake Silkworth, and to modify and maintain an existing stone wall along the shoreline, with work consisting of capping the wall with additional flagstone and concrete. The dock extends approximately 40 feet from the shoreline and is 5 to 8 feet wide. The project is located along the eastern shoreline of the lake, approximately 0.25 mile northeast of the intersection of S. R. 0029 and T-579 (Harveys Lake, PA Quadrangle N: 4.3 inches; W: 11.1 inches), in Lehman Township, **Luzerne County**.

**E40-508. Encroachment. Estes Express Lines**, 1100 Commerce Road, Richmond, VA 23224. To excavate and to place fill in a de minimis area of wetlands equal to 0.04 acre, within the drainage basin of Mill Creek, for the purpose of constructing a paved parking area for trailer storage associated with the expansion of a truck terminal.

The project is located at 29 Second Street (Pittston, PA Quadrangle N: 1.8 inches; W: 11.0 inches), in Plains Township, **Luzerne County**.

**E45-337.** Encroachment. **Charles and Nancy Casey**, 2255 Rolling Hills Drive, Morgan Hill, CA 95037. To place fill in approximately 0.08 acre of wetlands for the purpose of constructing a single family dwelling on Lot 20 of Lake Naomi Estates residential subdivision. The project is located between Tanglewood Drive and Upper Tunkhannock Creek, approximately 0.2 mile north of S. R. 0940 (Pocono Pines, PA Quadrangle N: 21.2 inches; W: 7.5 inches) in Tobyhanna Township, **Monroe County**. The permittee is required to provide for 0.08 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project.

**E54-258.** Encroachment. **Gerald A. Hoy**, 186 Chestnut Street, P. O. Box 9, Cressona, PA 17929. To place fill in an existing off-stream excavated pond, having an area of approximately 0.2 acre, for the purpose of eliminating the pond. The pond is located approximately 100 feet north of Beaver Creek, on the north side of S. R. 0183, approximately 0.5 mile west of the intersection of S. R. 0183 and S. R. 3004 (Pottsville, PA Quadrangle N: 0.5 inch; W: 10.9 inches), in Cressona Borough, **Schuylkill County**.

**E54-262.** Encroachment. **North End Fire Company**, P. O. Box 118, 118 North Tulpehocken Street, Pine Grove, PA 17963-0118. To construct and maintain a fire station in the floodway of Swatara Creek and Wideawake Creek. The structure will be located adjacent to the existing fire company structure, and will have overall dimensions of approximately 73 feet by 54 feet. The project is located at 118 North Tulpehocken Street (Pine Grove, PA Quadrangle N: 10.5 inches; W: 2.5 inches), in Pine Grove Borough, **Schuylkill County**.

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

**E01-197.** Encroachment. **Albert Townsend**, 530 Main Street, York Springs, PA 17372. To excavate 275 linear feet of Tributary No. 2 to Latimore Creek for the purpose of restoring the channel adjacent to a prior converted (PC) wetland and to realign approximately 40 feet of Tributary No. 1 to Latimore Creek just upstream of Latimore Street (Dillsburg, PA Quadrangle N: 3.0 inches; W: 16.75 inches) in York Springs Borough, **Adams County**. This permit also includes 401 Water Quality Certification.

**E05-271.** Encroachment. **West Providence Township**, Donald Wilt, 81 East Fifth Avenue, Everett, PA 15537. To remove the existing culvert and to construct and maintain a 6-foot by 4-foot box culvert with a length of 24 feet at the channel of Bloody Run on T-602 (Edward Street) located on the west side of PA 26 about 1,200 feet north of the PA 26 and US 30 overpass (Everett East, PA Quadrangle N: 5.58 inches; W: 17.18 inches) in West Providence Township, **Bedford County**. This permit is issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E07-303.** Encroachment. **Tyrone Township**, John Burket, R. D. 1, Box 407, Tyrone, PA 16686. To permanently authorize the construction and maintenance of a corrugated metal arch culvert constructed under General Permit No. 8 (Minor Road Crossings) GP-08-07-98-102, having a rise of 9.0 feet and a span of about 14.0 feet and a length of about 38.0 feet in Sinking Run (CWF) for purposes of local highway maintenance located on Town-

ship Road T-526, 100 feet south of SR 1013, and about 2.2 miles west of the intersection of SR 1013 and SR 1008 (Spruce Creek, PA Quadrangle N: 17.75 inches; W: 14.75 inches) in Tyrone Township, **Blair County**. This permit also includes 401 Water Quality Certification.

**E36-661.** Encroachment. **Williams Communication, Inc.**, Loretta Earnest, 1 Williams Center, Tulsa, OK 74172. To construct and maintain a fiber optic cable across 32 watercourses including the streams of Muddy Run, Fishing Creek, Conowingo Creek, Stewart Run, Bowery Run, Meetinghouse Creek, Nickel Mines Run, Valley Run and tributaries. Thirty-four wetland areas will be crossed by the cable using directional drilling techniques that avoid wetland impacts. The cable project is for the purpose of voice and video data transmission and will be constructed and located within an existing Transco natural gas pipeline right-of-way corridor. The cable will be attached to the SR 372 Bridge to cross the Susquehanna River (Holtwood, PA Quadrangle N: 11.6 inches; W: 10.8 inches) in Martic, Drumore, East Drumore, Eden, Bart and Sadsbury Townships, **Lancaster County**.

**E67-644.** Encroachment. **Williams Communications, Inc.**, Loretta Earnest, 1 Williams Ctr., RC3-2, Tulsa, OK 74172. To construct and maintain a fiber optic cable across 13 streams including Muddy Creek and its tributaries, tributaries to Fishing Creek and tributaries to Anderson Run. Fourteen wetland areas will be crossed by the cable with a temporary impact of 0.001 acre. The cable project is for the Washington, DC to New York, NY communications system for voice and video data (Holtwood, PA Quadrangle N: 1.8 inches; W: 13.8 inches) in Lower Chanceford and Peach Bottom Townships, **York County**.

**E67-646.** Encroachment. **Lower Windsor Township**, Sandra Ruby, 111 Walnut Valley Ct., Wrightsville, PA 17368. To remove an existing structure and to construct and maintain a 22-foot wide by 6-foot high concrete box culvert on Bank Hill Road over Canadochly Creek (CH93-WWF) (Red Lion, PA Quadrangle N: 18.1 inches; W: 1.5 inches) in Lower Windsor Township, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E14-334.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 2-0, P. O. Box 234, Clearfield, PA 16830. To modify, operate and maintain an existing bridge across Slab Cabin Run; to construct, operate and maintain a bridge across Big Hollow Run; and to construct, operate and maintain a bridge across Spring Creek for the construction of a limited access public highway. The modification work shall consist of widening the existing dual three span bridge that carries S. R. 0322, Segment Offset 0530/0000 across Slab Cabin Run. The construction work shall consist of constructing a northbound and southbound two span bridge for a total span of 312-feet at a skew of 70-degrees that will carry S. R. 0026, Section SC02 across Big Hollow Run. Construction work shall also consist of constructing a northbound and southbound four span bridge for a total span of 775-feet, at a skew of 50-degrees that will carry S. R. 0026, Section C02 across Spring Creek. The project is located along the western right-of-way of S. R. 0026 approximately 1.5-miles west of the intersection of S. R. 0322 and S. R. 0026 (State College, PA Quadrangle N:

13.5 inches; W: 11.0 inches) in College Township and Benner Township, **Centre County**.

**E19-182.** Encroachment. **TCBA Farms**, R. R. 5, Box 290, Bloomsburg, PA 17815. To modify, operate and maintain an existing public road crossing to enclose an unnamed tributary to Montour Run for the development of a commercial facility. The modification work shall consist of extending an existing 8.0-foot × 5.8-foot × 70.0-foot concrete arch culvert to a length of 150-feet. The extension of the culvert shall be made with a 6.0-foot diameter corrugated metal culvert pipe that is located along the western right-of-way of S. R. 0011 approximately 250-feet west of the intersection of S. R. 4004 and T-416 (Danville, PA Quadrangle N: 18.6 inches; W: 0.95 inch) in Montour Township, **Columbia County**. The project will permanently impact 0.047-acre of wetland, for which, the applicant will make a contribution to the National Fish and Wildlife Foundation, Pennsylvania Wetland Replacement Fund, in lieu of onsite replacement wetlands.

**E41-439.** Encroachment. **Keith H. Chambers**, 1523 Bloomingrove Road, Williamsport, PA 17701. To maintain fill approximately 30 feet high by approximately 40 feet in a direction perpendicular to the stream and approximately 110 feet in length in the floodway of Grafius Run (Montoursville South, PA Quadrangle N: 2.1 inches; W: 2.3 inches) in Loyalsock Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E02-1249.** Encroachment. **Findlay Township**, P. O. Box W, Clinton, PA 15026. To place and maintain fill in 0.11 acre of wetlands (PEM) on the right bank of Potato Garden Run for the purpose of constructing the Potato Garden Run Sewage Treatment Plant. The project is located just south from the intersection of Strass Road and S. R. 980 (Clinton, PA Quadrangle N: 18.6 inches; W: 9.7 inches) in Findlay Township, **Allegheny County**.

**E02-1252.** Encroachment. **County of Allegheny, Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. To remove the existing bridge (Jacks Run Bridge No. 3) and to construct and maintain a box culvert having a span of 10.0 feet with an underclearance of 9.0 feet in the channel of Jacks Run (WWF). The project is located on Brighton Road, just east from the intersection of Brighton Road and Farrgut Street (Pittsburgh West, PA Quadrangle N: 20.9 inches; W: 6.4 inches) in Ross Township and Bellevue Borough, **Allegheny County**. This permit also authorizes the construction and maintenance of the 18-inch diameter outfall structure. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E02-1255.** Encroachment. **Nancy Ann Kolosvary**, 195 Guffey Road, Elizabeth, PA 15037. To place and maintain fill in a de minimis area of wetlands (PEM), for the purpose of constructing a 91 lot single family residential development known as Golden Age Estates. The project is located along the north side of Torrence and Guffey Road approximately 0.1 mile west of their intersection with SR 0051 (Donora, PA Quadrangle N: 19.0 inches; W: 15.0 inches) in Forward Township, **Allegheny County**.

**E02-1260.** Encroachment. **West Penn Power d/b/a Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689. To operate and maintain two retaining walls,

one at Allegheny Ludlum No. 1 substation, 63' long and 19' high with rip rap along the toe, the second at Allegheny Ludlum No. 3 substation, 55.3' long and 9' high. The walls are located along the right bank of the Allegheny River (WWF) near River Mile 23.2 (New Kensington East, PA Quadrangle N: 19.5 inches; W: 14.2 inches) in Harrison Township, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E04-247.** Encroachment. **Beaver County Commissioners**, Third Street, Beaver, PA 15009. To remove the 10th Street Bridge, to operate and maintain six piers that are to remain in place, and to construct and maintain a temporary 693 foot long causeway in the Beaver River. The project is located approximately 1,800 feet upstream of the SR 18 over crossing of the Beaver River (Beaver, PA Quadrangle N: 21.8 inches; W: 9.1 inches) in the City of Beaver Falls and Borough of New Brighton, **Beaver County**.

**E56-287.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove the existing structure and to construct and maintain a two-span bridge having normal clear spans of 55.3 feet each and an underclearance of 12.9 feet across Coxes Creek (WWF) located on SR 0653, Section 003, at a point approximately 500 feet upstream of the existing structure and just east of SR 3015. Also, to permanently place and maintain fill in 0.066 acre of PEM/PSS wetlands and to temporarily place and maintain fill in .093 acre of PEM/PSS wetlands for the purpose of improving the highway alignment including replacement of the CSX railroad bridge. To compensate for wetland and stream impacts, the permittee will install stone/tip deflectors in said stream to improve fish habitat. The project includes construction and maintenance of three temporary causeways, with four 24-inch C. M. pipes for removal of the existing bridge and construction of the proposed bridge (Rockwood, PA Quadrangle N: 8.3 inches; W: 3.4 inches) in Rockwood Borough, Milford and Black Townships, **Somerset County**.

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

**E24-206.** Encroachment. **David Q. and Lorraine H. Steele**, R. R. 1, Box 96B, Wilcox, PA 15870. To construct and maintain a 3-inch diameter PVC outfall pipe from a small flow sewage treatment facility and rock riprap outlet protection along the left (south) bank of the East Branch Clarion River approximately 100 feet upstream of S. R. 1001 (Glen Hazel Road) (Glen Hazel, PA Quadrangle N: 7.5 inches; W: 15.7 inches) located in Jones Township, **Elk County**.

**E37-124.** Encroachment. **Lawrence County Commissioners**, Lawrence County Government Center, 430 Court Street, New Castle, PA 16101. To rehabilitate and maintain the Banks Covered Bridge having a span of 122 feet and an underclearance of 16 feet across Neshannock Creek on T-476 (Covered Bridge Road) approximately 1,100 feet north of S. R. 956 (New Castle North, PA Quadrangle N: 16.6 inches; W: 5.2 inches) located in Wilmington Township, **Lawrence County**.

**E42-260.** Encroachment. **Foster Township**, 1185 East Main Street, Bradford, PA 16701. To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a normal span of

11 meters and a minimum underclearance of 2.85 meters on a 48 degree skew across Kendall Creek on T-361 (Totten Hollow Road) approximately 200 meters northeast of S. R. 46 near Sawyer City (Derrick City, PA Quadrangle N: 12.3 inches; W: 12.8 inches) located in Foster Township, **McKean County**. Project includes construction and maintenance of a temporary roadway across Kendall Creek and a de minimis wetland area (0.01 hectare) consisting of six 25 meter long, 1.5 meter diameter culvert pipes and clean rock fill upstream of the existing bridge.

#### ENVIRONMENTAL ASSESSMENT

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

**EA09-004SE and EA46-001SE.** Environmental Assessment. **Pennsylvania Department of Transportation, District 6-0**, 200 Radnor-Chester Road, St. Davids, PA 19087. The Department is granting conditional approval of the Environmental Assessment for a proposal to construct and maintain a limited access expressway, beginning at a point just south of S. R. Route 63 (Ambler, PA USGS Quadrangle N: 16.5 inches; W: 17.2 inches) and ending at an interchange with S. R. Route 611 (Doylestown, PA USGS Quadrangle N: 7.9 inches; W: 1.9 inches). This expressway will run essentially parallel to a section (Section 700) of the existing U. S. Route 202, and will impact a reported 6,500 linear feet of watercourse and 16 acres of wetland. The impacted water resources are located within the West Branch Neshaminy Creek (WWF, MF), Mill Creek (TSF, MF), Little Neshaminy Creek (WWF, MF) and Neshaminy Creek (TSF, MF) watersheds. The expressway will be located through portions of the Townships of Lower Gwynedd, Upper Gwynedd and Montgomery within Montgomery County, and the Townships of Doylestown and Warrington within **Bucks County**. PennDOT will be developing a mitigation plan to compensate for the proposed impacts to wetlands and watercourses.

[Pa.B. Doc. No. 99-461. Filed for public inspection March 19, 1999, 9:00 a.m.]

#### Availability Of Guidance

Guidance Documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1999 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1999.

#### Ordering Paper Copies Of DEP Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the

appropriate bureau for more information about the availability of a particular document as a publication.

#### Changes To Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

#### Draft Guidance

DEP ID: 015-0900-001 Title: Use of DEP Personal Computers by Local Procurement Units Description: DEP has specific responsibilities to promote and support environmental education throughout the Commonwealth, including computer-based training. This policy provides guidance to DEP organizational units wishing to provide personal computers to be used for environmental education in selected activities. The policy also describes procurement requirements and a user agreement for personal computers. Comment Period Closes: April 20, 1999 Anticipated Effective Date: May 20, 1999 Contact: Ken Giffhorn at (717) 787-7193, or questions and comments can be E-mailed to [Giffhorn.Kenwood@dep.state.pa.us](mailto:Giffhorn.Kenwood@dep.state.pa.us)

#### Final Guidance—Minor Revision

DEP ID: 362-2200-001 Title: Guidelines for the Development and Implementation of Environmental Emergency Response Plans Description: This document is a compilation of instructions from various programs on writing emergency response plans, including minor revisions to the August, 1997 publication. Effective Date: March 20, 1999 Contact: R. B. Patel at (717) 787-8184.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-462. Filed for public inspection March 19, 1999, 9:00 a.m.]

#### Pennsylvania Bituminous Mine Safety Advisory Committee; Meeting Change

The April 14 meeting of the Pennsylvania Bituminous Mine Safety Advisory Committee has been deferred until July 14 at 10 a.m. The meeting will be held in the Fayette County Health Center in Uniontown.

Questions concerning this meeting can be directed to Allison Trader at (724) 439-7289 or e-mail to [Trader.Allison@al.dep.state.pa.us](mailto:Trader.Allison@al.dep.state.pa.us). The agenda and meeting materials will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Allison Trader directly at (724) 439-7289 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. 99-463. Filed for public inspection March 19, 1999, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Construction Manager; Request for Proposal

The Department of General Services plans to retain six Construction Managers for Public Works construction regions (two each for the Western Region, Central Region and Eastern Region). Selected project tasks will be assigned to the retained Construction Managers by Public Works. The Construction Manager may be assigned responsibility in matters relating to costs, schedules, value engineering, constructibility reviews and construction administration. It is advised that there is no guarantee the Construction Manager services will be used. No minimum compensation is guaranteed or implied by virtue of this contract.

The Department of General Services is seeking interested firms to submit sealed proposals for consideration for the following project:

**DGS 1999-1 RCM**—Regional Construction Manager, Department of General Services Construction Regions

*RFP Price*—\$25 (Includes PA Sales Tax) per RFP. Checks must be made payable to the Commonwealth of PA. This price is nonrefundable. Requests for the RFP should be mailed to The Department of General Services, Bureau of Professional Selections and Administrative Services, Room 107, Headquarters Building, 18th & Herr Streets, Harrisburg, PA 17125. Contact Bidders Services at (717) 787-3923 or <http://www.dgs.state.pa.us> for the names of those who have secured the RFP.

*Pre-Proposal Questions*—All questions pertaining to this RFP must be received by fax by 5 p.m., April 6, 1999. Inquiries received after this time and date will not be considered. Address questions to Thomas Rados, fax (717) 772-2036.

All proposals are due Tuesday, April 20, 1999 no later than 2 p.m., in Room 107, Headquarters Building, 18th & Herr Streets, Harrisburg, PA 17125. Responses received after this due date and time will be returned unopened.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 99-464. Filed for public inspection March 19, 1999, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Availability of the Workforce Investment Act Title I Plan for Review and Comment by the Public

On behalf of the Governor, the Department of Labor and Industry is publishing a notification of availability of the Workforce Investment Act Title I Plan for review and comment by the public. The Title I plan covers the period of July 1, 1999, through June 30, 2005. The Title I Plan is an attachment to the Pennsylvania Workforce Development Unified Plan which must be submitted on or before April 1, 1999, to implement the Workforce Investment Act on July 1, 1999.

The Title I Plan describes how funds allocated to the Commonwealth from the Federal government under the Workforce Investment Act will be used to serve adults, youth and dislocated workers. It provides the Commonwealth with the opportunity to link employment and training activities and economic development activities to build a strong workforce development system. The Plan describes the Team Pennsylvania Career Link's role as the service delivery system for all funds allocated to the local areas through the Workforce Investment Act.

Parties interested in reviewing the Workforce Investment Act Title I plan should contact Timothy Bittle, Executive Assistant to the Deputy Secretary of Workforce Development and Safety, Department of Labor and Industry, 17th Floor Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120 at (717) 705-2630. Comments on the Title I Workforce Investment Act Plan should be forwarded to Timothy Bittle by March 26, 1999.

JOHNNY BUTLER,  
*Secretary*

[Pa.B. Doc. No. 99-465. Filed for public inspection March 19, 1999, 9:00 a.m.]

### Current Prevailing Wage Act Debarments

The contractors referenced within this notice have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these persons and firms, or any firms, corporations or partnerships in which the persons and firms have an interest, shall be awarded no contract for 3 years after the date listed.

