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PENNSYLVANIA BULLETIN

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Agencies in this issue:

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Department of Banking
Department of Community and Economic
Development
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
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Department of Transportation
Fish and Boat Commission
Independent Regulatory Review Commission
Insurance Department
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Pennsylvania Public Utility Commission

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

No. 304, March 2000

PENNSYLVANIA



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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

**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

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THE COURTS

Title 225—RULES OF EVIDENCE

[225 PA. CODE ARTS. I, IV AND VIII]

Order Adopting Amendments to Rule 410, and Approving the Revision of the Comments to Rules 105 and 802—804; No. 237, Supreme Court Rules; Doc. No. 1

The Committee on Rules of Evidence has prepared a Final Report explaining the March 10, 2000 amendments to Rule of Evidence 410 and approved the revision of the Comments to Rules 105, 802, 803, and 804, effective immediately. These changes correct various technical or editorial errors in the text of or Comments to the rules, and update the rules consistent with changes in rules or statutes that have been included in the Comments. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this tenth day of March, 2000, upon the recommendation of the Committee on Rules of Evidence, this Recommendation for editorial and technical changes having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

- (1) Rule of Evidence 410 is hereby amended; and
- (2) the revision of the Comments to Rules of Evidence 105, 802, 803, and 804 are approved, as follows.

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

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE I. GENERAL PROVISIONS

Rule 105. Limited Admissibility.

Comment

This rule differs from F.R.E. 105 in that the language "or on its own initiative may" has been added. This rule [, as amended,] is consistent with Pennsylvania law. In addition to the approach taken by Pa.R.E. 105, there are other ways to deal with evidence that is admissible as to one party or for one purpose, but not admissible as to another party or for another purpose. For example, the evidence may be redacted. See *Commonwealth v. Johnson*, 474 Pa. 410, 378 A.2d 859 (1977). Or, a severance may be an appropriate remedy. See *Commonwealth v. Young*, 263 Pa. Super. 333, 397 A.2d 1234 (1979). Where the danger of unfair prejudice outweighs probative value, the evidence may be excluded. See Pa.R.E. 403; *McShain v. Indemnity Ins. Co. of North America*, 338 Pa. 113, 12 A.2d 59 (1940).

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 10, 2000, effective immediately.

Committee Explanatory Reports:

Final Report explaining the March 10, 2000 revision of the Comment deleting "as amended" from the second sentence published with the Court's Order at 30 Pa.B. 1641 (March 25, 2000).

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 410. Inadmissibility of Pleas, Plea Discussions and Related Statements.

(a) *General rule.* Except as otherwise provided in this rule, evidence of the following is not, in any civil or criminal proceeding, admissible against the defendant who made the plea or was a participant in the plea discussions:

* * * * *

(3) any statement made in the course of any proceedings under Rules 59, 64, 69, 177, 179, or 319 of the Pennsylvania Rules of Criminal Procedure, Fed.R.Crim.P. 11, or any comparable rule or provision of law [of another state] of Pennsylvania or any other jurisdiction regarding the pleas identified in subsections (1) and (2) of this rule; or

* * * * *

Comment

This rule is similar to F.R.E. 410. References to Rules 59, 64, 69, 177, 179, and 319 of the Pennsylvania Rules of Criminal Procedure and the comparable rules or other provisions [of other states] of Pennsylvania or other jurisdictions have been added. Unlike the federal rule, subsection (b) of the Pennsylvania rule is set forth separately to indicate that it creates an exception applicable to all of subsection (a).

Pa.R.E. 410 reflects present Pennsylvania law. See *Commonwealth v. Jones*, [375 Pa. Super. 194,] 544 A.2d 54 (Pa. Super. 1988); *Commonwealth ex rel. Warner v. Warner*, [156 Pa. Super. 465,] 40 A.2d 886 (Pa. Super. 1945); Pa.R.Crim.P. 177(b), 179(b).

Pa.R.E. 410 does not prohibit the use of a conviction that results from a plea of nolo contendere, as distinct from the plea itself, to impeach in a later proceeding (subject to Pa.R.E. 609) or to establish an element of a charge in a later administrative proceeding. See *Commonwealth v. Snyder*, [408 Pa. 253,] 182 A.2d 495 (Pa. 1962) (conviction based on nolo contendere plea could be used to impeach witness in later criminal proceeding); *Eisenberg v. Commonwealth, Dep't. of Public Welfare*, [512 Pa. 181,] 516 A.2d 333 (Pa. 1986) (conviction based on nolo contendere plea permitted to establish element of charge in administrative proceeding).

* * * * *

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 23, 1999, effective immediately; amended March 10, 2000, effective immediately.

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 10, 2000 technical amendments updating the rule published with the Court's Order at 30 Pa.B. 1641 (March 25, 2000).

ARTICLE VIII. HEARSAY

Rule 802. Hearsay Rule.

* * * * *
Comment
* * * * *

Often, hearsay will be admissible under an exception provided by these rules. See, e.g., Pa. Rs.E. 803, 803.1, and 804. On occasion, hearsay may be admitted pursuant to another rule promulgated by the Pennsylvania Supreme Court. For example, in civil cases, all or part of a deposition may be admitted pursuant to Pa.R.C.P. 4020, or a videotape deposition of an expert witness may be admitted pursuant to Pa.R.C.P. 4017.1(g).

Also, hearsay may be admitted pursuant to a state statute. Examples include:

* * * * *

7. In a dependency hearing, an out-of-court statement of a witness under [14] 16 years of age, describing certain types of sexual abuse, may be admitted pursuant to 42 Pa.C.S. § 5986.

* * * * *

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 23, 1999, effective immediately; Comment revised March 10, 2000, effective immediately.

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 10, 2000 changes updating the seventh paragraph of the Comment published with the Court's Order at 30 Pa.B. 1641 (March 25, 2000).

Rule 803. Hearsay Exceptions; Availability of Declarant Immaterial.

The following statements, as hereinafter defined, are not excluded by the hearsay rule, even though the declarant is available as a witness:

(25) Admission by Party-Opponent. The statement is offered against a party and is (A) the party's own statement in either an individual or a representative capacity, or (B) a statement of which the party has manifested an adoption or belief in its truth, or (C) a statement by a person authorized by the party to make a statement concerning the subject, or (D) a statement by the party's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship, or (E) a statement by a co-conspirator of a party during the course and in furtherance of the conspiracy. The contents of the statement may be considered but are not alone sufficient to establish the declarant's authority under subdivision (C), the agency or employment relationship and scope thereof under subdivision (D), or the existence of the conspiracy and the participation therein of the declarant and the party against whom the statement is offered under subdivision (E).

Comment

* * * * *

The second sentence of Pa.R.E. 803(25) [, as amended,] is consistent with Pennsylvania law. See

Commonwealth v. Smith, [523 Pa. 577,] 568 A.2d 600 (Pa. 1989); Commonwealth v. Dreibelbis, [493 Pa. 466,] 426 A.2d 1111 (Pa. 1981).

The personal knowledge rule (Pa.R.E. 602) is not applicable to admissions. See Salvitti v. Throppe, [343 Pa. 642,] 23 A.2d 445 (Pa. 1942).

* * * * *

B. Adoptive Admission. Pa.R.E. 803(25)(B) is consistent with Pennsylvania law. See Commonwealth v. Cheeks, [429 Pa. 89,] 239 A.2d 793 (Pa. 1968) (party expressly adopted statement); Commonwealth v. Coccioletti, [493 Pa. 103,] 425 A.2d 387 (Pa. 1981) (party impliedly adopted statement by failing to deny the truth of a statement that party would be expected to deny under the circumstances).

C. Statement by Authorized Agent. Admitting, as an exception to the hearsay rule, the statement of a person authorized to speak for the party against the party is consistent with Pennsylvania law. See McGarity v. New York Life Ins. Co., [359 Pa. 308,] 59 A.2d 47 (Pa. 1948).

* * * * *

E. Statement by a Co-conspirator. The admissibility of a statement by a co-conspirator as provided by this rule is consistent with Pennsylvania law. See Commonwealth v. Mayhue, [536 Pa. 271,] 639 A.2d 421 (Pa. 1994); Commonwealth v. Dreibelbis, [493 Pa. 466,] 426 A.2d 1111 (Pa. 1981).

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 23, 1999, effective immediately; Comment revised March 10, 2000, effective immediately.

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 10, 2000 revision of the Comment for paragraph 25 published with the Court's Order at 30 Pa.B. 1641 (March 25, 2000).

Rule 804. Hearsay Exceptions; Declarant Unavailable.

* * * * *

(b) Hearsay Exceptions. The following statements, as hereinafter defined, are not excluded by the hearsay rule if the declarant is unavailable as a witness:

* * * * *

(1) Former Testimony. Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding, a predecessor in interest, had an adequate opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.

Comment

* * * * *

These two statutes, which are limited in scope, have less significance than they might otherwise have because the Pennsylvania Supreme Court has recognized a broader exception to the hearsay rule for former testimony as a matter of its developing common law. See, e.g., Commonwealth v. Graves, [484 Pa. 29,] 398 A.2d 644

(Pa. 1979); *Commonwealth v. Rodgers*, [472 Pa. 435,] 372 A.2d 771 (Pa. 1977). The addition of an "adequate" opportunity to cross-examine is consistent with Pennsylvania law. See *Commonwealth v. Bazemore*, [531 Pa. 582,] 614 A.2d 684 (Pa. 1992) (requiring a "full and fair" opportunity to cross-examine).

Depositions

* * * * *

The Judicial Code provides for the use of depositions in criminal cases. 42 Pa.C.S. [A.] § 5919 provides:

Depositions in criminal matters

* * * * *

42 Pa.C.S. [A.] § 5325 sets forth the procedure for taking depositions, by either prosecution or defendant, outside Pennsylvania.

Again, the Pennsylvania Supreme Court, as a matter of common law development, has recognized an exception to the hearsay rule for depositions that is broader than the statute. See *Commonwealth v. Stasko*, [471 Pa. 373,] 370 A.2d 350 (Pa. 1977).

* * * * *

(2) *Statement Under Belief of Impending Death.* A statement made by a declarant while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be impending death.

Comment

* * * * *

The rationale for this exception to the hearsay rule was set forth in *Commonwealth v. Smith*, [454 Pa. 515, 517—18,] 314 A.2d 224, 225 (Pa. 1973):

* * * * *

The common law has traditionally, but illogically, excepted a dying declaration to the hearsay rule in a criminal prosecution for homicide, but not in a criminal prosecution for another crime, or in a civil case. Prior Pennsylvania case law followed the common law. See *Commonwealth v. Antonini*, [165 Pa. Super. 501,] 69 A.2d 436 (Pa. Super. 1949).

* * * * *

(3) *Statement Against Interest.* A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless believing it to be true. In a criminal case, a statement tending to expose the declarant to criminal liability is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.

Comment

* * * * *

Pa.R.E. 804(b)(3) is consistent with prior Pennsylvania decisional law. See *Rudisill v. Cordes*, [333 Pa. 544,] 5 A.2d 217 (Pa. 1939) (civil case); *Commonwealth v. Williams*, [537 Pa. 1, n.8,] 640 A.2d 1251, 1263 n.8 (Pa. 1994) (criminal case).

(4) *Statement of Personal or Family History.* A statement, made before the controversy arose:

* * * * *

Comment

Pa.R.E. 804(b)(4) differs from F.R.E. 804(b)(4) by requiring the statement of pedigree to be made before the controversy arose, i.e., ante litem [motem] motam.

Pa.R.E. 804(b)(4) expands prior Pennsylvania decisional law in two respects:

1. The exception applies if the declarant is unavailable, as "unavailability" is defined in Pa.R.E. 804(a). Formerly, it was required that the declarant be dead. See *In re McClain's Estate*, [481 Pa. 435,] 392 A.2d 1371 (Pa. 1978). The need for the evidence is the same, whether the declarant is dead or unavailable to testify for one of the other reasons delineated in Pa.R.E. 804(a).

2. Under Pa.R.E. 804(b)(4)(B), the declarant need not be related to the person of whom he or she spoke. It is sufficient that the declarant be so closely associated with the person's family as to have accurate information. Formerly, a familial relationship was required. See *In re Garrett's Estate*, [371 Pa. 284,] 89 A.2d 531 (Pa. 1952). A statement of this type by a person closely associated with the person or family of which he or she spoke is likely to be sufficiently reliable to justify an exception to the hearsay rule.

Pennsylvania retains the requirement that the statement must be made before the controversy arose. See *In re McClain's Estate, supra*; *In re Garrett's Estate, supra*.

* * * * *

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 10, 2000, effective immediately.

Committee Explanatory Reports:

Final Report explaining the March 10, 2000 revision of the Comment to paragraph (b)(4) published with the Court's Order at 30 Pa.B. 1641 (March 25, 2000).

FINAL REPORT¹

Amendments to Pa.R.E. 410 and revision of the Comments to Pa.Rs.E. 105, 802, 803, and 804.

Editorial and Technical Corrections

On March 10, 2000, effective immediately, upon the recommendation of the Committee on Rules of Evidence, the Supreme Court adopted amendments to Rule of Evidence 410, and approved the revision of the Comments to Rules 105, 802, 803, and 804. These rule changes correct various technical or editorial errors in the text of or Comments to the rules, and update the rules consistent with changes in rules or statutes that have been included in the Comments.

I. BACKGROUND

The Committee has continued to monitor and review the Rules of Evidence. As part of this ongoing process, we identified a few additional rules that contain typographical and editorial errors that should be corrected,² and other stylistic or editorial corrections that will make the rules consistent with the Court's other rules. In addition,

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

² On March 23, 1999, the Court adopted the first "clean up" of the rules making technical and editorial corrections. See 29 Pa.B. 1712 (April 3, 1999).

we noted that since the Ad Hoc Committee's work was completed, there have been some substantive changes in statutes and cases that are cited in the Comments to the rules that require correlative updates that, although not substantive in nature, are necessary to reduce the likelihood of confusion concerning the interpretation of the rules.

II. DISCUSSION OF CHANGES

The rule changes that are the subject of this Order are as follows:

(1) Rule 410(a)(3) has been amended by adding Criminal Rules 64 and 69 (rules that also address plea procedures) to the list of Criminal Rules already referenced in that paragraph. In addition, to make the scope of the provision clearer, the last phrase in the paragraph has been amended by the deletion "of another state" and the addition of "of Pennsylvania or any other jurisdiction" before "regarding."

(2) The second sentence of the first paragraph of the Rule 105 Comment and the first sentence of the third paragraph of the Rule 803(25) Comment have been revised by deleting "as amended." The Committee agreed that, although the reference was intended to highlight that these new Pennsylvania rules were different from their Federal rule counterpart, the reference could be confusing, and, therefore should be deleted.

(3) The seventh paragraph of the Rule 802 Comment has been revised by changing the referenced age from 14 years to 16 years. This change conforms the Comment with 42 Pa.C.S. § 5986 that was amended after the Ad Hoc Committee had completed its work on Rule 802.

(4) The Comment to Rule 804(b)(4) has been revised by correcting the spelling of "ante litem motam" in the last line of the first paragraph.

[Pa.B. Doc. No. 00-518. Filed for public inspection March 24, 2000, 9:00 a.m.]

[225 PA. CODE ART. IV]

Order Adopting Amendments to Rule 408; No. 236, Supreme Court Rules; Doc. No. 1

The Committee on Rules of Evidence has prepared a Final Report explaining the March 10, 2000 changes to Rule of Evidence 408, effective July 1, 2000. These changes bring Pa.R.E. 408 in line with F.R.E. 408 by abolishing the common law rule and making it clear that evidence of conduct or statements made in compromise negotiations is not admissible to prove liability for or the validity of a claim or its amount. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this tenth day of March, 2000, upon the recommendation of the Committee on Rules of Evidence; this proposal having been published before adoption at 29 Pa. B. 2264 (May 1, 1999) and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Evidence 408 is hereby amended as follows.

This Order shall be processed immediately in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2000.

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 408. Compromise and Offers to Compromise.

Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. **Evidence of conduct or statements made in compromise negotiations is likewise not admissible.** This rule does not require the exclusion of [**an admission of fact**] **any evidence otherwise discoverable** merely because it is presented in the course of compromise negotiations. This rule also does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Comment

This rule is [**similar**] identical to F.R.E. 408. [**Contrary to its federal counterpart, however, Pa.R.E. 408 does not bar the use of all statements and conduct occurring during settlement negotiations. In this respect, the rule is consistent with Pennsylvania law that distinct admissions of fact made during settlement discussions are admissible. See *Rochester Machine Corp. v. Mulach Steel Corp.*, 498 Pa. 545, 449 A.2d 1366 (1982) (plurality); *Heyman v. Hanauer*, 302 Pa. 56, 152 A. 910 (1930); *Hammel v. Christian*, 416 Pa. Super. 78, 610 A.2d 979 (1992).]**

The 2000 amendments abolish the common law rule that distinct admissions of fact made during settlement discussions are admissible, see *Rochester Marine Corp. v. Mulach Steel Corp.*, 449 A.2d 1366 (Pa. 1982) (plurality), bringing Pennsylvania in line with F.R.E. 408 and most of the states.

The 2000 amendments are consistent with the Mediation Act of 1996. See 42 Pa.C.S. § 5949 (Confidential mediation communications and documents).

Like the federal rule, Pa.R.E. 408 permits evidence relating to compromises and offers to compromise to be admitted for purposes other than proving liability, such as showing bias or prejudice. See *Heyman v. Hanauer*, [**302 Pa. 56,**] 152 A. 910 (Pa. 1930) (if proposal was offer to settle, it could have been used to impeach witness).

Pa.R.E. 408 is consistent with 42 Pa.C.S. [**A.**] § 6141 which provides, in pertinent part, as follows:

§ 6141. *Effect of certain settlements*

* * * * *

See *Hatfield v. Continental Imports, Inc.*, [**530 Pa. 551,**] 610 A.2d 446 (Pa. 1992) (evidence of "Mary Carter" agreement admissible to show bias or prejudice, and not excluded by § 6141(c)).

Under Pa.R.E. 408, as under F.R.E. 408, evidence of offers to compromise or completed compromises is admissible when used to prove an effort to obstruct a criminal investigation or prosecution. This is consistent with prior Pennsylvania case law. See *Commonwealth v. Pettinato*, [**360 Pa. Super. 242,**] 520 A.2d 437 (Pa. Super. 1987). Pa.R.E. 408 does not permit, however, the use of evidence

relating to good faith compromises or offers to compromise when made for the purpose of reaching an agreement such as those sanctioned by Pa.R.Crim.P. 314 (relating to dismissal of criminal charges not committed by force or violence upon payment of restitution) or Pa.R.Crim.P. 145 (relating to dismissal upon satisfaction or agreement). The court may need to conduct, out of the hearing of the jury, a preliminary inquiry into the circumstances surrounding compromises in criminal matters to determine whether to permit such evidence.

Official Note: Adopted May 8, 1998, effective October 1, 1998; amended March 10, 2000; effective July 1, 2000.

Committee Explanatory Reports:

Final Report explaining the March 10, 2000 amendments concerning the inadmissibility of evidence of conduct or statements made in compromise negotiations published at 30 Pa.B. 1643 (March 25, 2000).

FINAL REPORT³

Amendment to Pa.R.E. 408

Compromise and Offers to Compromise

On March 10, 2000, upon the recommendation of the Committee on Rules of Evidence, the Supreme Court adopted amendments to Rule of Evidence 408 (Compromise and Offers to Compromise), effective July 1, 2000. The amendments bring Pa.R.E. 408 in line with F.R.E. 408 by abolishing the common law rule and making it clear that evidence of conduct or statements made in compromise negotiations is not admissible to prove liability for or the validity of a claim or its amount.

The Committee undertook a review of this rule after receiving correspondence contending that Rule 408 is a "trap for the unwary" because it inhibits talking freely in order to promote settlement, and contributes to malpractice actions against lawyers who make damaging statements because they do not say "Hypothetically speaking" prior to any compromise discussions. The correspondents suggested that Rule 408 be amended to parallel F.R.E. 408 and the other states that have similar rules or statutes.⁴

As the Committee evaluated the points raised in the correspondence, the members noted that the Mediation Act, which was passed in 1996 after the Ad Hoc Committee on the Rules of Evidence had completed its work on Rule 408, provides "Mediation communications and mediation documents shall not be admissible as evidence in any action or proceeding . . .," see 42 Pa.C.S. § 5949, thereby abrogating the common law rule for proceedings covered by the Act. The experience of the members of the Committee has been that the provisions of the Act are logical and work well. Furthermore, the Committee noted that most states have some form of a mediation act, and several of them have included provisions in their rules or statutes concerning the admissibility of statements made during mediation.

Based on their experiences concerning compromise negotiations, the Committee members acknowledged that there are many situations in which an attorney will agree with opposing counsel to conduct their state settlement negotiations under the federal rules. This is a common

method by which attorneys circumvent the common law and alleviate the necessity to state "Hypothetically speaking" prior to settlement discussions.

Based on the foregoing considerations, the Committee agreed that Pennsylvania evidence law should be aligned with F.R.E. 408. Accordingly, Pa.R.E. 408 has been amended by adding "Evidence of conduct or statements made in compromise negotiations is likewise not admissible" after the first sentence, and by replacing the phrase "any admission of fact" with "any evidence otherwise discoverable." These changes abrogate Pennsylvania's adherence to the common law under which such conduct or statements are admissible, and make it clear that evidence of conduct or statements made in compromise negotiations is not admissible to prove liability for or invalidity of a claim or its amount. Correlative revisions have been made to the Comment.

[Pa.B. Doc. No. 00-519. Filed for public inspection March 24, 2000, 9:00 a.m.]

[225 PA. CODE ART. VI]

Order Adopting Amendments to Rule 613; No. 238, Supreme Court Rules; Doc. No. 1

The Committee on Rules of Evidence has prepared a Final Report explaining the March 10, 2000 changes to Rule of Evidence 613, effective July 1, 2000. These changes add the term "inconsistent" to the title and the text of Rule 613(a) to make it clear that both sections (a) and (b) apply to attacks on credibility through prior inconsistencies. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this tenth day of March, 2000, upon the recommendation of the Committee on Rules of Evidence, this proposal having been published before adoption at 29 Pa.B. 2265 (May 1, 1999) and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Evidence 613 is hereby amended in the following form.

This *Order* shall be processed immediately in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2000.

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VI. WITNESSES

Rule 613. Prior Statements of Witnesses.

(a) *Examining Witness Concerning Prior Inconsistent Statement.* A witness may be examined concerning a prior **inconsistent** statement made by the witness, whether written or not, and the statement need not be shown or its contents disclosed to the witness at that time, but on request the statement or contents shall be shown or disclosed to opposing counsel.

* * * * *

Comment

* * * * *

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

²The Committee examined the rules and statutes in several other jurisdictions and found that Pennsylvania is the only state that continues to follow this common law principle.

Section (a).—This section of the [Rule] rule is [identical to] basically the same as F.R.E. 613(a), except that the word “inconsistent” does not appear in the federal rule. Its inclusion makes clear that both sections (a) and (b) involve attacks on credibility through prior inconsistencies. It has been suggested that its omission from the federal rule was a “drafting oversight.” Charles A. Wright & Victor J. Gold, *Federal Practice & Procedure* § 6203, n. 13 (1993); J. Weinstein, 3 *Weinstein’s Evidence* § 613.02[1], n. 1 (1991). By dispensing with the need to show the prior statement or disclose its contents to the witness before proceeding with examination about it, section (a) repudiates the decision in the *Queen’s Case*, 129 Eng. Rep. 9761 (1928). Pa.R.E. 613(a) resolves the ambiguity in the scant Pennsylvania authority on this point. Compare *Kann v. Bennett*, [223 Pa. 36,] 72 A. 342 (Pa. 1909) (before witness may be cross-examined about prior inconsistent statement, witness must be shown the statement and asked if he wrote it) with *Commonwealth v. Petrakovich*, [459 Pa. 511,] 329 A.2d 844 (Pa. 1974) (overlooking *Kann* case, court stated it had never considered question of showing statement to witness, and found no need to resolve question under facts of case).

Section (b).—The first sentence of section (b) of Pa.R.E. 613 differs from F.R.E. 613(b). Like the [Federal] federal [Rule] rule, Pa.R.E. 613(b) permits introduction of extrinsic evidence of a prior inconsistent statement only if the witness was confronted with or informed of the statement, thus providing the witness with a chance to deny or explain the statement. Pa.R.E. 613(b), however, requires that the witness be confronted or informed during the examination; the [Federal] federal [Rule] rule sets no particular time or sequence. F.R.E. 613 advisory committee notes.

Pa.R.E. 613(b) follows the traditional common law approach. It establishes that the witness must be shown or made [of] aware of the prior inconsistent statement before extrinsic evidence of the statement may be introduced, unless relaxation of the rule would serve the interests of justice. This is a departure from Pennsylvania authority, which gives the trial court discretion whether to require showing or disclosure of the statement. See, e.g., *Commonwealth v. Manning*, [495 Pa. 652,] 435 A.2d 1207 (Pa. 1981); *Commonwealth v. Dennison*, [441 Pa. 334,] 272 A.2d 180 (Pa. 1971).

The rationale for the last sentence of section (b), which exempts admissions of a party-opponent, is that “parties have ample opportunities to testify and explain or deny statements attributed to them.” 28 Wright & Gold, *Federal Practice and Procedure* § 6205 (1993). The exemption is in accord with Pennsylvania law. *Commonwealth by Truscott v. Binstock*, [358 Pa. 644,] 57 A.2d 884 (Pa. 1948); *Commonwealth v. Dilworth*, [289 Pa. 498,] 137 A. 683 (Pa. 1927).

Finally, as noted in the Comment to Pa.R.E. 607(a), a prior inconsistent statement may be used only for impeachment purposes and not substantively unless it is an admission of a party opponent under Pa.R.E. 803(25), the statement of a witness other than a party-opponent within the hearsay exception of Pa.R.E. 803.1(1), or a statement of prior identification under the hearsay exception of Pa.R.E. 803.1(2).

Section (c). Pa.R.E. 613(c) does not appear in F.R.E. 613. F.R.E. 801(d)(1)(B) provides that the prior consistent

statement of a testifying witness is not hearsay, and that the statement is admissible substantively if it is consistent with the witness’ testimony and “is offered to rebut an express or implied charge of recent fabrication, or improper influence or motive.” Pa.R.E. 613(c) adds “bias,” “faulty memory,” and “prior inconsistent statement” to the kind of charges that may be rebutted by a consistent statement. In addition, it specifically provides in subsection (c)(1) that the consistent statement must have been made before the fabrication, bias, etc. Although F.R.E. 801(d)(1)(B) is silent on this point, the Supreme Court held that it permits the introduction of consistent statements as substantive evidence only when they were made before the challenged fabrication, influence, or motive. See *Tome v. United States*, 513 U.S. 150 (1995). Unlike the [Federal] federal [Rule] rule, under Pa.R.E. 613(c), a prior consistent statement is always received for rehabilitation purposes only and not as substantive evidence.