JOHNNY J. BUTLER,  
*Secretary*

	<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
1.	Edward Schench, Jr., t/a Déjà Vu Mechanicals	600A Creamery Road Nazareth, PA 18064 -and/or- Route 2, Box 147 Easton, PA 18042	03/29/96

## NOTICES

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	<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
2.	John C. Fekos, d/b/a John C. Fekos, Painting (Fed. ER Tax ID No. 25-1344589)	3057 Texas Avenue Pittsburgh, PA 15216	05/02/96
3.	Yialouris Painting Co. Inc., and Paul Yialouris	P. O. Box 11556 Pittsburgh, PA 15238 -and/or- 7001 Craig Drive Murrysville, PA 15668-9409 -and/or- 461 Dover Drive Pittsburgh, PA 15278 -and/or- 740 Providence Road Pittsburgh, PA 15239	05/31/96
4.	Spadafora Corporation and Paul Spadafora (Fed. ER Tax ID Nos. 25-1644399 -and- 25-1231136)	4073 Route 8 Allison Park, PA 15101	06/05/96
5.	M.D.A. Mechanical Contractors, Inc. and August McRandal (Fed. ER Tax ID No. 25-1429715)	305 Freeport Road Pittsburgh, PA 15215	06/28/96
6.	Neutron Electric, Inc. (Fed. ER Tax ID No. 23-2063311)	3611 Edgemont Street Philadelphia, PA 19134	06/28/96
7.	Gary Roccograndi, d/b/a Roccograndi Power Kleen Co. (Fed. ER Tax ID No. 23-2407840)	P. O. Box 1823 Kingston, PA 18704	09/30/96
8.	Richard L. Knupp, d/b/a Richard L. Knupp & Associates, a/k/a Rick Knupp Associates	R. D. 1 Stahlstown, PA 15867 -and/or- 200 West Second Street Derry, PA 15627	10/02/96
9.	Larry E. Patterson, d/b/a L. E. Patterson Construction Co. (Fed. ER Tax ID No. 23-2329358)	2034 North Fifth Street Harrisburg, PA 17102-1511 -and/or- P. O. Box 5269 Harrisburg, PA 17110-0269	11/26/96
10.	Jay Reed, d/b/a Jay Reed Concrete Finishing Company (Fed. ER Tax ID No. 25-1247205)	R. D. 1, Box 358A Hopewell, PA 16650	01/08/97
11.	Michael R. Olson, t/a Olson Contracting & Construction Company	18 Conewago Avenue Warren, PA 16365	03/26/97
12.	Blue Eagle Construction (Fed. ER Tax ID No. 25-1725623)	4830 Hatfield Street Pittsburgh, PA 15201 -and/or- 44 McKnight Street Pittsburgh, PA 15201	06/13/97
13.	Rindfuss Electric, Inc., and Rick L. Rindfuss (Fed. ER Tax ID No. 25-1590897)	12180 Angling Road Edinboro, PA 16413	08/18/97



	<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
14.	Boss Insulation & Roofing, Inc., and W. Max Bossert, Jr. (Fed. ER Tax ID Nos. 23-2410800, 23-2079872)	R. D. #3, Box 174B Lewisburg, PA 17837	10/20/97
15.	Larry Hager, Peggy Hager, d/b/a P. H. Trucking	7241 West Brady Lane Homassaso, FL 34446	11/20/97
16.	Walter Gay, d/b/a Wayne Painting	411 Caldwell Avenue Wilmerding, PA 15148	12/09/97
17.	Eltech, Inc. d/b/a Eagle Interiors (Fed. ER Tax ID Nos. 25-1611906, 25-1620224) -and- Eldin W. Fox, Jr. (Fed. ER Tax ID No. 25-1331625) and Brenda K. Fox	P. O. Box 546 Bashford Acres, R. D. 12	01/07/98
18.	Plumb-Town, Inc. and Lawrence DiCicco (Fed. ER Tax ID 23-2494553)	237—421 Tasker St. P. O. Box 18095 Philadelphia, PA 19147 -and/or- 95 Greensward Cherry Hill, PA 08022	02/04/98
19.	Ellen F. Lynch and Allyn L. Lynch	Professional Complex Suite 100 15 Forbes Road Trafford, PA 15085	02/20/98
20.	Insulated Systems, Inc. (Fed. ER Tax ID 25-1650693)	4734 Pittsburgh Avenue Erie, PA 16509	03/26/98
21.	Pedos Painting Company, Inc. (Fed. ER Tax ID No. 25-1412723)	229 Wainwright Drive McKeesport, PA 15132	04/16/98
22.	Willie Walker, t/a Walker Construction Co.	1550 Fireside Road York, PA 17404	04/17/98
23.	Kazdal Construction Co. Inc., and Louis Kazdal	191 La Costa Drive P. O. Box 1482 Blackwood, NJ 08012	05/15/98
24.	Gregg Uliano	3465 Central Avenue Huntingdon Valley, PA 19006-4128	06/03/98
25.	J. Demby, Sr., Enterprises and Joseph E. Demby, Sr. (Fed. ER Tax ID No. 22-3214361)	848 Rancocas Road Mount Holly, NJ 08060	06/12/98
26.	Irwin Pearlman, a/k/a Irv Pearlman, individually, and d/b/a Pearlman Demolition (Fed. ER Tax ID No. 25-1593522)	5841 Morrowfield Avenue Pittsburgh, PA 15217	08/17/98
27.	Spadafora Corporation and Paul Spadafora (Fed. ER Tax ID Nos. 25-16444399 -and- 25-1231136)	4073 Route 8 Allison Park, PA 15101	08/17/98

	<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
28.	Marker & Son, Ltd., Thomas Marker (Fed. ER Tax ID No. 23-2706523)	3273 Gun Club Road Nazareth, PA 18064 -and/or- 251 Lynwood Road Wind Gap, PA 18091	08/26/98
29.	David Butters, d/b/a DMB Architectural Hardwre (Fed. ER Tax ID No. 23-2404815)	513 Cemetery Street Williamsport, PA 17701 -and/or- 123 Aberdeen Road Williamsport, PA 17701	08/27/98
30.	Klondike Insulation, Inc., (Fed ER Tax ID ID No. 25-1703833) -and- Paul Guzan (Fed ER Tax ID No. 25-1727730)	3025 Washington Road McMurray, PA 15317 -and- 509 Clubview Drive McMurray, PA 15317	10/28/98
31.	Construction Design Technology, Inc. (Fed. ER Tax ID No. 23-2676903)	34 Hanover Court Langhorne, PA 19047	12/08/98

[Pa.B. Doc. No. 99-466. Filed for public inspection March 19, 1999, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania 9's In A Line Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 9's In A Line.

2. *Price:* The price of a Pennsylvania 9's In A Line instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania 9's In A Line instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$19<sup>00</sup> (NINTN), \$29\$ (TWY NIN), \$99\$ (NTY NIN) and \$9,000 (NIN THO). The prize play symbols and their captions located in the "Fast \$9" area are: \$9 (NINE) and NO BONUS (NO BONUS).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$9, \$19, \$29, \$99 and \$9,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,760,000 tickets will be printed for the Pennsylvania 9's In A Line instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of 9 (NINE) in the same row, column or diagonal, and a

prize play symbol of \$9,000 (NIN THO) in the "Prize" area, on a single ticket, shall be entitled to a prize of \$9,000.

(b) Holders of tickets with three matching play symbols of 9 (NINE) in the same row, column or diagonal, and a prize play symbol of \$99\$ (NTY NIN) in the "Prize" area, on a single ticket, shall be entitled to a prize of \$99.

(c) Holders of tickets with three matching play symbols of 9 (NINE) in the same row, column or diagonal, and a prize play symbol of \$29\$ (TWY NIN) in the "Prize" area, on a single ticket, shall be entitled to a prize of \$29.

(d) Holders of tickets with three matching play symbols of 9 (NINE) in the same row, column or diagonal, and a prize play symbol of \$19<sup>00</sup> (NINTN) in the "Prize" area, on a single ticket, shall be entitled to a prize of \$19.

(e) Holders of tickets with a prize play symbol of \$9 (NINE) in the "Fast \$9" area, on a single ticket, shall be entitled to a prize of \$9.

(f) Holders of tickets with three matching play symbols of 9 (NINE) in the same row, column or diagonal, and a prize play symbol of \$5<sup>00</sup> (FIV DOL) in the "Prize" area, on a single ticket, shall be entitled to a prize of \$5.

(g) Holders of tickets with three matching play symbols of 9 (NINE) in the same row, column or diagonal, and a prize play symbol of \$3<sup>00</sup> (THR DOL) in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3.

(h) Holders of tickets with three matching play symbols of 9 (NINE) in the same row, column or diagonal, and a prize play symbol of \$2<sup>00</sup> (TWO DOL) in the "Prize" area, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with three matching play symbols of 9 (NINE) in the same row, column or diagonal, and a prize play symbol of \$1<sup>00</sup> (ONE DOL) in the "Prize" area, on a single ticket, shall be entitled to a prize of \$1.

(j) A prize will be paid only for the highest Pennsylvania 9's In A Line instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get Fast \$9 or Three 9's In Any Row, Column or Diagonal With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,760,000 Tickets</i>
\$1	\$1	1:8.82	652,800
\$2	\$2	1:15	384,000
\$3	\$3	1:75	76,800
\$5	\$5	1:150	38,400
Fast \$9	\$9	1:60	96,000
\$19	\$19	1:300	19,200
\$29	\$29	1:600	9,600
\$99	\$99	1:8,000	720
\$9,000	\$9,000	1:960,000	6

Fast \$9 = Win \$9 Automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 9's In A Line instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 9's In A Line, prize money from winning Pennsylvania 9's In A Line instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 9's In A Line instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 9's In A Line or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 99-467. Filed for public inspection March 19, 1999, 9:00 a.m.]

**Pennsylvania \$25,000 Diamonds Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$25,000 Diamonds.

2. *Price:* The price of a Pennsylvania \$25,000 Diamonds instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania \$25,000 Diamonds instant lottery game ticket will contain one play area.

The play symbols and their captions located in the play area are: Diamond Symbol (DIAMND), Club Symbol (CLUB), Spade Symbol (SPADE) and Heart Symbol (HEART).

4. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$10, \$15, \$25, \$50, \$75, \$100, \$500 and \$25,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 5,040,000 tickets will be printed for the Pennsylvania \$25,000 Diamonds instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with ten Diamond Symbol (DIAMND) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets with nine Diamond Symbol (DIAMND) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with eight Diamond Symbol (DIAMND) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with seven Diamond Symbol (DIAMND) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$75.

(e) Holders of tickets with six Diamond Symbol (DIAMND) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets with five Diamond Symbol (DIAMND) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets with four Diamond Symbol (DIAMND) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$15.

(h) Holders of tickets with three Diamond Symbol (DIAMND) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets with two Diamond Symbol (DIAMND) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets with one Diamond Symbol (DIAMND) play symbol in the play area, on a single ticket, shall be entitled to a prize of \$2.

(k) A prize will be paid only for the highest Pennsylvania \$25,000 Diamonds instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
1 Diamond	\$2	1:6.25	806,400
2 Diamonds	\$5	1:15	336,000
3 Diamonds	\$10	1:150	33,600
4 Diamonds	\$15	1:150	33,600
5 Diamonds	\$25	1:75	67,200
6 Diamonds	\$50	1:1,200	4,200
7 Diamonds	\$75	1:6,000	840
8 Diamonds	\$100	1:30,000	168
9 Diamonds	\$500	1:120,000	42
10 Diamonds	\$25,000	1:1,008,000	5

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$25,000 Diamonds instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$25,000 Diamonds, prize money from winning Pennsylvania \$25,000 Diamonds instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$25,000 Diamonds instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$25,000 Diamonds or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 99-468. Filed for public inspection March 19, 1999, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

#### *Addendum*

The Department of Transportation, Bureau of Motor Vehicles, under the authority of Section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), published at 28 Pa.B. 6355 on December 26, 1998, a notice of approved speed-

timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

#### *Cancellation*

As an addendum to the listing of approved Official Speedometer Testing Stations, the Department hereby gives notice of the cancellation of the following station:

Billy, The Speedometer Man, 4800 North Marvine Street, Philadelphia, Philadelphia County, Pa. 19141 (Ap-pointed: 06/20/73, Station S52).

Comments, suggestions or questions may be directed to Barb Tomassini, Manager, Inspection Processing Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 28 Pa.B. 6355 (December 26, 1998) and 29 Pa.B. 379 (January 16, 1999).

BRADLEY L. MALLORY,  
Secretary

[Pa.B. Doc. No. 99-469. Filed for public inspection March 19, 1999, 9:00 a.m.]

### Application for Lease of Right-of-Way

#### District 4-0

The Department of Transportation, pursuant to the authority contained in Section 2002(c) of the Administrative Code (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by GH Property Development Assoc., L.P. of 20 Erford Road, Lemoyne, PA seeking to lease highway right-of-way located at 7th Ave. between Linden & Mulberry Sts., City of Scranton, Lackawanna County 3.119 acres ±, adjacent to SR 3027 Section(s) 270R/W, for purposes of retail development with parking, etc.

Interested persons are invited to submit, within thirty (30) days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Charles M. Mattei, P.E., District Engineer, Engineering District 4-0.

Questions regarding this application or the proposed use may be directed to: Rollin R. Keisling, Dist. Right-of-Way Admin., P. O. Box 111, Scranton, PA 18501, (570) 963-4038.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-470. Filed for public inspection March 19, 1999, 9:00 a.m.]

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### Finding

#### Centre County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing narrow and deteriorated concrete culvert that carries SR 550 over Halfmoon Creek in Halfmoon Township, Centre County. This project will require the acquisition of 0.21 hectares (0.51 acres) of right of way from the Hall Farm property, which has been determined eligible for listing on the National Register of Historic Places. The effect of this project on the Hall Farm property will be mitigated by the mitigation measures outlined in the Categorical Exclusion Evaluation/Section 2002 Evaluation.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no prudent and feasible alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-471. Filed for public inspection March 19, 1999, 9:00 a.m.]

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### Finding

#### Lehigh County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to construct 1.3 miles of new roadway on new alignment connecting the eastern terminus of the existing relocated Center Valley Parkway with S. R. 0378 in Upper Saucon Township, Lehigh County. The project will require the acquisition of right-of-way from the Ueberroth Zinc Mine Historic District. The effect of this project on the Ueberroth Zinc Mine Historic District will be mitigated by recordation as outlined in the Memorandum of Agreement between the Philadelphia District, U. S. Army Corps of Engineers and the Pennsylvania State Historic Preservation Officer, and accepted by the Advisory Council on Historic Preservation on January 11, 1999.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have con-

cluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the construction of this highway.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-472. Filed for public inspection March 19, 1999, 9:00 a.m.]

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### Retention of Engineering Firms

#### Bucks, Chester, Delaware, Montgomery and Philadelphia Counties Project Reference No. 08430AG2306

The Department of Transportation will retain an engineering firm for four (4) separate Open-End Contracts for various engineering services for various projects located in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties in Engineering District 6-0. The Contracts will be for a sixty (60) month period with projects assigned on an as needed basis. The required services may encompass a wide range of design efforts with the possibility of several different types of projects having short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacements or bridge rehabilitations with minor approach work, roadway betterments (3R Type), Capital Improvement Projects (bridges or roadways), and minor alignment studies. The maximum amount of each Open-End Contract will be \$750 thousand.

The firm may be required to perform any or all of the following engineering services: attend field views and prepare minutes; prepare submissions for field views and safety review meeting; field surveys; plot topography and cross sections; prepare submissions and materials necessary for the Department to prepare the application to Public Utility Commission (PUC) for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during project design; develop erosion control details and narrative; design right-of-way plans; prepare Type, Size, and Location reports; prepare hydraulic report for waterway approval; prepare bridge drawings; traffic control plans and narrative; procure core borings, provide the soil and foundation engineering report; investigate utility and property involvement; prepare and disseminate right of entry letters; prepare prints and information required for a value engineering review; make the necessary investigations and adjustments to the design as a result of the value engineering review comments; make all necessary contact with railroad officials for any railroad-related costs estimates, permits, insurance, approvals, and other required information; collect traffic signal timing and accident data; performed traffic counts and speed delay studies; prepare plans for signal design and implementation of signal interconnections; evaluate alternatives using benefit/cost analysis; document study activities and findings; and prepare construction plans, specifications and estimates.

The format and content of all documents, plans and specifications will consist with applicable State and Federal regulations and guidelines.

The Department will establish an order of ranking of a minimum of seven (7) firms for the purpose of negotiating

four (4) Open-End Contracts based on the Departments evaluation of the acceptable letters of interest 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. Specialized experience and technical competence of firm.
- b. Available staffing for this assignment.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals who constitute the firms shall be considered.
- d. Relative size of firm to size of projects that may be completed under these Contracts.

The engineering services identified above are the general work activities that can be expected under these Open-End Contracts. A more specific and project-related scope of work will be outlined for each individual Work Order developed under these Open-End Contracts.

This project is a non-complex project.

The letter of interest will be a maximum of three (3) pages, 8 1/2 x 11, one sided, plus an organization chart, up to 11 x 17 size.

The letter of interest and required information for this project must be received within twenty (20) calendar days of this Notice.

The Deadline for receipt of a letter of interest at the address below is 4:30 p.m. prevailing time on the twentieth day.

The letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Andrew Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to: Mr. Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6526.

**Bucks, Chester, Delaware, Montgomery and  
Philadelphia Counties  
Project Reference No. 08430AG2307**

The Department of Transportation will retain an engineering firm for two (2) separate Open-End Contracts for various environmental studies for various projects located in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties in Engineering District 6-0. The Contracts will be for a sixty (60) month period with projects assigned on an as needed basis. The required services may encompass a wide range of design efforts with the possibility of several types of projects having short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacements or bridge rehabilitations with minor approach work, roadway betterments (3R Type), Capital Improvement Projects (bridges or roadways), and minor alignment studies. The maximum amount of each Open-End Contract will be \$1.0 million.

The selected firm will be required to provide environmental services to identify and assess the following: historic and archaeological resources, regional and community growth; land use and development patterns;

wildlife habitat; wetlands; floodplains; surface water and groundwater; vegetation; farmlands; geological resources; noise and air quality; parks and recreational; noise and air quality; parks and recreational facilities; emergency service, health, and educational facilities; utility locations; residential and commercial property values; hazardous waste; aquatic resources; national natural landmarks; vibration; aesthetics and visual qualities; and construction impacts.

The environmental studies will be conducted to prepare an environmental document in accordance with accepted analysis techniques and methodologies.

The selected firm will be required to perform the following to insure that a complete environmental investigation has been performed: provide all necessary environmental services; material and equipment necessary to collect, analyze and organize data; assess impacts; conduct agency and public involvement activities; and prepare reports and mitigation plans. The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; project need; preliminary alternatives analysis; meeting minutes, newsletters; mailing lists; public meetings and hearings; handouts and displays; NEPA environmental documents;

Section 106 documents; Section 4(f) evaluation; mitigation plans and reports; hazardous waste mitigation plans; PADEP permits, Corps of Engineers 404 permits; formulating and participating in public involvement program; and coordinating the development of the study with various agencies and special interest groups.

The format and content of all documents, plans and specifications will consist with applicable State and Federal regulations and guidelines.

The Department will establish an order of ranking of a minimum of five (5) firms for the purpose of negotiating two (2) Open-End Contracts based on the Departments evaluation of the acceptable letters of interest 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. Specialized experience and technical competence of firm.
- b. Available staffing for this assignment.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals who constitute the firms shall be considered.
- d. Relative size of firm to size of projects that may be completed under these Contracts.

The environmental studies identified above are the general work activities that can be expected under these Open-End Contracts. A more specific and project-related scope of work will be outlined for each individual Work Order developed under these Open-End Contracts.

This project is a non-complex project.

The letter of interest will be a maximum of three (3) pages, 8 1/2 x 11, one sided, plus an organization chart, up to 11 x 17 size.

The letter of interest and required information for this project must be received within twenty (20) calendar days of this Notice.

The Deadline for receipt of a letter of interest at the address below is 4:30 p.m. prevailing time on the twentieth day.

The letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Andrew Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to: Mr. Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6526.

**Chester County**  
**Project Reference No. 08430AG2308**

The Department of Transportation will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Chester County in Engineering District 6-0. The Contract will include roadway and bridge construction projects. The Contract will be for a period of sixty (60) months, with a maximum cost of \$1.0 million.

It is anticipated that a maximum supplementary construction inspection staff of fifteen (15) inspectors will be required for this assignment.

This is a non-complex project.

Letters of interest will be limited to three (3) pages, 8 1/2 x 11, one sided, plus an organizational chart and any additional resumes.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Review of inspectors' resumes with emphasis on construction inspection capabilities. Department and District experience and supervisory experience.

b. Any specialized experience in asphalt paving, structures, concrete, drainage, paint inspection and Maintenance and Protection of Traffic.

c. Number of NICET and NECEPT certified inspectors in each payroll classification.

d. Understanding of Department's requirements, policies, and specifications.

e. Ability to provide CPM scheduling, (TCM-1 Classification).

f. Ability to provide a "CDS" operator or someone capable of inputting data into a personal computer, (TCIS Classification).

g. Past Performance

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.

A minimum of four (4) individuals submitted as part of your inspection staff must have a NECEPT Bituminous Field Technician Certification.

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 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	6 (4)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	3 (1)
NACE Intermediate Coating Inspector	1 (0) **
NACE Basic Coating Inspector	1 (0) **

\*\* These two specialized classifications will be used for bridge painting inspection. Under these classifications, the selected firm must provide lead abatement training for these employees prior to any job assignment. In addition, the firm must establish, implement and maintain an effective employee medical surveillance in accordance with 29 CFR 1926 throughout the duration of this inspection.

These two specialized classifications will have the following requirements:

1. NACE Intermediate Coating Inspector Training/or equivalent.

The inspector for the above NACE Intermediate Coating Inspector Training category shall have completed at least 80% of the required credits for this NACE category or equivalent training; also, shall have a minimum of five (5) years coating inspection experience on heavy industrial or highway projects; also, shall have a minimum of one (1) year experience of coatings inspection on a lead removal project where air monitoring, blood monitoring, containment and disposal of lead debris were performed; also, shall be knowledgeable in OSHA 1926.62 (lead) regulations, applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025) shall also be capable of "climbing" on high bridge members to perform coatings inspection; shall be capable of supervising/training lower level coatings inspectors (both consultant and state) if necessary. He shall also complete EPA accredited training for lead removal (Title X, Sections 402 and 404).

2. NACE Basic Coating Inspector Training/or equivalent.

The inspector for the NACE Basic Coating Inspector shall have completed at least 80% of the required credits for this category or equivalent training also, shall have a minimum of three (3) years coating inspection experience on heavy industrial or highway project; also, shall have a minimum of six (6) months experience on lead removal project; also shall be knowledgeable in OSHA 1926.62

(lead regulations) applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025); shall also be capable of "climbing" on high bridge members to perform coatings inspection; shall also be capable of working with state inspectors; shall also complete EPA accredited training for lead removal (Title X, Sections 402 and 404).

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$46.27
(TCIS)	\$40.54
(TCI)	\$35.47
(TA)	\$24.39
NACE Intermediate Coating Inspector	\$59.90
NACE Basic Coating Inspector	\$52.08

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- a. Paint Test Kits per project as may be required.

- b. Two-way Radios per project as may be required.
- c. Cellular Phone per project as may be required.
- d. 35 MM camera per project.
- e. Safety vests—high visibility for inspectors.

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	7
NACE Intermediate	2
NACE Basic	2

No resumes are required for the TA Classification.

This project is a non-complex project.

The letter of interest will be a maximum of three (3) pages, 8 1/2 x 11, one sided, plus an organizational chart, up to 11 x 17 size.

The letter of interest and required information for this project must be received within twenty (20) calendar days of this Notice.

The Deadline for the receipt of the letter of interest at the address below is 4:30 p.m. prevailing time on the twentieth day.

The letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. Andrew Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to: Mr. Russell Swallow, District 6-0, at (610) 964-6686.

**Bradford, Tioga, Lycoming, Sullivan, Columbia, Montour, Northumberland, Snyder and Union Counties**

**Project Reference No. 08430AG2309**

The Department of Transportation will retain two (2) engineering firms for two (2) separate Open-End Contracts to perform various engineering and/or environmental services on various projects located in Engineering District 3-0, that is Bradford, Tioga, Lycoming, Sullivan, Columbia, Montour, Northumberland, Snyder & Union Counties. Each Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of each Open-End Contract will be \$500 thousand.

The Department will establish an order of ranking of a minimum of five (5) firms for the purpose of negotiating two (2) Open-End Contracts based on the Department's evaluation of the 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. Past performance of firm with respect to quality of work, administrative and cost controls, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals who constitute the firm shall be considered.
- b. Available staffing for anticipated assignments.



- c. Specialized experience and technical competence of firm.
- d. Location of consultant in relation to the District.
- e. Resumes of key personnel.
- f. Relative size of firm to size of projects that may be completed under these Contracts.
- g. Capability for fast response time.

The work and services required under these Contracts may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under these Contracts include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under these Contracts may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations; The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under these Open-End Contracts. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under this Open-End Contract.

This project is a non-complex project.

The letter of interest will be a maximum of three (3) pages, 8 1/2 x 11, one sided, plus an organizational chart, up to 11 x 17 size.

The letter of interest and required information for this project must be received within six (6) calendar days of this Notice.

The Deadline for receipt of a letter of interest at the above address is 4:30 p.m. prevailing time on the sixth day.

The letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Paul E. Heise, P.E., District Engineer, District 3-0, 715 Jordan venue, Montoursville, PA 17754.

Any technical questions concerning the requirements for this project should be directed to: Mr. Gary Williams, P.E., District 3-0, at (717) 368-4391.

**Bradford, Tioga, Lycoming, Sullivan, Columbia,  
Montour, Northumberland, Snyder and Union  
Counties**

**Project Reference No. 08430AG2310**

The Department of Transportation will retain an engineering firm for one (1) Open-End Contracts to perform various environmental and/or engineering services on various projects located in Engineering District 3-0, that is Bradford, Tioga, Lycoming, Sullivan, Columbia, Montour, Northumberland, Snyder & Union Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of this Open-End Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating one (1) Open-End Contract based on the Department's evaluation of the 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. Past performance of firm with respect to quality of work, administrative and cost controls, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals who constitute the firm shall be considered.
- b. Available staffing for anticipated assignments.
- c. Specialized experience and technical competence of firm.
- d. Location of consultant in relation to the District.
- e. Resumes of key personnel.
- f. Relative size of firm to size of projects that may be completed under these Contracts.
- g. Capability for fast response time.

The work and services required under this Contract may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor

capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under this Contract include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under this Contract may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations; The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under this Open-End Contract.

This project is a non-complex project.

The letter of interest will be a maximum of three (3) pages, 8 1/2 x 11, one sided, plus an organizational chart, up to 11 x 17 size.

The letter of interest and required information for this project must be received within six (6) calendar days of this Notice.

The Deadline for receipt of a letter of interest at the above address is 4:30 p.m. prevailing time on the sixth day.

The letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Paul E. Heise, P.E., District Engineer, District 3-0, 715 Jordan venue, Montoursville, PA 17754.

Any technical questions concerning the requirements for this project should be directed to: Mr. Christopher D. King, District 3-0, at (570) 368-4255.

**Allegheny County  
Project Reference No. 08430AG2311**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately seven (7) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects:

1. S. R. 0088, Sections 40M and 042, Allegheny County Local Name: Library Road and Bridge This project involves bridge replacement and roadway reconstruction including drainage, walls, signalization, channelization and guiderail.

2. S. R. 2057, Section A02, Allegheny County Local Name: Mossie Blvd. At Old William Penn This project involves widening and reconstruction for additional turning lanes, concrete curb/gutter, superelevation correction, shoulders, drainage improvements, driveway adjustments, signalization and pavement markings. Also included is the relocation of School Drive and Haymaker Road.

These projects have been determined to be non-complex. The letter of interest shall be limited to three (3) pages, 8 1/2 x 11, one sided; plus an organizational chart; and resumes indicated below.

The letter of interest must be received by the District Office by 4:30 p.m. prevailing time on the sixth (6th) calendar day after this announcement.

The Deadline for receipt of a letter of interest at the above address is 4:30 p.m. prevailing time on the sixth day.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.

b. Understanding of Department's requirements, policies, and specifications.

c. Past Performance.

d. Number of NICET certified inspectors in each payroll classification.

e. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	3 (2)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification. The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$40.54
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; one (1) inspector certified in computer documentation and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License \*
- 1 Paint Test Kit
- 1 Vehicle for the Transportation of Nuclear Gauge \*
- 5 Two-Way Radios

\* at point of need when needed

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	3
TCI	4

No resumes are required for the TA Classification.

The letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. Raymond S. Hack, P.E., District Engineer, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Any technical questions concerning the requirements for this project should be directed to: Mr. Bob Collins, P.E., District 11-0, at (412) 429-4928.

**Beaver County  
Project Reference No. 08430AG2312**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately ten (10) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects:

1. S. R. 0030, Section B05, Beaver County Local Name: Lincoln Highway Bridge over Little Traverse Creek This project involves the replacement of existing structure, widening and resurfacing of existing roadway, drainage, guiderail, and temporary traffic signals to maintain traffic during construction.
2. S. R. 0018, Section B19, Beaver County Local Name: S. R. 0018 Monaca Resurface This project involves reconstruction of concrete pavement in Monaca Borough Resurfacing concrete pavement patching, guiderail/traffic signal upgrades.
3. S. R. 0068, Section B03, Beaver County Local Name: T. R. 68/Wolf Barclay This project involves widening and resurfacing, realignment and reconstruction, concrete arch extension, bridge replacement with 10' x 22' R. C. Box Culvert, temporary signals, drainage, guiderail, resurfacing with gyratory volumetric paving.

These projects have been determined to be non-complex. The letter of interest shall be limited to three (3) pages, 8 1/2 x 11, one sided; plus an organizational chart; and resumes indicated below.

The letter of interest and required information for this project must be received within six (6) calendar days of this Notice.

The letter of interest must be received by the District Office by 4:30 p.m. prevailing time on the sixth (6th) calendar day after this announcement.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- b. Understanding of Department's requirements, policies, and specifications.
- c. Past Performance.
- d. Number of NICET certified inspectors in each payroll classification.
- e. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	3 (3)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	5 (4)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
- 5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$40.54
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; three (3) inspectors certified in computer documentation and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 2 Nuclear Densometer Gauges/License \*
- 2 Vehicles for the Transportation of Nuclear Gauges \*
- 10 Two-Way Radios

\* at point of need when needed

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	4
TCI	6

No resumes are required for the TA Classification.

The letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. Raymond S. Hack, P.E., District Engineer, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Any technical questions concerning the requirements for this project should be directed to: Mr. Bob Collins, P.E., District 11-0, at (412) 429-4928.

**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 requests 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.

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*.

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 maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-473. Filed for public inspection March 19, 1999, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Consideration of Changes to Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the new guidelines, a notice concerning the proposed designation or redesignation of a stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on May 2 and 3, 1999, the Commission will consider designating the following stream section and lake as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2000:

#### *58 Pa. Code § 65.6. Delayed Harvest Artificial Lures Only Areas*

The Commission will consider designating the following water as regulated and managed under the Delayed Harvest Artificial Lures Only Program:

County	Water on which located	Description
Bradford	Schrader Creek	1.2 mile section from 100 yards downstream of the confluence of Bull Run upstream to the boundary of State Game Land #36

#### *58 Pa. Code § 65.9. Big Bass Special Regulations*

The Commission will consider designating the following lake as regulated and managed under the Big Bass Special Regulations and adding it to the list of waters subject to these regulations (58 Pa. Code § 65.9):

County	Water
Greene	Duke Lake (formerly known as Ryerson Station Lake)
Westmoreland	Mammoth Lake

At this time, the Commission is soliciting public input concerning these designations. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 by no later than April 19, 1999.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-474. Filed for public inspection March 19, 1999, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the Regulatory Review Act (75 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
59-06	Office of Attorney General Dog Purchaser Protection	3/4/99	11/23/00

(Notice of proposed rulemaking published at 28 Pa.B. 5343 (October 24, 1998))

*Office of Attorney General Regulation No. 59-6  
Dog Purchaser Protection  
March 4, 1999*

We have reviewed this proposed regulation from the Office of Attorney General (OAG) and submit for your consideration the following objections and recommendations. Section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to reasonableness, consistency with statutes, and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

*1. Section 309.1. Definitions.—Consistency with Statute and Clarity.*

The proposed language in the definition of “kennel” will limit application of the regulation to breeding kennels. This is inconsistent with both the Dog Law and Act 27 of 1997 (Act 27). The word “breeding” should be deleted from the section’s definition of “kennel.”

The regulation does not define “veterinarian.” Section 9.3(i) of the Unfair Trade Practices and Consumer Protection Law (Law) as amended by Act 27 (73 P. S. § 201-9.3(i)) defines the term as “an individual licensed under the laws of this Commonwealth or any other state to practice veterinary medicine and surgery.” A reference to the statutory definition should be in the regulation. For dog owners living near or along Pennsylvania’s borders, the closest veterinarian may be licensed in another state. This will alert these purchasers that their out-of-state veterinarians can perform the diagnosis and certification necessary for recovery under Act 27.

*2. Section 309.2. Notice to be posted.—Posting requirements: Consistency with Statute, Reasonableness and Clarity.*

Senator Stewart J. Greenleaf, prime sponsor of Act 27, and the Federated Humane Societies of Pennsylvania, Pennsylvania Federation of Dog Clubs, Inc. (PFDC) and Pennsylvania Legislative Animal Network (PLAN) offered three suggestions to improve the notice requirements. These suggestions are consistent with section 9.3(g)(1) of the Law as amended by Act 27 (73 P. S. § 201-9.3(g)(1)). The Law requires that the notice be “conspicuously posted in the place of business of persons subject to this section.”

First, commentators suggest the regulation include a “minimum size” for the required notice. They recommend a minimum size of 8 1/2 by 14 inches. This is consistent with the sample submitted by the OAG. We recommend that minimum dimensions be set forth in the regulation.

Second, the notice should be posted in a visible location in the store near where the dogs are visible to customers. One pet store reportedly posted the notice near its fish tanks away from where customers viewed and paid for dogs. In addition to requiring that the notice be “easily visible,” the regulation should provide specific directions for the location of the notice. For example, the notice should be readily visible in areas where dogs are displayed for sale, or where payments are made for dog purchases, such as at the cash register.

Third, notices must be legible. Other agencies set specific minimum standards in regulations for public notices including typeset size. This proposed regulation should include specific minimum standards for typeset size and format.

*3. Section 309.2. Notice to be posted.—Format and Structure: Reasonableness and Clarity.*

The Pet Industry Joint Advisory Council (PIJAC), PLAN and PFDC express concerns with the clarity of this section. The length and structure of this section cause part of this problem. There are two ways to improve its clarity.

First, this section should be split into two sections: One section for the specific requirements for posting the notice including minimum standards for its size; and the second section for the prescribed contents of the notice.

Another area that could be improved is the format of the notice’s contents. The contents include eight paragraphs. The second through seventh paragraphs are

marked by bullets “•.” The paragraphs would be easier to read and examine if they were numbered.

*4. Section 309.2. Notice to be posted.—Contents of Notice: Consistency with Statute, Reasonableness and Clarity.*

Several commentators expressed concern that portions of the notice’s contents are not entirely consistent with the provisions of Act 27.

*Notice—Summary of Act 27*

Park City Pet Center contends that the notice should indicate that it is a “summary” of Act 27 and not a complete rendition. If not, customers may be misled. Section 9.3(g)(1) of the Law states that the posted notice is a “summary of the provisions of” Act 27. In addition, section 9.3(g)(2) requires a seller to provide the purchaser with a written notice summarizing Act 27. It also requires this “hand-out” notice to include the following statement:

THIS DISCLOSURE OF RIGHTS IS A SUMMARY OF PENNSYLVANIA LAW. THE ACTUAL PROVISIONS OF THE LAW ARE IN SECTION 9.3 OF THE UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW.

Including a similar statement in the posted notice should reduce confusion.

*First and second bulleted paragraphs: Inconsistency with statute and OAG forms*

Both PIJAC and Park City Pet Center expressed concerns with the first two bulleted paragraphs of the notice. These concerns involve substantive differences between Act 27 and the prescribed contents of the notice. The contents of the notice are inconsistent with both a “Guarantee of Good Health” form provided by the OAG and Act 27.

The problems with the notice’s first two bulleted paragraphs involve specific requirements in Act 27 for the health record, health certificate and guarantee of good health. The specific requirements for these documents are set forth in sections 9.3(a)(1)(i)—(vii), (2)(i) and (ii) of the Law, respectively.

These two paragraphs are not entirely consistent with the specific requirements of Act 27. However, rather than repeating the statute, the notice should refer to forms developed by the OAG. The first bulleted paragraph in the notice could be reduced to two short and simple sentences. The first sentence would remain the same as the proposed regulation. The second sentence would state that the health record must contain the information required by Act 27 in a form developed by the OAG.

The same solution could be used in the second bulleted paragraph. There is no need to provide a detailed description of these documents in the notice if the specific requirements of Act 27 are included in forms provided by the OAG.

*Third bulleted paragraph: Veterinarian examination required within 10 days*

PIJAC expresses concern with the structure of the third bulleted paragraph. Under Act 27, a veterinarian must examine the dog within 10 days of purchase for the purchaser to get a refund if the dog is ill or dies. The third paragraph does not clearly state this fact. The notice should state that a purchaser must have a licensed veterinarian examine the dog within 10 days of purchase to preserve the right of recovery.

*Third bulleted paragraph: Injury or illness after purchase not covered*

The third paragraph does not include an important sentence from the final paragraph of section 9.3(b) of the Law. This sentence reads: “A dog shall not be unfit for purchase on account of injury sustained or illness most likely contracted subsequent to the date of sale” [emphasis added]. In addition, the definition of “unfit for purchase” in section 9.3(i) of the Law uses the phrase “likely to have been contracted on or before the sale and delivery of the animal to the consumer” [emphasis added]. For greater consistency, we suggest that the third bulleted paragraph begin with the following:

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

*Third and fourth bulleted paragraphs: Complete or partial refund*

Both paragraphs indicate that one remedy available to the purchaser of an unhealthy dog is to “return the dog for a complete refund.” However, section 9.3(b)(1) of the Law states that the purchaser may receive “a complete refund of the purchase price, not including the sales tax” [emphasis added]. The typical practice for refunds is to include the sales tax because the sale becomes null and void. In fact, the regulations of the Department of Revenue (Department) at 61 Pa. Code § 33.3 allow both vendors and purchasers to file a claim for credit or refund when a sale is cancelled, property is returned or an allowance is made for defective merchandise. By excluding the sales tax from the refund, Act 27 will create unnecessary confusion if both vendors and purchasers file claims for sales tax refunds with the Department. The OAG, Department and General Assembly should examine section 9.3(b)(1) of the Law for consistency with other statutes and regulations relating to sales tax refunds.

*Fourth bulleted paragraph: Adversely affects the animal’s health*

The fourth bulleted paragraph pertains to congenital or hereditary defects. The Park City Pet Center notes that the paragraph does not include another important phrase from the final paragraph of section 9.3(b) of the Law. It states that the dog must have a congenital or hereditary defect “which adversely affects or affected the health of the animal.” In other words, the purchaser is entitled to a refund for a defect only if it adversely affects the dog’s health. The notice’s summary of the rights of purchasers should include this phrase. The fourth bulleted paragraph could begin with the following phrase:

If, within 30 days of purchase, a licensed veterinarian determines that your dog has a congenital or hereditary defect which adversely affects the animal’s health or that your dog died from a congenital or hereditary defect, you have the following options: . . . .

*Fifth bulleted paragraph: Notifying seller within 2 business days*

The first phrase in this paragraph reads: “Failure to notify the seller within 2 business days of veterinarian’s certification of illness will result in forfeiture of rights.” Although the 2-business-day rule is consistent with Act

27, there is one problem with the phrase. It limits this rule to certification of illness with no mention of death or defect.