Pa.R.E. 613(c)(1) is in accord with Pennsylvania law. See *Commonwealth v. Hutchinson*, [521 Pa. 482,] 556 A.2d 370 (Pa. 1989) (to rebut charge of recent fabrication); *Commonwealth v. Smith*, [518 Pa. 15,] 540 A.2d 246 (Pa. 1988) (to counter alleged corrupt motive); *Commonwealth v. Swinson*, [426 Pa. Super. 167,] 626 A.2d 627 (Pa. Super. 1993) (to negate charge of faulty memory); *Commonwealth v. McEachin*, [371 Pa. Super. 188,] 537 A.2d 883 (Pa. Super. 1988), appeal denied, [520 Pa. 603,] 553 A.2d 965 (Pa. 1988) (to offset implication of improper influence). All of these cases require that the consistent statement must have been made before the fabrication, bias, etc.

* * * * *

Usually, evidence of a prior consistent statement is rebuttal evidence that may not be introduced until after a witness has testified on direct examination and an express or implied attack has been made on the witness’ testimony in one of the ways set forth in Pa.R.E. 613(c). But in at least two situations, Pennsylvania Courts have upheld the admission of a prior inconsistent statement in anticipation of an attack on the witness. See *Commonwealth v. Smith*, [518 Pa. 15,] 540 A.2d 246 (Pa. 1988) (prior consistent statements by prosecution witness admitted on direct examination where defense counsel’s opening statement suggested that the witness had motives to fabricate evidence against the defendant to obtain a lenient sentence for herself); *Commonwealth v. Freeman*, [295 Pa. Super. 467,] 441 A.2d 1327 (Pa. Super. 1982) (evidence of prompt complaint of rape by alleged victim may be introduced in prosecution’s case in chief because alleged victim’s testimony is automatically vulnerable to attack by the defendant as recent fabrication in the absence of evidence of hue and cry on her part.”).

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Committee Explanatory Reports:

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Final Report explaining the March 10, 2000 amendments adding “inconsistent” to section (a) published with the Court’s Order at 30 Pa.B. 1645 (March 25, 2000).

FINAL REPORT¹

Amendments to Pa.R.P. 613(a)

Prior Statements of Witnesses

On March 10, 2000, upon the recommendation of the Committee on Rules of Evidence, the Supreme Court adopted an amendment to Pa. Rules of Evidence 613(a) effective July 1, 2000. This amendment adds the term "inconsistent" to the title and the text of Rule 613(a) to make it clear that both sections (a) and (b) apply to attacks on credibility through prior inconsistencies.

As part of its ongoing review of the Rules of Evidence, and in response to some correspondence, the Committee has reexamined Rule 613. We agreed with the correspondence that the use of "prior statements" in section (a) could lead to misconstruction about its application to both consistent and inconsistent statements. However, before recommending an amendment, we wanted to be sure that our construction was consistent with the construction of F.R.E. 613(a), which was the model for the Pennsylvania rule. We looked at the history of the federal rule, and found that authorities agree (1) the omission of the term "inconsistent" in F.R.E. 613(a) is inadvertent, and (2) F.R.E. 613(a) is intended to apply only to inconsistent statements. See Charles A. Wright & Victor J. Gold, *Federal Practice & Procedure* § 6203, n. 13 (1993) and J. Weinstein, 3 *Weinstein & Berger, Weinstein's Evidence* § 613[01], n. 1 (1991).

In view of this construction of the federal rule by the authorities, as an aid to members of the bench and bar, Pa.R.E. 613(a) has been amended to make it clear the section applies only to inconsistent statements by adding the term "inconsistent" to both the title of the section and the text of the section. Correlative revisions have been added to the Comment.

[Pa.B. Doc. No. 00-520. Filed for public inspection March 24, 2000, 9:00 a.m.]

[225 PA. CODE ART. VIII]

Order Adopting Amendments to Rule 803.1; No. 239, Supreme Court Rules; Doc. No. 1

The Committee on Rules of Evidence has prepared a Final Report explaining the March 10, 2000 changes to Rule of Evidence 803.1, effective July 1, 2000. These changes include a technical amendment in the text of subsection (1) of Rule 803.1 (Hearsay Exceptions; Testimony of Declarant Necessary) that merely adds "a" before "declarant" in the first line of the subsection, and a Comment revision that updates subsection (1) of the Comment consistent with recent changes in the case law concerning the admission of prior inconsistent statements. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this tenth day of March, 2000, upon the recommendation of the Committee on Rules of Evidence; this proposal having been published before adoption at 29 Pa.B. 2265 (May 1, 1999) and a Final Report to be published with this Order.

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

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Evidence 803.1 is hereby amended as follows.

This *Order* shall be processed immediately in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2000.

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VIII. HEARSAY

Rule 803.1. Hearsay Exceptions; Testimony of Declarant Necessary.

The following statements, as hereinafter defined, are not excluded by the hearsay rule if the declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement:

* * * * *

(1) *Inconsistent Statement of Witness.* A statement by a declarant that is inconsistent with the declarant's testimony, and (a) was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (b) is a writing signed and adopted by the declarant, or (c) is a verbatim contemporaneous recording of an oral statement.

Comment

Subsection (a) is similar to F.R.E. 801(d)(1)(A), except that **the Pennsylvania rule classifies those kinds of inconsistent statements that are described therein** as exceptions to the hearsay rule, not exceptions to the definition of hearsay. Subsections (b) and (c) are an expansion of the exception **[as defined] that is described** in the federal rule.

Pa.R.E. 803.1(1) is consistent with **prior Pennsylvania case law**. See *Commonwealth v. Brady*, 507 A.2d 66 (Pa. 1986) (seminal case that overruled close to two centuries of decisional law in Pennsylvania and held that the recorded statement of a witness to a murder, inconsistent with her testimony at trial, was properly admitted as substantive evidence, excepted to the hearsay rule); [*Commonwealth v. Halstead*, 542 Pa. 318, 666 A.2d 655 (1995);] *Commonwealth v. Lively*, [530 Pa. 464,] 610 A.2d 7 (Pa. 1992). **To qualify as a "verbatim contemporaneous recording of an oral statement," the "recording" must be an electronic, audiotaped, or videotaped recording. See Commonwealth v. Wilson, 707 A.2d 1114 (Pa. 1998). Inconsistent statements of a witness that do not qualify as exceptions to the hearsay rule may still be introduced to impeach the credibility of the witness. See Pa.R.E. 613.**

* * * * *

Comment

* * * * *

Pa.R.E. 803.1(2) is consistent with Pennsylvania law, although we have found no reported cases dealing with prior identification of a thing, as distinguished from a

person. See *Commonwealth v. Ly*, [528 Pa. 523,] 599 A.2d 613 (Pa. 1991); *Commonwealth v. Saunders*, [386 Pa. 149,] 125 A.2d 442 (Pa. 1956).

* * * * *
Comment
* * * * *

Pa.R.E. 803.1(3) is consistent with Pennsylvania law. See *Commonwealth v. Cargo*, [498 Pa. 5,] 444 A.2d 639 (Pa. 1982); *Commonwealth v. Cooley*, [484 Pa. 14,] 398 A.2d 637 (Pa. 1979).

Official Note: Adopted May 8, 1998, effective October 1, 1998; amended March 10, 2000, effective July 1, 2000.

Committee Explanatory Reports:

Final Report explaining the amendment to subsection (1) and the updates to the Comment to subsection (1) published with the Court's Order at 30 Pa.B. 1646 (March 25, 2000).

FINAL REPORT¹

Amendments to Pa.R.E. 803.1

PRIOR INCONSISTENT STATEMENTS

On March 10, 2000, upon the recommendation of the Committee on Rules of Evidence, the Supreme Court adopted the amendment of Rule of Evidence 803.1 and approved the revision of the Comment, effective July 1, 2000. These changes include a technical amendment in the text of subsection (1) of Rule 803.1 (Hearsay Exceptions; Testimony of Declarant Necessary) that merely adds "a" before "declarant" in the first line of the subsection, and a Comment revision that updates subsection (1) of the Comment consistent with recent changes in the case law concerning the admission of prior inconsistent statements.

Subsection (1) (Inconsistent Statement of Witness) of the Comment to Rule 803.1 has been revised in several ways. First, the change updates the Comment to subsection (1) by deleting the citation to *Commonwealth v. Halsted*, 542 Pa. 318, 666 A.2d 655 (1995), and replacing it with a citation to *Commonwealth v. Wilson*, 707 A.2d 1114 (Pa. 1998). *Wilson, supra*, clarifies what statements qualify as a "verbatim contemporaneous recording of an oral statement" within the context of subsection (1)(c).

In addition to adding the *Wilson* citation, the entire subsection (1) Comment has been revised to provide a clearer, more informative explanation of the evolution of Pennsylvania's law concerning the admission of prior inconsistent statements as substantive evidence. The revision includes a citation to *Commonwealth v. Brady*, 510 Pa. 123, 507 A.2d 66 (1986), which is the seminal case that held that it was proper to admit as substantive evidence a prior recorded statement of a witness that was inconsistent with the witness's testimony at trial.

Finally, the Comment revision includes a cross-reference to Pa.R.E. 613 (Prior Statements of Witnesses)

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

concerning the use of an inconsistent statement to impeach the credibility of a witness.

[Pa.B. Doc. No. 00-521. Filed for public inspection March 24, 2000, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1900, 1910, 1915, 1920 AND 1930]

Miscellaneous Technical Amendments of the Rules Relating to Domestic Relations; No. 332 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 2nd day of March 2000, the Pennsylvania Rules of Civil Procedure 1905, 1910.3, 1910.9, 1910.16-4, 1915.15, 1920.42, 1920.72, 1920.73 and the Explanatory Comments to Rules 1910.10, 1910.11 and 1930.5 are amended as follows.

Whereas prior publication of proposed rulemaking would otherwise be required, it has been determined under Rule of Judicial Administration 103(a)(3) that the amendments are of a perfunctory nature and that the immediate promulgation of this Order is required in the interests of justice and efficient administration.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

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

(a) The Notice of Hearing and Order required by Rule 1901.3 shall be substantially in the following form:

(Caption)

NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled herein. If you fail to do so, the case may proceed against you and a FINAL order may be entered against you granting the relief requested in the Petition. In particular, you may be evicted from your residence and lose other important rights. **Any protection order granted by a court may be considered in subsequent proceedings under Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, including child custody proceedings under Chapter 53 (relating to custody).**

* * * * *

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

* * * * *

□ 3. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this Order, Defendant is prohibited from having ANY CONTACT with Plaintiff, or any other person protected under this Order, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this Order:

□ 4. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this Order, Defendant shall not contact Plaintiff, or any other person protected under this Order, by telephone or by any other means, including through third persons.

* * * * *

10. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL [insert expiration date] OR UNTIL OTHERWISE MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.

* * * * *

NOTICE TO LAW ENFORCEMENT OFFICIALS

This Order shall be enforced by the police who have jurisdiction over the plaintiff's residence OR any location where a violation of this order occurs OR where the defendant may be located. If defendant violates Paragraphs 1 through 6 of this Order, defendant [may] shall be arrested on the charge of Indirect Criminal Contempt. An arrest for violation of this Order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of law enforcement.

* * * * *

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

(Caption)

FINAL ORDER OF COURT

* * * * *

□ 3. Except as provided in Paragraph 5 of this Order, Defendant is prohibited from having ANY CONTACT with the Plaintiff, or any other person protected under this Order, at any location, including but not limited to any contact at the Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this Order:

□ 4. Except as provided in Paragraph 5 of this Order, Defendant shall not contact the Plaintiff, or any other person protected under this Order, by telephone or by any other means, including through third persons.

* * * * *

□ 12. BRADY INDICATOR.

1. □ The Plaintiff or protected person(s) is a spouse, former spouse, a person who [cohabitates] cohabits or has cohabited with the Defendant, a parent of a common child, a child of that person, or a child of the Defendant.

* * * * *

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.3. Parties.

An action shall be brought

[(1)] (a) by a person, including a minor spouse, to whom a duty of support is owing, or

[(2)] (b) on behalf of a minor child by a person having custody of the [minor] child, without appointment as guardian ad litem, or

(c) on behalf of a minor child by a person caring for the child regardless of whether a court order has been issued granting that person custody of the child, or

[(3)] (d) by a public body or private agency having an interest in the case, maintenance or assistance of a person to whom a duty of support is owing, or

[(4)] (e) by a parent, guardian or public or private agency on behalf of [a] an unemancipated child over eighteen years of age to whom a duty of support is owing. [with the written consent of the child].

Explanatory Comment—1999

New subdivision (c) incorporates 23 Pa.C.S. § 4341(b) to confer standing on any person who is caring for a child to seek support on behalf of that child even though there is no court order granting legal or physical custody to that person. The statutory provision effectively overrules *Larson v. Diveglia*, 700 A.2d 931 (Pa. 1997), which held to the contrary.

Subdivision (e) is amended to eliminate the requirement of consent when the child is over 18 years of age. This requirement was originally intended only for applicable child support actions for higher educational support, which actions were abolished by *Curtis v. Kline*, 666 A.2d 265 (Pa. 1995). This rule also is intended to apply to children who are unemancipated by reason of physical or mental disability, consistent with 23 Pa.C.S. § 4321(3) as interpreted by case law.

Rule 1910.9. Discovery.

(a) Except as provided in Rule 1910.11(j) and Rule 1910.12(c), [There] there shall be no discovery in an action for support unless authorized by special order of court[, except as provided in Rule 1910.11(j) and Rule 1910.12(c)].

* * * * *

Explanatory Comment—1997

Subdivision (a) is amended to permit discovery in accordance with R.C.P. 4001 et seq. in any support matter [which has been designated complex] where a separate listing has been obtained under Rules 1910.11(j) and 1910.12(c). In all other support matters, discovery is permitted only by leave of court. Cases should not be [designated complex] listed separately in order to obtain discovery, nor should a support hearing be used to conduct discovery. Instead, the court should grant leave to engage in discovery in the few [simple] support cases which are not listed separately and in which [it] discovery is warranted.

* * * * *

Rule 1910.10. Alternative Hearing Procedures.

* * * * *
Explanatory Comment—1995
* * * * *

Greene [1910.12] 1910.11

* * * * *

Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

* * * * *
Explanatory Comment—1995

Rule 1910.11(e) is amended to eliminate the need for a party to request a copy of the conference summary.

In conformity with the amendment of Rule of Civil Procedure 236, subdivision (f) is amended to require that the parties be served with a copy of the order, rather than notice that it has been filed. In addition, subdivision (f) is amended to require the Court to enter an interim order on the basis of the conference summary, expediting the commencement of support payments. The language of subdivisions (g) and (l) is also changed to conform with the amended language of subdivision (f).

Because the court is required to enter a guideline order on the basis of the conference officer's recommendation, there is no need for (g)(2), which provided for a hearing before the court where an order was not entered within five days of the conference. It is eliminated accordingly.

Pursuant to subdivision (g), support payments are due and owing under the interim order which continues in effect until the court enters a final order after the hearing de novo. The provision for an interim order serves two purposes. First, it ensures that the obligee will receive needed support for the period during which the judicial determination is sought. Second, it eliminates the motive of delay in seeking a judicial determination. Therefore, the plaintiff and the dependent children are not prejudiced by allowing the court sixty days, rather than the original forty-five, in which to enter its final order.

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

* * * * *

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

* * * * *

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

* * * * *

CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.15. Form of Complaint. Caption. Order. Petition to Modify a Partial Custody or Visitation Order.

(a) The complaint in an action for custody, partial custody or visitation shall be in substantially the following form:

(Caption)

COMPLAINT FOR (CUSTODY) (PARTIAL CUSTODY) (VISITATION)

* * * * *

6. Plaintiff (has) (has not) participated as a party or witness, or in another capacity, in other litigation concerning the custody of the child in this or another court. The court, term and number, and its relationship to this action is: _____

Plaintiff (has) (has no) information of a custody proceeding concerning the child pending in a court of this Commonwealth **or any other state**. The court, term and number, and its relationship to this action is: _____

Plaintiff (knows) (does not know) of a person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child. The name and address of such person is: _____

* * * * *

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.42. Affidavit and Decree under § 3301(c) or § 3301(d)(1) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in § 3301(c) and § 3301(d)(1)(l) Divorces. Counter-Affidavit.

* * * * *

(e) Notice of intention to request entry of divorce decree shall not be required prior to entry of a divorce decree

(1) [**under § 3301(c)**] where the parties have executed and filed with the prothonotary a waiver of notice substantially in the form set forth in Rule 1920.72(c); or

(2) under § 3301(d) where the court finds that no appearance has been entered on defendant's behalf and that defendant cannot be located after diligent search.

* * * * *

Rule 1920.72. Form of Complaint. Affidavit under § 3301(c) or 3301(d) of the Divorce Code. Counter-affidavit. Waiver of Notice of Intention to Request Decree under § 3301(c) **and § 3301(d)**.

* * * * *

(c) The waiver permitted by Rule 1920.42(e) shall be substantially in the following form:

(Caption)

Waiver of Notice of Intention to Request Entry of a Divorce Decree under § 3301(c) **and § 3301(d)** of the Divorce Code

* * * * *

(e)(1) ***

(2) The counter-affidavit prescribed by Rule 1920.42(d)(2) shall be substantially in the following form in a § 3301(d) divorce:

(Caption)

COUNTER-AFFIDAVIT UNDER § 3301(d) OF THE DIVORCE CODE

1. Check either (a) or (b):

(a) I do not oppose the entry of a divorce decree.

(b) I oppose the entry of a divorce decree because (Check (i) (ii), or both);

(i) The parties to this action have not lived separate and apart for a period of at least two years.

(ii) The marriage is not irretrievably broken.

2. Check either (a) or (b):

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I understand that in addition to checking (b) above, I must also file all of my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further [delay] notice to me, and I shall be unable thereafter to file any economic claims.

* * * * *

Rule 1920.73. Notice of Intention to Request Entry of Divorce Decree. Praecepto to Transmit Record Forms.

* * * * *

(b) The praecipe to transmit the record prescribed by Rule 1920.42 shall be in substantially the following form:

(Caption)

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

* * * * *

5. (Complete either (a) or (b).)

(a) Date and manner of service of the notice of intention to file praecipe to transmit record, a copy of which is attached: _____

(b) Date plaintiff's Waiver of Notice [in § 3301(c) Divorce] was filed with the prothonotary: _____

(c) Date defendant's Waiver of Notice [in § 3301(c) Divorce] was filed with the prothonotary: _____

* * * * *

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.5. Discovery in Domestic Relations Matters.

* * * * *

Explanatory Comment—1997

Whether a support case is complex is to be determined by motion before the court for a separate listing pursuant to Rules 1910.11(j)(1) and 1910.12(c)(1). It is not necessary, however, to have a case [designated com-

plex] listed separately on grounds of complexity of factual or legal issues in order to engage in discovery. If discovery is needed in a [simple] support case which does not require a [complex designation] separate listing, the court should grant leave to engage in it.

[Pa.B. Doc. No. 00-522. Filed for public inspection March 24, 2000, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment of Phila.R.Civ.P. No. 212.2, 1012, 1028 and 4007.1; President Judge General Court Regulation No. 2000-01

And Now, this 3rd of March, 2000, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held February 17, 2000 to amend Phila.R.Civ.P. No. 212.2, 1012, 1028 and 4007.1 *It Is Hereby Ordered and Decreed* that Phila.R.Civ.P. No. 212.2, 1012, 1028 and 4007.1 are amended as follows.

This General Court Regulation is promulgated in accordance with Pa.Civ.P. No. 239 and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The original General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for the First Judicial District.

ALEX BONAVITACOLA,
President Judge

Rule *212.2. Sanctions for Failure to Settle.

* * * * *

(I) In the event the Trial Judge determines that sanctions shall be ordered against the party who refused to settle, he or she may order the party to pay to the [County of Philadelphia] Court all or part of the reasonable costs incurred as a result of the party's refusal to settle, which costs shall be in accordance with the following itemization, which itemization shall be **administratively** updated each year by the Court staff. **The updated itemization shall become effective no sooner than thirty (30) days after publication in the *Pennsylvania Bulletin*.**

* * * * *

ITEMIZATION OF COSTS		
COST CATEGORIES	CURRENT ANNUAL COST AS OF 3/15/00	DAILY RATE @ 262 DAYS
JUDGE'S SALARY (1)	\$113,789	\$434
COURT PERSONNEL		
TIPSTAFF 1 - JUDICIAL (2)	\$33,216	\$127
JUDICIAL SECRETARY 1 (2)	\$33,216	\$127
LAW CLERK 1 (2)	\$34,768	\$133
SR. COURT REPORTER	\$49,272	\$188
JURY SELECTION STAFF (3)		\$388
TOTAL DIRECT SALARY COSTS		\$1,397
FRINGE BENEFITS @ 33%		\$461
TOTAL PERSONNEL COSTS		\$1,858
ADMINISTRATIVE OVERHEAD - JURY SELECTION (4)		\$120
JUROR FEES - 8 JURORS @ \$9 PER DAY (Applies for first three days of trial)		\$72
TOTAL BASE COST		\$2,050
ADDITIONAL COSTS		
CITY HALL COURTROOMS	Add per day of trial (5)	\$17
FOR CASES TRIED IN COURTROOMS A-E, COMPLEX LITIGATION CENTER, ADD PER DAY OF TRIAL (5)		\$147
FOR CASES TRIED IN COURTROOMS F-N, COMPLEX LITIGATION CENTER, ADD PER DAY OF TRIAL (5)		\$125
FOR EACH ADDITIONAL JUROR OVER 8, ADD \$9.00 FOR FIRST THREE DAYS OF TRIAL		-
FOR EACH DAY OF TRIAL IN EXCESS OF 3 DAYS, ADD \$25 PER JUROR		-
Footnotes:		
1) PA Supreme Court No. 216 Judicial Administration Docket No. 1. Order entered December 13, 1999.		
2) Step 4 - Based on Pay Scale effective March 15, 2000.		
3) Based on proportion of civil jury trials to all jury trials and applied to total Class 100 expenses for Jury Selection Department.		
4) Based on all Class 100, 200, 300 and 400 expenditures for Jury Selection Department and applied proportionately to Civil Jury Trials.		
5) Based on providing custodial services to average courtroom of 2,000 sq. ft.		
6) Based on leasing cost per square foot.		

Rule 1012. Entry and Withdrawal of Appearance.

(a) Entry of Appearance. In order to prevent delay of the litigation, an attorney who enters an appearance for a party shall be deemed to be available and ready to try the case on the assigned hearing or trial date. The hearing or trial date will not be rescheduled due to the entry of appearance of counsel of any party.

(b) Simultaneous Withdrawal and Entry of Appearance. In order to prevent delay of the litigation, an attorney who enters an appearance for a party simultaneously

with the withdrawal of appearance of prior counsel in an action shall be deemed to be available to try the case on the assigned hearing or trial date. The hearing or trial date will not be rescheduled due to the entry of appearance of new counsel of any party.

(c) Petition to Withdraw. Leave of Court, obtained through the filing Petition to Withdraw Appearance, is required if another attorney is not entering an appearance simultaneously with the withdrawal of current counsel. The Petition shall set forth with specificity the reasons the attorney seeks to withdraw. The attorney

seeking to withdraw must attach to the Petition to Withdraw a certification setting forth the following:

- (1) that there is no outstanding motion to compel discovery, or for sanctions for failure to provide discovery; and
- (2) that the attorney has met every deadline date set forth in the pertinent Case Management Order, if applicable.

Note

Pennsylvania Rule of Civil Procedure No. 1012 authorizes the entry, or change, of attorneys on behalf of a party provided that the change of attorneys does not delay any stage of the litigation. Consistently with this Rule, the Board of Judges has determined that entry of new counsel in an action shall not delay the litigation. Thus, attorneys are placed on notice that by entering an appearance, they will be deemed to be ready to proceed to trial as scheduled. The mere fact of the entry of appearance shall not be sufficient cause to postpone the previously scheduled hearing or trial. Similarly, an attorney who seeks leave of court to withdraw must establish compliance with applicable deadlines and rules.

Rule *1028. Preliminary Objections.

* * * * *

(C)(1) An answer to preliminary objections (as opposed to a responsive filing with the Motion Court under Philadelphia Civil Rule *206.1) is required only to preliminary objections [**in the nature of a petition under Pa.R.C.P. 1017(b)(1) or (b)(5)] raising an issue under Pa.R.C.P. 1028 (a)(1), (5), and (6) provided a notice to plead is attached to the preliminary objections. An answer [shall] need not be filed to preliminary objections [in the nature of a demurrer or a motion under Pa.R.C.P. 1017(b)(2), (b)(3) or (b)(4)] raising an issue under Pa.R.C.P. 1028 (a) (2), (3), and (4).**

* * * * *

Rule [4007.1. Problems Arising At Depositions.

In the event a problem arises during the course of a deposition, counsel shall raise and summarize the disputed issue on the record at the deposition. Brief arguments may be placed on the record, and should consist of the reason for the dispute, an answer, and a brief rebuttal. Counsel may present the disputed issue for disposition to the team leader in Discovery Court; provided, however, if a firm trial or hearing date has been assigned, the issue may be presented in a motion in limine.]

[Pa.B. Doc. No. 00-523. Filed for public inspection March 24, 2000, 9:00 a.m.]

Title 25—LOCAL COURT RULES

FAYETTE COUNTY

Local Rule 4 Citing the Criminal Procedural Rules; Criminal Division No. 51 of 2000

Order

And Now, this 17th day of February, 2000, pursuant to Rule 6 of the Pennsylvania Rules of Criminal Procedure, it is hereby ordered that the above-stated Local Rule be adopted as follows.

The Clerk of Courts is directed as follows:

- (1) Seven certified copies of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.
- (2) Two certified copies of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- (3) One certified copy of the Local Rule shall be sent to the State Criminal Procedural Rules Committee.
- (4) One certified copy shall be sent to the Fayette County Law Library.
- (5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Clerk of Courts. Upon request and payment of reasonable costs of reproduction and mailing, the Clerk shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

WILLIAM J. FRANKS,
President Judge

Rule 4

CITING THE CRIMINAL PROCEDURAL RULES

All criminal procedural rules adopted by the Court of Common Pleas of Fayette County, Pennsylvania, shall be known as the Fayette County Rules of Criminal Procedure and may be cited as "F.C.R.Crim.P. ____."

[Pa.B. Doc. No. 00-524. Filed for public inspection March 24, 2000, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 117]

Boat Rental Businesses

The Fish and Boat Commission (Commission) by this order amends Chapter 117 (relating to boat rental businesses). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments relate to livery operators.

A. *Effective Date*

The amendments will go into effect upon publication of this order adopting the amendments in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the amendments, contact John F. Simmons, Director, Bureau of Boating and Education, (717) 657-4538, or Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The amendments are published under the statutory authority of section 5122 of the code (relating to registration, licenses, permits, plates and statistics).