According to Section 9.3(c) of the Law, the purchaser must notify the seller of the examining veterinarian's name, address and telephone number, within 2 business days of certification of "illness, defect or death." The fifth bulleted paragraph should emphasize the 2-business-day rule and include illness, defect or death. For example, it could read:

Within 2 business days of a veterinarian's certification of your dog's illness, defect or death, you must notify the seller of the name, address and telephone number of the examining veterinarian. Failure to notify the seller within 2 business days will result in forfeiture of rights.

*Fifth bulleted paragraph: Implementing 2-business-days notice requirement*

There are two problems with the 2-business-days notice requirement. First, 2 days is a short period of time. This is especially true if the purchaser traveled a long distance to buy the dog. In addition, some sellers may take steps to avoid or frustrate delivery of the notice. The OAG and General Assembly should closely monitor consumers' experience with Act 27 to see if there is a need to address potential problems with the "2 business days" rule.

Second, the regulation provides no guidance for delivery of the notice. Is personal delivery required? If not, can the notice be sent electronically by telephone, e-mail or facsimile, or must it be sent by first class mail or certified mail? If the notice is mailed, will a postmark within 2 business days be sufficient to meet the statutory deadline? How does the purchaser verify the seller's receipt of the notice?

*Fifth bulleted paragraph: Misplaced disclosure provision*

PIJAC, PLAN and PFDC note what appears to be a misplaced clause in the fifth bulleted paragraph. The final phrase reads: "... unless a health certificate issued by a veterinarian was provided by the seller and it disclosed that health problem." This disclosure protection for the seller should be included in the third and fourth bulleted paragraphs, not in the fifth paragraph.

*5. Establishing OAG-approved forms—Statutory Authority, Reasonableness and Clarity.*

Act 27 contains provisions for at least six different types of certifications and other documents. The OAG has already developed forms for three of these documents. We suggest that the OAG develop standard forms for all of these documents. The OAG could then initiate a separate rulemaking to require the use of OAG-approved forms in conjunction with the required notice.

The need for OAG-prescribed forms is demonstrated by a letter from Senator Greenleaf dated February 18, 1999. The letter advised the OAG's Bureau of Consumer Protection of a pet store giving customers its own warranty and veterinarian examination form. The concern is that important provisions in the store's warranty do not match Act 27's minimum requirements.

The OAG has the authority in section 3.1 of the Law to promulgate additional regulations to implement the Law. This section states that the OAG "may adopt, after public hearing, such rules and regulations as may be necessary for the enforcement and administration of the Law." Requiring the use of standard OAG forms or prescribed language for forms produced by a seller will assist pet

stores and other sellers in complying with Act 27, ease enforcement and reduce consumer confusion.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-475. Filed for public inspection March 19, 1999, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

#### *Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
57-163	Pennsylvania Public Utility Commission Obsolete Regulations	3/10/99

#### *Final-Omit*

16A-614	Department of State, Bureau of Professional and Occupational Affairs, State Board of Landscape Architects Examination Fees	3/10/99
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JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-476. Filed for public inspection March 19, 1999, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws

*Thomas C. Dallmer; Doc. No. SC99-03-006*

Notice is given of the Order to Show Cause issued on March 5, 1999, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: Sections 2(b), 6(a)(13) and 6(b) of the act of December 20, 1983, P. L. 260, as amended (63 P. S. §§ 1602(b), 1606(a)(4), 1606(a)(13) and 1606(b)).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); General Rules of Administrative Practice and Procedure (1 Pa. Code §§ 31.1—35.251); Special Rules of Administrative Practice and Procedure (31 Pa. Code §§ 56.1—56.3) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.



Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-477. Filed for public inspection March 19, 1999, 9:00 a.m.]

### Application for Acquisition of a Domestic Stock Casualty Insurance Corporation

Applications have been filed by Paul C. Read, Richard J. Collins and Richard J. Taylor to acquire a controlling interest of Allegheny Surety Company. The filing was made under the requirements set forth under the Insurance Holding Company Act (40 P. S. § 991.1402 et seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Michael S. Graeff, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; e-mail <http://www.mgraeff@ins.state.pa.us>.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-478. Filed for public inspection March 19, 1999, 9:00 a.m.]

### Application for Approval to Acquire Control of HIP of Pennsylvania, Inc.

Health Insurance Plan of Greater New York has filed an application to acquire control of HIP of Pennsylvania, Inc., a Pennsylvania domiciled nonprofit health maintenance organization. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. § 991.1401, et seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-479. Filed for public inspection March 19, 1999, 9:00 a.m.]

### Charles Preen; Hearing

*Appeal of Charles Preen under The Motor Vehicle Financial Responsibility Law Catastrophic Loss Benefits Continuation Fund; Doc. No. CF99-03-001*

A hearing shall occur on April 20, 1999, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. On or before March 30, 1999, each party shall file with the Administrative Hearings Office a comprehensive statement of undisputed facts to be stipulated between the parties, a statement of additional contended facts, names and addresses of witnesses along with the specialties of experts to be called, a list of documents to be used at the hearing, special evidentiary or other legal issues, and the estimated time for that party's case.

Both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

A written request for continuance of the scheduled hearing, for good cause, will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-480. Filed for public inspection March 19, 1999, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Joseph Engel; file no. 99-181-00833; Allstate Insurance Company; doc. no. P99-03-003; April 7, 1999, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party

intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-481. Filed for public inspection March 19, 1999, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Terry Geltmacher and John Scarlato; file no. 99-121-00635; Lititz Mutual Insurance Company; doc. no. P99-03-004; April 7, 1999, at 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-482. Filed for public inspection March 19, 1999, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

#### *Department of Community and Economic Development*

Home Rule Charter Amendment (November 3, 1998) for Horsham Township, Montgomery County.

Home Rule Charter Amendment (November 3, 1998) for Bethel Park, Allegheny County.

Home Rule Charter Amendment (November 3, 1998) for Whitehall Township, Lehigh County.

Home Rule Charter Amendment (November 3, 1998) for Borough of West Chester, Chester County.

Home Rule Charter approved (May 19, 1998) for Allegheny County.

Home Rule Charter Amendment (November 3, 1998) for Wilkes-Barre Township, Luzerne County.

#### *Executive Board*

Resolution #CB-99-025, Dated, (February 10, 1999). An Action of this Board, #CB-96-309, dated November 18, 1996, approved the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and the Pennsylvania State Education Association, National Education Association, Local Associations at Thaddeus Stevens College of Technology. As a result of the labor management discussion between the Commonwealth and the associations, a letter of agreement has been signed to increase the payments for five extracurricular activity classifications for the 1998—1999 school year.

#### *Governor's Office*

Manual M505.3—State Employee Assistance Program—Amended October 29, 1998.

Management Directive No. 205.10—Financial Disclosures Required by the Public Official and Employee Ethics Act, Act 93 of 1998, 65 Pa.C.S. §§ 1101—1113 Amended—February 16, 1999.

Management Directive No. 205.12—Financial Disclosures Required of Former Employees by the Public Official and Employee Ethics Act, Act 93 of 1998, 65 Pa.C.S. §§ 1101—1113—Amended February 16, 1999.

Management Directive No. 245.13—Strategic Direction for Information Technology Investments—Amended February 2, 1999.

Management Directive No. 305.12—Accounting, Reporting, and Cash Management of Federal Grants and Contracts—Amended January 25, 1999.

Management Directive No. 315.20—Taxability of the Use of State-Provided Vehicles—Revision No. 2, Dated February 8, 1999.

Administrative Circular No.99-5\*—Distribution of Field Procurement Handbook—Dated February 1, 1999. \*Administrative Circular 99-4 was issued as a special distribution.

Administrative Circular No. 99-6—Correction of the 1998 Commonwealth Pennsylvania Telephone Directory (Department of Public Welfare, Office of Legislative Affairs, fax number should be 783-0562)—Dated February 5, 1999.

Administrative Circular No. 99-7—Calendar Bases, Calendar Refills, Diaries, and Date Books for 2000—Dated February 10, 1999.

GARY R. HOFFMAN,  
Director  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 99-483. Filed for public inspection March 19, 1999, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Philadelphia County, Wine & Spirits Shoppe #5132, 4729 N Broad Street, Philadelphia, PA 19141-2105.

*Lease Expiration Date:* July 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space in Philadelphia, on Broad Street, .5 mile north of Hunting Park Avenue to .5 mile south of Hunting Park Avenue.

*Proposals due:* April 9, 1999, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Montgomery County, Wine & Spirits Shoppe #4602, Ardmore Plaza Shopping Center, 56 Greenfield Avenue, Ardmore, PA 19003-1204.

*Lease Expiration Date:* June 30, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 13,000 net useable square feet of new or existing retail commercial space in Ardmore Borough.

*Proposals due:* April 9, 1999, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 99-484. Filed for public inspection March 19, 1999, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Joint Petition for Relief Establishing Uniformity for 9-1-1 Provisioning; M-00991217

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

Public Meeting held  
October 16, 1998

#### Tentative Order

*Before the Commission:*

*History of the Proceedings*

By Order entered February 17, 1999, we adopted the Recommended Decision Upon Remand of Administrative Law Judge Marlane Chestnut dated September 24, 1998. See Docket No. P-00971203, Petition of Bell Atlantic-Pennsylvania, Inc. for a Declaratory Order Relating to Provision of Master Street Address Guides to Local Exchange Carriers. This matter was before the Commission upon remand from the Commonwealth Court as directed in *City of Philadelphia v. Pa. P.U.C.*, 702 A.2d 1139 (1997). Upon remand, the parties to the proceeding submitted a Settlement Agreement to terminate the litigation in the above-referenced Commission docket.

The February 17, 1999 Order further granted a Joint Petition of Bell Atlantic-Pennsylvania, Inc. (Bell), the City of Philadelphia (City), the Commission's Law Bureau Prosecutory Staff (Prosecutory Staff), the Pennsylvania Telephone Association (PTA), and Sprint Communications Company, L.P. (Sprint), (Joint Petitioners hereafter), which, inter alia, called for the initiation of a rulemaking or the entry of a Tentative Order establishing uniform standards and protocols for Master Street Address Guide (MSAG) access and tariffs. MSAGs are used in the provision of Enhanced 9-1-1 service (E-9-1-1) and include the listing of all street names, house/building numbers, and address ranges in the 9-1-1 service area as well as routing information to the Public Safety Answering Point (PSAP) locations, and the appropriate emergency service providers. MSAGs are typically compiled and maintained by the participating municipality and are used for the Automatic Location Identification (ALI) function, which is a component of the E-9-1-1 service purchased by the municipality from the local exchange company (LEC). See Petition for Declaratory Order, slip op. at 2.

*Discussion*

The Commission has jurisdiction and authority to issue this Tentative Form Opinion and Order based on the following:

a. the provision of and access to 9-1-1 service is regulated and tarified as a telecommunications service within the definition of "service" at Section 102 of the Public Utility Code, 66 Pa.C.S. § 102. As a regulated service, the Commission possesses the ability to determine the terms and conditions for service to be provided or met by both service providers (here Local Exchange Companies or LECs and Competitive Local Exchange Companies or CLECs) and customers (here counties and/or municipalities subscribing to 9-1-1 services);<sup>1</sup>

b. the power to review and approve contracts between public utilities and municipalities (including Counties), 66 Pa.C.S. § 507;<sup>2</sup>

c. the power to regulate the terms and conditions of the provision of public utility service to the extent required to safeguard public welfare with regard to telecommunications services. 66 Pa.C.S. § 3009(b)(4); and Section 253(b) of the Telecommunications Act of 1996 (Act), 47 U.S.C. § 253(b);

d. the power to promote competition under Chapter 30, 66 Pa.C.S. §§ 3001—3009, and the Act.

Further, under Section 313(a) of the Public Utility Code, 66 Pa.C.S. § 313(a), the Commission has the power to issue joint and concurrent orders with agencies such as the Pennsylvania Emergency Management Agency (PEMA). Also, the General Assembly has declared it to be in the public interest to provide a toll-free number 9-1-1 for any individual within this Commonwealth to gain rapid, direct access to emergency aid. See Preamble to Act 78, Act of July 9, 1990, P.L. 340, No. 78, 35 P.S. §§ 7011—7921 (Public Safety Emergency Telephone Act).

Under the statutory authority possessed by this Commission, and under the request of the Joint Petitioners, we hereby propose the following tariff guidelines addressing municipal 9-1-1 systems:

a. Each service provider's 9-1-1 tariff provisions<sup>3</sup> should state that the service provider will comply with the municipality's 9-1-1 Protocols as set forth in, and in the form of, Exhibits "A" (Service Provider 9-1-1 Protocols), "B" (Service Provider 9-1-1 Questionnaire), and "C" (Testing Procedures). Future revisions or additions to the form and content of the Protocols by the municipality should be provided to the Pennsylvania Emergency Management Agency (PEMA) as part of the 9-1-1 Plan which is submitted to PEMA for approval, and should be served by facsimile and by overnight mail or hand-delivery on each service provider prior to implementation. Within 10 business days of confirmed receipt, each service provider should respond with comments on the proposed revisions or additions. If any service provider does not respond to the proposed revisions or additions within the 10 business days, that service provider should be deemed to have agreed to the proposed revisions or additions. If a service

provider submits comments stating it does not agree with the proposed revisions or additions, it should set forth its reasons in its comments and the municipality will not implement the revision or addition against the objecting party until the matter is resolved. The parties should work together to resolve the issue in a mutually agreeable manner. Each service provider should update Exhibit "B" (Service Provider Questionnaire) triennially to include any changes to its previously submitted Exhibit "B," or to confirm the absence of any changes in conjunction with review of each municipality's 9-1-1 Plan by the PEMA under Act 78 or its successor. The municipality will notify the service providers when the update is required for the triennial review. Additionally, each service provider should agree to provide the municipality with an updated Exhibit "B" questionnaire upon:

- i. a change of ownership of the service provider;
- ii. a significant change in the service provider's network;
- iii. a change of the service provider's 9-1-1 manager/supervisor or primary contact; or
- iv. a change in the service provider's administrative charge for the billing system.

b. When a service provider has a change in items 6D, 7A3, 10B or 21C of Exhibit "B," the service provider should provide such updated information to the municipality no less than quarterly.

c. Each service provider's tariff should fully state its liability and indemnification provisions relative to 9-1-1 service. To the extent that the service provider is relying on the general tariff indemnification and liability provisions as covering 9-1-1 service, the 9-1-1 section of the tariff should cross-reference the applicable general tariff indemnification or liability sections.

d. Each service provider's tariff should fully state its insurance provisions, or those which obviate the need for insurance in whole or in part, relative to 9-1-1 service. To the extent that the service provider is relying on the general tariff provisions as covering insurance or obviating the need in whole or in part for insurance for 9-1-1 service, the 9-1-1-section of the tariff should cross-reference the applicable general tariff sections.

e. Each service provider's 9-1-1 tariff provisions should state:

- i. how the service provider will handle 9-1-1 service interruptions;
- ii. that the service provider agrees not to use the municipality's MSAG for any purpose that is not directly related to and required for the provision of 9-1-1 service to its customers;
- iii. that the service provider shall not modify or create any derivative of the municipality's MSAG, except that one (1) copy may be made for archival purposes only;

iv. that the service provider will install the municipality's MSAG in 'read only' format on one computer network and its back-up unless the service provider obtains permission from the municipality to modify the format to make the MSAG compatible with the service provider's software system;

v. that the service provider agrees not to modify the content of the municipality's MSAG; and

vi. that the service provider will not sell, lease, license, rent, loan or provide, or transfer any municipality's MSAG to any other person(s) or entity(ies) without the

<sup>1</sup> Service provider shall mean LECs, competitive local exchange companies (CLECs), and any other certificated telecommunications public utility which has or requires connection to the municipality's 9-1-1 system or connection to the serving selective router.

<sup>2</sup> The Public Utility Code's definition of municipalities includes counties. 66 Pa.C.S. § 102. Thus, municipality shall include counties in this Tentative Order.

<sup>3</sup> 9-1-1 service, for purposes of this Tentative Order, means the components of telecommunications service by service providers which may include, but is not limited to, voice contact only, automatic number identification, trunks, tandems, records, selective routing, daily service order address reconciliation, automatic location identification, interactive search, or other similar or combined services. References to 9-1-1 service also includes Enhanced 9-1-1 service.

express written authorization of a municipality's 9-1-1 Coordinator or his/her designee.

f. The municipality should respond to a request from a service provider for permission to modify the MSAG as per this Tentative Order within ten (10) business days. The municipality's 9-1-1 Coordinator should notify the provider that actually renders service (for example, Bell Atlantic-Pennsylvania, Inc. in Philadelphia) in writing (by facsimile followed by the mailed original) within 48 hours of a service provider's compliance with, and satisfaction of, the standard Protocols and certification process and upon such notification the provider of 9-1-1 service may release the MSAG to the compliant and certified service provider.

g. 9-1-1 service should be provided in accordance with the service provider's applicable tariff.

The foregoing terms and conditions should apply only if the municipality reciprocates by amending the 9-1-1 plan with PEMA, by agreement with each involved service provider, by PEMA order/directive, or by other legally binding means, to implement the following:

a. The municipality shall respond to such requests for permission referenced above within ten (10) working days. Each municipality shall include the standard Protocols, Questionnaire and Test Procedure Template (as modified for the specific configuration for the particular municipality's 9-1-1 system) in its 9-1-1 Plans to be reviewed and approved by PEMA. The standard Protocols and questionnaires shall be the same for each municipality, but tests may be different due to system configuration in each municipality.

b. A uniform statewide service provider certification process is adopted by all municipalities which shall be defined as compliance by a service provider with the Protocols in Exhibits "A"—"C." The envisioned certification process will allow the municipality to address its public safety concerns and will provide that the municipality will authorize release of its MSAG, as amended from time to time, if the service provider complies with the municipality's certification process. Certification will be evidenced by formal written documentation from the municipal 9-1-1 Coordinator to the service provider of compliance with the Protocols. The certification process will require that the municipality re-certify the service providers on a triennial basis and will provide that the municipality's authorization for use of the MSAG will be rescinded if it fails to become re-certified until such time as the municipality determines that the service provider has complied with the re-certification requirements. Re-certification shall mean updating the Exhibit "B" questionnaire and re-testing shall not be necessary unless there is a significant change in the network, such as the addition of a switch or going from MF to SS7 signaling. The municipality will be responsible for providing to service providers all forms for certification and any updates.

c. Upon existing service providers' amending or filing tariffs to include the indemnification, insurance and MSAG provisions referenced above, the counties/municipalities will withdraw any past or present contrary or additional 9-1-1 System connection requirements. Upon the entry of a Final Order by this Commission in the above-captioned proceeding, the counties/municipalities will rescind all contrary or additional regulations, ordinances, resolutions or other requirements for Commission-regulated telephone service provider access to the municipality's 9-1-1 System and agree not to

re-adopt such so long as the Commission's Final Order remains of legal effect. The parties to this proceeding do not waive and hereby preserve all legal arguments and positions in any forum regarding the legality of the municipality's regulation of 9-1-1 system access in whole or in part.

d. Trunking charges are to be governed by service provider tariffs.

We shall cause the instant Tentative Order with Appendices A, B, and C, to be published in the *Pennsylvania Bulletin*, with service upon all certificated telecommunications public utilities, PEMA, and interested parties. Comments to the Tentative Order shall be due within 20 days of the date of publication. Reply comments shall be due 10 days after the date for the receipt of initial Comments.

#### Conclusion

Based on the foregoing, we shall issue the instant Order in Tentative Form; *Therefore*,

#### *It Is Ordered That:*

1. The Joint Petition For Relief Establishing Uniformity for 9-1-1 Provisioning is granted and the instant Tentative Order is issued for Comments and Reply Comments.

2. The Secretary shall cause this Tentative Order and Appendices to be published in the *Pennsylvania Bulletin*.

3. Comments to the Tentative Order shall be due 20 days after publication in the *Pennsylvania Bulletin*. Reply Comments shall be due within 10 days after the date on which initial Comments are due.

4. The Commission's Office of Special Assistants shall review the Comments and Reply Comments and prepare a Final Order for consideration at a subsequent Public Meeting.

5. A copy of this Tentative Order shall be served upon all certificated telecommunications public utilities, the Pennsylvania Emergency Management Agency, the Law Bureau Prosecutory Staff, the Office of Small Business Advocate, the Office of Consumer Advocate, Sprint Communications Company, L.P., and the Pennsylvania Telephone Association.