D. *Purpose and Background*

The amendments are designed to update, modify and improve Commission regulations relating to boat rental businesses. The specific purpose of the amendments is described in more detail in the next section.

E. *Summary of Changes*

At the July 1998 meeting, the Commission adopted a regulation that requires operators of personal watercraft to obtain and carry a Boating Safety Education Certificate when operating their craft. That regulation also authorized and directed staff to prepare guidelines that provide for the issuance of temporary certificates to operators of rental boats and purchasers of new boats.

To properly manage the issuance of temporary certificates by liveries, the Commission must identify these businesses and provide an enforceable mechanism to provide terms and conditions for the operators of the liveries. The code authorizes the Commission to promulgate special provisions applicable to operators of boat liveries, and the Commission proposed to exercise this authority by requiring most active liveries to obtain an annual livery operator's permit.

A notice of proposed rulemaking was published at 29 Pa.B. 2678 (May 22, 1999), and the Commission subsequently extended the public comment until September 10, 1999. At its meeting on September 27, 1999, the Commission voted to defer action on the proposal until January, 2000, to allow staff an opportunity to redraft the amendments to address public comments, to share the redraft with livery operators, to ask the Commission's Boating Advisory Board to consider the redraft at its fall 1999 meeting and to solicit additional public comments until November 30, 1999.

Taking into account the public comments that were received, staff redrafted the proposal removing all references to an annual livery operator's permit. The Boating Advisory Board (Board), at its fall meeting, considered the redraft of the proposed amendments and recommended adoption by the Commission with a modification to § 117.3(d) to clarify the size of the letters. The Commission subsequently adopted the amendments, as redrafted by its staff and with the change recommended by the Board. These amendments, to read as set forth in Annex A, represent a clarification and simplification of the Commission's prior regulations in Chapter 117.

G. *Fiscal Impact*

The amendments will have a slight fiscal impact on the Commonwealth in that the Commission will incur relatively modest costs associated with printing posters and other written educational materials. The Commission estimates that the educational materials to be supplied to the liveries will cost approximately \$1,000 per year. The amendments will impose no new costs on political subdivisions, the private sector or the general public.

H. *Public Involvement*

As stated, a notice of proposed rulemaking was published at 29 Pa.B. 2678, and the Commission subsequently extended the public comment until September 10, 1999. At its meeting on September 27, 1999, the Commission voted to defer action on the proposal until January 2000, to allow staff an opportunity to redraft the amendments to address public comments, to share the redraft with livery operators, to ask the Board to consider the redraft at its fall 1999 meeting and to solicit additional public comments until November 30, 1999.

During the various public comment periods, the Commission received 60 comments concerning the proposal. Copies of all public comments have been provided to the Commissioners. The majority of the public comments either opposed the proposed amendments in their entirety (particularly, the annual permit requirement) or objected to their application to nonpowered boat rental businesses. Many of the comments that were received prior to the September 1999 Commission meeting asked the Commission to table consideration of the proposal until the proposed amendments were rewritten to address the public's concerns.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and the comments received were considered.

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 117, are amended by amending §§ 117.1–117.4 to read as set forth at Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

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

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-90. (1) Boat Fund; (2) Implementing Year 1999-00 is \$1,000; (3) 1st Succeeding Year 2000-01 is \$1,000; 2nd Succeeding Year 2001-02 is \$1,000; 3rd Succeeding Year 2002-03 is \$1,000; 4th Succeeding Year 2003-04 is \$1,000; 5th Succeeding Year 2004-05 is \$1,000; (4) Fiscal Year 1998-99 \$n/a; Fiscal Year 1997-98 \$n/a; Fiscal Year 1996-97 \$n/a; (7) General Government Operations; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 117. BOAT RENTAL BUSINESSES

§ 117.1. Definitions.

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

Boat livery—A commercial enterprise (person, partnership, corporation or other legal entity) that rents or leases rental boats to other persons for use on the waters of this Commonwealth.

Boat rental business—A boat livery.

Boat rental transaction—The exchange of consideration in the form of money, goods or services for the use of a rental boat for a period of time.

Livery operator—The owner or lessee of a boat livery and employes and other persons authorized to act on behalf of the boat livery.

Rental boat—A vessel propelled by oars, paddles, sail or power, rented or leased in this Commonwealth.

(i) The term includes canoes, kayaks, inflatable boats, rowboats, sailboats, personal watercraft and other motorboats.

(ii) The term does not include inner tubes or similar devices not considered to be boats under this title.

§ 117.2. Inspections.

(a) A livery operator shall inspect its rental boats on a regular basis and shall maintain its rental boats in good repair. It is unlawful for a livery operator to rent or use a rental boat that is not in good repair and serviceable condition.

(b) A livery operator shall permit inspection of equipment, facilities and documentation required by this chapter by a waterways conservation officer or other officer authorized to enforce the code.

(c) A livery operator shall correct deficiencies noted by a waterways conservation officer or other officer autho-

rized to enforce the code within 2 weeks of notification. If the deficiency involves equipment, the livery may not use the equipment until the deficiency is corrected.

§ 117.3. Responsibilities.

(a) It is unlawful for a livery operator to permit a rental boat to depart from the boat rental business without the equipment required by this title for the type of boat being rented.

(b) A livery operator shall offer to all persons renting boats an orientation/introduction to boating safety and conditions, including a review of the laws and regulations applicable to the type of boat being rented and the waters on which the boat will be used. The Executive Director will provide guidance in the preparation of this orientation. Persons who produce a Boating Safety Education Certificate issued or approved by the Commission under § 91.6 (relating to certificates) are exempt from review.

(c) Boat rental transactions shall be made using a written agreement, specifying the name and address of the lessee, the number of persons in the lessee's party and date of departure.

(d) Livery boats shall be clearly marked on both sides for easy identification of the business. Each boat shall be marked with letters, numbers or decals at least 3 inches tall.

(e) A livery operator shall only rent boats that meet or exceed minimum United States Coast Guard requirements for boats of that type. Rental boats shall be of a design and material suitable for their intended use.

(f) A livery operator shall submit a boating accident report for all reportable accidents involving one or more of the rental boats in accordance with Chapter 101 (relating to boating accidents). This requirement is in addition to the requirement that the operator of the boat file a boating accident report.

(g) It is unlawful for a livery operator to rent or use a boat in excess of its capacity as set forth by the manufacturer for the total number of passengers, total weight or maximum horsepower.

§ 117.4. Personal watercraft liveries.

(a) A livery operator that rents personal watercraft shall verify that operators of rented personal watercraft comply with § 109.3 (relating to personal watercraft) and the guidelines on providing education and training issued by the Executive Director. A livery operator that rents personal watercraft also shall verify that operators of rented personal watercraft either possess a permanent Boating Safety Education Certificate or have obtained a temporary Boating Safety Education Certificate from the personal watercraft livery.

(b) A personal watercraft livery shall take measures to oversee the operation of rented personal watercraft by persons who possess only a temporary Boating Safety Education Certificate. These measures shall include one of the following:

(1) The designation of a specified, marked area of operation for rented personal watercraft.

(2) The provision of qualified observers employed by the livery to directly observe the operation of rented personal watercraft. No more than seven personal watercraft may be under the observation of a single observer at any one time. Qualified observers shall be at least 16 years of age, have at least 10 hours of experience operating personal watercraft and have successfully completed the requirements for a permanent Boating Safety Education Certificate. The permanent Boating Safety

Education Certificate shall be in the observer's possession when performing duties under this paragraph.

[Pa.B. Doc. No. 00-525. Filed for public inspection March 24, 2000, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CHS. 31 AND 48]

Sales and Use Tax; Books, Publications and Advertising Materials

The Department of Revenue (Department), under authority contained in section 270 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7270), by this order amends §§ 31.3 and 31.29 (relating to exclusions; and books, publications and advertising materials) and deletes §§ 48.2 and 48.3 (relating to religious articles; and sacramental wines) to read as set forth in Annex A.

Purpose of Regulation

The Department is amending § 31.29 to bring it into conformity with recent statutory changes and to reflect the Department's current policy.

Sections 31.3, 48.2 and 48.3 are amended or deleted in accordance with the Pennsylvania Supreme Court decision in *Haller v. Department of Revenue*, 728 A.2d 351 (Pa. 1999), cert. denied, 120 S. Ct. 325 (1999). In *Haller*, the Court found the exclusion in section 204(28) of the TRC (72 P. S. § 7204(28)) in violation of both the United States and Pennsylvania Constitutions. Section 204(28) of the TRC provides a Sales Tax exclusion for the sale at retail or use of religious publications sold by religious groups and Bibles and religious articles.

Explanation of Regulatory Requirements

In accordance with *Haller*, § 31.3 is amended to delete paragraph (22) relating to religious publications sold by religious groups. The remaining paragraphs in the section are renumbered accordingly.

The Department amended subsection (a) by adding definitions of "advertising insert" and "newspaper" consistent with the statutory changes made in section 204(30) of the TRC. The definition of "direct mail advertising literature or materials" is amended to clarify the Department's interpretation of what constitutes direct mail advertising literature or materials as well as to incorporate the act of April 23, 1998 (P. L. 239, No. 45) (Act 45) statutory change to section 204(35).

Consistent with section 204(50) of the TRC, the Department is adding a definition of "magazine." The Department is also adding the definitions of "advertising literature or material," "circulated among the general public," "mail order catalog" and "subscription" to fill a void that existed in the regulation regarding these areas. Definitions for "publication," "religious publication" and "shopping guide" are also added to subsection (a) because of questions the Department received in these areas.

Subsection (b)(1) provides the scope of the regulation. Subsection (b)(2) provides a listing of items exempt from tax when sold at retail.

In response to *Haller*, §§ 48.2 and 48.3 are deleted.

Affected Parties

A taxpayer making a sale at retail or use of publications, advertising inserts and advertising literature or materials may be affected by this amendment. In addition, sales of religious publications, Bibles and religious articles will be affected by the *Haller* decision.

Comment and Response Summary

Notice of proposed rulemaking was published at 27 Pa.B. 6572 (December 20, 1997). This proposal is being adopted with changes to read as set forth in Annex A.

The Department received three comments from the public during the public comment period. The Department also received comments from the Independent Regulatory Review Commission (IRRC) and the Senate Finance Committee. No comments were received from the House Finance Committee.

Amendments to the proposed rulemaking in response to comments are as follows:

(1) IRRC and two of the public commentators questioned the Department's use of the term "vendor" in the definition of "direct mail advertising literature or materials," noting that the term would unduly restrict the application of the direct mail exclusion. The Department agrees with the concern raised and deleted the reference to "vendor" in the definition.

(2) In its comments, IRRC questioned why the Department created a separate definition for "advertising literature or materials" since the proposed definition is language that was formerly a part of the definition of "direct mail advertising literature or materials." IRRC suggested that the Department clarify its intent and revise the definitions to improve their clarity.

Prior to this proposal, the definition of "direct mail advertising literature or materials" attempted to address what was considered advertising literature or materials and when these items were exempt. The Department felt this definition was confusing and did not provide the public with an adequate definition of what constitutes "advertising literature or materials." The Department acknowledges the need for clarity and has therefore made significant organizational changes to both definitions. In response to IRRC and one of the public comments, the Department specifically references reply envelopes and application forms as items included in the definition of "advertising literature or materials."

(3) IRRC and the two public commentators also raised the concern that the limitation of the phrase "to prospective purchasers" within the definition of "direct mail advertising literature or materials" was beyond the scope of the enabling statute. The Department acknowledges the concern and deleted "to prospective purchasers" and added "distributed directly to intended recipients."

(4) IRRC and a public commentator suggested that the use of "corporate" when referring to annual reports in the definition of "advertising literature or materials" and "publication" was unduly restrictive and did not allow for noncorporate entities that publish annual reports. The Department agrees with the concern raised and amended both definitions to reference "financial and corporate annual reports."

(5) In addition to the revision to "publication" referenced in paragraph (4), the Department amended the listing for prospectuses by deleting the term "stock" and adding the term "investment" in response to a public comment.

(6) In response to the statutory changes made by Act 45 relating to the one-time license to use a list of names and mailing addresses for each delivery of direct mail advertising literature or materials, the Department added a new subparagraph (vii) to subsection (b)(2). The language set forth in Act 45 responded to comments from the Senate, IRRC and the public regarding the use of mailing lists in direct mail advertising.

(7) Section 31.29(b)(1) relates to scope and provides the general rule regarding taxation of publications, advertising inserts and advertising literature or materials. In the proposal, paragraph (2) provided a listing of items and examples that are exempt from tax. In its comments, IRRC suggested that the examples in paragraph (2) need to be clarified and restructured in a more logical order. After reviewing the examples at issue, the Department concluded they were not necessary and deleted them from the regulation.

Revisions initiated during the Department's internal review of the regulation are as follows:

(1) The proposed definitions of "magazine" and "text-book" are amended to more closely track the statutory definitions provided in section 204(33) and (50) of the TRC.

(2) Consistent with Act 45, the definition of "mail order catalog" is amended to require distribution through the United States Postal Service.

(3) Stylistic changes were made throughout the regulation for clarity.

Revisions initiated in response to *Haller* are as follows:

(1) Section 31.3 is amended to delete paragraph (22) relating to religious publications sold by religious groups. The remaining paragraphs in the section are renumbered accordingly.

(2) The definition of "religious organization" was deemed unnecessary and is deleted from § 31.29(a). Subsection (b)(1) relating to scope is amended by adding "bibles, religious publications, including religious publications sold by religious organizations" to the items subject to tax when delivered to a location within this Commonwealth. All references to bibles and religious publications are deleted from subsection (b)(2) relating to examples of items exempt from tax. The remaining examples in paragraph (2) are renumbered accordingly.

(3) Sections 48.2 and 48.3 are deleted.

Comments that did not result in an amendment to the regulation are as follows:

IRRC and two of the public commentators questioned limiting the direct mail exclusion to items distributed by the United States Postal Service. Although the Department understands the argument that today's delivery market place provides an array of delivery services, Act 45 specifically references "through the United States Postal Service"; therefore, the Department is unable to expand the scope of the exclusion to include other types of delivery services.

In its comments, IRRC asked the Department to explain whether and when E-mail advertising is taxable or nontaxable, and the statutory basis for its taxation or its exemption if it is not taxed. If there are circumstances when E-mail advertising is subject to tax and other circumstances when it is not taxed, IRRC also requested examples of both situations. E-mail advertising is an example of an enhanced telecommunication service and is not taxable as a telecommunication service. The Depart-

ment has created the term "enhanced telecommunication service" to provide guidance to taxpayers who might be confused about the application of tax to services that involve telecommunication services yet, due to rapid changes in technology, are not what the Department has historically considered to be taxable telecommunications services, see Department's statement of policy, § 60.20 (relating to telecommunications service).

Fiscal Impact

The Department determined that the amendments will result in a minimal loss of revenue for the Commonwealth.

Paperwork

The amendments will not generate significant additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

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

Contact Person

The contact person for an explanation of the amendments is Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 9, 1997, the Department submitted a copy of the notice of proposed rulemaking, published at 27 Pa.B. 6572 (December 20, 1997) to IRRC and the Chairpersons of the House and Senate Committees on Finance for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

In preparing these final-form regulations, the Department considered the comments received from IRRC, the Committees and the public.

These final-form regulations were approved by the Committees on February 8, 2000, and were approved by IRRC on February 17, 2000, in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745a(e)).

Findings

The Department finds that:

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

(2) The amendments are necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code Chapters 31 and 48, are amended by amending §§ 31.3 and 31.29 and deleting §§ 48.2 and 48.3 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

ROBERT A. JUDGE, Sr.,
Secretary

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

Fiscal Note: Fiscal Note 15-353 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE II. SALES AND USE TAX

CHAPTER 31. IMPOSITION

§ 31.3. Exclusions.

The tax does not apply to the following:

* * * * *

(21) Sales to or use of tangible personal property or services by: charitable organizations; volunteer firemen's organizations; nonprofit educational institutions; or religious organizations for religious purposes.

(i) This exclusion does not apply to property or services used in an unrelated trade or business carried on by this type of organization or institution. This exclusion does not apply to materials, supplies and equipment used in the construction, reconstruction, remodeling, repair and maintenance of real estate, other than materials and supplies used in routine maintenance and repairs of real estate.

(ii) Equipment used in the routine maintenance and repair of real estate is subject to tax.

(22) Property or services purchased by the United States, the Commonwealth of its political subdivisions, or instrumentalities thereof.

(23) Flags of the United States and the Commonwealth.

(24) The sale at retail or use of rail transportation equipment used in the movement of personalty.

(25) The sale at retail of horses, if at the time of purchase, the seller is directed to ship or deliver the horse to an out-of-State location. The seller shall obtain a bill of lading from the carrier or purchaser, reflecting the out-of-State destination. The seller shall execute and retain a "Certificate of Delivery to Destination Outside of the Commonwealth" to justify the noncollection of sales tax. If a horse is sold and delivered to a domiciled person prior to out-of-State delivery the "Certificate of Delivery to Destination Outside of the Commonwealth" shall have both bills of lading attached.

(26) The sale at retail or use of fish feed purchased by or on behalf of sportsmen's clubs, fish cooperatives or nurseries approved by the Fish and Boat Commission.

(27) The sale at retail or use of supplies and materials to tourist promotion agencies, which receive grants from the Commonwealth, for distribution to the public as promotional material.

(28) The sale or use of brook trout, brown trout or rainbow trout.

(29) The sale at retail or use of buses to be used exclusively for the transportation of children for school purposes.

(30) The sale at retail or use of firewood cut into proper lengths for burning and used for fuel for cooking, hot water production or to heat residential dwellings.

§ 31.29. Books, publications and advertising materials.

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

Advertising insert—Printed advertising material that is circulated with another publication.

Advertising literature or materials—Tangible personal property that is intended to promote business interest, create goodwill or engage the attention or interest of a recipient.

(i) The term includes printed matter, brochures, matchbooks, calendars, price lists, video and audio tapes, computer disks, investment prospectuses, financial and corporate annual reports, electoral literature or materials, playing cards, envelopes, address labels, reply envelopes, application forms, pens and similar promotional materials.

(ii) The term does not include proxy materials.

Circulated among the general public—Made available for purchase from a retail outlet, such as a newsstand or bookstore, or made available for purchase by subscription. In the case of an organizational publication, the publication will be considered to be circulated among the general public only if there are regular sales of the publication to purchasers other than members of the organization.

Direct mail advertising literature or materials—Advertising literature or materials that are distributed directly to intended recipients through the United States Postal Service. The term does not include advertising literature or materials that are distributed in a manner other than by the United States Postal Service.

Magazine—A publication that is published at regular intervals not exceeding 3 months, that is circulated among the general public, and contains matters of general interest and reports of current events that are published for the purpose of disseminating information of a public character or is devoted to literature, the sciences, art or some special industry. The term does not include loose leaf information services.

Mail order catalogue—A publication that contains a listing of items with descriptive details and includes a mail order form and is distributed through the United States Postal Service.

Newspaper—A "legal newspaper" or a publication containing matters of general interest and reports of current events that qualifies as a "newspaper of general circulation" authorized to carry a "legal advertisement" as those terms are defined in 45 Pa.C.S. § 101 (relating to legal notices). The term does not include magazines.

Publication—Information transferred by means of tangible media.

(i) Examples include printed material, such as books; financial and corporate annual reports; investment prospectuses; proxy materials; shopping guides; magazines; tabloid newspapers; and printed material that may supplement, explain, amend, revise or otherwise alter, expand or render current a looseleaf information service, or a book or bound volumes of books previously issued, including a supplement or pocket part, whether the additional material is periodically distributed or purchased independently of the basic book to which it is applicable.

(ii) The term also includes video and audio tapes, computer disks and similar items.

Religious publication—Religious commentaries and other publications primarily devoted to religious instruction, promotion or information.

Shopping guide—A publication primarily devoted to consumer awareness, promotion or information and that is generally provided to a consumer free of charge.

Subscription—The advance purchase of a series of issues of a magazine delivered by the publisher to an address designated by the purchaser.

(i) The term includes a series of magazines provided by an organization to its members in consideration of the payment of membership dues, provided the magazine is also sold by subscription or by individual copy to the public.

(ii) The term does not include a purchase of an issue or series of issues of a magazine from a person other than the publisher.

Textbook—A new or used book that is required or approved for use in conjunction with an educational

curriculum provided by an institution of learning recognized by the Department of Education.

(b) *Scope.*

(1) Except as otherwise provided in this subsection, the sale at retail or use of publications, advertising inserts, Bibles, religious publications, including religious publications sold by religious organizations and advertising literature or materials is subject to tax when delivered to a location within this Commonwealth.

(2) The sale at retail or use of the following items is exempt from tax:

(i) Mail order catalogs.

(ii) Direct mail advertising literature or materials. See § 32.36 (relating to printing and related businesses).

(iii) Textbooks.

(iv) Newspapers.

(v) Magazines sold by subscription.

(vi) Advertising inserts that become a part of a newspaper or magazine.

(vii) One time license fees paid for the use of a listing of names and mailing addresses for each delivery of direct mail advertising literature or materials.

CHAPTER 48. EXEMPT ORGANIZATIONS

§ 48.2. (Reserved).

§ 48.3. (Reserved).

[Pa.B. Doc. No. 00-526. Filed for public inspection March 24, 2000, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 14, 2000.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-7-00	Harleysville National Corporation, Harleysville, to acquire 100% of the voting shares of Citizens Bank and Trust Company, Palmerton	Harleysville	Filed
3-10-00	Three Rivers Bancorp, Inc., Monroeville, to acquire 100% of the voting shares of Three Rivers Bank and Trust Company, Monroeville, from USBANCORP, Inc., Johnstown	Monroeville	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-14-00	Farmers First Bank, Lititz, and First Capitol Bank, York Surviving Institution— Farmers First Bank, Lititz	Lititz	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-25-99	Summit Bank Bethlehem Northampton County	1401 Dreshertown Rd. Dresher Upper Dublin Twp. Montgomery County (Approved Under Title of Prime Bank)	Opened
2-24-00	Northwest Savings Bank Warren Warren County	30 Trinity Point Dr. Washington Washington County	Opened
3-8-00	The Peoples Bank of Oxford Oxford Chester County	900 W. Cypress Street Kennett Square New Garden Twp. Chester County	Filed
3-13-00	Orrstown Bank Orrstown Franklin County	3 Baden Powell Lane Suite 1 Mechanicsburg Silver Spring Twp. Cumberland County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-13-00	HVHS Credit Union Sewickley Allegheny County	100 Dutch Ridge Rd. Beaver Beaver County	Approved

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 00-527. Filed for public inspection March 24, 2000, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Pennsylvania Access Grant Program Guidelines

The Department of Community and Economic Development (DCED) in conjunction with the Department of Public Welfare (DPW) has developed the Pennsylvania Access Grant Program (PAGP). DCED is the Agency that will administer this new program. Total funding available under this program is \$1,850,000. DPW is providing \$1,350,000 and DCED is providing \$500,000 from the Communities of Opportunity Program in accordance with the requirements of the Pennsylvania Housing and Redevelopment Assistance Law (Act 477 of 1955).

The goal of this program is to provide low and moderate income persons with permanent disabilities increased accessibility in their current home. This goal can be accomplished by providing home modification grants to low and moderate income persons with disabilities.

Eligible applicants include redevelopment authorities and general-purpose units of local government such as counties, cities, boroughs, townships and home rule municipalities. Non-profits must apply through a unit of local government or a redevelopment authority. Applicants must demonstrate sufficient capacity to administer a home modification program. Collaboration with local disability service organizations must be demonstrated. These funds may *not* be used to modify units owned and operated by public housing authorities or a facility licensed by DPW or the Department of Health, for support services, to correct code violations, for relocation expenses, or escrowed to return the unit to its original condition.

Eligible activities include adaptive modifications such as ramps, lifts, door widening, visual doorbells, audio phones, visual phone signalers, lowering of kitchen counters, enlarging bathrooms, adding grab bars, and the like. Modifications must accomplish at least one of the following: improve the ability of a person with disabilities to enter or exit the home; increase the ability of a person with disabilities to perform activities of daily living and instrumental activities of daily living; or, enable a person with disabilities to remain in the home which will prevent institutionalization.

Guidelines for the administration and application of these funds have been prepared by DCED and are available on the Internet at www.dced.state.pa.us. Click

on "Improving Your Community" and click on "Housing and Infrastructure". A copy of these guidelines can be obtained at any of the following locations:

Office of Community Development and Housing 502 Forum Building Harrisburg, PA 17120 (717) 787-5327	Central Regional Office 576 Forum Building Harrisburg, PA 17120 (717) 878-7347
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Southeast Regional Office 908 State Office Building Broad and Spring Garden Streets Philadelphia, PA 19130 (215) 560-2256	Southwest Regional Office 413 State Office Building 300 Liberty Avenue Pittsburgh, PA 15222 (412) 565-5002
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Northeast Regional Office 201 Samters Building 101 Penn Avenue Scranton, PA 18503 (570) 963-4571	Northwest Regional Office 212 Lovell Place Erie, PA 16503 (814) 871-4241
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SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 00-528. Filed for public inspection March 24, 2000, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of Workforce Investment Act, Title II, Section 223 Funds for State Leadership Activities for the Period July 1, 2000—June 30, 2001

These services are designed to strengthen the Pennsylvania Adult Literacy and Basic Education programs operated by the Department of Education (Department) Bureau of Adult Basic and Literacy Education (Bureau) by providing Statewide support for leadership activities in Title II of the Workforce Investment Act described in the Unified State Plan 1999-2005.

I. Authorization

A. Title II of The Workforce Investment Act of 1998, The Adult Education and Family Literacy Act, provides funds to local eligible provider agencies through the Department for the establishment of adult education and family literacy programs that will:

1. assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency;

2. assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children, and;

3. assist adults in the completion of a secondary school education.

B. Eligible applicants include local education agencies and public or private nonprofit agencies, organizations and institutions. A for-profit agency is eligible to participate in the program only if it is part of a consortium with a local education agency or other eligible sponsor, with the nonprofit agency acting as fiscal agent. A for-profit organization must also have the capability and capacity to augment significantly the adult education services of such a consortium.

Consistent with the purpose of the Adult Education and Family Literacy Act, for Program Year 1999-2000, the Department will give primary consideration to programs for the educationally disadvantaged.

The Federal share of a grant will be 75% of the total cost of the program. The applicant must provide 25% match of the total cost of the program. The local match may be in kind. Other Federal funds may not be used for the local match unless specifically identified as eligible for use as matching funds.

C. Restrictions placed upon the Department by the United States Department of Education on the administration of the grant include:

1. Not more than 12.5% of the State's allotment shall be used for State Leadership Activities.

2. Not more than 5% of a local applicant's grant may be used for administrative costs, unless a higher percent is approved in advance by the Bureau of Adult Basic and Literacy Education, Department of Education.

Letter of Intent due: April 21, 2000

Application due: May 26, 2000

Note: The Bureau reserves the right to consider proposals received after the deadlines and, if appropriate, to approve them if and when funds become available.