JAMES J. MCNULTY,  
*Secretary*

#### Appendix A

#### **SERVICE PROVIDER E-9-1-1 PROTOCOLS REQUIRED PROCESS FOR ENTITIES SEEKING TO ACCESS COUNTY E-9-1-1 SYSTEMS**

The following list of Protocols is set forth in the interest of public safety. All service providers, including LECs (Local Exchange Carriers), CLECs (Competitive Local Exchange Carriers) (facilities based and resellers), and any other certified telecommunications public utility which has or requires connection to the county/municipal 9-1-1 system or connection to the serving selective router, must comply with the following procedures in order to gain access to the county's/municipality's E-9-1-1 system.

(1) At least 30 days prior to any service provider testing for compatibility with the county's/municipality's E-9-1-1 system, all service providers must provide written notice to:

9-1-1 Coordinator  
County of \_\_\_\_\_ /City of  
\_\_\_\_\_, PA

(2) Once written notice is received, the 9-1-1 Coordinator will send a standard E-9-1-1 Questionnaire, a standard test format, and a list of surcharge guidelines for Act 78 (The Public Safety Emergency Telephone Act, 35 P.S. § 7011 et seq.; 16 Pa. Code § 36a.101 et seq., collectively, "Act 78"). The cover letter from the Communications Director/9-1-1 Coordinator which accompanies this material may also contain a request for current financial statements of the CLEC/PCS provider.

(3) Testing of the service provider's connection into the county's/municipality's E-9-1-1 system will be arranged upon receipt by the 9-1-1 Coordinator of satisfactory written responses to the E-9-1-1 Questionnaire.

(4) Once satisfactory answers to the E-9-1-1 Questionnaire have been completed, a PSAP (Public Safety Answering Point) representative will contact the service provider within 10 business days. All testing is done according to PSAP conditions. These conditions change from day to day and hour to hour, therefore all testing is subject to cancellation without prior notice to the service provider. Any testing canceled by the county/municipality will be rescheduled at the earliest available date. Service provider must provide at least seven (7) business days prior notice to the PSAP representative upon any cancellation of testing by a service provider, or upon any request for additional testing.

(5) The following shall govern release of the MSAG and certification for connection to the county's/municipality's 911 system:

#### Conditions

a. Each PUC-regulated service provider's 9-1-1<sup>1</sup> tariff provisions shall state that the service provider will comply with the county/municipal<sup>2</sup> 9-1-1 Protocols.<sup>3</sup> Future revisions or additions to the form and content of the Protocols by a county/municipality will be provided to PEMA as part of the county's/municipality's 9-1-1 Plan which is submitted to the Pennsylvania Emergency Management Agency ("PEMA") for approval, and will be served by facsimile, by overnight mail or hand-delivery, and by a confirmation copy via US Mail, on each service provider prior to implementation. Within ten (10) business days of confirmed receipt, each service provider will respond with comments on the proposed revisions or additions. If any service provider does not respond to the proposed revisions or additions within the ten (10) business days, that service provider will be deemed to have agreed to the proposed revisions or additions. If a service provider submits comments stating it does not agree with the proposed revisions or additions, it must set forth its reasons in its comments and the county/municipality will not implement the revisions or additions against the objecting party until the matter is resolved. The county/municipality and the service provider will work together to resolve the issues in a mutually agreeable manner.

b. Each service provider shall update the service provider questionnaire triennially to include any changes to its previously submitted questionnaire or to confirm the absence of any changes in conjunction with review of the county's/municipality's 9-1-1 Plan by PEMA under Act 78 or its successor. The county/municipality will notify the service provider when this update is required for the

triennial review. Additionally, each service provider agrees to provide the county/municipality with an updated questionnaire upon:

- 1) a change of ownership of the service provider;
- 2) a significant change in the service provider's network;<sup>4</sup>
- 3) a change of the service provider's 9-1-1 manager/supervisor or primary contact; or,
- 4) a change in the service provider's administrative charge for the billing system.

When a service provider has changes in items 6D, 7A3, 10B or 21C of the Questionnaire, the service provider shall provide such updated information to the county/municipality no less than quarterly.

c. Each service provider's tariff shall fully state its liability and indemnification provisions relative to 9-1-1 service. To the extent that the service provider is relying on the general tariff indemnification and liability provisions as covering 9-1-1 service, the 9-1-1 section of the tariff shall cross-reference the applicable general tariff indemnification or liability sections.

d. Each service provider's tariff shall fully state its insurance provisions, or those which obviate the need for insurance in whole or in part, relative to 9-1-1 service. To the extent that the service provider is relying on the general tariff provisions as covering insurance or obviating the need in whole or in part for insurance for 9-1-1 service, the 9-1-1 section of the tariff shall cross-reference the applicable general tariff sections.

e. Each service provider's 9-1-1 tariff provisions will state:

1) how the service provider will handle 9-1-1 service interruptions;

2) that the service provider agrees not to use the county's/municipality's MSAG for any purpose that is not directly related to and required for the provision of 9-1-1 service to its customers.

3) that the service provider will install the county's/municipality's MSAG in 'read only' format on one computer network and its back-up unless the service provider obtains permission from the county/municipality to modify the format to make the MSAG compatible with the service provider's software system.<sup>5</sup>

4) that the service provider agrees not to modify the content of the county's/municipality's MSAG.

5) that the service provider will not sell, lease, license, rent, loan or provide, or transfer the county's/municipality's MSAG to any other person(s) or entity(ies) without the express written authorization of the county's/municipality's 9-1-1 Coordinator or his/her designee; and,

6) that the service provider shall not modify or create any derivative of the county's/municipality's MSAG, or copy the county's/municipality's MSAG, except that one (1) copy may be made for archival purposes only.

#### Procedure for MSAG Release

f. The county's/municipality's 9-1-1 Coordinator shall notify the provider that actually renders 9-1-1 service (e.g. BA-PA in Philadelphia) in writing (by facsimile followed by the mailed original) within 48 hours of a service provider's compliance with, and satisfaction of, the

<sup>1</sup> References to 9-1-1 in this Settlement Agreement shall include all 9-1-1 services provided by telecommunications providers including E-9-1-1 services.

<sup>2</sup> References to county/municipality means the entity that is responsible for the 9-1-1 plan under Act 78. Thus, notices or updates need only be provided to such entity as opposed to all municipalities that may be covered by a county-wide 9-1-1 plan.

<sup>3</sup> The service provider E-9-1-1 Protocols, questionnaire, and testing procedures are hereinafter collectively referred to as the "Protocols."

<sup>4</sup> For example: converting from MF to SS7 signaling or the addition of a switching station.

<sup>5</sup> The county/municipality shall respond to such a request from a service provider for permission to modify the MSAG within ten (10) business days.

standard Protocols and certification process and upon such notification the provider of 9-1-1 service may release the MSAG to the compliant and certified service provider.

**Miscellaneous**

g. In order to promote uniformity and certainty, the standard protocols and questionnaires shall be the same for each county/municipality, but tests may be different due to system configuration in each county/municipality.

h. The certification process envisioned by the Protocols will allow each county/municipality to address its public safety concerns and will provide that the City and each county/municipality will authorize release of the MSAG, as amended from time to time, if the service provider complies with the county's/municipality's certification process. Certification will be evidenced by formal written documentation from the county/municipal 9-1-1 Coordinator to the service provider in compliance with the Protocols. The certification process will require that the county/municipality re-certify the service providers on a triennial basis and will provide that the county's/municipality's authorization for use of the MSAG will be rescinded if it fails to become re-certified until such time as the county/municipality determines that the service provider has complied with the re-certification requirements. Re-certification shall mean updating the questionnaire and re-testing shall not be necessary unless there is a signifi-

cant change in the network, such as the addition of a switch or going from MF to SS7 signaling. The county/municipality will be responsible for providing to service providers all forms for certification and any updates.

i. 9-1-1 service shall be provided in accordance with the service provider's applicable tariff.<sup>6</sup> Trunking charges are to be governed by service provider tariffs.

j. The county's/municipality's 9-1-1 Plan shall amend its 9-1-1 plan with PEMA to conform to these Protocols and shall rescind any contrary or additional regulations, ordinances, resolutions or other requirements for Pa. PUC-regulated telephone service provider access to the county's/municipality's 9-1-1 System so long as any Pa.PUC or PEMA order or determination approving the Protocols is of legal effect.

k. All consents, approvals, and responses referenced under these Protocols shall not be unreasonably delayed or withheld.

l. All notifications under these Protocols shall be in writing and transmitted by facsimile (on the day the notice is issued) and by overnight mail or hand delivery.

<sup>6</sup> "The General Assembly declares it to be in the public interest to provide a toll-free number 911 for any individual within this Commonwealth to gain rapid, direct access to emergency aid." The Preamble to Act 78 (Public Safety Emergency Telephone Act), Act of July 9, 1990, P. L. 340, 35 P. S. §§ 7011-7921.

**Appendix B**

**SERVICE PROVIDER E-9-1-1 QUESTIONNAIRE**

Each service provider shall update the service provider questionnaire triennially to include any changes to its previously submitted questionnaire, or to confirm the absence of any changes in conjunction with review of the county's municipality's 9-1-1 Plan by the Pennsylvania Emergency Management Agency under Act 78 or its successor. The county/municipality will notify the service provider when this update is required for the triennial review. Additionally, each service provider agrees to provide the county/municipality<sup>1</sup> with an updated questionnaire upon a) a change of ownership of the service provider; b) a significant change in the service provider's network; c) a change of the service provider's 9-1-1 manager/supervisor or primary contact; or, d) a change in the service provider's administrative charge for the billing system.

When a service provider has changes in items 6D, 7A3, 10B or 21C of the questionnaire, the service provider shall provide such updated information to the county/municipality no less than quarterly.

1. What is the design of the company's network? \_\_\_\_\_
  - A. Provide a network schematic including the connection to the 911 network. Include Circuit IDs. \_\_\_\_\_
2. How will the company's network be interfaced to 911? \_\_\_\_\_
  - A. How many end trunks will be used? \_\_\_\_\_
    1. The company will be expected to comply with trunking as per Act 78. \_\_\_\_\_
    2. The company will be expected to maintain at least a P.01 grade of service. \_\_\_\_\_
  - B. Will these trunks be diversely routed? \_\_\_\_\_
  - C. When will the trunks be installed? \_\_\_\_\_
3. Outline the network test plan that will be used by your company to test the 911 interface. \_\_\_\_\_
  - A. When is testing scheduled to begin? \_\_\_\_\_

<sup>1</sup> County/municipality as used herein is intended to designate the entity that files a 9-1-1 plan with PEMA. Thus, a service provider's obligation to update information is limited to such entity as opposed to the multitude of municipalities that may be covered by a county-wide 9-1-1 plan.

- B. Who will be in charge of testing? Name/address/phone number \_\_\_\_\_  
\_\_\_\_\_
- C. It will be required for the county/municipality to be contacted prior to the state of testing. \_\_\_\_\_
4. Who is expected to pay for 911 connection (end office trunks)? \_\_\_\_\_
- A. Identify all costs to the county/municipality. \_\_\_\_\_
5. How often will the company provide traffic studies (CCS counts) on the end office trunks?  
\_\_\_\_\_
- A. Can your company continuously monitor CCS counts on the end office trunks? \_\_\_\_\_  
\_\_\_\_\_
- B. Does the company plan to do this? \_\_\_\_\_
1. Will it make the necessary adjustments in trunking automatically so as to conform to Act 78 trunking standards? \_\_\_\_\_
6. Is the company's network continuously monitored? \_\_\_\_\_
- A. Provide a 24x7 number for the monitoring center. \_\_\_\_\_
- B. Where is the center located? \_\_\_\_\_
- C. What monitoring capabilities does this center have? \_\_\_\_\_
1. Will the end office trunks be monitored/alarmed? \_\_\_\_\_
- D. Who is the center's manager? \_\_\_\_\_
1. Provide name/address/phone number for the manager. \_\_\_\_\_
2. Provide name/address/phone number for the manager's supervisor. \_\_\_\_\_  
\_\_\_\_\_
7. Provide a trouble reporting procedure. \_\_\_\_\_
- A. Is there a dedicated trouble reporting center? \_\_\_\_\_
1. What is the location of this center? \_\_\_\_\_
2. Provide a 24x7 number for trouble reporting. \_\_\_\_\_
3. Who is the center's manager? \_\_\_\_\_
- a. Name/address/phone number of manager? \_\_\_\_\_  
\_\_\_\_\_
- b. Can the manager be reached 24x7? How? \_\_\_\_\_
8. Provide a trouble escalation procedure. \_\_\_\_\_
9. Since it will often be impossible for the county/municipality to determine the origin of the trouble, will the company accept trouble reports from the host phone company? \_\_\_\_\_
10. Will the company manage it's own ALI data? \_\_\_\_\_
- A. How will the transfer of data from the service provider to the host telco be accomplished? \_\_\_\_\_
- B. Who is the county's/municipality's contact, from the company, for database additions/deletions/correction? \_\_\_\_\_
1. Provide contacts name/address/phone number. \_\_\_\_\_  
\_\_\_\_\_
2. Is there a 24x7 number for database work? \_\_\_\_\_



3. Provide the name/address/phone number of the contact's supervisor. \_\_\_\_\_  
\_\_\_\_\_
- C. How will the company ensure the accuracy of the ALI data? \_\_\_\_\_
- D. Who will deliver ALI record to PSAP? \_\_\_\_\_
- E. Does the company's ALI data meet NENA standards as far as format? \_\_\_\_\_
11. Will database additions/deletions/corrections be accepted from the county/municipality on the current database correction form? \_\_\_\_\_
- A. How are database correction forms to be sent to the company's database contact? \_\_\_\_\_  
\_\_\_\_\_
1. Mail? \_\_\_\_\_
2. Fax? \_\_\_\_\_
- B. Does the company have a 9-1-1 Data Control center? \_\_\_\_\_
12. How long will database correction take? \_\_\_\_\_
- A. Will there be a verification process in place to ensure the accuracy of corrections? \_\_\_\_\_
13. Provide a database escalation procedure. \_\_\_\_\_
14. When does the company believe it will begin offering service to customers in the county/municipality? \_\_\_\_\_
- A. Business? \_\_\_\_\_
- B. Residential? \_\_\_\_\_
15. Are there particular areas of the county/municipality in which the company is targeting service? \_\_\_\_\_
- A. Provide a list of these areas. \_\_\_\_\_
- B. Indicate when the company anticipates providing service in each area. \_\_\_\_\_  
\_\_\_\_\_
16. Will the company be utilizing unique NXXs? \_\_\_\_\_
- A. What are the NXXs? \_\_\_\_\_
- B. What wire center is each NXX assigned to? \_\_\_\_\_
- C. The company will be expected to continually update the City whenever new NXXs are assigned. \_\_\_\_\_
17. Will the company be offering number portability? \_\_\_\_\_
- A. Will there be portability between local exchange carriers? \_\_\_\_\_
- B. Will there be portability between wire center? \_\_\_\_\_
18. How will the company provide operator services? \_\_\_\_\_
19. How will operator services be interfaced to 911? \_\_\_\_\_
- A. How will ALI identify operator assisted calls? \_\_\_\_\_
20. How will operator services identify which PSAP an emergency call should go to? \_\_\_\_\_
- A. Mailing address vs. Municipality vs. Exchange? \_\_\_\_\_
- B. What database information will operator services have available to them? \_\_\_\_\_
- C. What other tools will operator services have to help them? \_\_\_\_\_

- D. Can a call be transferred to another 911 center and a seven digit number? \_\_\_\_\_
21. Provide a 24x7 phone number for ALI lookup (i.e. local law enforcement needs, search warrants, trace & traps, etc.). \_\_\_\_\_
- A. Where is the department located? \_\_\_\_\_
- B. What information/databases does company security have access to? \_\_\_\_\_
- C. Provide the name/address/phone number for the manager. \_\_\_\_\_
22. Provide a 24x7 phone number to be used for purposes of abandoned or 911 hangups. Failure to do so delays the ability of the PSAP to deliver public safety services. \_\_\_\_\_
23. Will there be a charge for establishing the 911 billing system? \_\_\_\_\_
24. The County's line contribution rate of \_\_\_\_\_/line/month is to be collected by your company and remitted to the county/municipality on a monthly basis. The remittance check should be made payable to: \_\_\_\_\_  
The attached remittance form shall accompany the check.
25. What is the company's administrative charge for the billing system? \_\_\_\_\_
26. What is the company's position with respect to:
- A. Uncollectables? \_\_\_\_\_
- B. Refusals to pay? \_\_\_\_\_
27. When the Line Contribution Rate revenue is remanded to the county/municipality, how will charges, uncollectables be detailed? \_\_\_\_\_
- A. Will the company provide this information in the same format from which it is received from the host telco today? \_\_\_\_\_
28. Who will handle the billing for the company? \_\_\_\_\_
- A. Provide the name/address/phone number of the billing contact. \_\_\_\_\_
- B. Provide the name/address/phone number of the billing contact's supervisor. \_\_\_\_\_
29. Will the company have a group or individual dedicated to 911 service? \_\_\_\_\_
- A. Provide the name/address/phone number for the 911 service manager. \_\_\_\_\_
- B. Provide the name/address/phone number for the 911 service manager's supervisor. \_\_\_\_\_
30. Who is the company's single point of contact for the County's 911 coordinator? \_\_\_\_\_
- A. Provide name/address/phone number. \_\_\_\_\_
- B. Can contact be reached at all times (24x7)? \_\_\_\_\_
- C. Provide name/address/phone number for this contact's supervisor. \_\_\_\_\_
31. Will the company be providing any of the following services?
- A. Coin phones or COCOTS? \_\_\_\_\_
- B. Foreign Exchange (FX) lines? \_\_\_\_\_
- C. Long Distance? \_\_\_\_\_
- D. Cellular or PCS? \_\_\_\_\_
1. Will the company conform to project 31 standards? \_\_\_\_\_

- E. Paging? \_\_\_\_\_
- 32. How will the company handle all trunks busy? \_\_\_\_\_
  - A. Provide the text (bilingual) of the company's standard announcement when all lines are busy. Unless the company only uses a busy signal, the county/municipality must approve the text. \_\_\_\_\_
  - B. Will the message have a background busy signal? \_\_\_\_\_
  - C. Will the message be TDD/TTY complaint? \_\_\_\_\_

By signing below, I represent and warrant that the foregoing information is true and correct to the best of my knowledge, information and belief.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Service Provider: \_\_\_\_\_

Date: \_\_\_\_\_

**Appendix C**

SAMPLE—will be modified to reflect configuration of other county 9-1-1 systems

*City of Philadelphia*

**TEST PROCEDURES PHILA E-911**

ALL CALLTAKERS DURING EACH TEST CALL MUST STATE THE FOLLOWING TO THE PHILA E-911 CALLTAKERS.

THIS IS A TEST CALL FROM  
DIAL TONE PROVIDER  
(COMPANY NAME)

**TEST PLAN**

CHECK TRANSMIT AND RECEIVE LEVELS DURING ALL CALLS.

*TEST 1*

IN SWITCH UNDER TEST, MAKE BUSY TRUNK #2 (LOCUST) OF THE DEFAULT TRUNK GROUP. PLACE A 9-1-1 CALL FROM YOUR SEVEN DIGIT NUMBER. TEST EACH TRUNK IN GROUP 1.

*EXPECTED RESULT*

CALLS SHOULD COMPLETE TO THE PSAP, OPERATOR RECEIVES PROPER ANI AND ALI DATA VIA MARKET TANDEM.

*TEST 2*

DURING CALL IN PROGRESS, REQUEST PSAP OPERATOR TO EFFECT CALL-TRANSFER TO THE PSAP SUPERVISOR.

*EXPECTED RESULT*

VERIFY PSAP SUPERVISOR RECEIVES CALL WITH PROPER ANI AND ALI.

*TEST 3*

IN THE SWITCH UNDER TEST, (LOCUST) RESTORE TO SERVICE TRUNK #2 AND MAKE BUSY TRUNK #1 (MARKET) OF THE DEFAULT TRUNK GROUP. PLACE A CALL FROM YOUR SEVEN DIGIT NUMBER. TO EACH TRUNK.

*EXPECTED RESULT*

CALL COMPLETES TO PSAP, OPERATOR RECEIVES PROPER ANI AND ALI DATA VIA LOCUST TANDEM.

*TEST 4*

DURING CALL IN PROGRESS, REQUEST PSAP OPERATOR TO EFFECT CALL TRANSFER TO THE OPERATIONS DESK.

*EXPECTED RESULT*

CALL COMPLETES TO OPERATIONS DESK, NO ANI OR ALI IS EXPECTED.

*TEST 4A*

MAKE BUSY TRUNK GROUPS 1 AND 2 AND PLACE TEST CALL TO PSAP OPERATOR.

*EXPECTED RESULTS*

RECEIVES RECORDED MESSAGE ALL LINES BUSY FROM (COMPANY PROVIDING DIAL TONE)

*TEST 4B*

BELL ATLANTIC BUSY OUT MARKET PSAP TRUNKS. PLACE CALL FROM SWITCH UNDER TEST TO MARKET TANDEM.

*EXPECTED RESULTS*

TESTING OF INTER-TANDEM TRUNKING AND RECEIVING CALL. ANI/ALI INFORMATION.

*TEST 5*

IN SWITCH UNDER TEST, MAKE BUSY TRUNK 2 OF THE SOUTH DIVISION TRUNK GROUP. PLACE A CALL FROM YOUR SEVEN DIGIT NUMBER.

*EXPECTED RESULT*

CALL COMPLETES TO THE SOUTH DIVISION, OPERATOR RECEIVES PROPER ANI AND ALI DATA VIA MARKET TANDEM.

*TEST 6*

DURING CALL IN PROGRESS, REQUEST PSAP OPERATOR TO EFFECT CALL TRANSFER TO FIRE/EMS.

*EXPECTED RESULT*

CALL COMPLETES TO FIRE/EMS, NO ALI OR ANI IS EXPECTED.

*TEST 7*

IN THE SWITCH UNDER TEST, RESTORE TO SERVICE ALL 911 TRUNKS. PLACE A 911 CALL FROM YOUR SEVEN DIGIT NUMBER.

*EXPECTED RESULT*

CALL COMPLETES TO PSAP, OPERATOR RECEIVES ANI WITH NOT IN DATABASE INDICATION.

*TEST 8*

SIMULATE AN ANI FAILURE BY OUTPUTTING THE 911 DIGITS ON THE TEST TRUNK.

*TEST 9*

PLACE A 911 CALL USING THE TEST SET OVER TRUNK #1 OF DEFAULT TRUNK GROUP TO MARKET TANDEM.

*EXPECTED RESULT*

CALL COMPLETES TO PSAP WITH 911 DIGITS AND ESCO CODE.

*TEST 10*

PLACE AT LEAST 3 SIMULTANEOUS CALLS FROM THREE SEVEN DIGIT NUMBERS.

*EXPECTED RESULT*

ALL 3 CALLS SHOULD GO TO THE PSAP.

*TEST 11*

HAVE PSAP OPERATOR PERFORM A FORCED DISCONNECT ON ONE LINE. HAVE A SECOND CALL TRANSFERRED TO FIRE BOARD.

*EXPECTED RESULT*

1ST CALL IS DISCONNECTED FROM PSAP.

2ND CALL SHOULD TRANSFER TO FIRE BOARD WITH NO ANI/ALI EXPECTED.

*TEST 12*

HAVE A PSAP SUPERVISOR RE-DIAL ANY SEVEN DIGIT NUMBER THAT WAS PERFORMED IN TEST 12.

*EXPECTED RESULT*

PSAP SUPERVISOR REESTABLISHES CALL TO THE SAME NUMBER.

*TEST 13*

PLACE A TEST CALL TO PUBLIC OPERATOR FROM THE SWITCH UNDER TEST AND HAVE CALL RE-ROUTED TO PSAP OPERATOR.

*EXPECTED RESULT*

CALL RECEIVING WITH OPERATOR ON THE LINE AND ANI/ALI INFORMATION THAT DENOTES OPERATOR ASSISTED CALL.

**END OF PHILA E-9-1-1 TEST**

[Pa.B. Doc. No. 99-485. Filed for public inspection March 19, 1999, 9:00 a.m.]

**Railroad  
With Hearing**

**I-00990081. Consolidated Rail Corporation.** Investigation Upon the Commission's Own Motion to determine the condition, disposition and responsibility for maintenance of the existing crossing structure carrying Schuylkill Avenue (SR 0183) above the grade of the tracks of Consolidated Rail Corporation's Reading Line in the City of Reading, Berks County (AAR 592 016 E).

An initial hearing on this matter will be held Thursday, April 8, 1999 at 10 a.m. in an available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-486. Filed for public inspection March 19, 1999, 9:00 a.m.]

**Railroad  
With Hearing**

**I-00990082. National Railroad Passenger Corporation.** Investigation upon the Commission's own motion to determine the condition, disposition and responsibility for maintenance of the existing crossing structure carrying Randall Avenue above-the-grade of the tracks of National Railroad Passenger Corporation in Bristol Township, Bucks County (AAR 530 983 U).

An initial hearing on this matter will be held Wednesday, April 14, 1999, at 10 a.m. in an available hearing room, 1302 Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-487. Filed for public inspection March 19, 1999, 9:00 a.m.]

**Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before April 12, 1999, as set forth at 52 Pa. Code

§ 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for 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-00102568, F. 3, Am-B. Harry Williams, t/d/b/a Eagle Taxi** (2040 Center Avenue, Pittsburgh, Allegheny County, PA 15219)—persons upon call or demand, in the 3rd, 4th and 5th Wards of the city of Pittsburgh, Allegheny County, and those areas of the city of Pittsburgh commonly known as Northview Heights, St. Clair Village, Glen Hazel Project, Westgate Village, and Broadhead Manor, and the Homewood-Brushton area bounded generally by Washington Boulevard and Penn Avenue, the Beltzhoover area bounded by Brownsville Road, Arlington Avenue, Warrington Avenue and Saw Mill Run Boulevard, and that portion of the Manchester area bounded by Beaver Avenue, Brighton Road, Western Avenue and Marshall Avenue: *so as to permit* the transportation of persons upon call or demand in the city of Pittsburgh, Allegheny County. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. TIV Enterprises, Inc.  
t/d/b/a Shanahan Freight Co.; Doc. No.  
A-00101690C9901 A-00101690*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That TIV Enterprises, Inc., t/d/b/a Shanahan Freight Co., respondent, maintains its principal place of business at P. O. Box 400, Glassboro, New Jersey 08028.
2. That respondent was issued a certificate of public convenience by this Commission on January 29, 1980, at Application Docket No. A-00101690.
3. That on or before December 9, 1998, respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.
4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke TIV Enterprises, Inc., t/d/b/a Shanahan Freight Co.'s certificate of public convenience at A-00101690.

Respectfully submitted,  
George T. Mahan, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
George T. Mahan

*Notice*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth in C, above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Blue Mack Transport, Inc.;*  
*Docket No. A-00108492C9901 A-00108492*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Blue Mack Transport, Inc., respondent, maintains its principal place of business at 401 West High Street, Pottstown, Montgomery County, Pennsylvania 19464.

2. That respondent was issued a certificate of public convenience by this Commission on November 20, 1989, at Application Docket No. A-00108492.

3. That on or before May 7, 1998, respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Blue Mack Transport, Inc.'s certificate of public convenience at A-00108492.

Respectfully submitted,  
George T. Mahan, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
George T. Mahan

*Notice*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-488. Filed for public inspection March 19, 1999, 9:00 a.m.]

### Sewer Service Without Hearing

**A-230079; A-230074F2000. Start Properties II, L.L.C. and KEO Homes, Inc.** Joint Application of Start Properties II, L.L.C. and KEO Homes, Inc., for approval of (a) the right of Start Properties II, L.L.C., to provide sewer service to the public in a limited portion of Delaware Township, Northumberland County, PA, known as Spring Lake Crest; (b) the sale by KEO Homes, Inc., of its assets to Start Properties II, L.L.C., docketed at A-230079; and (c) the abandonment of the provision of sewer service by KEO Homes, Inc., to the public in a limited portion of Delaware Township, Northumberland County, PA, known as Spring Lake Crest, docketed at A-230074F2000.

This Joint 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 April 5, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* Start Properties II, L.L.C.

*Through and By Counsel:* Thomas Andrew Sabol, Esquire, 1800 John F. Kennedy Boulevard, 14th Floor, Philadelphia, PA 19103; and

*Applicant:* KEO Homes, Inc.

*Through and By Counsel:* Ronald D. Butler, Esquire, Butler Law Firm, 500 N. Third Street, 12th Floor, Harrisburg, PA 17101.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-489. Filed for public inspection March 19, 1999, 9:00 a.m.]

### Water Service Without Hearing

**A-210083; A-210074F2000. Start Properties II, L.L.C. and KEO Homes, Inc.** Joint Application of Start Properties II, L.L.C. and KEO Homes, Inc., for approval of (a) the right of Start Properties II, L.L.C., to provide water service to the public in a limited portion of Delaware Township, Northumberland County, PA, known as Spring Lake Crest; (b) the sale by KEO Homes, Inc., of its assets to Start Properties II, L.L.C., docketed at A-210083; and (c) the abandonment of the provision of water service by KEO Homes, Inc., to the public in a limited portion of Delaware Township, Northumberland County, PA, known as Spring Lake Crest, docketed at A-210074F2000.

This Joint 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 April 5, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* Start Properties II, L.L.C.

*Through and By Counsel:* Thomas Andrew Sabol, Esquire, 1800 John F. Kennedy Boulevard, 14th Floor, Philadelphia, PA 19103; and

*Applicant:* KEO Homes, Inc.

*Through and By Counsel:* Ronald D. Butler, Esquire, Butler Law Firm, 500 N. Third Street, 12th Floor, Harrisburg, PA 17101.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-490. Filed for public inspection March 19, 1999, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #9904.6, Sprinkler System Investigation and Repairs at Packer Ave. Marine Terminal until 2 p.m. on Thursday, April 1, 1999. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available March 23, 1999. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations. Mandatory prebid job site meeting will

be held March 25, 1999, 10 a.m. at the Tioga Administration Building, 3460 N. Delaware Ave., Suite 203, Philadelphia, PA 19134.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 99-491. Filed for public inspection March 19, 1999, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

April 21, 1999	Robert Lowing (Payment of Death Benefit)	2 p.m.
April 28, 1999	David W. Hughes (Years of Service)	1 p.m.
	Paul N. Rehrig (Change of Retirement Date)	2:30 p.m.

Persons with a disability who wish to attend the above-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with the

General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

DALE EVERHART,  
*Secretary*

[Pa.B. Doc. No. 99-492. Filed for public inspection March 19, 1999, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

**Contract No. 98-010-RM36**—Bituminous Overlay between M. P. 334.05 and M. P. 350.86 on the Pennsylvania Turnpike System in Montgomery and Bucks Counties, PA

*Bid Opening Date*—April 22, 1999, 11 a.m.

*Bid Surety*—5%

Plans, specifications and contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$35 per set by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Direct all questions on this project to Inessa Evenchik, (717) 939-9551, Ext. 5770.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 99-493. Filed for public inspection March 19, 1999, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### 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

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
State Treasurer

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**0015-05** Annual Contract—PA 601/600 common applications form (DPW).  
**Department:** Public Welfare  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**0018-03** Annual Contract—General highway county maps (DOT).  
**Department:** Transportation  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**0023-03** Annual Contract—Tax booklets (REV).  
**Department:** Revenue  
**Location:** Various  
**Duration:** 08/01—07/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**0024-02** Annual Contract—Medical services eligibility cards (DPW).  
**Department:** Public Welfare  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**0042-03** Annual Contract—PennDOT continuous cut card forms (DOT).  
**Department:** Transportation  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**0046-03** Annual Contract—PA Geology (DCNR).  
**Department:** Conservation and Natural Resources  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**0048-03** Annual Contract—Pinfeed pressure sensitive labels.  
**Department:** Various  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**0087-01** Annual Contract—Welfare medical assistance forms (DPW).  
**Department:** Public Welfare  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**2550-07** Annual Contract—Auto repair and maintenance Ford no substitute (SP).  
**Department:** State Police  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**2550-09** Annual Contract—Auto repair and maintenance GM no substitute (SP).  
**Department:** State Police  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**2805-01** Annual Contract—Engine parts no substitute (DOT).  
**Department:** Transportation  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**5680-01** Annual Contract—Crack and joint sealing materials (DOT).  
**Department:** Transportation  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**5810-04** Annual Contract—Software licenses, Microsoft (DGS/WH).  
**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**7920-07** Annual Contract—Scouring pads (WH).  
**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** 06/01—05/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8110-01** Annual Contract—Cans, No. 10 and covers beaded (CI).  
**Department:** Correctional Industries  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8405-02** Annual Contract—Rainwear.  
**Department:** Various  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8430-04** Annual Contract—Shoes, canvas.  
**Department:** Various  
**Location:** Various  
**Duration:** 07/15—07/14  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8960-01** Annual Contract—Water, drinking (Cap. Complex and 20 mile radius).  
**Department:** Various  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**9110-01** Annual Contract—Coal, anthracite.  
**Department:** Various  
**Location:** Various  
**Duration:** 09/01—08/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

- 9110-02** Annual Contract—Coal, Bituminous.  
**Department:** Various  
**Location:** Various  
**Duration:** 09/01—08/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 9110-04** Annual Contract—Coal lab, testing, anthracite and bituminous.  
**Department:** Various  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 9120-03** Annual Contract—Producer's gas (natural gas) DPW and Military Affairs.  
**Department:** Various  
**Location:** Various  
**Duration:** 09/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 9310-02** Annual Contract—Xerographic copy paper (WH).  
**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 9985-08** Annual Contract—Signs/plastic/work area and stop/slow paddles (DOT).  
**Department:** Transportation  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 9985-10** Annual Contract—Light arrow boards, towed (DOT).  
**Department:** Transportation  
**Location:** Various  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 9985-02** Annual Contract—Food catering service.  
**Department:** Various  
**Location:** Various  
**Duration:** 04/01—03/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 9985-04** Annual Contract—Mailroom equipment maintenance and repairs.  
**Department:** Various  
**Location:** Various  
**Duration:** 05/01—04/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 9985-05** Annual Contract—Personnel training services.  
**Department:** Various  
**Location:** Various  
**Duration:** 05/01—04/30  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 9985-06** Annual Contract—Package delivery and same day letter service.  
**Department:** Various  
**Location:** Various  
**Duration:** 06/01—05/31  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 8208090** Construction and building materials—1 each precast reinforced concrete box culvert.  
**Department:** Transportation  
**Location:** Waterford, Erie County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 1303118** Food preparation and serving equipment—1 each spiral mixer, Hobart Model No. HR250 or approved equal.  
**Department:** Corrections  
**Location:** Houtzdale, Clearfield County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 8217460** Laboratory instruments and equipment—1 each compression machine—60,000 lbs.  
**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 1605218** Medical, dental and veterinarian equipment and supplies—9 each assistive devices and durable medical equipment wheelchair and custom seating for 9 individuals.  
**Department:** Public Welfare  
**Location:** Ebensburg Center, Ebensburg, Cambria County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 1526118** Plumbing, heating and sanitation equipment—5 each Aerco International, Inc. SW1B+05/1.25/# or approved equal Helitherm heat exchanger, packaged hot water heater with self-contained pilot operator.  
**Department:** Corrections  
**Location:** Graterford, Montgomery County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- 1622388** Refrigerator and AC equipment—1 project complete air conditioning system installation.  
**Department:** Conservation and Natural Resources  
**Location:** Regional Park Office No. 4, Perkasio, Bucks County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
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- PCG-2600** Agricultural supplies—Game Bird netting—polypropylene made of synthetic Olefin fibers, equal to or better than Endurance Net. Designed as covers for game bird holding pens. Maximum UV resistant, mildew and rust resistant. Eighteen rolls of netting 2" x 50' x 150', strength 80 lbs/mesh, durability 7—10 years. Weight: approximately 80 lb., 2" mesh net. Ten rolls of netting 2" x 100' x 150' strength 80 lbs./mesh, durability 7—10 years. Weight: approximately 150 lb. 2" mesh net. Eight rolls of netting 1" x 50' x 150', strength 80 lb./mesh, durability 7—10 years. Weight approximately 150 lbs. 2" mesh net. Delivery will be to Western Game Farm, Cambridge Springs; Loyalsock Game Farm, Montoursville; Northcentral Game Farm, Williamsport; and Southwest Game Farm, New Bethlehem.  
**Department:** Game Commission  
**Location:** Various  
**Duration:** FY 98—99  
**Contact:** Carl Riegner, (570) 584-2798
- 
- 98-97** Rope, cable, chain and fittings—Razor Ribbon II long barb, reinforced tape obstacle wire. 300 coils.  
**Department:** Corrections  
**Location:** State Correctional Institution Waymart, Waymart, Wayne County, PA  
**Duration:** FY 98—99  
**Contact:** Andrew J. Booths, (570) 488-2516
- 
- 0305** Construction, mining, excavating and highway maintenance equipment—Air compressor with pavement breaker and related accessories.  
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, Clarks Summit, Lackawanna County, PA  
**Duration:** FY 98—99  
**Contact:** Stanley Rygelski, (570) 587-7291
- 
- DGS Project 1104-53** Signs, blanks—Signage for Temple University classroom and laboratory buildings to meet specifications and bid requirements: 1) sample of specified sign to be submitted with bid, 2) signage must be delivered no later than August 16, 1999.  
**Department:** Temple University  
**Location:** Philadelphia, Philadelphia County, PA  
**Duration:** FY 98—99  
**Contact:** Theresa Burt, (215) 204-7685; fax (215) 204-4444
- 
- GRA-4934** Containers, packaging and packing supplies—The dairy at the State Correctional Institution at Graterford is seeking vendors to supply 50 lb. bag milk liners (6 gal. disp.).  
**Department:** Corrections  
**Location:** State Correctional Institution Graterford, Graterford, Montgomery County, PA  
**Duration:** FY 98—99  
**Contact:** Rick F. Bower, (610) 489-4151, Ext. 2289

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# SERVICES

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## Audio/Video—04

**015** To provide telecommunications billing audit services for voice services under the jurisdiction of the Department of General Services. These auditing services will be provided with the express intent of finding billing errors and recovering the appropriate refunds for the Commonwealth.

**Department:** General Services  
**Location:** Purchases/Telecommunications Division, 2221 Forster Street, G-13, Harrisburg, PA 17103—Statewide  
**Duration:** Two years with three 1-year renewals  
**Contact:** John B. Malcolm, Jr., (717) 783-1965

**AC 99 01** To provide maintenance service for the NEC NFAX 2400 SIM telephone system. Vendor shall supply all labor, parts and materials to make all the necessary repairs, deletions or additions to the telephone system.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1999 through June 30, 2002 (3 years)  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125

**WC 644** West Chester University is soliciting sealed bids for the upgrade of existing exterior emergency phones to be ADA compliant. This consists of 33 existing emergency phones. Also, install new exterior emergency phones (19 new). Prevailing wages apply and contract bonds will be required. It is anticipated that the specifications will be available on or about March 30, 1999.

**Department:** State System of Higher Education  
**Location:** West Chester University, North and South Campus, West Chester, PA  
**Duration:** 112 calendar days from Notice to Proceed  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

## Construction and Construction Maintenance—09

**DGS A 208-11** Project title: New Standby Engine Generator. Brief description: Provide and install new standby engine generator set and new main distribution panelboard. Estimated range: Under \$100,000. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed 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 your express mail account number to the address listed below. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, April 7, 1999 at 1 p.m.

**Department:** General Services  
**Location:** PA State Police, Troop "P" Headquarters, Wyoming, Luzerne County, PA  
**Duration:** 100 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 251-465** Project title: Upgrade HVAC System. Brief description: Remove entire building hydronic heating system including asbestos abatement, electrical circuits, office area ceilings and light fixtures, replace with new gas-fired radiant heating system, gas heaters, PTAC units, new ceilings and light fixtures, electric panels, circuits, rooftop HVAC units and VAV ductwork system for the office areas. Estimated range: \$100,000 to \$500,000. Mechanical, electrical and asbestos abatement construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed 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 your express mail account number to the address listed below. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, April 7, 1999 at 1 p.m.