II. Application Procedures and Program Guidelines. A Letter of Intent is due at the Bureau April 21, 2000. The Letter of Intent should state the Priority number and a one sentence description of the project proposed. (No faxes will be accepted.) Applications for State Leadership funds must be completed online and submitted on the e-grant website at <http://www.e-grants.ed.state.pa.us> to the Bureau of Adult Basic and Literacy Education, Department of Education. Instructions and the Application Guidelines are available on ABLEsite at www.paadulted.org and on the e-grant sites.

III. Funds for State Leadership Activities are made available under Section 222(a)(2) for one or more of the following activities:

1. The establishment or operation of professional development programs to improve the quality of instruction provided under local activities required under Section 231(b).

2. The provision of technical assistance to eligible providers of adult education and literacy activities.

3. The provision of technology assistance, including staff training, to eligible providers of adult education and

literacy activities to enable the eligible providers to improve the quality of these activities.

4. The support of State or regional networks of literacy resource centers.

5. The monitoring and evaluation of the quality of, and improvement in, adult education and literacy activities.

6. Incentives for program coordination and integration and performance awards.

7. Developing and disseminating curricula.

8. Other activities of Statewide significance that promote the purpose of this title.

9. Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in such activities.

10. Integration of literacy instruction and occupational skill training and promoting linkages with employers.

11. Linkages with postsecondary educational institutions.

Priorities State Leadership 2000-2001

1. *Communications for Professional Development (Axis):* Management of a project to provide for the design and/or publication of newsletters, reports, handbooks and brochures as needed by adult education providers in the Commonwealth. The project will direct and provide systematic communication and coordination between the Bureau and professional development service providers and adult basic and literacy education providers. The project will also include support for online and worldwide web communications.

2. *Adult Education Newsletter:* Provision of a general adult basic education newsletter to be published a minimum of six times at a length of eight pages or more to disseminate information in areas of interest to adult basic education practitioners and program supporters in Pennsylvania. The areas may include but are not limited to professional development, program areas such as GED, ABE, ESL, Workplace, and Family Literacy and include adult education theory, best practices and awareness information. Applicant must establish an editorial review board and plan for a circulation of approximately 4,000 copies across the Commonwealth with distribution as requested by the Department.

3. *Outstanding Adult Learners:* Management of an event that includes the identification, selection and recognition of ten exemplary adult learners enrolled in adult basic and literacy education programs whose success stories focus on the role of adult basic education in their lives. Approximately 2,000 copies of a Success Stories booklet featuring past as well as current winners and their ABLE programs should be prepared, published and disseminated as requested by the Department. Promotional fliers featuring Success Stories students will be prepared and disseminated to winners' program providers. Applicant will coordinate with an identified ABLE Bureau staff person in the development of the project.

4. *Outstanding Adult Practitioners:* Management of an event to identify, select and honor outstanding adult education practitioners in the Commonwealth whose interaction with adult learners, colleagues and their programs is indicative of best practices in adult teaching and learning. Applicant will review the standards and performance indicators set forth by the Pennsylvania Adult Teachers Competencies project to use those criteria for

the selection of Excellent Educators and Instructors in keeping with their recommendations for Expert practitioners. The applicant will coordinate with an identified Bureau staff person, a Project EQUAL representative and a PDC coordinator in the development and implementation of the project.

5. *Implementation and Development of Core Area Training:* Centralized management of a project to provide development and implementation of training in designated core content areas Statewide to adult basic and literacy education administrators and practitioners. The applicant will identify topics through an analysis of data, informal assessments, and an analysis of current core content vs. content requested. Applicant will coordinate the review and selection of training materials and methods in designated core content areas and work with lead trainers and module authors to revise existing modules as necessary and appropriate and to customize "advanced" trainings. Applicant will identify and adopt or adapt additional modules and/or training pieces that complement the existing menu of professional development modules developed in previous training development projects; train new trainers and monitor and support existing trainers by training sessions, meetings, field observations and telephone and electronic contact. The applicant will include an evaluation component to evaluate the modules, trainers, trainer training and support system and to determine the impact of the core training. Applicant will work closely with the staff of ABLE and the regional professional development centers.

6. *Review and Dissemination of Exemplary Projects:* Management of a project to review current and past Section 353 and State Leadership special demonstration/experimental and professional development projects from Pennsylvania and from other states in designated topic areas to determine their significance and appropriateness for adoption/adaptation in Pennsylvania. The project should identify exemplary and innovative practices/approaches and provide for the Statewide dissemination of information through publication of the reviewed projects by a newsletter to be published a minimum of six times a year.

7. *Support of Adult Education Professional Development:* Administration, fiscal management and support of statewide adult basic education professional development activities and other Department activities to include provision for support of State Leadership requirements and initiatives under the Workforce Investment Act of 1998, support of various adult basic and literacy conference activities, support of Act 42 Council activities and provision of honoraria for presenters at State-sponsored activities.

8. *Mini-Grants:* These grants may be used to support State Leadership activities at the local level. For example, a mini-grant can be used to complement Statewide initiatives that impact at the local level such as implementing adult learner competencies into an agency's program, determining the impact of instructional programs on adult learners, or to assist an agency in integrating adult basic education and workforce development activities in the local area.

Funds should not be used for direct instructional time but for time to research, design, plan and support the activities needed to carry out the goals of the project. Grants may not exceed \$5,000.

9. *Professional Development Institute for Learning Differences/Disabilities:*

Purpose: To provide a centralized training system for practitioners serving adults with learning differences/disabilities; to serve as an information clearinghouse for research and best practice in teaching adults with learning differences/disabilities; and to facilitate the coordination of services to individuals with learning differences/disabilities among State and local agencies.

Background: Current research indicates that adult basic and literacy education programs are serving significant numbers of individuals who have learning differences/disabilities. Needs assessments conducted in Pennsylvania indicate that many adult education practitioners feel unprepared for the challenges presented by many of those adults. For several years, the Department of Education, Bureau of Adult Basic and Literacy Education has recognized the need to support adult education practitioners who are teaching adults with learning differences/disabilities in Bureau sponsored programs. The Bureau has provided centralized support for practitioners teaching adults with learning differences/disabilities by funding direct training with Pennsylvania experts through its Professional Development Centers. Pennsylvania has also supported local agency grants to develop instructional materials and techniques. Most recently, Pennsylvania has participated in efforts sponsored by the National Institute for Literacy to develop and disseminate a professional development "toolkit." The Bureau desires to expand current activities by funding an "institute" or "center" that will focus efforts towards coordinating a uniform and systematic approach to providing professional development for practitioners teaching adults with learning differences/disabilities and improving the quality of services offered to this set of learners.

Application Requirements: The applicant must describe how it will address the following program elements.

1. To provide a centralized training and technical assistance system to support Pennsylvania practitioners working with individuals with learning differences/disabilities.

- Develop uniform training products and processes to address the needs of Pennsylvania adult education practitioners in the areas of learning differences that reflect state of the art research and development efforts.
- Coordinate all existing activities related to the provision of training and technical assistance of practitioners teaching individuals with learning differences/disabilities.
- Develop and implement a train-the-trainer system, consistent with current adult education train-the-trainer efforts, to certify and credential trainers qualified to deliver established training systems.
- Develop and implement a system of technical assistance, including identification of best practices and peer networking.
- To coordinate the delivery of training with the Pennsylvania Adult Education Professional Development System, including its Professional Development Centers, State Literacy Resource Center, and Tutors for Literacy in the Commonwealth.

2. To serve as an information clearinghouse for research and best practice in teaching adults with learning differences/disabilities.

- Maintain expertise in the areas of adults with learning differences/disabilities for the purpose of identifying emerging best practices and research.

- Disseminate relevant and timely information related to special accommodations, research based instructional planning, screening and identification, legal issues, and other information related to serving individuals with learning differences/disabilities.
 - Coordinate information collection and dissemination with the State Adult Literacy Resource Center.
3. To facilitate the coordination of services to individuals with learning disabilities among State and local agencies.
- To facilitate the leveraging of resources among State and local entities for the purpose of providing comprehensive services to individuals with learning differences/disabilities.
 - To identify other State and local models of inter-agency coordination for individuals with learning differences/disabilities.
 - To establish a working relationship with entities that serve individuals with learning differences/disabilities for the purpose of exchanging information and establishing interagency initiatives.
 - Maintain a presence by representing Pennsylvania's efforts at National and State meetings, workshops and seminars.

10. *Professional Development Institutes*

Purpose: To provide an opportunity for professional development in a specific area of adult basic and literacy education in an intensive format.

Background: The Bureau of ABLE has supported the professional development of practitioners and administrators through the institute format for several years. The format allows for the consistency in the delivery of information and methodologies in a specific area and at

varying levels of expertise. It also builds the collegiality of participants through shared experiences and encourages ongoing professional development after the institute has ended. The activities offered through the institute and follow-up trainings are guided by the Guiding Principles for Professional Development of Adult Education Practitioners.

Program Goals:

1. Administrative and fiscal management and support of a project for Statewide adult basic education professional development through the provision of a professional development institute (topics listed as follows) to include the arrangements for physical accommodations for administrators, teachers, counselors and volunteers in adult basic education programs;
2. Delivery of information to participants that is relevant to the topic, research-based and representative of best practices that is provided by subject matter experts;
3. Development of strands on the institute topic for new and experienced practitioners;
4. Provision of follow-up training through the regional professional development centers and/or other activities;
5. Evaluation of the design and effectiveness of the training.

Corrections Education

Teaching Math

Learning Differences/Disabilities

Other

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 00-529. Filed for public inspection March 24, 2000, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

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

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

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

PA 0052230. Sewage, **Springhill Farm Wastewater Treatment Facility Association**, P. O. Box 756, Chadds Ford, PA 19317.

This application is for renewal of a NPDES permit to discharge treated sewage from a sewage treatment plant in Chadds Ford Township, **Delaware County**. This is an existing discharge to an unnamed tributary to the West Branch of Chester Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.1 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	2.5	5.0
(11-1 to 4-30)	7.5	15.0
Total Residual Chlorine		
Years 1 and 2	monitor/report	monitor/report
Years 3, 4 and 5	0.06	0.14
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

PA 0038415. SIC: 4952, Sewage, **Township of East Pennsboro**, 98 South Enola Drive, Enola, PA 17025.

This application is for issuance of an NPDES permit for an existing discharge of treated sewage to Conodoguinet Creek, in East Pennsboro Township, **Cumberland County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 3.70 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4.5	XXX	9.0
(11-1 to 4-30)	12	XXX	24
Total Phosphorus	2	XXX	4
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	15,000/100 ml as a geometric average		
(10-1 to 4-30)			

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

The EPA waiver is not in effect.

PA 0041581. SIC: 4952, Sewage, **Liverpool Municipal Authority**, P. O. Box 357, Liverpool, PA 17045.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Susquehanna River, in Liverpool Township, **Perry County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.100 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	1.5	—	2.5
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		100,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

The EPA waiver is in effect.

PA 0088412. SIC: 15, Sewage, **CACO Three, Inc.** (Peakview Development STP), Box E, Bowmansdale, PA 17008.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary of Latimore Creek, in Huntingdon Township, **Adams County**.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18
Total Phosphorus	monitor and report	XXX
Total Residual Chlorine	0.23	0.75
Dissolved Oxygen		minimum of 5.0 at all times
pH		from 6.0 to 9.0 inclusive
Fecal Coliform		200/100 ml as a geometric average
(5-1 to 9-30)		2,300/100 ml as a geometric average
(10-1 to 4-30)		

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

The EPA waiver is in effect.

PA 0023108. SIC: 4952, Sewage, **Borough of Elizabethtown**, 600 South Hanover Street, Elizabethtown, PA 17022.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to the Susquehanna River, in Conoy Township, **Lancaster County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 4.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	2	—	4

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5	—	1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		84,800/100 ml as a geometric average	

The proposed effluent limits for Outfall 002 to Conoy Creek for a wet weather treated effluent overflow of 9.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20	30	40
Total Suspended Solids	30	45	60
Total Phosphorus	2.5	—	5.0
Total Residual Chlorine	0.33	—	1.0
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		3,900/100 ml as a geometric average	

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

The EPA waiver is not in effect.

PA 0088242. Ruth Family Farms, LP, 205 Bittersweet Drive, Hershey, PA 17033.

Ruth Family Farms, L.P. has submitted an application for an individual NPDES permit for an expanding concentrated animal feeding operation (CAFO) known as Huston Hollow Farm, located off SR 475 on South Madden Road in Taylor Township, **Fulton County**. The CAFO is situated near Wooden Bridge Creek, which is classified as High Quality-Cold Water Fishery. The CAFO is designed to handle 1,269 animal equivalent units (AEUs) consisting of 2,400 gestating sows, 650 gilt finishers, 448 sows with litters and 10 boars.

The construction of new underground manure storage facilities is proposed for a new 65-foot by 448-foot breeding/gestation building. The new manure storage facilities will consist of a concrete and compacted clay double liner system with a leak detection system meeting the requirements of the Department's Final Strategy for Meeting Federal Requirements for Controlling the Water Quality Impacts of Concentrated Animal Feeding Operations (29 Pa.B. 1439 (March 13, 1999)) (that is, the Final CAFO Strategy). The total capacity of the new manure storage facilities will be approximately 1.3 million gallons. The existing manure storage facilities consist of underground concrete containment structures for one breeding/gestation building (1.3 million gallons) and one farrowing building (340,000 gallons). There will be no release or discharge to waters of the Commonwealth under normal operating conditions. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations including the Final CAFO Strategy, the Department has made a tentative determination to issue an individual NPDES permit (Document No. 3620-PM-WQ00514) for the operation subject to the terms and conditions, and monitoring and reporting requirements specified in the draft permit.

The permit application and proposed draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the files by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The Environmental Protection Agency (EPA) permit review waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit. The Administrator of EPA Region III may review or object to any proposed NPDES permit actions.

Persons wishing to comment on the proposed permit are invited to submit written comments to the noted address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A public meeting/hearing may be held if the Department considers the public response or interest 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 the determination may be appealed to the Environmental Hearing Board.

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

PA 0093947. Industrial waste, SIC: 3821, Fisher Scientific Company, 2000 Park Lane, Pittsburgh, PA 15275-1126.

This application is for renewal of an NPDES permit to discharge treated process water from metal finishing manufacturing in White Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, Stoney Run, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Saltsburg Municipal Water Authority, located at Saltsburg, 35 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.017 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0				

Outfall 101: existing discharge, design flow of 0.014 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
TSS			31	60	
Oil and Grease			26	52	
Cadmium			0.032	0.064	
Chromium			1.71	2.77	
Copper			0.2	0.4	
Lead			0.09	0.18	
Nickel			2.38	3.98	
Silver			0.045	0.09	
Zinc			1.3	2.6	
Cyanide			0.65	1.2	
TTO				2.13	
pH	not less than 6.0 nor greater than 9.0				

Outfall 201: existing discharge, design flow of 0.003 mgd.

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

Outfall 301: existing discharge, design flow of 480 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
TSS			31	60	
Oil and Grease			26	52	
Cadmium			0.032	0.064	
Chromium			1.71	2.77	
Copper			0.2	0.4	
Lead			0.09	0.18	
Nickel			2.38	3.98	
Silver			0.045	0.09	
Zinc			1.3	2.6	
Cyanide			0.65	1.2	
TTO				2.13	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0203661. Industrial waste, SIC: 2819, **Goldschmidt Industrial Chemical Corporation**, 941 Robinson Highway, McDonald, PA 15057.

This application is for renewal of an NPDES permit to discharge treated sewage and untreated cooling water, stormwater and groundwater from McDonald Plant in Robinson Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Robinson Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is West View Municipal Water Supply, located at Mile 4.4, Ohio River, 20 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0003 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.0003				
CBOD ₅			25		30
Suspended Solids			30		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
Total Residual Chlorine (1st month—12th month) (13th month—expiration)			1.4	monitor and report	3.3
pH	not less than 6.0 nor greater than 9.0				

Other Conditions:

The EPA waiver is in effect.

Outfall 102: existing discharge, design flow of 0.094 mgd.

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

Outfall 002: new discharge, design flow of 0.094 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
	The discharge through this outfall shall consist of uncontaminated stormwater runoff, housekeeping and noncontact cooling water from internal monitoring point 102.				
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, design flow of 0.0032 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	monitor and report				
Arsenic			monitor and report		
Cadmium			monitor and report		
Zinc			monitor and report		
Free Cyanide			monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: existing discharge, design flow of 0.0032 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	monitor and report				
Arsenic			monitor and report		
Cadmium			monitor and report		

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

PA 0216739. Industrial waste, SIC: 4953, **Allegheny Ludlum Corporation, Inc.**, 100 River Road, Brackenridge, PA 15014.

This application is for renewal of an NPDES permit to discharge groundwater from a residual waste landfill in Allegheny Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, tributary of the Allegheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Harrison Township Water Authority, located at Harrison Township, 3 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.017 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
TSS			30		60
Oil and Grease			15		30
Hexavalent Chromium			0.010	0.020	0.025
Aluminum				monitor and report	
Iron				monitor and report	
Dissolved Iron				monitor and report	
Nickel				monitor and report	
pH	not less than 6.0 nor greater than 9.0				

Other Requirements: The applicant has been given 3 years to meet the hexavalent chromium limits through a toxics reduction evaluation.

Outfall 002: existing discharge, design flow of 0.086 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Hexavalent Chromium			0.010	0.020	0.025
Aluminum				monitor and report	
Iron				monitor and report	
Dissolved Iron				monitor and report	
pH				monitor and report	

Other Requirements: The applicant has been given 3 years to meet the hexavalent chromium limits through a toxics reduction evaluation.

Outfall 003: existing discharge, design flow of 0.019 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Hexavalent Chromium			0.010	0.020	0.025
Aluminum				monitor and report	
Iron				monitor and report	
Dissolved Iron				monitor and report	
pH				monitor and report	

Other Requirements: The applicant has been given 3 years to meet the hexavalent chromium limits through a toxics reduction evaluation.

Outfall 004: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Hexavalent Chromium			0.010	0.020	0.025
Aluminum				monitor and report	
Iron				monitor and report	
Dissolved Iron				monitor and report	
pH				monitor and report	

Other Requirements: The applicant has been given 3 years to meet the hexavalent chromium limits through a toxics reduction evaluation.

The EPA waiver is in effect.

PA 0218391. Sewage, **Georges Creek Municipal Authority**, P. O. Box 338, Smithfield, PA 15478.

This application is for issuance of an NPDES permit to discharge treated sewage from Georges Creek Municipal Authority STP in Georges Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Georges 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 Dunkard Valley Joint Municipal Authority on the Monongahela River.

Outfall 001: new discharge, design flow of 0.16 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	9.0	13.5		18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	6,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0222933. Industrial waste, SIC: 3317, **Sharon Tube Company**, 20 Church Street, Wheatland, PA 16161.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is PA American Water on the Shenango River located at New Castle, approximately 23 miles below point of discharge.

This amends the notice in the February 25, 1999, *Pennsylvania Bulletin*.

The proposed discharge limits for Outfall No. 101 based on a design flow of 0.037 mgd, are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow			
Lead	XX	XX	0.28
Zinc	XX	XX	1.4
Oil and Grease	XX	XX	19
Total Suspended Solids	XX	XX	93
Dissolved Iron	XX	XX	XX
Total Iron	XX	XX	XX
pH		6.0 to 9.0 at all times	

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.0736 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			
Oil and Grease	15		30
Dissolved Iron	7.0		17.5
Total Iron	XX		XX
TSS	XX		XX
pH		6.0 to 9.0 at all times	

PA 0005592. Industrial waste, SIC: 3221. **Owens Brockway Glass Container, Inc.**, Cherry Street, Brockway, PA 15824.

This application is for renewal of an NPDES Permit, to discharge noncontact cooling water, stormwater and miscellaneous wastewater to Little Toby Creek in Brockway Borough, **Jefferson County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Western Pennsylvania Water Company—Clarion District located at Clarion Borough, approximately 42.4 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.052 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Temperature	XX		
Oil and Grease	15	30	30
TSS	30	60	60
CL-2150	0.05	0.078	1.25
pH		6.0 to 9.0 at all times	

The proposed discharge limits for Outfall No. 002, based on a design flow of 0.0084 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Temperature	XX		
Oil and Grease	15	30	30
TSS	30	60	60
pH		6.0 to 9.0 at all times	

The EPA waiver is in effect.

PA 0101478. Sewage. **SNPJ Recreation Center**, 270 Martin Road, Enon Valley, PA 16120.

This application is for renewal of an NPDES Permit to discharge treated sewage to an unnamed tributary to Sugar Creek in North Beaver Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: HQ-CWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA/OH state line on the North Fork Little Beaver Creek located near Negley, OH, approximately 10 miles below point of discharge.

The proposed effluent limit for Outfall No. 001, based on a design flow of 0.014 mgd, are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Total Suspended Solids	30	60
Ammonia Nitrogen		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	4.5	9
Dissolved Oxygen	minimum of 5 mg/l at all times	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	6,000/100 ml as a geometric average	
Total Residual Chlorine	0.15	0.3
pH		within limits of 6.0 to 9.0 standard units at all times

The EPA waiver is in effect.

PA 0030821. Sewage, **Poplar White Thruway Service, Inc.**, 6468 Sterrettania Road, Fairview, PA 16415.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to an unnamed tributary to Elk Creek in McKean Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there are no potable water supplies (PWS) at or near the point of discharge, nor until Elk Creek reaches Lake Erie.

The proposed effluent limits for Outfall 001, based on average design flow of 0.0132 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine	1.4	3.3
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	
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

PA 0103519. Sewage. **Whitehall Camp, Western Church of God**, R. D. 1, Box 31, Emlenton, PA 16373.

This application is for renewal of an NPDES Permit, to discharge treated waste to an unnamed tributary to Richey Run in Richland Township, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: Cold Water Fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Parker City Water System on the Allegheny River located at river mile 83.9, approximately 7.5 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.015 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
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
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements. The updates may include applicable permit conditions and requirements. The updates may include applicable permit conditions and requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0058017	Daniel F. Rufe P. O. Box 57 Ottsville, PA 18942-0067	Bucks County Nockamixon Township	UNT of Lake Nockamixon	TRC
PA0054615	Keith Cox 30 Ponds View Drive Glen Mills, PA 19342	Delaware County Concord Township	UNT to Green Creek	

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA-0060003	Wyoming County Housing Authority P. O. Box 350 S. J. Bailey Apartments Nicholson, PA 18446	Wyoming County Nicholson Borough	Martin's Creek	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

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

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

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

A. 4500402. International Gymnastics Training Camp, R. R. 8, Box 8002, Stroudsburg, PA 18360-9228.

Application for replacement septic system, located in Jackson Township, **Monroe County**. Application received in the Regional Office February 17, 2000.

A. 4500403. Oaks Senior Community, LP, P. O. Box 302, Cresco, PA 18326. Application to install and operate an onlot sewage treatment plant, located in Barrett Township, **Monroe County**. Application received in the Regional Office February 25, 2000.

A. 5400401. Sewerage. Hawk Mountain Council, Boy Scouts of America, 4901 Pottsville Pike, Reading, PA 19605-1284. Application for construction of wastewater collection and treatment facility, located in Wayne Township, **Schuylkill County**. Application received in the Regional Office March 1, 2000.

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

A. 2100401. Sewerage, submitted by **Snyder's, LLP.**, R. D. 1, Box 178, Glen Rock, PA 17327 in North Middleton Township, **Cumberland County** to construct a sewage treatment plant to serve the Eagles Crossing Golf Course was received in the Southcentral Region on March 6, 2000.

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

A. 0200202. Industrial waste, US Army Corps of Engineers, Ohio River Division, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. Application for the construction and operation of a Concrete Batch Plant to serve the Dam No. 2 Monongahela River located in the City of Duquesne, **Allegheny County**.

A. 3200401. Sewerage, Green Township Municipal Authority, P. O. Box 129, Commodore, PA 15729. Application for the construction and operation of a sewage treatment plant, sewers and appurtenances, pump station and outfall and headwall to serve the Green Township Municipal Authority WWTP located in Green Township, **Indiana County**.

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

WQM Permit No. 6100402. Sewage. **Pleasantville Borough**, 114 West State Street, P. O. Box 150, Pleasantville, PA 16341-9741. This project is for the construction and operation of dechlorination facilities at the Pleasantville sewage treatment plant in Pleasantville Borough, **Venango County**.

WQM Permit No. 4200401. Sewage. **Port Allegany Borough**, One Maple Street, Port Allegany, PA 16743-1318. This project is for the construction of a 12-inch pipe in-stream diffuser to convey the discharge from the existing 18-inch discharge pipe to the approximate mid-point of the Allegheny River in Port Allegany Borough, **McKean County**.

WQM Permit No. 370401. Sewage, **Stacey L. Wajler**, P. O. Box 24, Edinburg, PA 16116. This project is for the construction of a Single Residence Sewage Treatment Plant in Mahoning Township, **Lawrence County**.

**INDIVIDUAL PERMITS
(PAS)**

NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. The proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment 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 of 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 permit will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department 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-G410. Stormwater. **Brandywine Realty Trust**, 14 Campus Boulevard, Suite 100, Newtown Square, PA 19073, has applied to discharge stormwater from a construction activity located in East Goshen Township, **Chester County**, to Ridley Creek (HQ).

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

Carbon County Conservation District, District Manager, 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.

NPDES Permit PAS101302-1. Stormwater. **Split Rock Country Club, Inc., Vacation Charters, Ltd., and International Resort Properties**, W. Jack Kalins, 1 Lake Drive, Lake Harmony, PA 18624, has applied to discharge stormwater from a construction activity located in Kidder Township, **Carbon County**, to **Tobyhanna County**.

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

NPDES Permit PAS10Q193. Stormwater. **K & M Associates, Inc., Tom Mirth**, 496 Lone Lane, Allentown, PA 18104, has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek, HQ-CWF.

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

NPDES Permit PAS10Q194. Stormwater. **Posocco Equities, David Posocco**, 2610 Walbert Avenue, Allentown, PA 18104, has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek, HQ-CWF and Hassen Creek, HQ-CWF, MF.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.

Perry County Conservation District, District Manager, Perry County CD, P. O. Box 36, 31 W. Main St., New Bloomfield, PA 17068, (717) 582-8988.

NPDES Permit PAS-10-5103. Stormwater. **Jan Reap-some**, R. D. 2, Box 231K, Loysville, PA 17047, has applied to discharge stormwater from a construction activity in Southwest Madison Township, **Perry County**, to UNT of Sherman's Creek (HQ-CWF).

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

NPDES Permit PAS10A079-1. Stormwater. **Manor Development Group**, 109 Gateway Avenue, Wexford, PA 15090 has applied to discharge stormwater from a construction site located in Pine Township, **Allegheny County** to Pine 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. 4600503. Public water supply. **PA American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033. This proposal involves the construction of a relay station with two 1,250 gpm pumps in Norristown Borough, **Montgomery County**.