**Department:** General Services  
**Location:** PennDOT County Maintenance District 5-1 Building, Temple, Berks County, PA  
**Duration:** 170 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 508-90** Project title: Toilet Renovations—Bengs Building. Brief description: Construct structural glazed tile privacy walls in toilet rooms. Estimated range: Under \$100,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed 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 your express mail account number to the address listed below. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, April 7, 1999 at 11 a.m.

**Department:** General Services  
**Location:** Mayview State Hospital, Bridgeville, Allegheny County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 513-83** Project title: Repair Sewer. Brief description: Line approximately 2,800 feet of existing VCF sanitary sewer. Estimated range: \$100,000 to \$500,000. Plumbing construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed 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 your express mail account number to the address listed below. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, April 7, 1999 at 11 a.m.

**Department:** General Services  
**Location:** Torrance State Hospital, Torrance, Westmoreland County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 999-105** Project title: HVAC Systems. Brief description: Remove asbestos ceiling panels and suspension systems. Install new suspended acoustical ceiling system, roof scuttle. Furnish and install six new rooftop packaged heat pump units, one energy recovery unit (on grade) three electric heaters and associated ductwork systems. Estimated range: \$100,000 to \$500,000. General, mechanical and electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed 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 your express mail account number to the address listed below. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, April 14, 1999 at 2 p.m. A prebid conference has been scheduled for Wednesday, March 31, 1999 at 10:30 a.m. at the Pennsylvania Military Museum, Main Entrance, Boalsburg, PA. Contact: William Leech, (814) 466-6263. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** PA Military Museum, Boalsburg, Centre County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 1999-1 RCM** Project title: Regional Construction Manager. Brief description: DGS plans to retain two CMs for each Public Works construction region. Selected project tasks will be assigned to the retained CMs by Public Works. The CM may be assigned responsibility in matters relating to costs, schedules, value engineering, constructibility reviews and construction administration. It is advised that there is no guarantee that CM services will be used. No minimum compensation is guaranteed or implied by virtue of this contract. RFP price: \$25 (includes PA Sales Tax per RFP). Checks made payable to: The Commonwealth of Pennsylvania. This price is nonrefundable. Contact the office listed below to arrange for delivery of documents. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Date for receiving RFP: Tuesday, April 20, 1999 at 2 p.m. All questions pertaining to this RFP must be received by way of fax by 5 p.m., April 6, 1999. Inquiries received after this time and date will not be considered. Address questions to Thomas Rados, fax: (717) 772-2036.

**Department:** General Services  
**Location:** Regional Construction Managers, DGS Construction Regions  
**Duration:** Indeterminate 1998—99  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. FDC-201-534** Construct new vault toilet (demolition, excavation, concrete, masonry, carpentry, roofing, painting, mechanical, plumbing and electrical work) at Clear Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Barnett Township, Jefferson County, PA  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-202-535** Construct a new comfort station (ADA accessible) at the River Cabin area in Cook Forest State Park (demolition of existing toilet and walkways; construct a new 18' x 18' structure; two-1,000 gallon vaults; minor electrical work; and site work).

**Department:** Conservation and Natural Resources  
**Location:** Barnett Township, Forest County, PA  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-226-575** Construct an aeration tank cover at the Linesville Waste Water Treatment Plant in Pymatuning State Park.

**Department:** Conservation and Natural Resources  
**Location:** Pine Township, Crawford County, PA  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-417-485** Rehabilitate existing sewage lift station (general, plumbing, and necessary electrical connections, excavation) at Ricketts Glen State Park.

**Department:** Conservation and Natural Resources  
**Location:** Fairmount Township, Luzerne County, PA  
**Duration:** 180 days  
**Contact:** Construction Management Section, (717) 787-5055

**IN-772** Interior Renovations Stright Hall. Work includes removing and replacement of existing steel stud partitions, concrete masonry units, doors, door frames, blackboards, projection screens, floor covering, project screens, raised platform, seating, diffusers, convectors, lights, switches, wiring, conduit, and the like. Contractors will furnish and install new items. Phone: (724) 357-2289. Fax: (724) 357-6480. Internet: <http://www.iup.edu.engcons>

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (724) 357-4851

**KU 99-11** Kutztown University is seeking qualified contractors for the general, mechanical, electrical and plumbing work associated with the addition to the South Dining Hall at Kutztown University. Bid packages are available for a nonrefundable fee of \$175 from: Janet Spahr, STV Architects, 205 West Welsh Drive, Douglassville, PA 19508, (610) 385-8219. Bid packages are available March 22, 1999 through prebid. A prebid meeting has been scheduled for April 8, 1999 at 9 a.m. at the South Dining Hall. Bids are to be received no later than 2 p.m. on April 29, 1999 in the Office of Planning and Construction, Room 236. Bids will be opened on April 29, 1999 at 2 p.m. Nondiscrimination and Equal Opportunity are policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 274 days after Notice to Proceed  
**Contact:** Barbara Barish, (610) 683-4602

**OSM 02(0351)101.2** Notice is given that the Department will retain a firm to determine the technical and financial feasibility of a joint project involving the Department of Environmental Protection (DEP), the PA Turnpike Commission (PTC) and the Allegheny County Department of Aviation (DOA) concerning the construction of the Findlay Connector and the reclamation of abandoned mine lands in Findlay Township, Allegheny County. The project involves the elimination of an acid discharge to Montour Run by daylighting and reclaiming an abandoned deep mine; the reclamation of abandoned surface mines; the reconstruction of the mine fill area to meet the PTC compaction and grading standards for the proposed roadway. For a copy of the Design Professional Services Request for Proposal, please contact Ernest Giovannitti, Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476. Faxed requests will be accepted. Contact Ray Desai at (717) 783-5641, during the hours of 8 a.m. to 3 p.m., Monday through Friday, if you have any questions.

**Department:** Environmental Protection  
**Location:** Bureau of Abandoned Mine Reclamation, Allegheny County, PA  
**Duration:** Three months from Notice to Proceed  
**Contact:** Ray Desai, (717) 783-5641

**S11-88-102.1** Saltlick Run Bank Stabilization involves approximately 250 s. y. R-7 rockfill and riprap, 145 c. y. common excavation and 70 c. y. unclassified fill.

**Department:** Environmental Protection  
**Location:** Village of Mineral Point, East Taylor Township, Cambria County, PA  
**Duration:** 45 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**S35-41-101.1** Hull Creek Channel Improvements involves approximately 185 s. y. R-6 riprap, 816 c. y. common excavation and 60 c. y. unclassified fill.

**Department:** Environmental Protection  
**Location:** Scott Township, Lackawanna County, PA  
**Duration:** 45 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**SP-38-6300-8-011** Approximately 900 s. y. of paving at four areas in the campground.

**Department:** Conservation and Natural Resources  
**Location:** State Parks Region No. 3, Codorus State Park, 1066 Blooming Grove Road, Hanover, PA 17331-9545  
**Duration:** Completion time—30 days after Notice to Proceed  
**Contact:** James L. Ross, (814) 733-9123

**SP-38-6300-8-010** Furnish and install guide rail along the main park road.

**Department:** Conservation and Natural Resources  
**Location:** State Parks Region No. 3, Warriors Path State Park, c/o Trough Creek State Park, R. R. 1, Box 211, Route 994, James Creek, PA 16657-9302  
**Duration:** Completion time—30 days after Notice to Proceed  
**Contact:** James L. Ross, (814) 733-9123

**UP-166** Concrete Maintenance, General Campus: Repair and replacement of concrete sidewalks, curbs and wheelchair ramps. Bidders may obtain a bid package including specifications by mailing a nonrefundable check for \$25 payable to Slippery Rock University, to Slippery Rock University, Business Services Office, Slippery Rock, PA 16057. A prebid conference will be held at 2 p.m. on March 25, 1999 at the Maintenance Center Conference Room. Bids will be received until 2 p.m. on April 7, 1999. A public bid opening will be held at 2 p.m. on April 07, 1999. Please mark UP-166 on your check.

**Department:** State System of Higher Education  
**Location:** Slippery Rock University of PA, Slippery Rock, Butler County, PA 16057  
**Duration:** One year with renewal option  
**Contact:** J. F. Revesz, (724) 738-2255

## Elevator Maintenance—13

**304-117** Contractor to provide all materials, labor, supervision, tools and equipment necessary to provide for repairs, adjustments, emergency services, preventive maintenance and inspection of all elevators in the Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222. All work to be done in accordance with attached specifications.

**Department:** General Services  
**Location:** Bureau of Facilities Management, Pittsburgh State Office Building, 300 Liberty Avenue, Room 219, Pittsburgh, PA 15222  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** Building Administrator, (412) 565-5373

**RFP 00-01** Kutztown University is inviting quotations for Elevator Maintenance to include the following: all engineering, labor, materials, transportation, services and necessary equipment to perform work as specified in the RFP; as well as a continuing preventive maintenance program. RFPs are available March 22, 1999 by fax request to Gina Frankhouser at (610) 683-4674. Proposals are due no later than April 1, 1999 at 2 p.m.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** Fiscal Year July 1, 1999—June 30, 2000 with possible renewals  
**Contact:** Gina Frankhouser, (610) 683-4663

## Engineering Services—14

**08430AG2306** Four open-end contracts to provide for design related services associated with projects such as bridge replacement, bridge rehabilitation, roadway betterment (3R type), capital improvement, minor alignment study and other related work on an as needed basis, in Engineering District 6-0, that is, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2307** Two open end contracts to provide for environmental studies associated with projects such as bridge replacement, bridge rehabilitation, roadway betterment (3R type), capital improvement projects, minor alignment study and other related work on an as needed basis in Engineering District 6-0, that is, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2308** An open-end contract to provide supplementary construction inspection staff to perform construction inspection and documentation services on various projects in Chester County.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2309** Two open-end contracts for various engineering and/or environmental services on various projects in Engineering District 3-0, that is, Bradford, Tioga, Lycoming, Sullivan, Columbia, Montour, Northumberland, Snyder and Union Counties.

**Department:** Transportation  
**Location:** Engineering District 3-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2310** Open-end contract to perform various environmental and/or engineering services on various projects located in Engineering District 3-0, that is, Bradford, Tioga, Lycoming, Sullivan, Columbia, Montour, Northumberland, Snyder and Union Counties.

**Department:** Transportation  
**Location:** Engineering District 3-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2311** To provide construction inspection services on S. R. 0088, Section 40M, Library Road, S. R. 0088, Section 042, Library Road Bridge and S. R. 2057, Section A02, Mossie Boulevard and Old William Penn Intersection Improvement in Allegheny County.

**Department:** Transportation  
**Location:** Engineering District 11-0  
**Duration:** Fifteen (15) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2312** To provide construction inspection services on S. R. 0030, Section B05, Lincoln Highway Bridge over Little Traverse Creek, S. R. 0018, Section B19, from Brodhead Road to Monaca, and S. R. 0068, Section B03, T. R. 68 from Wolf Run to Barclay Hill in Beaver County.

**Department:** Transportation  
**Location:** Engineering District 11-0  
**Duration:** Fifteen (15) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**RFP 01-99** Consultants to provide technical and financial assistance to the Commonwealth for grant and loan assisted projects throughout PA in the Redevelopment Assistance Capital Program and the PENNVEST Program. For RACP, includes approval assistance for grant applications by review of financial, design and construction plans; and monitoring during construction to ensure program and financial compliance. For PENNVEST, includes one-time review of construction project controls in the early stages of construction to monitor cost, schedule, quality and compliance. Services predominantly to be assigned on RACP projects. May include other unforeseen work related to the other programs or projects administered by the Office of the Budget.

**Department:** Office of the Budget  
**Location:** PP&R Comptroller, Statewide—Specific sites chosen by agency  
**Duration:** June 1, 1999 to May 30, 2002  
**Contact:** James E. Barbush, (717) 787-8865

**SP3590004742** Provide professional survey services in the Borough of Nanty Glo, Cambria County.

**Department:** Environmental Protection  
**Location:** Borough of Nanty Glo, Cambria County, PA  
**Duration:** June 30, 1999  
**Contact:** Ally Hubler, (717) 787-2471

## Environmental Maintenance Services—15

**BF 53-101.1** Abandoned mine land reclamation involves an estimated 573,000 c. y. of grading, 3,560 s. y. of rock lining with geotextile fabric and 91 acres of seeding.

**Department:** Environmental Protection  
**Location:** Monroe Township, Clarion County, PA  
**Duration:** 420 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**OSM 17(1942)101.1** Sanbourn Water Line Extension involves approximately 63,140 l. f. eight inch (8") PVC water line, 905 l. f. eight inch (8") ductile iron pipe, 75 eight inch (8") gate valves, 165 service connections, 4 pressure reducing vaults, a pump station and a glass lined storage tank. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$14.9 million for Pennsylvania's 1998 AML Grant.

**Department:** Environmental Protection  
**Location:** Decatur and Woodward Townships, Clearfield County, PA  
**Duration:** 365 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

## Extermination Services—16

**99-2001** Vendor to provide pest control services to the State Correctional Institution Graterford. Services to include: control of rodents, vermin, insects, pigeons and pests and the like. Services are to cover all buildings and residences located on institutional grounds. Approximately 30 hours per week are required. Detailed written reports will be submitted following each visit. Vendor must be licensed to perform services in the Commonwealth of PA.

**Department:** Corrections  
**Location:** State Correctional Institution Graterford, Box 246, Route 29, Graterford, PA 19426  
**Duration:** 3 years  
**Contact:** Kelly Richardson, (610) 489-4151

**304-115** Contractor to furnish labor and equipment for an effective exterminating program in the Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222 in accordance with attached specifications. All work to be done in accordance with standards of the trade and conform to Federal, State and local laws and regulations. Contractor will be paid on a monthly basis. Contractor is required to leave a delivery slip for services rendered where services are performed.

**Department:** General Services  
**Location:** Facilities Management, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** Joseph Ehrenberger, (412) 565-5373

## Financial and Insurance Consulting—17

**RFP No. 98-07-07** The Departments of Health and Agriculture are seeking a qualified contractor who can provide banking and related services for the Special Supplemental Food Program for Women, Infants and Children (WIC) and Farmers' Market Nutrition Program (FMNP). The qualified contractor will act as a clearinghouse for food instruments (checks) distributed to WIC and FMNP Program participants. The services required include maintenance of accounts against which food instruments are processed as well as reconciliation and other related services. The contractor must be a Commonwealth approved depository bank in accordance with the Fiscal Code of Pennsylvania, 72 P. S. § 505.

**Department:** Health  
**Location:** Division of WIC, Room 604 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090  
**Duration:** October 1, 1999 to September 30, 2000  
**Contact:** Gregory Landis, Chief, Grants and Retail Store Management Section, (717) 783-1289

**RFP 99-16** Kutztown University is currently seeking proposals from qualified insurance agencies, insurance brokerages and insurance companies to provide health insurance plans for domestic and international students attending Kutztown University. Enrollment health insurance coverage periods are approximately: annual, semi-annual, spring/summer and summer only. The plans should be segregated between domestic and international students. Insurance plans must include optional coverage for spouses and dependents of eligible students. Proposal packages should be requested in writing to: Barbara Reitz, Purchasing Department, Kutztown University, Kutztown, PA 19530, or faxed to (610) 683-4674 or e-mail: reitz@kutztown.edu. Packages are available March 22, 1999. Questions are due by: April 2, 1999 by 12 noon. Proposals are due April 13, 1999 by 2 p.m.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** Indeterminate 1998—99  
**Contact:** Barbara Reitz, (601) 683-4132

**Firefighting Services—18**

**304-07462** Contractor to furnish the necessary labor and testing equipment/materials to perform an inspection, test and maintenance once every 3 months on the halon and kitchen fire extinguishing systems located in the following buildings: Capitol East Wing, Governor's Residence, Forster Street Office and Rachel Carson State Office Buildings.

**Department:** General Services  
**Location:** Maintenance Support, East Wing, Forster Street Office, Rachel Carson and Governor's Residence, Harrisburg, PA  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** Robert Spoljaric, (717) 783-1170

**304-07462-A** Contractor to furnish necessary labor and materials for the annual inspections and one hydrostatic test of fixed fire protection systems over a 3 year period at the following buildings in the Capitol Building, Capitol Annex, Agriculture Diagnostics Lab, Health and Welfare, North Office, South Office, Labor and Industry, Agriculture, Forster Street Office Building, Rachel Carson, East Wing, Publications, State Record Center and Communications Buildings.

**Department:** General Services  
**Location:** Maintenance Support, Capitol Complex and Outlying Buildings, Harrisburg, PA  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** Robert Spoljaric, (717) 783-1170

**SP Bid No. 90777002** Fire extinguisher service.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July 01, 1999—June 30, 2002  
**Contact:** Stanley Rygelski, Purchasing Agent, (570) 587-7291

**Food—19**

**060212** To provide catering services for the Department of Transportation at various sites in and around the District office (St. Davids). All sites will be within 15 miles of the St. Davids office. Services will consist of catering luncheons and breaks during meetings, workshops, ceremonies, and the like. Detailed requirements and an SPC are available upon request. Fax request to Larry J. McCool at (610) 964-6668; questions, call (610) 964-6670.

**Department:** Transportation  
**Location:** 200 Radnor-Chester Road, St. Davids, PA 19087-5178 and Delaware/Montgomery County Area  
**Duration:** July 01, 1999 through June 30, 2001 with one 2-year renewal  
**Contact:** Larry J. McCool, (610) 964-6670

**1118811** Estimated need: enriched white bread, Texas toast, wheat bread, cinnamon/raisin bread, Italian bread, hamburger rolls, frankfurter rolls, soft dinner rolls, semi-hard rolls, hard rolls, English muffins, assorted pastries, individual size pies.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. R. 6, Box 21A, New Castle, Lawrence County, PA 16101  
**Duration:** April 1, 1999—June 30, 1999  
**Contact:** Kathy Zeigler, Purchasing Agent, (724) 656-7308

**LH-F-088** Miscellaneous products—If not available from State contracts as follows: flour, canned sauces and related items; waffles, pizza shells, salad dressings, tacos; taco seasonings; baking soda; yeast; extracts; juices; cereals; noodles; soup bases/bouillon; gelatins, edible oils and fats; condiments and any other items as required. Items will be bid monthly or quarterly or as needed by the institution with specified delivery dates. Bids will be on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1999 to June 30, 2000  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**Hazardous Material Services—21**

**Project 63-0006** West Chester University is issuing a request for bids for Project 63-0006—open-ended asbestos removal contract. It is anticipated that the contract will be issued for 1 year with two 2-year options for renewal. The contract will be issued at a yearly amount not to exceed \$250,000 with a maximum of \$50,000 per work order. Prevailing wages apply and contract bonds will be required. It is expected that the specifications will be available on or about March 30, 1999. The work will be issued on an as needed basis and no minimum or maximum amounts are guaranteed.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** One year with two 2-year options for renewal  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**HVAC—22**

**02** The scope of this work requires the furnishing of all labor, materials, equipment, tools, mobilization and supervision to replace the existing 100KW diesel emergency generator set. The procurement and delivery of a new 100KW diesel emergency generator set will be by others. All power and control cabling associated with the automatic transfer switch shall be properly interfaced with the new generator. All additional components and accessories required for proper interfacing shall be provided. The prospective bidder should be aware that the new generator must be properly interconnected with the existing automatic transfer switch.

**Department:** Public Welfare  
**Location:** Youth Forestry Camp No. 2, Hickory Run State Park, White Haven, PA 18661  
**Duration:** March 04, 1999 through June 30, 1999  
**Contact:** Rose M. Palermo, (570) 453-9524

**304-07460** Contractor to furnish maintenance services for equipment operations at the Central Heating/Cooling Plant at the Capitol Complex.

**Department:** General Services  
**Location:** Maintenance Support, Central Plant, Commonwealth Avenue, Harrisburg, PA 17125  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** Carl Wagner, (717) 787-7606

**DLR 99 01** The contractor shall provide maintenance services on an as-needed basis for two 100 Hp. Graham Drives located at the State Correctional Institution at Smithfield. Response time must be within 24 hours from time of notification. Bid specifications on file in the agency purchasing office.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1999 through June 30, 2002 (3 years)  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125

**DLR 99 02** The contractor shall provide preventive maintenance services and repair parts and service for the air conditioning and temperature control systems at the State Correctional Institution at Smithfield. Bid specifications on file in the agency purchasing office.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1999 through June 30, 2002 (3 years)  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125

**SP 80777002** Install emergency generator and transfer switch in Hilltop East.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** April 15, 1999—June 30, 1999  
**Contact:** Stanley Rygelski, Purchasing Agent, (570) 587-7291

**SP No. 80777004** Replace toilet fixtures and wall hangers.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** April, 1999—June 30, 1999  
**Contact:** Stanley Rygelski, Purchasing Agent, (570) 587-7291

**SP 81742008** Contractor to provide comprehensive preventative maintenance for all equipment, mechanical, electrical and plumbing systems at the DPW Complex No. 2. Complete specifications can be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** DPW Complex No. 2, Harrisburg State Hospital Campus, Harrisburg, PA 17105  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** Ed Blandy, (717) 772-7883

## Janitorial Services—23

**Bid No. 7900** Furnish all labor, equipment and materials to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, and the like. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Hazleton Headquarters, 250 Dessen Drive, West Hazleton, PA 18201  
**Duration:** June 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7901** Furnish all labor, equipment and materials to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, and the like. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Altoona Liquor Control Enforcement, Commerce Park, 5000 Sixth Avenue, Altoona, PA 16602  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**95101001** Vendor will provide janitorial services to Philadelphia County Assistance Offices. Services include cleaning of the floors, windows and doors in the offices and accompanying walk areas at specified intervals. Also included are the lavatories and lunchrooms as well as trash, paper and rubbish where applicable. Services are to be provided at the following district offices: Delancey and Elmwood. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Philadelphia County Assistance Office, Office Supports—701, 1400 Spring Garden Street, Philadelphia, PA 19130  
**Duration:** July 1, 1999 to June 30, 2002 with two 1-year renewals  
**Contact:** Doyle Shull, (717) 787-7585

**SBC-90678 002** Contractual janitorial services to be performed in the following buildings which are located on the grounds of the Bensalem Youth Development Center: Administration Building—12,375 sq. ft.; Education Building—71, 570 sq. ft.; Residence A—10,986 sq. ft.; Residence B—10,986 sq. ft.; Residence C—3,596 sq. ft.; Residence D—10,986 sq. ft.; Security Unit—19,041 sq. ft.; Guardhouse—50 sq. ft.; Maintenance Building—872 sq. ft.; Visitor Center—3,000 sq. ft. Square footage is approximate and may vary within each building.

**Department:** Public Welfare  
**Location:** Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Mary Jo Scanlon, (215) 953-6405

**SP3590004872** Provide janitorial services for the Department of Environmental Protection, Knox District Office, White Memorial Building, Best Avenue, Knox, Pennsylvania.

**Department:** Environmental Protection  
**Location:** Knox, PA  
**Duration:** July 1, 1999—June 30, 2000, with option to renew  
**Contact:** Ally Hubler, (717) 787-2471

**SP-81742007** Contractor to provide janitorial services at Hillcrest Building (Building No. 53) located on the grounds of the Harrisburg State Hospital. Complete specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Hillcrest Building, Harrisburg State Hospital, Harrisburg, PA  
**Duration:** July 01, 1999 through June 30, 2004  
**Contact:** Ed Blandy, (717) 772-4883

## Laundry/Dry Cleaning—25

**PL-99** Vendor to provide personal laundry service for 300 residents. Service will include dry cleaning and minor repairs.

**Department:** Military and Veterans Affairs  
**Location:** Southeastern Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** July 1, 1999 through June 30, 2000  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

## Mailing Services—28

**SP-81742006** Contractor to provide courier service between Department of Public Welfare Complex 2 and Capital Complex consisting of computer-generated material. Complete specifications can be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** DPW Complex 2, Harrisburg, State Hospital, Harrisburg, PA 17105  
**Duration:** July 01, 1999 through June 30, 2004  
**Contact:** Ed Blandy, (717) 772-4883

## Medical Services—29

**06-99** Provide medical exams to White Haven Center employees as required by Environmental Protection Agency to determine employees' medical fitness to perform asbestos abatement work. Call Purchasing Office for details.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA 18661  
**Duration:** July 1, 1999—June 30, 2004  
**Contact:** Sandra A. Repak, Purchasing Agent, (570) 443-4232

**MED 99-01** The contractor shall provide dental laboratory services for inmate dental prosthesis requirements as prescribed by the institutional dentist at the State Correctional Institution at Smithfield. Bid requirements on file in agency purchasing office.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1999 through June 30, 2002 (3 years)  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125



**PHYS-99** Southeastern Veterans Center wishes to contract for onsite and on-call services of a medical director and primary care physicians.

**Department:** Military and Veterans Affairs  
**Location:** Southeastern Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** July 1, 1999 through June 30, 2000  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

**POD-99** Vendor to provide onsite podiatry services to all referred residents of the Southeastern Veterans Center.

**Department:** Military and Veterans Affairs  
**Location:** Southeastern Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** July 1, 1999—June 30, 2001  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

### Property Maintenance—33

**01** Construction and installation of a ticket booth in the main entrance lobby of the Railroad Museum of Pennsylvania, Strasburg Township, Lancaster County, PA. Bid forms, plans and specifications may be obtained by contacting the Railroad Museum.

**Department:** Historical and Museum Commission  
**Location:** Railroad Museum of Pennsylvania, 300 Gap Road, P. O. Box 15, Strasburg, PA 17579  
**Duration:** Indeterminate 1998—99  
**Contact:** David Dunn/Dennis Keperling, (717) 687-8628

**02** Furnishing and installing a complete automatic swing door system at the main entrances of the Administration Building at the Railroad Museum of Pennsylvania, Strasburg Township, Lancaster County, PA. Project includes operator, doors and activating devices and all work required for installation. Contact the Railroad Museum for complete scope of work and job specifications.

**Department:** Historical and Museum Commission  
**Location:** Railroad Museum of Pennsylvania, 300 Gap Road, P. O. Box 15, Strasburg, PA 17579  
**Duration:** Indeterminate 1998—99  
**Contact:** David Dunn/Dennis Keperling, (717) 687-8628

**401-BL-578** Andruss Library Stained Glass Protection and Preservation—Provide all labor, equipment and material necessary to remove an existing stained glass, clean and treat the stained glass, resetting of the stained glass in new frames along with protective glazing, painting/staining, and the installation of accent lighting. To obtain a copy of the bid documents, a \$45 nonrefundable deposit will be required to Robert A. Lack, Architecture and Design, 230 Market Street, Lewisburg, PA 17837. All information regarding the specifications, prebid meetings and bid documents and bid opening dates will be included in package.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA 17815  
**Duration:** 35 days  
**Contact:** Joseph C. Quinn, (570) 389-4311

**MI-755** Project title: Myers Hall Cupola Repair. Scope of Work: Repair and refurbish copper cupola and associated widow's walk. Repair woodwork on four dormers and clad with aluminum. Plans Cost: no cost.

**Department:** State System of Higher Education  
**Location:** Myers Hall, Millersville University, Millersville, Lancaster County, PA 17551-0302  
**Duration:** 21 calendar days from Notice to Proceed  
**Contact:** Jill M. Coleman, Dilworth Building, (717) 872-3730

**80777003** Replace roof on Transportation Building.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** April 15, 1999—June 30, 1999  
**Contact:** Stanley Rygelski, Purchasing Agent, (570) 587-7291

**95101002** Vendor to provide snow removal services. To eliminate treacherous conditions immediately following a snowfall at the following various district offices of PCAO: Boulevard, Unity, Delancey, Lehigh, Ridge, Tioga and North Districts. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Philadelphia County Assistance Office, Office Supports—701, 1400 Spring Garden Street, Philadelphia, PA 19130  
**Duration:** July 1, 1999 to June 30, 2002 with two 1-year renewals  
**Contact:** Doyle Shull, (717) 787-7585

**1250-99-001** Remove existing doors and replace with new aluminum doors.

**Department:** Transportation  
**Location:** District 12-5, PennDOT, Westmoreland County Maintenance Office, Route 0030, Greensburg, PA  
**Duration:** April 26, 1999 to July 30, 1999  
**Contact:** Liberty Hill, (724) 439-7361

**00671-000-98-AS-1** Exterior Painting—Carriage and Lenz Buildings. Exterior painting of Lenz and Carriage Houses at Old Economy, Beaver County, Ambridge, PA. A mandatory prebid meeting and sign in will be held on April 8, 1999 at 1:30 p.m. at the Old Economy Visitor Center, for all firms interested in submitting bids for the project. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, contact the site at (724) 266-4500. All interested bidders should submit a \$25 check (nonrefundable) made payable to PHMC at the mandatory prebid meeting. No bids will be accepted by any contractors who do not make the mandatory prebid. Bids are due on Thursday, April 22, 1999 at 2 p.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Old Economy Village, 14th and Church Streets, Ambridge, PA 15003, (724) 266-4500.  
**Duration:** May 1, 1999 to October 31, 1999  
**Contact:** Judi Yingling or Kent Steinbrunner, (717) 772-2401

**02398-000-98-AS-1** Exterior Paint and Repairs—Various Buildings. Exterior paint, carpentry repairs of the Keith House, Summer Kitchen. A prebid meeting and sign in will be held on April 8, 1999 at 11 a.m. at the Graeme Park Visitor Center, for all firms interested in submitting bids for the project. For directions, contact the site at (215) 343-0965. All interested bidders should submit a \$25 check (nonrefundable) made payable to PHMC at the mandatory prebid meeting. No bids will be accepted by any contractors who do not make the mandatory prebid. Bids are due on Thursday, April 22, 1999 at 11 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Graeme Park, 859 County Line Road, Horsham, PA 19044, (215) 343-0965.  
**Duration:** May 1, 1999 to October 31, 1999  
**Contact:** Judi Yingling or Galen Brown, (717) 772-2401

**Contract No. FDC-202-587** Furnish and install vinyl siding at the park residence at Cook Forest State Park.

**Department:** Conservation and Natural Resources  
**Location:** Barnett Township, Forest County, PA  
**Duration:** 90 days  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-318-453** Replace existing built-up roofs with new rubber roofs on the Maintenance Building, Sewerage Control Building, Park Office and Restroom No. 1 at Canoe Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Frankstown Township, Blair County, PA  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

**LH-MNT-2227** Contractor required to furnish and install toilet partitions, plastic wall sheeting in five restrooms in A-Unit. This must include removal and reinstallation of water closets and sinks. Complete bid specifications on file at the institution. Site visit required.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, Somerset, PA 15501  
**Duration:** April 01, 1999 through June 30, 1999  
**Contact:** Betsy Nightingale, Purchasing Agent II, (814) 445-6501, Ext. 347

### Real Estate Services—35

**102** Lease office space to the Commonwealth of Pennsylvania. Proposals are invited to provide the PA State Police with 5,299 useable square feet of new or existing office/barracks space with parking for 45 vehicles, in Cameron County, PA within the following boundaries: (1) within a 2 1/2 mile radius of the intersection of SR 120 and SR 155 or (2) within a 2 1/2 mile radius of the intersection of SR 120 and SR 46. Proposals due: May 17, 1999. Solicitation No.: 92801.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1998—99  
**Contact:** John A. Hocker, (717) 787-4394

**Sanitation—36**

**304-116** Contractor to furnish labor and equipment for removal of rubbish and other waste daily and recyclables, including newspapers, twice a week from the grounds and building of the Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222 in accordance with the attached specifications. All work to be done in accordance with standards of the trade and shall be coordinated with the Building Administrator at (412) 565-5373.

**Department:** General Services  
**Location:** Facilities Management, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** Joseph Ehrenberger, (412) 565-5373

**3862109001** Sealed bids will be received at Department of Conservation and Natural Resources, Park Region No. 2, P. O. Box 387, 195 Park Road, Prospect, PA 16052-0387 and then publicly opened and read. A bid opening date has not yet been set. For pumping the sewage treatment plant at Moraine State Park. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager, Moraine State Park.

**Department:** Conservation and Natural Resources  
**Location:** Moraine State Park, 225 Pleasant Valley Road, Portersville, PA 16051-9650  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Moraine State Park, (724) 368-8811

**Security Services—37**

**1200-99-001** Installation of a fire and security alarm system.

**Department:** Transportation  
**Location:** District 12-0, PennDOT District Office, North Gallatin Avenue, Uniontown, PA  
**Duration:** April 26, 1999 to July 30, 1999  
**Contact:** Liberty Hill, (724) 439-7361

**SP-81742005** Contractor to provide security guard service for Department of Public Welfare Complex 2 located on the grounds of Harrisburg State Hospital and Bertolino Building located at 1401 North 7th Street. Complete specifications can be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** DPW Complex 2, Harrisburg State Hospital, Harrisburg, PA 17105  
**Duration:** July 01, 1999 through June 30, 2004  
**Contact:** Ed Blandy, (717) 772-4883

**Vehicle, Heavy Equipment—38**

**304-07464** Contractor shall furnish the necessary labor, materials, parts and equipment for the repair or overhaul/rebuilding of approximately 400 motors of various sizes and manufacturers, such as Westinghouse, General Electric, Ideal Electric, Dayton, Emerson and various other brands. Note: After teardown of motor, if the cost exceeds 50% of the cost of a new motor, contractor is to contact the Chief of Environmental Control Division, Carl Wagner at (717) 787-7606, Bureau of Maintenance Support, before repairing same.

**Department:** General Services  
**Location:** Maintenance Support, Capitol Complex, Harrisburg, PA 17125  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** Carl Wagner, (717) 787-7606

**99-UVMAINT** Provide onsite service/inspection and warranties maintenance for four Ideal Horizons ultraviolet water treatment equipment systems. Systems are located in Carlisle, Newville and Loganton, PA. This is a 3-year contract.

**Department:** Fish and Boat Commission  
**Location:** Carlisle, Newville and Loganton, PA  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** Kathi Tibbott, (814) 359-5131

**NSH-06** Provide service to repair electric motors (approximately 100 each) as requested and required by Norristown State Hospital. For more specific information, request bid proposal.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** Approximately 2 year period, ending June 30, 2001  
**Contact:** Sue Brown, Purchasing Agent, (610) 313-1026

**Miscellaneous—39**

**081-99-7000-43** Provide a clipping service on approximately 55 criminal justice topics. News articles to be clipped and received by PCCD in a timely fashion. Resources should include all Pennsylvania daily newspapers except Philadelphia Daily News, Philadelphia Inquirer (clip Sunday only) and Harrisburg Patriot, Evening News or Sunday Patriot News. Clip 25 Sunday newspapers. This contract is for 24 months with the option to renew for 2 years. Twenty-six percent of the total cost of the program will be funded by Federal funds. Responses to this advertisement received 30 days after publication will not be honored. The PCCD is an equal opportunity employer.

**Department:** Executive Offices  
**Location:** Commission on Crime and Delinquency, 3101 North Front Street, Harrisburg, PA 17110  
**Duration:** July 1, 1999—June 30, 2001  
**Contact:** Geary D. Kauffman, (717) 787-8077, Ext. 3026

**NSH-04** Provide transportation service as required for patients being transferred to and from general hospitals, clinics, doctor offices in local areas, plus additional infrequent long distance trips within the State. For estimated amount of trips and mileage request bid proposal.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** Approximately 2 year period, ending June 30, 2001 with renewal option  
**Contact:** Sue Brown, Purchasing Agent, (610) 313-1026

**PSERS-PB Manager** The Public School Employees' Retirement System is soliciting bids for a prescription benefit manager to provide mail-order and retail prescription drug benefits to participants of the PSERS Health Option Program. Preproposal conference will be held on April 8, 1999 at 9 a.m. at PSERS, 5 North 5th Street, Harrisburg, PA. Vendors may request a copy of the complete bid package by E-mail at sneadrc@psers.state.pa.us or calling (717) 720-4607. Please include name, address and phone number.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North 5th Street, Harrisburg, PA 17101  
**Duration:** Indeterminate 1998—99  
**Contact:** Rebecca A. Snead, (717) 720-4607

**WC 716** West Chester University is issuing Request for Proposal WC 716 for towing services. It is anticipated that the contract will begin on or about July, 1999 and be issued for 1 year with two 2-year options for renewal. The RFP requires that the respondent provide towing and storage facilities, and the storage facilities must be within 3 miles of the University Public Safety Office (Corner of South Church Street and University Avenue). The release of cars must be available between 6 a.m. and 11 p.m.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** One year with two 2-year options for renewal  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**Convention 99** The Department of General Services will hold a purchasing convention in the Pittsburgh, Pennsylvania area in the fall of 1999. Check <http://www.dgs.state.pa.us/interest.htm> for details and updates, as they are available.

**Department:** General Services  
**Location:** Pittsburgh, PA  
**Duration:** Indefinite  
**Contact:** Vendor Services Section, (717) 787-2199 or (717) 783-2903

[Pa.B. Doc. No. 99-494. Filed for public inspection March 19, 1999, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
6515-06	03/11/99	VWR Scientific Products	1,400.00
6515-06	03/11/99	Delta Medical Supply Group, Inc.	600.00
6515-06	03/11/99	DMR, Inc.	112,850.00
6515-06	03/11/99	Arbill Glove and Safety Products	57,800.00
6840-02	03/11/99	Arborchem Product Company	817,202.00
6840-02	03/11/99	Cadco/Div. of Chemi-Trol Chem. Co.	89,285.00
6840-02	03/11/99	Carso, Inc.	67,500.00
6840-02	03/11/99	CWC	130,790.00
6840-02	03/11/99	J.C. Ehrlich Chemical Company	227,816.75
6840-02	03/11/99	Lesco, Inc.	3,310.00
6840-02	03/11/99	Townsend Tree Service Co.	90,343.00
7111-02	03/11/99	G. A. Blanco & Sons, Inc.	4,200.00
7111-02	03/11/99	Matrix Data	7,000.00
7111-02	03/11/99	Alling & Cory	200.00
7111-02	03/11/99	Computer Intergration Group, Inc.	100,000.00
7111-02	03/11/99	White Rose Paper Co., Inc.	138,000.00
7111-02	03/11/99	Xerox Corp.	7,000.00
7111-02	03/11/99	Total Media, Inc.	28,000.00
7110-06 SUP No. 3	03/11/99	Eugene Davids Co.	260,000.00
7110-06 SUP No. 3	03/11/99	PA Office Service Group, Inc.	10,000.00
7110-06 SUP No. 3	03/11/99	Merit Seating, Inc. c/o Focus Marketing Assoc., Inc.	10,000.00
7110-06 SUP No. 3	03/11/99	BJR Business Furniture	80,000.00

Requisition or Contract #	Awarded On	To	In the Amount Of
7110-06 SUP No. 3	03/11/99	Fabricated Components, Inc./Toledo Furniture	10,000.00
7110-06 SUP No. 3	03/11/99	Thomasville Office Furniture	10,000.00
7110-06 SUP No. 3	03/11/99	Affordable Office Furniture	100,000.00
7110-06 SUP No. 3	03/11/99	Sican Corp. Domore/DO3	20,000.00
7110-06 SUP No. 3	03/11/99	Premiere Sales Associates	60,000.00
7110-06 SUP No. 3	03/11/99	Woodtronics	30,000.00
7110-06 SUP No. 3	03/11/99	Vitra, Inc.	20,000.00
7110-06 SUP No. 3	03/11/99	Rework, Inc.	10,000.00
7530-04 SUP No. 1	03/11/99	Alling & Cory Co.	24,760.00
1273218-01	03/08/99	Atlantic Equipment Specialists, Inc.	31,995.00
1385118-01	03/08/99	Bognet, Inc.	24,178.00
1426358-01	03/08/99	Burchfield's, Inc.	34,486.00
1440218-01	03/08/99	Todd Devin Food Equipment	18,578.00
1462118-01	03/08/99	Whitesides of Cambridge, Inc.	74,583.00
1468238-01	03/08/99	Moyer & Son, Inc.	79,968.00
1474238-01	03/08/99	ATL-East Tag and Label, Inc.	513,560.63
1477118-01	03/08/99	Richmond Industries, Inc.	26,143.00
8176420-01	03/08/99	Braceland Brothers	244,384.00
8211750-01	03/08/99	Contech	29,500.00

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 99-495. Filed for public inspection March 19, 1999, 9:00 a.m.]