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

5400502. Public water supply. **Sammy's Mobile Home Park**, James D. Wagner, P. O. Box 388, Lionville, PA 19353. This proposal involves permitting of a new well source which was constructed and utilized as an emergency source when capacity of the original well source diminished. It is located in North Manheim Township, **Schuylkill County**. *Engineer:* Fisher Engineering Inc., David Mease, Project Manager.

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

Under sections 304(n)(l)(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 pub-

lished in a newspaper of general circulation in the area of the site. For the sites identified as proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, please contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Sun Pipe Line Company, Upper Uwchlan Township, **Chester County**. Jennifer L. Stafford, P.G., Groundwater and Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and petroleum 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 February 28, 2000. A Final Report was simultaneously submitted.

184 Pennsylvania Avenue Associates, Malvern Borough, **Chester County**. Michael S. Welsh, P.E., Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355, has submitted a Notice of Intent to Remediate site soil contaminated with 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 February 11, 2000. A Final Report was simultaneously submitted.

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

Heritage Custom Kitchens, Inc., New Holland Borough and Earl Township, **Lancaster County**. RT Environmental Services, Inc., 215 West Church Road, New Holland, PA 17557 has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lead, benzene, BTEX, PHCs and PAHs (SVOCs). The applicant proposes to remediate the site to meet the Statewide health and site specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster Intelligencer Journal* on February 25, 2000.

Holy Guardian Angels Church, Muhlenberg Township, **Berks County**. Diocese of Allentown, P. O. Box F, Allentown, PA 18105 has submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate the site to meet the Statewide

health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle/Reading Times* on February 29, 2000.

Custer Residence, City of Reading, Berks County. Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Notice of Intent to Remediate site soils contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle/Reading Times* on October 7, 1998.

Former SKF USA Inc., Plant, Shippensburg Borough, Franklin County. SKF USA Inc., 1111 Adams Avenue, Norristown, PA 19403 has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Shippensburg News Chronicle* during the week of March 6, 2000.

SOLID AND HAZARDOUS WASTE BENEFICIAL USE DETERMINATIONS

Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

On February 7, 2000, the Department received a request for the beneficial use of residual waste. The request from **Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001 is for the use of coal ash as structural fill at the Ernest No. 1 Mine in Rayne Township, **Indiana County** generated by Ebensburg Power Company. The Department reviewed the request and has determined that it is consistent with 25 Pa. Code §§ 287.601—287.666.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), Act of July 28, 1988, (P. L. 556, No. 101) and regulations to operate solid waste processing or disposal area or site.

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

Permit I. D. No. 101637. Wyoming Valley Recycling. Solid Waste Services d/b/a J. P. Mascaro & Sons, 320 Godshall Drive, Harleysville, PA 19438. An application for the operation of this municipal waste transfer facility, located in Hanover Township, **Luzerne County**. The application was received in the Regional Office on July 27, 1999; and as of February 3, 2000, the application was found to be administratively complete.

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 Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

OPERATING PERMITS

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

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

35-399-032: Thomson Consumer Electronics, Inc. (200 Keystone Industrial Park, Dunmore, PA 18512) for operation of a glass cleaning operation in Dunmore Borough, **Lackawanna County**.

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

OP-03-00179: Leading Technologies, Inc. (P. O. Box 628, Leechburg, PA 15656) for operation of metal coating in Parks Township, **Armstrong County**.

OP-63-00491: California University of Pennsylvania (2250 University Avenue, California, PA 15419) for operation of boilers in California Borough, **Washington County**.

OP-63-00498: Pittsburgh Flexicore Co., Inc. (401 Railroad Street, Monongahela, PA 15063) for operation of concrete product manufacturing in Monongahela, **Washington County**.

OP-11-00325: Maple Coal Co. (2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143) for operation of

coal processing plant at Colver Refuse Processing Plant in Blacklick Township, **Cambria County**.

OP-26-00472: Assad Iron & Metal, Inc. (P. O. Box 76, Brownsville, PA 15417) for operation of metal recycling at Brownsville Plant in Jefferson Township, **Fayette County**.

OP-03-00193: Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201) for operation of coal crushing and screening at Bridgeburg Coal Tipple in East Franklin Township, **Armstrong County**.

OP-03-00217: TJS Mining, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774) for operation of coal crushing at TJS No. 1 Deep Mine in South Bend Township, **Armstrong County**.

OP-11-00415: Greystone Materials, Inc. (R. D. 1, Box 950, Herndon, PA 17830) for operation of limestone crushing at Colver Processing Facility in Cambria Township, **Cambria County**.

Notice of Intent to Issue Title V Operating Permits

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

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

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

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

09-00037: CMS Gilbreth (3001 State Road, Croydon, PA 19021) located in Bristol Township, **Bucks County**. The facility's major emission points include: flexographic and rotogravure printing presses, electroplating operations and air pollution control devices which emit major levels of volatile organic compounds (VOCs).

46-00036: Ford Electronics & Refrigeration LLC (2750 Morris Road, Lansdale, PA 19446) located in Worcester Township, **Montgomery County**. The facility's major emission points include: six wave Soldering machines, five Selective Soldering machines, a Coil

Soldering-Serco and an In-line Package machine which emit major levels of volatile organic compounds (VOCs) and Nitrogen Oxides (NOx).

23-00030: Swarthmore College (500 College Ave., Swarthmore, PA 19081-1397) located in Swarthmore Borough, **Delaware County**. The facility's major emission points include: 14 boilers and 10 emergency generators which emit major levels of Nitrogen Oxides (NOx).

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

36-05015A: Dart Container (60 East Main Street, Leola, PA 17540) for conversion of some of the facility's production over to a new blowing agent to develop production techniques and product formulation. This modification will effectively increase the facility's potential Volatile Organic Compound (VOC) emissions by approximately 39 tons per year. Conditions in the permit will limit the yearly extruder throughput to 3,070,200 pounds, with VOC emission limited to less than 40 tons per year based on a 12-month rolling total. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

PLAN APPROVALS

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

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

48-313-087: Praxair Distribution, Inc. (145 Shimersville Road, Bethlehem, PA 18015) for construction of a nitric oxide generator and associated air cleaning device in Bethlehem, **Northampton County**.

48-399-045: Spray-Tek, Inc. (344 Cedar Avenue, Middlesex, NJ 08846) for construction of a spray drying operation and associated air cleaning device at 3010 Avenue B, Bethlehem, **Northampton County**.

52-328-001: Tennessee Gas Pipeline Co. (El Paso Energy, 1001 Louisiana Street, Houston, TX 77002) for construction of a gas turbine with low NOx technology in Lackawaxen Township, **Pike County**.

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

60-310-007: Iddings Quarry, Inc. (900 Chestnut Street, Mifflinburg, PA 17844-1235) for construction of various pieces of limestone crushing, screening, and the like, equipment and associated air cleaning device (a water spray dust suppression system) in Limestone Township, **Union County**. Some (and possibly all) of the limestone crushing, screening, and the like, equipment is subject to Subpart OOO 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.

PA-04-226A: Wine Construction, Inc. (1000 Big Sewickley Creek Road, Sewickley, PA 15143) for installation of combination asphalt batch/drum asphalt plant in Economy Borough, **Beaver County**.

Public Hearing

CNG Transmission Corporation (625 Liberty Avenue, Pittsburgh, PA 15222) has submitted an application to the Department of Environmental Protection (Department) for approval to construct four internal combustion compressor engines, a pipeline heater, an emergency generator and a boiler at their Greenlick Compressor Station located in Stewardson Township, **Potter County**. The information provided by the applicant and the Department's own analysis indicates that the subject air contamination sources may potentially emit up to 39.44 tons per year of nitrogen oxides, 32.63 tons per year of carbon monoxide, 11.55 tons per year of volatile organic compounds and 2.91 tons per year of a combination of hazardous air pollutants (of which up to 1.91 tons per year will be formaldehyde). These air contamination sources will also emit negligible amounts of sulfur oxides and particulate matter. A preliminary review of the information submitted by the applicant indicates that the proposed construction will meet all applicable air quality requirements, including the New Source Review requirements specified in 25 Pa. Code §§ 127.201—127.217. Based on this finding, the Department proposes to approve the application and issue a plan approval to construct four 3,200 horsepower, natural gas-fired White Superior model No. 2416 internal combustion compressor engines equipped with Clean Burn III control systems and model 30"-M51S "Special" Maxim converter/silencers as well as to construct a 12.8 million Btu per hour natural gas-fired pipeline heater, a 536 horsepower natural gas-fired emergency generator and a 3.0 million Btu per hour natural gas-fired boiler.

To ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.

1. The four internal combustion compressor engines, the pipeline heater, the emergency generator and the heater are to be constructed in accordance with the plans submitted with the application (as approved herein).

2. This plan approval is issued for the construction of four 3,200 horsepower, natural gas-fired White Superior model No. 2416 internal combustion compressor engines equipped with Clean Burn III control systems and model 30"-M51S "Special" Maxim converter/silencers as well as for the construction of a 12.8 million Btu per hour natural gas-fired pipeline heater, a 536 horsepower natural gas-fired emergency generator and a 3.0 million Btu per hour natural gas-fired boiler, as further described in the application and supplemental materials submitted for plan approval. The company shall submit the operating, design and air contaminant emission specifications of the pipeline heater, the emergency generator and the boiler within 15 days of finalizing the vendor selection for these sources to verify that the respective sources are equivalent to those described in the application and supplemental materials submitted for plan approval. If the Department determines that any of these sources are not equivalent, this plan approval is automatically null and void with respect to that source.

3. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of nitrogen oxides (expressed as NO₂), carbon monoxide and volatile organic compounds from each of the four White Superior engines shall not exceed 6.35 pounds per hour, 1.98 pounds per hour and 1.38 pounds per hour, respectively. Additionally, the total combined emission of nitrogen oxides (expressed as NO₂), carbon monoxide and volatile organic compounds from the four engines shall not exceed

33.97 tons, 10.59 tons and 7.38 tons, respectively, in any 12 consecutive month period.

4. Under the best available technology provisions of §§ 127.1 and 127.12, the total combined operation of the four White Superior engines shall not exceed 10,700 hours in any 12 consecutive month period.

5. Under the best available technology provisions of §§ 127.1 and 127.12, the formaldehyde emissions from each of the four White Superior engines shall not exceed 0.49 pounds per hour. Additionally, the total combined emission of formaldehyde from the four engines shall not exceed 1.91 tons in any 12 consecutive month period and the total combined emission of all hazardous air pollutants from the four engines shall not exceed 2.91 tons in any 12 consecutive month period.

6. Under the best available technology provisions of §§ 127.1 and 127.12, the 12.8 million Btu per hour pipeline heater shall be equipped with a low NO_x burner and flue gas recirculation.

7. Under the best available technology provisions of §§ 127.1 and 127.12, the concentration of nitrogen oxides (expressed as NO₂) and carbon monoxide contained in the exhaust from the 12.8 million Btu per hour pipeline heater shall not exceed 300 ppmv at 3% O₂ and 400 ppmv at 3% O₂, respectively, and the volatile organic compound emissions from the pipeline heater shall not exceed 0.70 pound per hour. Additionally, the total emission of nitrogen oxides, carbon monoxide and volatile organic compounds from the pipeline heater shall not exceed 1.97 tons, 19.71 tons and 3.07 tons, respectively, in any 12 consecutive month period.

8. Under the best available technology provisions of §§ 127.1 and 127.12, the 536 horsepower emergency generator shall not be operated more than 1,000 hours in any 12 consecutive month period.

9. Under the best available technology provisions of §§ 127.1 and 127.12, the emission of nitrogen oxides, carbon monoxide and volatile organic compounds from the 536 horsepower emergency generator shall not exceed 4.38 pounds per hour, 3.70 pounds per hour and 1.48 pounds per hour respectively. Additionally, the total emission of nitrogen oxides, carbon monoxide and volatile organic compounds from the emergency generator shall not exceed 2.19 tons, 1.85 tons and 0.75 ton respectively in any 12 consecutive month period.

10. Under the best available technology provisions of §§ 127.1 and 127.12, the emission of nitrogen oxides, carbon monoxide and volatile organic compounds from the 3.0 million Btu per hour boiler shall not exceed 0.30 pound per hour, 0.11 pound per hour and 0.08 pound per hour respectively. Additionally, the total emission of nitrogen oxides, carbon monoxide and volatile organic compounds from the boiler shall not exceed 1.31 tons, 0.48 ton and 0.35 ton respectively in any 12 consecutive month period.

11. Under the best available technology provisions of §§ 127.1 and 127.12, all of the sources identified in condition 2 herein shall be fired only on pipeline quality natural gas.

12. Under the New Source Review provisions of §§ 127.201—127.717, the permittee shall be in possession of 59.20 tons of Department-approved volatile organic compound emission reduction credits prior to commencing operation of any of the air contaminant sources identified in condition 2 herein.

13. Under the provisions of § 127.211(b)(3)(iv), the natural gas-fired 6.5 million Btu per hour model No. 89-1160 NATCO pipeline heater currently existing at the Greenlick Compressor Station shall be shut down within 180 days of the start of operation of any source identified in condition 2 herein.

14. Within 120 days of startup of the White Superior engines, the permittee shall perform nitrogen oxides, carbon monoxide, volatile organic compound and formaldehyde testing upon each of the engines to determine the mass emission rate (expressed in pounds per hour) of the respective air contaminants. This testing shall be performed while the engines are operating at maximum capacity using test methods and procedures deemed acceptable by the Department.

15. At least 60 days prior to the performance of any testing required by condition 14 herein, the permittee shall submit three copies of a pretest protocol to the Department for review. The protocol shall include dimensioned drawings showing the location of the proposed sample ports, descriptions of the test methods and procedures to be used in the performance of testing and a description of the operating parameters to be recorded during the testing.

16. At least 10 days prior to the performance of any testing required by condition 14 herein, the permittee shall notify the Department of the actual dates and times that testing will occur so that Department personnel can arrange to be present during the testing. The Department is under no obligation to accept the results of any testing which was performed without proper prior notification having been given.

17. Within 60 days following the performance of any testing required by condition 14 herein, three copies of a test report shall be submitted to the Department. This report shall contain the results of the testing, descriptions of the test methods and procedures actually used in the performance of the testing, copies of all raw data and calculations, the horsepower and engine speed at which each engine operated during each test run and copies of all other engine operating parameters recorded during the testing.

18. The company shall maintain accurate and comprehensive records of the following:

- The number of hours that each of the White Superior engines is operated each month.
- The number of hours that the emergency generator is operated each month.

These records shall be retained for at least 5 years and be made available to the Department upon request.

19. Issuance of an operating permit for the aforementioned sources is contingent upon the sources being constructed, maintained and operated as described in the application and supplemental materials submitted for plan approval, as well as in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminants emitted from the sources are in compliance with the requirements specified in all conditions contained herein and the applicable requirements specified in 25 Pa. Code §§ 123.1, 123.11, 123.13, and 123.41 as well as in compliance with the requirements specified in, or established under, any other applicable rule or regulation contained in Article III.

20. The 12.8 million Btu per hour pipeline heater is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.40c—

60.48c. The permittee shall comply with all applicable requirements of this Subpart as well as any other applicable Subpart of the Standards of Performance, including any recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to Director, Air, Toxics and Radiation Division, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

21. The permittee shall immediately notify the Department of any malfunction of the sources or associated air cleaning devices which results in, or may possibly be resulting in, the emission of air contaminants in excess of the limitations specified in, or established under any applicable rule or regulation contained in 25 Pa. Code Article III or in excess of the limitations specified in any condition contained herein or which otherwise results in, or may possibly be resulting in, noncompliance with the requirements specified in any condition contained herein.

22. This plan approval authorizes temporary operation of the sources covered by this plan approval for a period of up to 180 days from the date upon which operation commences.

23. Any notification required as a result of any condition herein should be directed to Joseph J. Dwyer, Air Pollution Control Engineer, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3642.

In accordance with § 127.45, the conditions listed in this plan approval do one or more of the following:

1. Identify the sources and location.
2. Establish allowable emission rates.
3. Establish monitoring, recordkeeping, testing and reporting requirements.
4. Ensure proper operation and adequate maintenance.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the address listed.

Persons wishing to protest the issuance of plan approval or provide the Department with additional information which should be considered prior to the issuance of the plan approval may submit the protest or information to the Department at the address listed. A 30-day comment period, from the last date of publication, will exist for the submission of protests or comments. Each written protest or comment shall include the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. OP-53-0003D; and a concise statement regarding the relevancy of the information or any objections to issuance of the plan approval.

A public hearing may be held, if the Department in their discretion, decides that such a hearing is warranted based on the information received. All persons protesting the issuance of plan approval, submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the county in which the source is to be located or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. All protests, comments and re-

quests must be received by the Department no later than 30 days after final publication of this notice.

Written protests, comments or requests for a public hearing should be directed to David W. Aldenderfer, Regional Air Quality Program Manager, Department of Environmental Protection, Northcentral Region—Field Operations, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3648.

For additional information regarding the Department's analysis of the application, contact Joseph J. Dwyer, Air Pollution Control Engineer, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3642.

Public Hearing

Graybec Lime, Inc. (P. O. Box 448, Bellefonte, PA 16823) has submitted an application to the Department of Environmental Protection (Department) for approval to construct limestone processing equipment, as well as install four fabric collectors, at their facility located in Spring Township, **Centre County**. The information provided by the applicant and the Department's own analysis indicates that the subject air contamination sources may potentially result in emission increases of up to 18.3 tons per year of particulate matter and 8.8 tons per year of PM-10 (particulate matter sized less than 10 microns). Although Graybec's application stated that the new air contamination sources would be subject to the Federal Prevention of Significant Deterioration requirements (40 CFR 52.21), the Department subsequently determined that the emissions to be associated with the new limestone processing equipment are not great enough in magnitude to constitute a "significant net emissions increase" and that the new limestone processing was consequently not subject to the Prevention of Significant Deterioration requirements. A preliminary review of the information submitted by the applicant indicates that the proposed construction and installation will meet all applicable air quality requirements. Based on this finding, the Department proposes to approve the application and issue plan approval to construct the respective limestone processing equipment which is comprised of an 8' x 24' triple deck screen and eight belt conveyors, as well as install four fabric collectors.

To ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.

1. The limestone processing equipment is to be constructed in accordance with the plans submitted with the application (as approved herein).
2. This plan approval is issued for the construction of limestone processing equipment comprised of an 8' x 24' triple deck screen, three 36" belt conveyors, four 30" belt conveyors and a 24" belt conveyor, the air contaminant emissions from which shall be controlled by three of the four fabric collectors described as follows.

This plan approval is also issued for the installation of four reverse pulse fabric collectors.

- The first collector, designated as 12-D-112, shall have a minimum fabric area of 769 square feet and handle no more than 3,500 cubic feet of air per minute. It will control the air contaminant emissions from an existing Allis-Chalmers gyratory crusher, 42" belt conveyor and 30" belt conveyor.
- The second collector, designated as 12-D-324, shall have a minimum fabric area of 4,806 square feet and handle no more than 25,000 cubic feet of air per minute.

It will control the air contaminant emissions from an existing Symons cone crusher, 6' x 16' double deck screen, 48" belt conveyor, 42" belt conveyor, 36" belt conveyor, 30" belt conveyor, 24" belt conveyor and three 100 ton storage bins as well as the air contaminant emissions from the new 8' x 24' triple deck screen, the three new 36" belt conveyors and from one of the four new 30" belt conveyors.

- The third collector, designated as 12-D-328, shall have a minimum fabric area of 1,696 square feet and handle no more than 7,500 cubic feet of air per minute. It will control the air contaminant emissions from an existing 36" belt conveyor as well as the air contaminant emissions from three of the four new 30" belt conveyors.
- The fourth collector, designated as 13-D-20, shall have a minimum fabric area of 1,696 square feet and handle no more than 8,500 cubic feet of air per minute. It will control the air contaminant emissions from an existing 30" belt conveyor as well as the air contaminant emissions from one of the four new 30" belt conveyors and the new 24" belt conveyor.

The company shall submit operating and design specifications for the four fabric collectors within 15 days of finalizing the vendor selection to verify that the respective fabric collectors meet the design criteria specified herein. If the Department determines that any of the four fabric collectors do not meet the design criteria specified herein, this plan approval is automatically null and void with respect to that fabric collector as well as any new piece of limestone processing equipment to be controlled by that fabric collector.

2. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the exhaust of the fabric collectors designated herein as 12-D-324, 12-D-328 and 13-D-20 shall not contain particulate matter in excess of 0.01 grains per dry standard cubic foot.

3. The fabric collectors identified herein shall be equipped with instrumentation to continuously monitor the differential pressure across each collector.

4. The air compressors associated with the fabric collectors identified herein shall be equipped with air dryers and oil traps.

5. The company shall keep on hand a sufficient quantity of spare fabric collector bags for the fabric collectors associated with the aforementioned sources to be able to immediately replace any bags requiring replacement due to deterioration resulting from routine operation of the sources and fabric collectors.

6. Issuance of an operating permit for the aforementioned sources is contingent upon the sources being constructed and the air cleaning devices being installed, and the sources and associated air cleaning devices being maintained and operated, as described in the application and supplemental materials submitted for plan approval, as well as in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminants emitted from the sources are in compliance with the requirements specified in any condition contained herein, any applicable requirement contained in Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676, and the applicable requirements specified in 25 Pa. Code §§ 123.1 and 123.13 as well as in compliance with the requirements specified in, or established under other applicable rule or regulation contained in Article III.

7. The company shall immediately notify the Department of any malfunction of the sources or associated air

cleaning devices which results in, or may possibly be resulting in, the emission of air contaminants in excess of the limitations specified in any applicable requirement contained in Subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676, or in excess of the limitations specified in, or established under any applicable rule or regulation contained in 25 Pa. Code Article III or in excess of the limitations specified in any condition contained herein or which otherwise results in, or may possibly be resulting in, noncompliance with the requirements specified in any condition contained herein.

8. The limestone processing equipment is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. The company shall comply with all applicable requirements of this Subpart as well as any other applicable Subpart of the Standards of Performance, including any recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to Director, Air, Toxics and Radiation Division, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

9. None of the limestone processing equipment identified in condition 2 herein shall be operated without the simultaneous operation of the fabric collector associated with the respective equipment.

10. This plan approval authorizes temporary operation of the sources covered by this plan approval for a period of up to 180 days from the date upon which operation commences.

11. Any notification required as a result of any condition herein should be directed to Joseph J. Dwyer, Air Pollution Control Engineer, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3642.

In accordance with § 127.45, the conditions listed in this plan approval do one or more of the following:

1. Identify the sources and location.
2. Establish allowable emission rates.
3. Establish monitoring, recordkeeping, testing and reporting requirements.
4. Ensure proper operation and adequate maintenance.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the address listed.

Persons wishing to protest the issuance of plan approval or provide the Department with additional information which should be considered prior to the issuance of the plan approval may submit the protest or information to the Department at the address listed. A 30-day comment period, from the last date of publication, will exist for the submission of protests or comments. Each written protest or comment shall include the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. OP-14-0004B; and a concise statement regarding the relevancy of the information or any objections to issuance of the plan approval.

A public hearing may be held, if the Department in their discretion, decides that such a hearing is warranted

based on the information received. All persons protesting the issuance of plan approval, submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the county in which the source is to be located or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. All protests, comments and requests must be received by the Department no later than 30 days after final publication of this notice.

Written protests, comments or requests for a public hearing should be directed to David W. Aldenderfer, Regional Air Quality Program Manager, Department of Environmental Protection, Northcentral Region—Field Operations, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3648.

For additional information regarding the Department's analysis of the application, contact Joseph J. Dwyer, Air Pollution Control Engineer, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3642.

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, 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

56830114. Permit Revision, **Hilltop Mining, Inc.** (126 Bronco Drive, Berlin, PA 15530), for a land use change from forestland to cropland in Summit Township, **Somerset County**, affecting 106.92 acres, receiving stream unnamed tributary to Bigby Creek, Bigby Creek, and an unnamed tributary to Casselman River, application received March 2, 2000.

56000103. **Hoffman Mining, Inc.** (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), commencement, operation and restoration of bituminous surface-auger mine in Shade Township, **Somerset County**, affecting 116.2 acres, receiving stream unnamed tributaries to Oven Run to Stony Creek River, application received March 9, 2000.

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

02950101. **Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Elizabeth Township, **Allegheny County**, affecting 90.3 acres. Receiving streams: unnamed tributary to the Youghiogheny River. Renewal application received March 8, 2000.

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

17000901. **Junior Coal Contracting, Inc.** (R. D. 3, Box 225-A, Philipsburg, PA 16866), commencement, operation and restoration of an Incidental Coal Extraction permit in Bradford Township, **Clearfield County** affecting 5.7 acres. Receiving streams: unnamed tributary to Roaring Run. Application received February 29, 2000.

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

33990105. **S & M Mining** (R. R. 1, Box 591, Marion Center, PA 15759). Revision to an existing bituminous surface strip and auger operation in Winslow Township, **Jefferson County** affecting 226.0 acres. Receiving streams: Sandy Lick Creek to Redbank Creek. Revisions to add an additional 5.0 acres of Middle Kittanning coal and to change the land use from forestland to forestland

(select planting) and unmanaged natural habitat on lands of Dennis Day. Application received March 7, 2000.

24000101. **Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface operation in Fox Township, **Elk County** affecting 62.1 acres. Receiving streams: Unnamed tributary "A" to Sawmill Run. Application received March 6, 2000.

10950105. **Dutch Run Coal, Inc.** (R. D. 2, Box 366, Shelocta, PA 15774). Renewal of an existing bituminous surface strip and auger operation in Parker and Perry Townships, **Butler and Armstrong Counties** affecting 270.0 acres. Receiving streams: Unnamed tributary to Allegheny River to the Allegheny River. Application for reclamation only. Application received March 9, 2000.

24930102. **Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous surface strip, auger and beneficial use of residual waste sludge operation in Horton Township, **Elk County**, affecting 236.7 acres. Receiving streams: Unnamed tributary to Johnson Run and unnamed tributary to Brandy Camp Creek. Application received March 9, 2000.

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

32971303. **Penn View Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774), to transfer the permit for the Penn View Mine in West Wheatfield Township, **Indiana County** to permit application to transfer an existing bituminous underground mine permit from Urey Coal Co. to Penn View Mining, Inc., no additional discharges. Application received February 25, 2000.

32951301. **Penn American Coal, L.P.**, (R. D. 1, Box 119A, Avonmore, PA 15618), to revise the permit for the Burrell Deep Mine in Burrell Township, **Indiana County** to add the Lower Freeport coal seam and additional underground and surface acreage to the existing permit, no additional discharges. Application received February 17, 2000.

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

54921301C. **M & H Coal Company**, (P. O. Box 559, Hegins, PA 17938), correction to an existing anthracite underground mine operation in Frailey Township, **Schuylkill County** affecting 12.46 acres, receiving stream—unnamed tributary to Good Spring Creek. Application received March 2, 2000.

40940204R. **Northampton Fuel Supply Co., Inc.**, (7500 Old Georgetown Road, 13th Floor, Bethesda, MD 20814-6161), renewal of an existing coal refuse reprocessing operation in Hanover Township, **Luzerne County** affecting 48.0 acres, receiving stream—none. Application received March 3, 2000.

40900201R2. **Hudson Anthracite, Inc.**, (202 Main Street, Laflin, PA 18702), renewal of an existing coal refuse reprocessing operation in Jenkins Township, **Luzerne County** affecting 15.4 acres, receiving stream—none. Application received March 3, 2000.

35840205R3. **Ransom Quarry Company, Inc.** (P. O. Box 114, Ransom, PA 18653), renewal of an existing coal refuse reprocessing operation in Olyphant and Throop Boroughs affecting 161.0 acres, receiving stream—none. Application received March 9, 2000.

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

Noncoal Applications Received

25000301. Erie Aggregates, Inc. (P. O. Box 10801, Erie, PA 16514-0801) Commencement, operation and restoration of a sand and gravel operation in Washington Township, **Erie County** affecting 55.3 acres. Receiving streams: Unnamed tributary to Conneautte Creek. Application received February 29, 2000.

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

8274SM4A2C3. Rohrer's Quarry, Inc., (70 Lititz Road, P. O. Box 365, Lititz, PA 17543), renewal of NPDES Permit PA0010111 in Penn and Warwick Townships, **Lancaster County**, receiving stream—unnamed tributary of Little Conewago Creek. Application received February 29, 2000.

21900301C. EE Kough Sons, (P. O. Box 134, Newville, PA 17241), renewal of NPDES Permit PA0595055 in North Newton Township, **Cumberland County**, receiving stream—unnamed tributary to Conodoguinet Creek. Application received March 6, 2000.

48870301C2. Haines & Kibblehouse, Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit PA0593893 in Lower Mt. Bethel Township, **Northampton County**, receiving stream—Delaware River. Application received March 7, 2000.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

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

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

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

E15-637. Encroachment. **Glenhardie Condo Assoc.,** 383A Drummers Lane, Wayne, PA 19087-1558. To con-

struct and maintain five pre-fabricated steel truss pedestrian bridges spanning Trout Creek (WWF) and an unnamed tributary to Trout Creek (WWF) located at the Glenhardie Country Club on Old Eagle School Road (Valley Forge, PA Quadrangle N: 15.7 inches; W: 6.05 inches) in Tredyffrin Township, **Chester County**.

E46-508. Encroachment. **Vesterra Corporation,** 585 Skippack Pk., Blue Bell, PA 19422. To reissue and amend permit No. E46-508 for the construction and maintenance of bridge No. 3, a 30-foot × 5.5-foot bridge in and along a tributary to Zacharias Creek (TSF) for the Fawn Creek Residential Subdivision located approximately 3,000 feet southwest of the intersection of S. R. 0073 and Frog Hollow Road (Lansdale, PA Quadrangle N: 13.5 inches; W: 15.5 inches) in Worcester Township, **Montgomery County**.

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

E40-545. Encroachment. **Pennsylvania Department of Transportation, District 4-0,** P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain an 18-span pre-stress concrete bridge having a total span of 2,375 feet with a maximum underclearance of 61 feet or an alternative design consisting of a 10-span steel girder bridge having a total length of 2,372.5 feet with a maximum underclearance of 61 feet across the Susquehanna River (WWF). The project includes the temporary installation of a R-6 rock riprap causeway, to be constructed in three separate phases, to facilitate the construction of the new bridge and the removal of the existing structure and a contractor staging area on Richards Island. The project is known as the Carey Avenue Bridge Replacement Project and is located at S. R. 2005, Section 371 in the Susquehanna River (Wilkes-Barre West, PA Quadrangle N: 20.9 inches; W: 7.9 inches), Plymouth Borough and Hanover Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

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

E08-353. Encroachment. **Athens Township Authority,** 379 Pennsylvania Avenue, South Waverly, PA 18840. To construct underground utilities in a 18.5 acre palustrine emergent wetland system for the purpose of placing a 12-inch water line serving a water supply tank. The water tank will supply fire and domestic flows to the surrounding area and to the Valley Business Park (a 211 acre Industrial Park). The encroachment will temporarily disturb 0.195 acre of wetlands. The site is located approximately 1.5 mile west of the SR 220/SR 4022 intersection, on the north side of SR 4020. (Sayre, PA 7.5' Quadrangle N: 21" W: 10.5") Athens Township, **Bradford County** (Baltimore District, U. S. Army Corps of Engineers).

E08-355. Encroachment. **Tri-County Rural Electric Cooperative,** 33 Austin Drive, P. O. Box 134, Wellsboro, PA 16901. To construct underground utilities in a 18.5 acre palustrine emergent wetland system for the purpose of placing electric lines serving a water supply tank. The water tank will supply fire and domestic flows to the surrounding area and to the Valley Business Park (a 211 acre Industrial Park). The encroachment will temporarily

disturb 0.195 acre of wetlands. The site is located approximately 1.5 miles west of the SR 220/SR 4022 intersection, on the north side of SR 4020. (Sayre, PA 7.5' Quadrangle N: 21' W: 10.5") Athens Township, **Bradford County** (Baltimore District, U. S. Army Corps of Engineers).

E08-356. Encroachment. **GTE North**, 19 South Market Street, Selinsgrove, PA 17870. To construct underground utilities in a 10 acre palustrine emergent wetland system for the purpose of placing a telephone line serving a water supply tank. The water tank will supply fire and domestic flows to the surrounding area and to the Valley Business Park (a 211 acre Industrial Park). The encroachment will temporarily disturb 0.195 acre of wetlands. The site is located approximately 1.5 miles west of the SR 220/SR 4022 intersection, on the north side of SR 4020 (Mile Lane Road). (Sayre, PA 7.5' Quadrangle N: 21' W: 10.5") Athens Township, **Bradford County** (Baltimore District, U. S. Army Corps of Engineers).

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

E63-483. Encroachment. **Union Township Board of Supervisors**, 3904 Finleyville Elrama Road, Finleyville, PA 15332. To remove the existing structures, to construct and maintain a 12' x 4' RC box culvert in a tributary to Froman Run (TSF), to construct and maintain a 48" diameter RCP culvert in a tributary to Froman Run, to construct and maintain a 6' x 3' RC box culvert in a tributary to Froman Run, to construct and maintain a 48" diameter RCP culvert in a tributary to Peters Creek (TSF) all culverts will be depressed 6", to construct and maintain 1,130' of gabion basket walls in a tributary to Froman Run, to construct and maintain 80' of gabion basket walls in a tributary to Peters Creek and to relocate approximately 200' of Froman Run. The work is part of the proposed improvements to 9,860' of Patterson Road (T-992). The project begins near the intersections of Patterson Road and Rt. 88 and the project ends near the intersection of Patterson Road and Finleyville-Elrama Road (Project starts at Monongahela, PA Quadrangle N: 18.70 inches; W: 14.6 inches and ends at Glassport, PA Quadrangle N: 0.5 inch; W: 15.4 inches) in Union Township, **Washington 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.

D65-186. Dam. **Township of Penn** (P. O. Box 452, Harrison City, PA 15636) To construct, operate and maintain Berlin Road Stormwater Detention Basin across a tributary to Bushy Run (TSF, delete PWS), impacting 0.6 acre of wetlands (PEM) and 700 feet of stream and providing 0.6 acre of wetland mitigation, for the purpose of providing flood control. This application is a re-submission (Irwin, PA Quadrangle N: 18.1 inches; W: 1.1 inch) in Penn Township, **Westmoreland County**.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Market Street State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

WQM Permit No. 1599417. Sewerage. **Brandywine Operating Partnership LP**, 16 Campus Boulevard, Suite 150, Newtown Square, PA 19073. Applicant is granted approval for the construction and operation of the wastewater treatment facility located in Newtown Township, **Delaware County**.

WQM Permit No. 2399412. Sewage. **Brookhaven Borough**, 2 Cambridge Road, Brookhaven, PA 19015-1708. Applicant is granted for the construction and operation to upgrade its WWTP located in the Borough of Brookhaven, **Delaware County**.

WQM Permit No. 4698431. Sewerage. **Upper Moreland—Hatboro Joint Sewer Authority**, P. O. Box 535, Willow Grove, PA 19090-0535. Applicant is granted approval for the construction and operation of sewage treatment plant expansion located in Upper Moreland Township, **Montgomery County**.

WQM Permit No. 0987448-T1 Amendment No. 3. Sewerage. **The Gathering Group, Inc.**, 2324 Second Street Pike, Penns Park, PA 18943. Applicant is granted approval to revise flow units from mgd to gpd and sample type from 24 hours composite to Grab sample located in Wrightstown Township, **Bucks County**.

NPDES Permit No. PA005697. Sewage. **TAD Facilities, Ltd.**, 628 Telegraph Road, Coatesville, PA 19320 is authorized to discharge from a facility located in West Caln Township, **Chester County** into the West Branch Brandywine Creek.

NPDES Permit No. PA0054895. Industrial waste. **Palmer International, Inc.**, P. O. Box 8, Worcester, PA 19490 is authorized to discharge from a facility located in Skippack Township, **Montgomery County** to an UNT to Skippack Creek.

NPDES Permit No. PA0056502. Amendment No. 1. Industrial waste. **Transit America, Inc.**, One Red Lion Road, Philadelphia, PA 19115 is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** and Lower Moreland Township, **Montgomery County** to an UNT to Huntington Valley Creek and Pennypack Creek.

NPDES Permit No. PA0024066. Sewage. **West Grove Borough Authority**, 117 Rosehill Avenue, P. O. Box 61, West Grove, PA 19390 is authorized to discharge from a facility located in West Grove Borough, **Chester County** into Middle Branch White Clay Creek.

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

Permit No. PAG 103501. General Permit—Hydrostatic Testing. **Mobil Oil Corporation**, 8 S. Malin Rd., Frazer, PA 19355 is authorized to discharge from a location in Harrisburg Terminal in Swatara Township, **Dauphin County** to the receiving waters named Spring Creek.

Permit No. PAG103502. General Permit—Hydrostatic Testing. **Mobil Oil Corporation**, 8 S. Malin Rd., Frazer, PA 19355 is authorized to discharge from a hydrostatic testing operation at Lancaster Terminal located in Manheim Township, **Lancaster County** to the receiving waters named Conestoga Creek.

Permit No. PA 0037737. Sewerage. **Elizabethville Area Authority**, P. O. Box 271, Elizabethville, PA 17023 is authorized to discharge from a facility located in Washington Township, **Dauphin County** to the receiving waters named Wiconisco Creek.

Permit No. PA 0038385. Sewerage. **Defense Distribution Depot Susquehanna**, Building 1-1, Second Floor, DDSP-LE, New Cumberland, PA 17070 is authorized to discharge from a facility located in Fairview Township, **York County** to the receiving waters named Susquehanna River.

Permit No. 2299402. Sewage. **Elizabethville Area Authority**, P. O. Box 271, Elizabethville, PA 17023. This permit approves the construction of Sewage Treatment Facility in Washington Township, **Dauphin County**.

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

NPDES Permit No. PA0000493. Industrial waste. **Pittsburgh Allegheny County Thermal, LTD**, Law and Finance Building, 429 Fourth Avenue, Suite 806, Pittsburgh, PA 15219 is authorized to discharge from a facility located at City of Pittsburgh, **Allegheny County** to receiving waters named Allegheny River.

NPDES Permit No. PA0095494. Sewage. **Robert E. Huber**, 960 Pike Run Drive, Coal Center, PA 15423 is authorized to discharge from a facility located at Robert

E. Huber Single Residence Sewage Treatment Plant, California Borough, **Washington County** to receiving waters named Pike Run.

NPDES Permit No. PA0097004. Sewage. **Donald Davidson**, 2619 Hilltop Road, Oakdale, PA 15071 is authorized to discharge from a facility located at Colonial Ridge Plan Sewage Treatment Plant, Collier Township, **Allegheny County** to receiving waters named an unnamed tributary of Thoms Run.

NPDES Permit No. PA0098469. Sewage. **Community Bank, Pioneer Office**, 100 North Market Street, Carmichaels, PA 15320 is authorized to discharge from a facility located at Community Bank Sewage Treatment Plant, Center Township, **Greene County** to receiving waters named South Fork Tenmile Creek.

Permit No. 6374406-A4. Sewerage. **Canonsburg-Houston Joint Authority**, 68 East Pike Street, Canonsburg, PA 15317. Construction of Treatment Plant Modifications located in Cecil Township, **Washington County** to serve Canonsburg-Houston Joint Authority Wastewater Treatment Plant.

Permit No. 6500402. Sewerage. **Bruce E. Horton**, R. D. 1, Box 749, New Alexandria, PA 15670. Construction of Small Flow Sewage Treatment Plant located in Derry Township, **Westmoreland County** to serve Bruce E. Horton Single Residence Sewage Treatment Facility.

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

NPDES Permit No. PA0221708. Sewage. **Chicora Borough Sewer Authority**, 112 North Main Street, P. O. Box 35, Chicora, PA 16025-0035 is authorized to discharge from a facility located in Chicora Borough, **Butler County** to Buffalo Creek.

NPDES Permit No. PA0100102. Sewage. **Proshort Stamping Services, Inc.**, P. O. Box 407, Falls Creek, PA 15840 is authorized to discharge from a facility located in Washington Township, **Jefferson County** to an unnamed tributary to Wolf Run.

NPDES Permit No. PA0046337. Sewage. **Colonial Village Subdivision, McKean Township Supervisors**, P. O. Box 62, 9231 Edinboro Road, McKean, PA 16426 is authorized to discharge from a facility located in McKean Township, **Erie County** to Thomas Run.

NPDES Permit No. PA0222933. Industrial waste. **Sharon Tube Company**, 134 Mill Street, Sharon, PA 16146 is authorized to discharge from a facility located in Wheatland Township, **Mercer County** to the Shenango River.

WQM Permit No. 2599420. Sewage. **Municipal Authority of the Borough of Edinboro**, 124 Meadville Street, Edinboro, PA 16412-2502. This project is for the proposed plans to install dechlorination facilities and to rerate the facilities in the Borough of Edinboro, **Erie County**.

WQM Permit No. 6199404. Sewage. **Cranberry-Venango County General Authority**, P. O. Box 378, Seneca, PA 16346. This project is for the construction and operation of a new pump station to serve a new subdivision with 46 lots near the end of Ranch Street, in Cranberry Township, **Venango County**.

WQM Permit No. 4399201. Industrial waste. **Sharon Tube Company**, 134 Mill Street, Sharon, PA 16146. This

project is for the construction and operation of a wastewater treatment facility in Wheatland Township, **Mercer County**.

WQM Permit No. 6286201-T1, Amendment No. 1. Industrial waste. **Waste Treatment Corporation**, 1 Harmar Street, P. O. Box 1561, Warren, PA 16365. This project is for modification and operation of an industrial wastewater treatment facility in Warren, **Warren County**.

WQM Permit No. 6100401. Sewerage, **Mark C. Chalmers, SRSTP**, R. R. 1, Box 246, Kennerdell, PA

16374. Construction of Mark C. Chalmers SRSTP located in Scrubgrass Township, **Venango County**.

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's Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-G377	Pennsylvania State University Physical Plant Building—Rm. 214 University Park, PA 16802	East Whiteland Township Chester County	Little Valley Creek
PAS10-G392	Forest Management Associates, Inc. P. O. Box 281 New London, PA 19360	Lower Oxford Township Chester County	West Branch Big Elk Creek
PAS10-G402	Phoenixville Area School District 1120 South Gay Street Phoenixville, PA 19460	Phoenixville Borough Chester County	Pickering Creek

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 or Body of Water</i>
PAS10U125	Manor House Retirement Center 7201 Glen Forest Dr. Richmond, VA 23226	Northampton County Hanover Township	Monocacy Creek
PAS10U120	Brodhead Manor Development Corp. 601 Stones Crossing Easton, PA 18045	Northampton County Bethlehem Township	Monocacy Creek

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and Other General Permits

The following parties have submitted (1) Notices of Intent (NOIs) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth; (2) NOIs for coverage under General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision of 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangement made for copying at the contact office noted.

The Department has acted on the following requests for coverage under the specified General Permit as follows:

List of General Permit Type

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities

*List of
General Permit Type*

PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit For Discharges Resulting From Hydrostatic Testing of Tanks and Pipelines

General Permit Type—PAG-2

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
East Bradford Township Chester County	PAR10-G323	East Bradford Township 666 Copeland School Road West Chester, PA 19380	Unnamed Tributary to Taylor Run	Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Phoenixville Borough Chester County	PAR10-G354	Phoenixville Plaza 992 Old Eagle School Rd., Suite 905 Wayne, PA 19087	French Creek	Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Horsham Township Montgomery County	PAR10-T547	Horsham Township 1025 Horsham Road Horsham, PA 19443	Tributaries to Little Park Creek, Neshaminy Creek and Pennypack Creek	Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Pottsgrove Township Montgomery County	PAR10-T596	Heritage Building Group, Inc. 3326 Old York Road, Suite A100 Furlong, PA 18925	Sprogels Run	Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Merion Township Montgomery County	PAR10-T553	Upper Merion Twp. Transportation Auth. 175 West Valley Forge Road King of Prussia, PA 19406	Crow Creek	Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Swatara Township Lebanon County	PAR-10-P118	Lighthouse Harbor Kreiser Construction R. R. 1, Box 160, SR897 Newmanstown, PA 17073	Swatara Creek	Lebanon County CD 2120 Cornwall Rd., Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
Swatara Township Lebanon County	PAR-10-P120	Pine Ridge Village Swatara Retirement Community, Inc. 435 South 5th Street Lebanon, PA 17042	Little Swatara Creek	Lebanon County CD 2120 Cornwall Rd., Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
North Cornwall Township Lebanon County	PAR-10-P121	Wengert's Dairy Wengerts Dairy c/o John Wengert 2401 Walnut Street Lebanon, PA 17042	Snitz Creek	Lebanon County CD 2120 Cornwall Rd., Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
Allegheny County Pine Township	PAR10A356	Bruce Wright 2646 Timber Glen Drive Wexford, PA 15090	Pine Creek	Allegheny County CD (412) 241-7645
Allegheny County Monroeville	PAR10A393	Gary Roux 322 Mall Boulevard No. 327 Monroeville, PA 15148	Abes Creek	Allegheny County CD (412) 241-7645

NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Harrison Township	PAR10A406	Charapp Family L. P. 100 Route 908 Natrona Heights, PA 15065	UNT Little Bull Creek	Allegheny County CD (412) 241-7645
Allegheny County Robinson Township	PAR10A408	The First City Company Four Gateway Ctr., Ste. 212 Pittsburgh, PA 15222	Moon Run	Allegheny County CD (412) 241-7645
Allegheny County Indiana Township West Deer Township	PAR10A409	Rockpointe Airport of PGH 1885 Main Street Pittsburgh, PA 15215	Little Deer Creek	Allegheny County CD (412) 241-7645
Allegheny County Pine Township	PAR10A410	Woodside Development 375 Golfside Drive Wexford, PA 15090	Brush Creek	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAR10A411	City of Pittsburgh Dept. of Eng. & Const. 414 Grant St. Pittsburgh, PA 15219	Allegheny River	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAR10A416	The Fernhill Group 1468 West 9th St., Ste. 135 Western Reserve Bldg. Cleveland, OH 44113	Monongahela River	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAR10A417	Vinor, Inc. 795-24 Pine Valley Drive Pittsburgh, PA 15239	UNT Bodies Run	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAR10A418	Kacin Brothers, Inc. 795-24 Pine Valley Drive Pittsburgh, PA 15239	UNT Little Plum Creek	Allegheny County CD (412) 241-7645
Fayette County Luzerne Township	PAR10L057	Dept. of General Services 18th and Herr St. Harrisburg, PA 17120	UNT Monongahela River	SW Regional Office (412) 442-4315
Fayette County South Union Township	PAR10L059	Thomas Licciardi 335 Virginia Circle Uniontown, PA 15401	UNT S. Coal Lick Run	SW Regional Office (412) 442-4315
Indiana County Center Township Burrell Township	PAR103149	PennDot (District 10) P. O. Box 429, Rt. 286 South Indiana, PA 15701	Blacklick Creek	Indiana County CD (724) 463-8547
Somerset County Lincoln Township	PAR106133	Somerset Welding & Steel Inc. 10558 Somerset Pike Somerset, PA 15501	Quemahoning Creek	Somerset County CD (814) 445-4652
Somerset County Addison Township	PAR106134	U. S. Army Corps of Engineers Pittsburgh District 1000 Liberty Avenue Pittsburgh, PA 15222-4186	Youghiogheny Lake Youghiogheny River	Somerset County CD (814) 445-4652
Washington County Amwell	PAR10W153	PennDOT P. O. Box 459 Uniontown, PA 15401	Little Tenmile Creek Montgomery Run	Washington County CD (724) 228-6774
Washington County Union Township	PAR10W154	Union Township 3904 Finley-Elrama Road Finleyville, PA 15332	UNT L. Froman Run Houston Run Peters Creek	Washington County CD (724) 228-6774
Erie County Edinboro Boro.	PAR10K155	McBrier Realty, Inc. Suite B-20, 3939 W. Ridge Rd. Erie, PA 16506	Edinboro Lake	Erie Conservation Dist. 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Erie County Millcreek Twp.	PAR10K156	Daniel Prischak 2425 West 23rd Street Erie, PA 16506	Unnamed Tributary to Lake Erie	Erie Conservation Dist 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
<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, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Chester County City of Coatesville	PAR600052	Heckett MultiServ 612 N. Main Street Butler, PA 16001	Brandywine River	Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Montgomery County Upper Merion Township	PAR150009	Coopers Creek Chemical Corporation 884 River Road West Conshohocken, PA 19428-2699	Schuylkill River	Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Berks County Boyertown Borough	PAR203515	Unicast Company 241 North Washington Street Boyertown, PA 19512	Swamp Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Allegheny Township	PAR603503	Jim Nagle's Rebuilt Truck Parts & Sales P. O. Box 275 Duncansville, PA 16635	UNT to Blair Gap Run	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
West Middlesex Mercer County	PAR808342	Jones Performance Products, Inc. P. O. Box 808 West Middlesex, PA 16159-0808	Hog Back Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR608329	Auto Cycle, Inc. 2022 Schaper Avenue Erie, PA 16502	Unnamed Feeder to West Branch of Cascade Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Franklin County Letterkenny Township	PAG043633	Curvin J. Gochenour, Jr. P. O. Box 177 Roxbury, PA 17251-0177	Conodoguinet Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Westmoreland County Derry Township	PAG046201	Bruce E. Horton R. D. 1, Box 749 New Alexandria, PA 15670	UNT to Keystone Lake	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Venango Township Erie County	PAG048327	Richard L. Jr. and Jeannine L. Miller 8360 Knoyle Road Wattsburg, PA 16442	Unnamed Tributary of Alder Brook	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Scrubgrass Township Venango County	PAG048651	Mark C. Chalmers R. R. 1, Box 246 Kennerdell, PA 16374	Perry Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Berks County Sinking Spring Borough	PAG053530	BP Exploration and Oil Inc. 1 W. PA Ave. Towson, MD 21204-5027	Trib. to Cacoosing Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Revision Approval granted March 8, 2000, under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5).

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

Location: David L. and Candy L. Miller single residence sewage treatment plant. Located on the right side (east) of Cook's Hollow Road about 1/2 mile from its intersection with State Route 4031 in Snyder Township, **Blair County**.

Project Description: Approval of a revision to the Official Sewage Plan of Snyder Township, Blair County. Project involves construction of a small flow sewage treatment facility to serve a proposed dwelling located to the east of Cook's Hollow Road. Treated effluent is to be discharged into an unnamed tributary of Cook's Hollow Run, a perennial stream.

The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

SAFE DRINKING WATER

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

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

Permit No. 1599515. Public Water Supply City of Coatesville Authority, 114 E. Lincoln Highway, Coatesville, PA 19320. A permit has been issued to the City of Coatesville Authority for the upgrade to the Regency Park Pump Station in the City of Coatesville, **Chester County**.

Type of Facility: Public Water Supply System.

Consulting Engineer: Gennette Fleming, P. O. Box 67100, Harrisburg, PA 17106.

Permit to Construct Issued: March 8, 2000.

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

Permit No. 4899502. Public water supply. **Hickory Hills Mobile Home Court**, 12 Hickory Hills Drive, Bath, PA 18014, Louise Kromer, Manager. This proposal involves replacing a 23,000 gallon storage tank with a hydropneumatic tank and water softeners with chemical injection for sequestering iron and manganese. It is located in Moore Township, **Northampton County**. Permit issued February 17, 2000.

Permit No. 5499504. Public water supply. **Great Spring Waters of America, Inc.**, David Funk and Stan Frompovicz (owner), Far Away Springs. This proposal involves the replacement of a surface catchment at spring No. 1 with a new nearby borehole. Installation of necessary pump and piping from the new source. It is located in Pine Grove Township, **Schuylkill County**. Permit issued February 10, 2000.

Minor Amendment. Public water supply. **PAWC (PEI Power Park/Salem Mt. Water Company), PWS 2359008.** It is located in Archbald Borough, **Lackawanna County**. Permit issued February 14, 2000.

Minor Amendment. Public water supply. **PAWC (Forest City Finished Water Storage), PWS 2359014.** It is located in Clifford Township, **Susquehanna County**. Permit issued February 14, 2000.

Minor Amendment. Public water supply. **PAWC (Campbells Ledge Water Tank), PWS 2409010.** It is located in Duryea Borough, **Luzerne County**. Permit issued on February 15, 2000.

Minor Amendment. Public water supply **Fawn Lake Forest Water Co., (Woodloch Springs Div.) PWS 2520037.** It is located in Lackawaxen Township, **Pike County.**

Operations Permit issued to **Great Spring Waters of America, Inc.,** on March 1, 2000, located in Upper Macungie Township, **Lehigh County.**

Operations Permit issued to **Mahanoy Township Authority,** on February 8, 2000, located in Mahanoy City, **Schuylkill County.**

Operations Permit issued to **Getz Personal Care Home** on February 10, 2000, located in Polk Township, **Monroe County.**

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

Permit No. 2299502. Public water supply. **United Water Pennsylvania,** 4211 East Park Circle, P. O. Box 4151, Harrisburg, PA 17111-0151. Hummelstown Borough, **Dauphin County.** *Responsible Official:* R. Michael Gephart, P.E., Senior Project Engineer. *Type of Facility:* Installation of a 100 lb/day ClorTec On-Site liquid sodium hypochlorite generation unit with 3,000 gal. storage. *Consulting Engineer:* R. Michael Gephart, P.E., Senior Project Engineer. *Permit to Operate Issued:* February 10, 2000.

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

Permit No. 5026452-T1. Public water supply. **Aqua Filter Fresh, Inc., d/b/a Aqua Pros,** One Commerce Drive, Pittsburgh, PA 15239. *Type of Facility:* Aqua Pros Retail Water System. *Permit issued for Operation:* February 29, 2000.

Permit No. 0488503-A2. Public water supply. **Forest Brook Mobile Home Park,** 320 Sunset Drive, Baden, PA 15001. *Type of Facility:* 30,000 gallon finished water storage tank. *Permit issued for Construction:* February 29, 2000.

Permit No. 1187507-A1. Public water supply. **Municipal Authority of the Borough of Portage,** 606 Cambria Street, Portage, PA 16602. *Type of Facility:* Benscreek-Cassandra Water System Improvements Phase I. *Permit issued for Construction:* February 28, 2000.

Permit No. 0299509. Public water supply. **Wilkesburg-Penn Joint Water Authority,** 2200 Robinson Boulevard, Pittsburgh, PA 15221-1193. *Type of Facility:* Cleaning and painting the sludge system clear span aluminum dome interior. *Permit issued for Construction:* February 28, 2000.

HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

Settlement under the Hazardous Sites Cleanup Act

Naginey Quarry Site

Armagh Township, Mifflin County

The Department of Environmental Protection (Department) under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305), has entered into a proposed Consent Order and Agreement (COA) with Christopher J. and Kimba J. Swyers (Swyers), also doing business as Mifflin County Recycling

(collectively the Settlers) regarding response actions, response costs and access at the Naginey Quarry Site (site).

The site is 55 acres of land located in Armagh Township, Mifflin County, approximately 3 miles east of the town of Milroy. The site is located in a rural area bordered on the south and east by agricultural lands, on the west by private residences and on the north by the Mifflin County Recycling Center and a limestone quarry. Approximately 11 acres of the site are currently owned by others, but subject to an option-to-purchase agreement by Settlers (Naginey Property). The remaining acreage of the site was sold. Approximately 1.7 acre were sold to Joe Krentzman and Sons, Inc. in 1972 (Krentzman Property); approximately 11.67 acres were sold to Mr. Bonson in 1996 and resold to Eastern Industries; approximately 28.22 acres were sold to Settlers through a Purchase Agreement in 1996 (Swyers Property), along with the option referenced previously.

From 1972 to 1980, Krentzman leased its 1.7 acre to several related entities, the last being Independent Trading Corporation (ITC). The operations of these entities included the processing of spent batteries. These entities dumped battery casings and other solid waste both on the Krentzman Property and the Naginey Property.

Prior to Settlers owning or operating at the site, hazardous substances within the meaning of section 101(14) of CERCLA, 42 U.S.C.A. § 9601(14), and section 103 of HSCA, were disposed by others at the Naginey Property. Lead, arsenic and antimony have contaminated the surface water, groundwater, soil and/or sediments at the site. Based upon a Remedial Investigation, the Department has determined that further response actions are necessary to abate the release and threatened release of hazardous substances at the site. The Department's proposed response includes excavation of contaminated soils and off-site disposal.

The Department has information indicating that Charles H. and Constance C. Naginey, Independent Trading Corporation and Joe Krentzman and Sons, Inc. are responsible persons for the site within the meaning of section 107 of CERCLA, 42 U.S.C.A. § 9607, and section 701 of HSCA. The Department has settled with Charles H. and Constance C. Naginey concerning the site. This is documented in a Consent Order and Agreement dated July 27, 1998.

Based upon the information that the Department has obtained concerning Settlers and the site, and based upon the information certified to by Settlers, the Department has determined that Settlers: (1) did not conduct or permit the generation, transportation, storage, treatment or disposal of any hazardous substances at the site; (2) did not contribute to the release or threatened release of hazardous substances at the site through any act or omission; and (3) acquired the approximately 28 acre parcel of the property within the site with no actual or constructive knowledge that that 28 acre parcel of the property was used for the generation, transportation, storage, treatment or disposal of any hazardous substance, and (4) Settlers now intend to acquire the approximately 11 acre Naginey Property within the site after the date of this COA and after receiving the release and contribution protection afforded by this COA.

Based upon this, the Department has determined that it is in the public interest to resolve the foregoing matters without litigation and to enter into a de minimis settlement with Settlers section 122(g) of CERCLA, 42 U.S.C.A. § 9622(g), and section 70 of HSCA.

On February 28, 2000, the Department and the Settlers entered into a Consent Order and Agreement. Under the terms of the COA, the Settlers will pay the Department \$10, and upon purchase of the Naginey Property, shall grant the Department and its designated agents, including contractors and responsible persons under the direction of the Department, access to and entry upon the Naginey Property and Swyers Property to perform Response actions at the site.

This notice is provided under section 1113 of HSCA. This section provides that the settlement will become final upon the filing of the Department's response to any significant written comments. The proposed Consent Order and Agreement that contains the specific terms of the settlement is available for public review and comment. The proposed Consent Order and Agreement can be examined from 8 a.m. to 4 p.m. at the Department's office at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 705-4864. The Administrative Record can also be reviewed at the Armagh Township Municipal Building, 224 College Avenue, Milroy, PA 17063, between the hours of 9 a.m. and 5 p.m. The Administrative record will be open for comment from the March 25, 2000, date of publication of this notice in the *Pennsylvania Bulletin* and will remain open for 60 days. Persons may submit written comments regarding this action to the Department before May 25, 2000, by mailing them to Barbara Faletti at the previously noted address.

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 non-residential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

Sun Pipe Line Co., Upper Uwchlan Township, **Chester County**. Jennifer L. Stafford, P.G., Groundwater and Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

184 Pennsylvania Avenue Associates, Malvern Borough, **Chester County**. Michael S. Welsh, P.E., Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Hart Metals, Borough of Tamaqua, **Schuylkill County**. Peter D. Beyer, P.G., Project Manager, Environmental Resources Management, 855 Springdale Drive, Exton, PA 19341 has submitted a Final Report (on behalf of his client, Reade Manufacturing Company, 100 Ridgeway Boulevard, Lakehurst, NJ 08733) concerning the remediation of site soils, groundwater and surface water found or suspected to have been contaminated with volatile organic compounds, polycyclic aromatic hydrocarbons and/or metals. The report was submitted to document remediation of the site to meet the Statewide health standard.

Queen City Business Center, City of Allentown, **Lehigh County**. Jeff Obrecht, P.G., Division Manager, Apex Environmental, Inc., 301 W. Lancaster Avenue, Reading, PA 19607 has submitted a Remedial Investigation Report and two Final Reports (on behalf of his client, Queen Business Center, 1801 South 12th Street, Allentown, PA 18103) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with solvents and/or metals. The reports were submitted to document characterization and remediation of the site to meet both the Statewide health and site-specific standards.

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

Crown American Logan Valley Mall, Logan Township, **Blair County**. Mountain Research, Inc., 825 25th Street, Altoona, PA 16601 has submitted a combined Remedial Investigation/Final Report concerning remediation of site soils and groundwater contaminated with lead, VOCs, PAHs and benzene. The report is intended to document remediation of the site to a combination of the site-specific and Statewide health standards.

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

Swissvale Auto Surplus Parts, Borough of Swissvale, **Allegheny County**. Keith Welks, Phoenix Land Recycling Company, 105 North Front Street, Suite 106, Harrisburg, PA 17101, and Frances Kalik, c/o Thomas Landye Esq., 3500 First Interstate Tower, Portland, OR 97201 has submitted a Final Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals and Dioxin. The report is intended to document remediation of the site to meet the Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Standards Remediation Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediations Standards Act (act). Plans and reports required by provisions to 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.

Millenium—The Center for Internet Excellence, Conshohocken Borough, **Montgomery County**. Richard P. Almquist, Jr., Oxford Engineers & Consultants, Inc., 2621 Van Buren Avenue, Suite 500, Norristown, PA 19401, has submitted a Baseline Remedial Investigation Work Plan to initiate the administrative process of the Land Recycling and Environmental Remediation Standards Act as it applies to a Special Industrial Area site. The Work Plan was approved by the Department on February 11, 2000.

Steinmacher Residence, Upper Chichester Township, **Delaware County**. Thomas Patterson, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on February 28, 2000.

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

Distribution Pole 22359S32512, Shiremanstown Borough, **Cumberland County**. PP&L, Inc., Two North Ninth Street, Allentown, PA 18101-1179 has submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and the Department approved the final report on February 25, 2000.

Distribution Pole 23817S35303, City of Harrisburg, **Dauphin County**. PP&L, Inc., Two North Ninth Street, Allentown, PA 18101-1179 has submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and the Department approved the final report on February 25, 2000.

Distribution Pole 15526S31704. Borough of Carlisle, **Cumberland County**. PP&L, Inc., Two North Ninth Street, Allentown, PA 18101-1179 has submitted a final report concerning the remediation of site soils contaminated with PCBs. The final report demonstrated attainment of the Statewide health standard, and the Department approved the final report on March 7, 2000.

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

LTV Steel Eliza and Monongahela Connecting Railroad Parcels, City of Pittsburgh, **Allegheny County**. LTV Steel Eliza and Monongahela Connecting Railroad Parcels, 200 Public Square, Cleveland, OH 44114-2308 and Martin C. Knuth, Civil and Environmental Consultants, Inc., 601 Holiday Drive, Building 3, Pittsburgh, PA 15220 has submitted a final report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs, PAHs and elevated pH. The final report demonstrated attainment of the site specific standard and was approved by the Department on February 16, 2000.

SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES

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

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

General Permit No. WMGR062. Gemark Service Corp., 99 Stevens Lane, Exeter, PA 18643. General Permit Number WMGR062 for processing silver bearing

films and sludges through granulation, film washing using sodium hydroxide or enzymes and surfactants, flocculation, filtration and calcining, prior to beneficial use as feedstock for further silver reclamation and plastic recycling, was issued by Central Office on March 10, 2000.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), Act of July 28, 1988, (P. L. 556, No. 101) and regulations to operate solid waste processing or disposal area or site.

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

Permit I. D. No. 100020. IESI PA Bethlehem Landfill (Eastern Waste of Bethlehem, Inc. Landfill), IESI PA Bethlehem Landfill Corporation, 2335 Applebutter Road, Bethlehem, PA 18015. A major permit modification authorizing the construction of side slopes at 3:1 grades to bottom slope of 2.5%, the reduction (adjustment) of the final contour grades to affect a no increase in capacity of the cell, and utilization of Geocomposite Clay Liner (GCL) at this municipal waste landfill, located in Lower Saucon Township, **Northampton County**. The permit was issued in the Regional Office on March 7, 2000.

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

Permit ID No. 101669, Imperial Processing Site, P. F. Environmental Technologies, Inc., 1135 Butler Avenue, New Castle, PA 16101. Operation of a municipal waste processing facility for the production of sludge derived synthetic soil in Findley Township, **Allegheny County**. Permit issued in the Regional Office on March 7, 2000.

**AIR QUALITY
OPERATING PERMITS**

General Plan Approval and Operating Permit usage authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

35-302-111GP: Community Central Energy Corp. (1220 North Washington Avenue, Scranton, PA 18509) for construction and operation of a natural gas fired boiler at Dix and Lee Courts in Scranton, **Lackawanna County**.

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

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

OP-46-0050: Rohm & Haas DVI (727 Norristown Road, Spring House, PA 19477) on February 23, 2000, for Synthetic Minor NOx Facility in Lower Gwynedd Township, **Montgomery County**.

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

14-399-009F: Murata Electronics North America, Inc. (1900 West College Avenue, State College, PA 16801-2799) on March 6, 2000, to incorporate conditions established in Plan Approval 14-399-009G for three new ceramic capacitor kilns and associated air cleaning devices, three electrically-heated thermal afterburners as well as conditions established in Plan Approval 14-399-009H for two new ceramic capacitor binder removal ovens and associated air cleaning devices, two electrically-heated thermal afterburners in Ferguson Township, **Centre County**.

17-303-006A: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664-0077) on March 6, 2000, to transfer an operating permit previously issued to Clearfield Asphalt and Construction Supply for operation of a batch asphalt concrete plant and associated air cleaning device (a fabric collector) as well as for the operation of a diesel generator in Lawrence Township, **Clearfield County**.

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

OP-56-00258: PBS Coals, Inc. Job 200 (Paxton Strip, P. O. Box 260, Friedens, PA 15541) for incorporation of Plan Approval PA-56-258A requirements—new coal preparation plant in Friedens, **Somerset 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.

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

22-03029: Chemetron Railway Products, Inc. (5600 Stillwell, Kansas City, MO 64120-1239) on March 13, 2000, for operation of a rail welding unit controlled by a dust collector at the Steelton Rail Welding Plant, 2115 South Front Street, Gate No. 8 in Steelton Borough, **Dauphin County**.

28-03026A: Gish Logging, Inc. (P. O. Box 282, Fort Loudon, PA 17224) on March 9, 2000, for operation of a 250 HP wood-fired boiler controlled by a mechanical collector in Metal Township, **Franklin County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

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

TV-63-00066: Wheeling Pittsburgh Steel Corp. (1 Wheeling Pittsburgh Steel Drive, Allenport, PA 15412) issued a Title V Operating Permit on March 13, 2000, for operation of cold finishing of steel at the Allenport Plant in Allenport Borough, **Washington County**.

OP-65-00061: R.A.M. Terminals, Inc. (One Fifth Street, New Kensington, PA 15068) on March 10, 2000 for operation of crushing and screening at New Kensington Crushing Plant in New Kensington, **Westmoreland County**.

Operating Permits transferred under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

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

46-399-113: Ford Electronics & Refrigeration LLC (2750 Morris Road, Lansdale, PA 19446) for operation of two Selective Soldering Machines in Worcester Township, **Montgomery County**.

46-301-272: Lansdale Crematory, Inc. (Derstine and Cannon Avenues, Lansdale, PA 19446) for operation of a human crematory in Lansdale Borough, **Montgomery County**.

PLAN APPROVALS

Minor Modification of 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.

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

OP-49-0013A: Celotex Corp. (4010 Boy Scout Boulevard, Tampa, FL 33607) on March 9, 2000, to modify a condition regarding potential concerns with bed clogging and burnout on a regenerative thermal oxidizer to be used as an air pollution control device on a fiberboard dryer as well as to modify a condition regarding regenerative thermal oxidizer visible emission testing in the City of Sunbury, **Northumberland County**.

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-15-0055: Highway Materials, Inc. (850 Quarry Road, Downingtown, PA 19335) on March 6, 2000, for operation of a baghouse in East Caln Township, **Chester County**.

PA-09-0063A: New Hope Crushed Stone Co. (6970 Phillips Mill Road, New Hope, PA 18938) on March 10, 2000, for operation of a stone crushing plant in Solebury Township, **Bucks County**.

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

40-313-033B: Coates Electrographics, Inc. (Country Club Road, P. O. Box 160, Dallas, PA 18612) on March 10, 2000, for construction of a toner production line and associated air cleaning device in Dallas Township, **Luzerne County**.

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

06-03112: Birdsboro Alloying, Inc. (200 C Furnace Street, Birdsboro, PA 19508), on March 10, 2000, for construction of an aluminum recycling facility with thermal afterburner at the Birdsboro Facility in Birdsboro Borough, **Berks County**.

06-03113: Haines & Kibblehouse, Inc. (P. O. Box 196 Skippack, PA 19474) on March 10, 2000, for construction

of a non-metallic mineral crushing plant controlled by wet suppression at the Birdsboro Materials Plant in Robeson Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for New Stationary Sources.

06-03114: Aluminum Alloys (P. O. Box 2197, Sinking Spring, PA 19608) on March 10, 2000, for construction of a thermal sand reclamation system controlled by two fabric collectors in Lower Heidelberg Township, **Berks County**.

34-310-001E: Jay Fulkroad & Sons, Inc. (R. D. 2, Box 125, McAlisterville, PA 17049) on March 13, 2000, for installation of a crusher and two screens controlled by wet suppression in Fayette Township, **Juniata County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

38-05002A: Alcoa, Inc. (3000 State Drive, Lebanon, PA 17042) on March 13, 2000, for installation of a rotocloner to control the No. 26 shear in South Lebanon Township, **Lebanon County**.

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

PA-63-641B: Regal Industrial Corp. (P. O. Box 291, Donora, PA 15033) on March 6, 2000, for painting operations at Donora Plant in Donora Borough, **Washington County**.

PA-56-258B: PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), on February 9, 2000, for operation of limestone crushing and screening at Job 200 (Paxton Strip) in Brothersvalley Township, **Somerset County**.

PA-30-096A: Kyowa America Corp. (1000 East Roy Furman Highway, Waynesburg, PA 15370) on February 9, 2000, for operation of rotary concentrator and thermal at Pennsylvania Plant in Franklin Township, **Greene County**.

PA-63-016A: West Penn Power Co. (800 Cabin Hill Drive, Greensburg, PA 15601) on March 6, 2000, for operation of lime unloading at the Mitchell Station in Union Township, **Washington County**.

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

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

PA-46-0020: Superior Tube Co. (3900 Germantown Pike, Collegeville, PA 19426) on March 7, 2000, for operation of three fabric filters and one rotocloves in Lower Providence Township, **Montgomery County**.

46-327-018: Superior Tube Co. (3900 Germantown Pike, Collegeville, PA 19426) on March 7, 2000, for operation of a new vapor degreaser in Lower Providence Township, **Montgomery County**.

PA-46-0176: A. Talone, Inc. (318 West Lancaster Avenue, Ardmore, PA 19003) on March 10, 2000, for operation of a solvent recovery dryer in Lower Merion Township, **Montgomery County**.

PA-23-0067: Alloy Surfaces Co., Inc. (121 North Commerce Drive, Aston, PA 19014) on March 10, 2000, for

operation of a caustic metal treatment process in Chester Township, **Delaware County**.

PA-09-0024A: Waste Management of PA, Inc. (200 Bordertown Road, Tullytown, PA 19007) on March 10, 2000, for operation of a permitted landfill in Tullytown Borough, **Bucks County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 706-4702.

06-01023: Stroehmann Bakeries, LC (640 Park Avenue, Reading, PA 19611) granted February 17, 2000, to authorize temporary operation of bread bakery operations controlled by a catalytic oxidizer, covered under this Plan Approval until June 17, 2000, at the Reading Plant in Reading City, **Berks County**.

06-03041: Delaware County Solid Waste Authority (583 Longview Road, Boyertown, PA 19512) granted March 4, 2000, to authorize temporary operation of a municipal waste landfill controlled by an enclosed ground flare and turbine, covered under this Plan Approval until July 1, 2000, at the Rolling Hills Landfill in Earl Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills.

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).

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

Coal Permits Issued

65950101R. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit renewed for continued reclamation only of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 60 acres. Receiving streams: unnamed tributary to Millers Run to Loyalhanna Creek to Kiskiminetas River. Application received November 29, 1999. Renewal issued March 8, 2000.

26950102R. Bridgeview Coal Company (Route 40, Box 257, Farmington, PA 15437). Permit renewed for continued reclamation only of a bituminous surface mine located in Wharton Township, **Fayette County**, affecting 221 acres. Receiving streams: unnamed tributaries 2, 3, 6 and 10 Stony Fork and unnamed tributary 1 Little Sandy Creek. Application received November 29, 1999. Renewal issued March 8, 2000.

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

02891701. Consolidation Coal Company, (200 Hidden Valley Road, McMurray, PA 15317), to renew the permit for the Harmar AMD Plant and Strohm Pump in Harmar and Indiana Townships; Fox Chapel Borough, **Allegheny County** to renew an existing industrial waste permit and related NPDES permit, no additional discharges. Permit issued February 28, 2000.

56911602. Elton Coal Company, (509 15th St., Windber, PA 15963), to renew the permit for the Huskin Run Tipple in Shade Township, **Somerset County** to renew an existing permit, no additional discharges. Permit issued February 28, 2000.

30841313. Consolidation Coal Company, (P. O. Box 100, Osage, WV 26543), to revise the permit for the Dilworth Mine in Cumberland Township, **Greene County** to add 29.54 acres to subsidence control plan, no additional discharges. Permit issued March 1, 2000.

04991601. Quality Aggregates, Inc., (200 Neville Road, Pittsburgh, PA 15225), to operate the Colona Dock in Monaca Township, **Beaver County**, new prep plant, tipple load out (grandfathered pre-existing to 1930s no additional discharges. Permit issued March 2, 2000.

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

40940203R. Hudson Anthracite, Inc., (202 Main Street, Laflin, PA 18702), renewal of an existing coal refuse reprocessing operation in Jenkins Township, **Luzerne County** 149.86 acres, receiving stream—none. Renewal issued March 6, 2000.

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

33753031. Colt Resources, Inc. (R. R. 3, Box 48A, Clarion, PA 16214) Renewal of an existing bituminous strip, auger and tipple refuse disposal operation in Perry Township, **Jefferson County** affecting 123.0 acres. This renewal is issued for reclamation only. Receiving streams: Nicely Run. Application received December 22, 1999. Permit issued March 8, 2000.

33793033. Cloe Mining Company, Inc. (P. O. Box I, Grampian, PA 16838) Renewal of an existing bituminous strip and auger operation in Gaskill Township, **Jefferson County** affecting 94.0 acres. Receiving streams: Unnamed tributaries to Stony Run, Unnamed tributaries to Bear Run. Application received December 20, 1999. Permit issued March 8, 2000.

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

Coal Applications Issued

56950101. Permit Renewal, Action Mining, Inc. (1117 Shaw Mines Road, Meyersdale, PA 15552-7288), for continued operation of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 82.2 acres, receiving stream Piney Run, application received January 10, 2000, issued March 6, 2000.

*Knox District Office, P. O. Box 669, Knox, PA 16232.
Small Noncoal (Industrial Minerals) Permits Issued*

25992808. Rodger E. Niemeyer, Sr. (8939 Jones Road, R. D. 1, Wattsburg, PA 16442) Commencement, operation and restoration of a small noncoal sand and gravel operation in Concord Township, **Erie County** affecting 7.8 acres. Receiving streams: None. Application received October 25, 1999. Permit issued March 9, 2000.

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

58990847. William J. Taylor (R. R. 2, Box 226, Dalton, PA 18414-9030), commencement, operation and restoration of a small quarry operation in Gibson Township, **Susquehanna County** affecting 2.0 acres, receiving stream—none. Permit issued March 7, 2000.

28990803. Paul Clapsadle, (11401 Creek Road, Fannettsburg, PA 17221), commencement, operation and restoration of a small quarry operation in Metal Township, **Franklin County** affecting 1.0 acre, receiving stream—none. Permit issued March 10, 2000.

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

Noncoal Permits Issued

40980302T. Pennsy Supply, Inc., (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105), transfer of an existing quarry operation in Salem Township, **Luzerne County** affecting 49.6 acres, receiving stream—none. Transfer issued March 9, 2000.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 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 rule of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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.

E15-630. Encroachment Permit. Susan Groves, 505 Pointe Lane, Pottstown, PA 19465. To construct and maintain a driveway crossing consisting of a 34-inch × 24-inch CMP arch culvert and eight 12-inch diameter CMP drain pipes which cross a small unnamed tributary to Rock Run (EV) and adjacent wetlands to provide access to a single-family dwelling. Project will impact a total of 0.03 acre of wetland (PSS). The site is located about 4,000 feet southwest of the intersection of Harmonyville Road and Chestnut Road (Pottstown USGS Quadrangle N: 12.44 inches; W: 11.46 inches) in South Coventry Township, **Chester County**.

E23-390. Encroachment Permit. G & D Developers, 627 South Central Boulevard, Broomall, PA 19008. To place fill within a 0.46 acre body of water (POW) associated with the construction of lot 6 of a proposed residential subdivision. This site is located approximately 600 feet southeast of the terminus of Wootton Road (Norristown, PA Quadrangle N: 1.2 inch, W: 12.3 inches) in Radnor Township, **Delaware County**.

E23-392. Encroachment Permit. Brinton Land Development Association, LP, 33 Rock Hill Road, Suite 200, Bala Cynwyd, PA 19004-2051. To place fill in 0.17 acre of wetlands (PFO) for the proposed Brinton Lake Corporate Center and The Shoppes at Brinton Lake, located on the northeast corner of the intersection of Brinton Lake Road and Baltimore Pike (S. R. 0001) (West Chester, PA Quadrangle N: 1.8 inch; W: 4.9 inches) in Concord Township, **Delaware County**. The permittee is required to provide 0.8 acre of replacement wetlands.

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

E63-479. Encroachment. New Eagle Borough Municipal Sewer Authority, 157 Main Street, New Eagle, PA 15067. To place and maintain fill on the left bank of the Monongahela River (WWF) in conjunction with the construction of a sewage treatment plant located on the north side of Main Street, approximately 500 feet northeast from the intersection of Main Street and Beech Street (Monongahela, PA Quadrangle N: 15.3 inches; W: 9.9 inches) in New Eagle Borough, **Washington County**.

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

E62-360. Encroachment. John Johnson, Bob's Garage, Youngsville, PA 16371. To remove the existing bridge and to construct and maintain a steel beam bridge having a clear span of 30 feet and a maximum underclearance of 11 feet for a private driveway across Matthews Run and approximately 50 feet of 6-foot-high gabion basket or concrete block stream bank wall between the bridge and existing gabion basket retaining wall along the right bank beyond the existing business along S. R. 27 approximately 1.4 mile north of Youngsville (Sugar Grove, PA Quadrangle N: 0.5 inch; W: 12.0 inches) in Brokenstraw Township, **Warren County**.

ENVIRONMENTAL ASSESSMENT

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D45-134. Environmental Assessment. Lake Swiftwater Club (R. R. 1, Box 62, Henryville, PA 18332). To remove approximately 10,000 cubic yards of accumulated silts and sediments from Swiftwater Lake. The dam

impounding the lake is located across Swiftwater Creek approximately 500 feet southwest of the intersection of Swiftwater Road (S.R. 314) and Hulbert Hill Road (Mount Pocono, PA Quadrangle N: 17.65 inches; W: 4.00 inches) in Paradise Township, **Monroe County**.

SPECIAL NOTICES

Public Hearing Notice NPDES Sewage Application

The Department of Environmental Protection (Department), Water Management Program, will be holding a fact finding hearing on the Joy for Joint Venture NPDES Sewage application No. PA0057924. Due to a change in venue, the March 18, 2000 notice in the *Pennsylvania Bulletin* is hereby cancelled and replaced with the following: Joy for Joint Venture, NPDES Sewage Application No. PA0057924

The hearing is scheduled for May 3, 2000, at 7 p.m. at the Delaware County Community College, Room A225, Route 252 and 901 South Media Line Road, Media, PA 19063, Delaware County. The hearing is being held to solicit pertinent comments on this application. The application is for the discharge of 50,000 gpd of sewage to an unnamed tributary to Crum Creek. A copy of this application is available for review in the Southeast Regional Office's Records Management Section, (610) 832-6268. Those interested in reviewing the application should call to schedule a date to review the file. The project sponsor is: Joy for Joint Venture, 1604 Walnut Street, Philadelphia, PA 19013

Comments received will be considered by the Department in completing its review and prior to taking final action concerning the application. The hearing will not be a question and answer session.

Persons intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428. The notice should include name, address and phone number, whether opposed or in favor of the project and a brief statement about the presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. Anyone wishing to present written material directly to the Department may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings should contact Sharon Moore at (610) 832-6073. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

[Pa.B. Doc. No. 00-530. Filed for public inspection March 24, 2000, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Children's Hospital of Philadelphia for Exception to 28 Pa. Code § 101.54

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Philadelphia (CHOP)

has requested an exception to the requirements of 28 Pa. Code § 101.54 which requires that a license be issued for the bed complement within approved existing facilities. CHOP requests the exception so that it may utilize a 25 bed unit physically located within the Children's Seashore House (CSH) of the Children's Hospital of Philadelphia and included within CSH's licensed bed complement to provide inpatient care to CHOP patients. The Department had granted a similar previous request from CHOP for the fall and winter of 1999-2000. The present request is to extend the utilization of the CSH beds until June 15, 2000.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532, Health and Welfare Building, Harrisburg, PA 17120, Telephone: (717) 783-8980, Fax: (717) 772-2163, E-mail: lvia@state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed.

Comments received by the Department within 5 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 00-531. Filed for public inspection March 24, 2000, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

1999 Group Two Exception Requests Medical Assistance Long Term Care Participation Review

The Department of Public Welfare (Department), by statement of policy effective December 18, 1996, adopted an interim policy announcing that, as a general matter, it intended to exercise its discretion to terminate or to refuse to enter into an MA provider agreement with a provider of nursing facility services that sought to increase the number of MA certified nursing facility beds through enrollment or expansion, unless the Department granted an exception on a case-by-case basis to permit that provider to enroll or expand. Effective August 11, 1997, this statement of policy was revised to state that enrolled nursing facility providers are prohibited from expanding their licensed bed capacity, under any circumstances, without first receiving an exception from the Department. A statement of policy that sets forth the

guidelines the Department will use when making its case-by-case exception request decisions was published in the *Pennsylvania Bulletin* on January 10, 1998 (28 Pa.B. 138), and is codified at 55 Pa. Code § 1187.21a.

By this notice, published under 55 Pa. Code § 1187.21a(e)(4), the Department announces the 1999 Group Two exception requests covering the submission period of July 1, 1999 through December 31, 1999.

Expansion Projects

<i>Number</i>	<i>Name</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JD99001	Stenton Hall Nursing and Rehab Center	7310 Stenton Avenue Philadelphia, PA 19150	Philadelphia	5
JD99004	Hamar Village Care Center	Chestwick, PA	Allegheny	8
JD99005	Belvedere Nursing and Convalescent Center	2507 Chestnut Street Chester, PA 19013	Delaware	49
JD99008	Shippensburg Health Care Center	121 Walnut Bottom Road Shippensburg, PA 17257	Cumberland	10
JD99009	Masonic Eastern Star Home-East	850 Norristown Road Warminster, PA	Bucks	8

New Facility Projects

<i>Number</i>	<i>Name</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JD99002	Parkside Healthcare, Inc.	North Philadelphia Area	Philadelphia	100
JD99003	Moravian Village of Bethlehem	East Market Street Bethlehem, PA	Northampton	60
JD99006	Montgomery County Geriatric & Rehab Center	Norristown, PA	Montgomery	88
JD99007	University of Pittsburgh, Montefiore Hosp TCU	Oakland Campus Pittsburgh, PA	Allegheny	30
JD99010	Wellness Concepts, Inc.	Philadelphia Area	Philadelphia	30

Copies of the above-listed exception requests are available for review by the public during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

The Department will accept written comments related to the requests for a 30-day period following the date of this publication. Written comments may be submitted to: Department of Public Welfare, Bureau of LTC Programs, Attention: Policy Section, P. O. Box 8025, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons who require another alternative format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-235. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 00-532. Filed for public inspection March 24, 2000, 9:00 a.m.]

Payments to Nursing Facilities April 1, 2000 Proposed Rates

The purposes of this notice are to announce the proposed changes in payment rates for nursing facilities beginning April 1, 2000, and to identify the methodology and justification for these proposed rates. Under 42 U.S.C.A. § 1902(a)(13)(A), as amended by section 4711 of the Balanced Budget Act of 1997, P. L. 105-33, § 4711, a

state must use a public process when it proposes to make changes in payment rates or payment methodologies for nursing facility services under its approved Title XIX State Plan. The Department of Public Welfare (Department) is not proposing to amend its State Plan or to change its regulations, 55 Pa. Code Chapter 1187, relating to the rate-setting methodology used to set nursing facility payment rates. Rather, the Department is proposing to make changes in its nursing facility payment rates because those rate changes are required by the rate-setting methodology contained in its approved State Plan and regulations.

Rates

The proposed April 1, 2000, rates are available through the Bulletin Board System (BBS) at (800) 833-5091, at the local County Assistance Offices throughout the Commonwealth, or by contacting Tom Jayson in the Policy Section of the Bureau of Long Term Care Programs at (717) 772-2570.

Methodology

The methodology that the Department used to set the proposed rates is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

Justification

The justification for the proposed rates is that they were set under the rate-setting methodology required by the Commonwealth's approved State Plan and the current regulations.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 1999-2000 is \$1.165 million (\$0.538 million in State funds).

Interested persons are invited to submit written comments about the proposed rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to: Department of Public Welfare, Attention: Suzanne Love, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-236. (1) General Fund; (2) Implementing Year 1999-00 is \$538,000; (3) 1st Succeeding Year 2000-01 is \$616,000; 2nd Succeeding Year 2001-02 is \$647,000; 3rd Succeeding Year 2002-03 is \$679,000; 4th Succeeding Year 2003-04 is \$713,000; 5th Succeeding Year 2004-05 is \$749,000; (4) 1998-99 Program—\$721.631 Million; 1997-98 Program—\$617.252 Million; 1996-97 Program—\$591.910 Million; (7) Medical Assistance Long Term Care; (8) recommends adoption. Funds are available in the Department's budget to cover the cost increase caused by the proposed rate increase.

[Pa.B. Doc. No. 00-533. Filed for public inspection March 24, 2000, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Triple 3's 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 Triple 3's.

2. *Price:* The price of a Pennsylvania Triple 3's instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Triple 3's 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). Each Pennsylvania Triple 3's instant lottery game ticket will also contain a "Bonus Box" area. The play symbols and their captions located in the "Bonus Box" area are: 1X (NO BONUS) and 3X (TRIPLE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$12\$ (TWLV), \$15\$ (FIFTN), \$45\$ (FRY FIV), \$100 (ONE HUN), \$300 (THR HUN) and \$3,333 (TTTTHR).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$6, \$9, \$12, \$15, \$45, \$100, \$300 and \$3,333.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,080,000 tickets will be printed for the Pennsylvania Triple 3's instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$3,333 (TTTTHR) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3,333.

(b) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3X (TRIPLE) in the "Bonus Box" area and a prize play symbol of \$100 (ONE HUN) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$300 (THR HUN) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$100 (ONE HUN) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3X (TRIPLE) in the "Bonus Box" area and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$45.

(f) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$45\$ (FRY FIV) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$45.

(g) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3X (TRIPLE) in the "Bonus Box" area and a prize play symbol of \$5⁰⁰ (FIV DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$15.

(h) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3X (TRIPLE) in the "Bonus Box" area and a prize play symbol of \$4⁰⁰ (FOR DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$12.

(j) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$12\$ (TWLV) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$12.

(k) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3X (TRIPLE) in the "Bonus Box" area and a prize play symbol of \$3⁰⁰ (THR DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$9.

(l) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$9.⁰⁰ (NIN DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$9.

(m) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3X (TRIPLE) in the "Bonus Box" area and a prize play symbol of \$2.⁰⁰ (TWO DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$6.

(n) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$6.⁰⁰ (SIX DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$6.

(o) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$5.⁰⁰ (FIV DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$4.⁰⁰ (FOR DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal, a play symbol of 3X (TRIPLE) in the "Bonus Box" area and a prize play symbol of \$1.⁰⁰ (ONE DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3.

(r) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$3.⁰⁰ (THR DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3.

(s) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$2.⁰⁰ (TWO DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize play symbol of \$1.⁰⁰ (ONE DOL) appearing in the "Prize" area, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*Get Three 3's
In Any Row,
Column Or
Diagonal With
Prize(s) Of:*

	<i>Win</i>
\$1	\$1
\$2	\$2
\$3	\$3
\$1 (TRIPLE)	\$3
\$4	\$4
\$5	\$5
\$6	\$6
\$2 (TRIPLE)	\$6
\$9	\$9
\$3 (TRIPLE)	\$9
\$12	\$12
\$4 (TRIPLE)	\$12
\$15	\$15
\$5 (TRIPLE)	\$15
\$45	\$45
\$15 (TRIPLE)	\$45
\$100	\$100
\$300	\$300
\$100 (TRIPLE)	\$300
\$3,333	\$3,333
(TRIPLE) = Triples Prize	

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,080,000 Tickets</i>
1:9.52	1,058,400
1:21.43	470,400
1:333.33	30,240
1:27.03	372,960
1:500	20,160
1:750	13,440
1:1,000	10,080
1:107.14	94,080
1:1,000	10,080
1:111.11	90,720
1:3,000	3,360
1:333.33	30,240
1:3,000	3,360
1:750	13,440
1:6,000	1,680
1:3,000	3,360
1:12,000	840
1:60,000	168
1:30,000	336
1:630,000	16

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Triple 3's 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 Triple 3's, prize money from winning Pennsylvania Triple 3's 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 Triple 3's 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 Triple 3's or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-534. Filed for public inspection March 24, 2000, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Montgomery 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 bridge, which carries S.R. 4008 (Kratz Road) over Skipack Creek in Evansburg State Park, Montgomery County. The proposed project involves the replacement of the existing three-span, stone/masonry arch structure with a two-span concrete box beam bridge on the existing alignment. The existing bridge has been closed to vehicular traffic since 1994.

The proposed project will require acquisition of approximately 0.10 acre of right-of-way from Evansburg State Park. Evansburg State Park overlaps the Evansburg Historic District, which is listed on the National Register of Historic Places (NRHP) and is located approximately 2.65 miles south of the Kratz Road Bridge. Additionally, the area encompassed by Evansburg State Park outside the NRHP listed Historic District is a NRHP eligible Historic District as an increase of the NRHP listed Evansburg Historic District. The Evansburg State Park, the NRHP listed Evansburg Historic District and the NRHP eligible Evansburg Historic District qualify for protection under Act 120, Section 2002. The Kratz Road Bridge is a contributing element within the NRHP eligible Evansburg Historic District.

Mitigation measures to be taken to minimize harm to the Section 2002 resources will be implemented as described in the CEE/Section 2002 Evaluation and in the Memorandum of Agreement (MOA), which has been written and will be executed between the U.S. Army Corps of Engineers (who will be issuing a Section 404 Permit for the project) and the Pennsylvania State Historic Preservation Office.

The environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effects.

No adverse environmental effect is likely to result from the project.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-535. Filed for public inspection March 24, 2000, 9:00 a.m.]

Retention of Engineering Firms

Huntingdon County Project Reference No. 08430AG2522

The Department 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. 6022, Section 005, Huntingdon County
Local Name: Water Street Bypass
This project involves the relocation of 1.86 miles of S.R. 0022 and the construction of three new structures, bituminous roadway, traffic signals, and major drainage and intersection work.
2. S.R. 0022, Section 011, Huntingdon County
Local Name: Shaffers Run Bridge
This project involves the replacement of a single span, cement concrete bridge structure.

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 Department, District 9-0 and supervisory experience.
- b. Specialized experience in asphalt paving, drainage, earth-work, structures, CPM schedule usage, and Construction Documentation System (CDS).
- 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 one (1) CDS operator or person capable of inputting data into personal computer, and one (1) licensed nuclear operator (TCI-M classification).
- f. 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.

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 2 (TCM-2) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector - Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	3 (2)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

Failure to identify the number of inspectors indicated above will not result in disqualification but it will be a factor, except for the TA position, in the Department's evaluation.

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-2)	\$54.35
(TCIS)	\$41.75
(TCI-Materials)	\$37.65
(TCI)	\$36.53
(TA)	\$25.12

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal workweek.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the

construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License at point of need when needed
- 1 Base Radio Station
- 4 Two-Way Radios
- 8 Pagers
- 1 Cellular Phone
- 1 Camera (digital)
- Safety Vests—High Visibility for Inspectors

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total Agreement price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-2 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-2	1
TCIS	2
TCI-M	2
TCI	5
TA	2

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Earl L. Neiderhiser, P.E., District Engineer
Engineering District 9-0
1620 North Juniata Street
Hollidaysburg, PA 16648

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Mr. Kevin L. Stern, P.E., District 9-0, at (814) 696-7139, Fax Number (814) 696-7146.

**Lackawanna County
Project Reference No. 08430AG2523**

The Department will retain an engineering firm for a multi-phase, specific project agreement to perform environmental studies and preliminary engineering, final design, and services during construction (shop drawing

reviews, alternate design reviews, and consultation during construction) for the proposed new highway in Archbald and Jessup Boroughs, Lackawanna County. This agreement will be administered by Engineering District 4-0. The estimated construction cost is \$8.2 million.

The proposed project is a two (2) lane highway from S.R. 1012 (Salem Road) in Archbald Borough to S.R. 0247 (TR 247) in Jessup Borough, Lackawanna County.

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 the firm.
- b. Project team composition.
- c. Project team experience (based on similar projects).
- d. Ability to expedite this project and maintain schedule and budget.
- e. Past performance (based on similar projects).
- f. Location of consultant with respect to the project and Engineering District 4-0 Office.

The firm selected may be required to provide a variety of engineering services as indicated below, but not limited to:

- a. All studies necessary for the preparation of an Environmental Assessment and associated documents including, but not limited to; wetland delineation, evaluation and mitigation; hazardous waste investigations and reports; Agency Coordination Meeting presentations; secondary impact analyses; terrestrial habitat investigations; threatened and endangered species analysis, etc. Section 106 requirements will be prepared by the Department.
- b. Preliminary engineering including, but not limited to field surveying; hydraulic and hydrologic analysis; utility investigations; type, size, and location drawings; right-of-way investigations; maintenance and protection of traffic drawings; erosion and sediment pollution control plans; soils and geological investigations; roadway and bridge design; and Design Field View Submission.
- c. Preparation of final roadway and structure drawings including, but not limited to right-of-way plans; roadway and structure borings; final design; utility relocation plans; and preparation of plans, specifications and estimates.
- d. Consultation during construction.

All engineering services for this project will be performed in accordance with current Department Metric Design Standards.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Charles M. Mattei, P.E., District Engineer
Engineering District 4-0
P. O. Box 111
Scranton, PA 18501

Attn: Mr. Carl A. Taddonio, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:00 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

The District will announce the firms that have been shortlisted at an open public meeting to be held in Engineering District 4-0, O'Neill Highway, Dunmore, PA 18512. All candidates that have submitted a Letter of Interest will be notified of the date. Specify a contact person in the Letter of Interest.

Any technical questions concerning the requirements for this project should be directed to Mr. Carl A. Taddonio, P.E., at (570) 963-4334, Fax Number (570) 963-4014.

**Lackawanna, Luzerne, Pike, Susquehanna,
Wayne, and Wyoming Counties
Project Reference No. 08430AG2524**

The Department will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 4-0, that is Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of \$1 Million dollars.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Number of available inspectors in each payroll classification.
- b. Number of NICET certified inspectors in each payroll classification.
- c. 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.
- d. Understanding of Department's requirements, policies, and specifications.
- e. Past Performance.
- f. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the

following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	15 (15)

Failure to identify a minimum of fifteen (15) inspectors in your letter of interest will not result in disqualification but it will be a factor in the Departments evaluation.

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.

A total of five (5) Transportation Construction Inspectors (TCI's) assigned to this contract must be certified in the Department's Construction Documentation System (CDS). Clearly indicate which inspector's meet this requirement in the Letter of Interest. Failure to provide a minimum of five (5)CDS certified inspectors will result in disqualification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCI)	\$36.53

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 maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCI	18

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Charles M. Mattei, P.E., District Engineer
 Engineering District 4-0
 O'Neill Highway
 Dunmore, Pa. 18512
 Attn.: David Skrocki, P.E.
 ADE-Construction

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Joe Chilek, P.E., Construction Services Engineer, at (570) 963-4033, Fax Number (570) 963-4954.

**Chester County
 Project Reference No. 08430AG2525**

The Department will retain an engineering firm for a specified project contract to perform NBIS bridge safety inspections for 384 designated bridges on the State Highway system in Chester County in District 6-0. This contract will be for a period of thirty (30) months.

The selected firm is required to provide one bi-annual NBIS inspection for each bridge over a two (2) year period and other services related to NBIS bridge safety inspection. The firm will provide updated inspection reports. The report will include an inspection summary, field inspection Form D-450, updated BMS coding sheets and maintenance recommendations.

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 firm submitting letters of interest:

- a) Capabilities of the proposed teams to address the bridge inspection, engineering evaluations and recommendations, and related aspects identified in the advertisement.
- b) Number of NBIS certified inspectors and inspection teams available for the agreement.
- c) Review of inspectors' resumes with emphasis on bridge inspection capabilities.
- d) Understanding of the Department's requirements, policies and specifications.
- e) Current bridge inspection workload.
- f) Past performance.

g) Internal procedures for cost containment and quality assurance.

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.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart up (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Andrew L. Warren, District Administrator
Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406-1525

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth (20th) day following the date of this notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. John Ferry, District 6-0, at (610) 205-6620.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
2. Identify the project manager.
3. Identify subconsultants, if any, including DBE/WBE, if required.
4. Identify key project staff.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-536. Filed for public inspection March 24, 2000, 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 Commission's 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 April 7 and 8, 2000, the Commission will consider designating or redesignating the following stream sections as waters subject to special fishing regulations under 58 Pa. Code Chapter 65:

58 Pa. Code § 65.1. Selective Harvest Program.

The Commission will consider redesignating the limits of the following water that is currently regulated and managed under the Selective Harvest Program:

County	Water on which located	Description
York	Codorus Creek	From the confluence with the West Branch of Codorus Creek downstream to the cable 0.5 mile downstream of T-374 (Hayrick Road), a distance of 3.1 miles.

This change, if approved by the Commission, will be effective upon publication in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.5. Catch-and-Release Areas.

The Commission will consider adding the following stream section to the list of Catch-and-Release Areas designated under 58 Pa. Code § 65.5:

County	Water on which located	Description
Clinton	Fishing Creek	From the upper bridge on SR 2002 downstream to a point 1.3 miles upstream of the lower SR 2002 bridge, a distance of 2.2 miles.

This change, if approved by the Commission, will be effective January 1, 2001.

58 Pa. Code § 65.7. Trophy Trout Program.

The Commission will consider removing the following stream section from the list of waters regulated and managed under the Trophy Trout Program:

County	Water on which located	Description
Clinton	Fishing Creek	From the upper bridge on SR 2002 downstream to a point 1.3 miles upstream of the lower SR 2002 bridge, a distance of 2.2 miles.

The Commission will consider redesignating the limits of the following water that is currently regulated and managed under the Trophy Trout Program:

County	Water on which located	Description
Clinton	Fishing Creek	From the private lane bridge at the Tylersville Fish Culture Station downstream to the upper bridge on SR 2002, a distance of 0.7 mile.
Clinton	Fishing Creek	From a point 1.3 miles upstream of the lower SR 2002 bridge to Flemings Bridge (SR 2004), a distance of 2.1 miles.

These changes, if approved by the Commission, will be effective January 1, 2001.

At this time, the Commission is soliciting public input concerning the above designations or redesignations. Persons with comments, objections or suggestions concerning the designations/redesignations 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 4 p.m. on April 5, 2000. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations @ fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 00-537. Filed for public inspection March 24, 2000, 9:00 a.m.]

Re-Opening of Fords Lake, Lackawanna County

On December 1, 1998, the Fish and Boat Commission (Commission) temporarily closed Fords Lake to all public access and use. Fords Lake, a 73-acre lake located 3 miles west of Clarks Summit in Lackawanna County, was closed to the public so that the Commission could draw down the lake to facilitate repairs to the dam.

Notice is hereby given that the repairs to the dam have been completed and Fords Lake is now open to the public.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 00-538. Filed for public inspection March 24, 2000, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, March 9, 2000, and took the following actions:

Regulations Approved:

Department of Public Welfare #14-466: Subsidized Child Day Care Eligibility (amends 55 Pa. Code Chapters 168 and 3040).

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
March 9, 2000

Department of Public Welfare—Subsidized Child Day Care Eligibility; Regulation No. 14-466

Order

On February 17, 2000, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapters 168 and 3040. The authority for this regulation is 62 P.S. §§ 201—211, 401—493 and 701—703, and 42 U.S.C.A. §§ 9858—9858q. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Department is expanding the opportunity for participation in the subsidized child day care program. It is increasing the initial income limits for a family's eligibility for subsidized child day care from 185 to 200% of the Federal Poverty Income Guidelines. The regulation also decreases certain co-payment levels, reduces income reporting requirements, and expands eligibility provisions for teen parents living in their parents' homes.

This regulation meets the criteria of the Regulatory Review Act.

Therefore, It Is Ordered That:

1. Regulation No. 14-466 from the Department of Public Welfare, as submitted to the Commission on February 17, 2000, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-539. Filed for public inspection March 24, 2000, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the

Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

Reg. No.	Agency/Title	Received
11-196	Insurance Department Valuation of Life Insurance Policies	3/15/00

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-540. Filed for public inspection March 24, 2000, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of Lok Weld Co. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 98-433(M); Doc. No. UT00-01-021

A hearing shall be held on April 25, 2000 at 10 a.m., in the Administrative Hearing Office, 901 North Seventh Street, Suite 200, Harrisburg, PA 17102. Joint stipulation of facts and documents will be filed with the Administrative Hearings Office on or before April 11, 2000. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance, or notices of intervention, if any, must be filed with the Acting Docket Clerk on or before April 11, 2000. Answers to petitions to intervene, if any, shall be filed on or before April 11, 2000 with the Administrative Hearings Office.

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. 00-541. Filed for public inspection March 24, 2000, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by ARC Brandywine, Inc.

ARC Brandywine, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Freedom Village of Brandywine, in Brandywine, PA. The initial filing was received on February 28, 2000, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act of June 18, 1984, P. L. 391, No. 82, as amended. Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the

Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by Fax (717) 787-8557, or by E-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-542. Filed for public inspection March 24, 2000, 9:00 a.m.]

Application for Voluntary Dissolution by Good Vision Plan

Good Vision Plan, a domestic health service plan, has submitted an application for approval to voluntarily surrender its Certificate of Authority and dissolve its charter. The filing was made under requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 *et seq.* Persons wishing to comment on the grounds of public or private interest concerning the dissolution, are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed, and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, 1311 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or by E-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-543. Filed for public inspection March 24, 2000, 9:00 a.m.]

Keystone Health Plan West

On March 9, 2000 Keystone Health Plan West submitted a small group filing to pool groups with 50 or fewer eligible employees as well as a method for groups with more than 50 eligible employees that are members of an Association. An effective date of July 1, 2000 is requested for this filing.

A copy of the filing is available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg and Pittsburgh Regional Offices.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-544. Filed for public inspection March 24, 2000, 9:00 a.m.]

Notice to Workers' Compensation Insurance Carriers

Insurance companies that write Workers' Compensation are required to report workers' compensation premium, loss and claim count information using 1999 Special Schedule "W." This information is to be reported to the Insurance Department (Department) and to the Pennsylvania Compensation Rating Bureau (PCRB). Authority for this call is contained in section 655 of the Insurance Company Law of 1921 (40 P.S. § 815).

Information to be reported by May 1, 2000 to the Department and the PCRB includes the following:

For calendar year 1999:

- Premiums—Written, Unearned, Earned
- Losses—Indemnity vs. Medical for Paid, Reserves (Case vs. Bulk & IBNR), Incurred
- Amounts added to premium to yield PCRB Standard Earned Premium at Designated Statistical Reporting Level
- Deductible adjustments to yield first dollar premiums and losses

For evaluations as of December 31, 1998 and December 31, 1999, policy year information for large deductible (that is, deductible > \$100,000) policies vs. all other policies including small deductible policies on a first dollar basis:

- Premiums—Earned
- Losses—Indemnity vs. Medical for Paid, Reserves (Case vs. Bulk & IBNR), Incurred
- Claim counts—Indemnity vs. Medical for Incurred, Closed with and without payments

Reports must be submitted in both a printed form and an electronic form. The forms for submission and preformatted Excel spreadsheets were mailed on March 15, 2000. The same information is also available at the Department's web site address, <http://www.insurance.state.pa.us>, under the "What's New" section.

Persons who have not received this information or have questions concerning information contained in this notice should contact Brenna Bafik, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, phone: (717) 783-2114 or e-mail: bbafik@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-545. Filed for public inspection March 24, 2000, 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 policy. 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). These administrative hearings will be held in the Insurance Department's Regional Office in Harris-

burg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Theodore and Elizabeth Lorah; file no. 00-280-00128; AAA Mid-Atlantic Insurance Company; doc. no. PH00-03-012; April 11, 2000 at 10 a.m.;

Appeal of Priscilla Rosenwald; file no. 00-280-00460; Erie Insurance Group; doc. no. PH00-03-008; April 12, 2000 at 10 a.m.;

Appeal of Martin Ortiz; file no. 00-188-00619; Reliance National Indemnity; doc. no. P00-03-011; April 13, 2000 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. 00-546. Filed for public inspection March 24, 2000, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Montgomery County, Wine and Spirits Shoppe # 4621, Broad Axe, PA.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space within a 1 mile radius of the intersection of Butler

Pike and Skippack Pike (Route # 73).

Proposals due: April 14, 2000 at noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert J. Jolly, (215) 482-9670

The following Liquor Control Board leases will expire:

Philadelphia County, Wine and Spirits Shoppe # 5179, 6151 Ridge Avenue, Philadelphia, PA 19128-2627.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 3,500 to 4,500 net useable square feet of new or existing retail commercial space on Ridge Avenue between Martin and Leverington Streets, Philadelphia.

Proposals due: April 14, 2000 at noon

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113.
Contact: Robert J. Jolly, (215) 482-9670

Allegheny County, Wine and Spirits Shoppe # 0283, 1632 Pacific Avenue, Natrona Heights, PA 15065-2195.

Lease Expiration Date: April 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 3,200 net useable square feet of new or existing retail commercial space in a shopping center environment serving the Central Natrona Heights area in Allegheny County.

Proposals due: April 14, 2000 at noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Thomas Deal, (412) 565-5130

Armstrong County, Wine and Spirits Shoppe # 0307, 206 North Warren Avenue, Apollo, PA 15613-1130.

Lease Expiration Date: April 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space serving the Apollo area in Armstrong County.

Proposals due: April 14, 2000 at noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Thomas Deal, (412) 565-5130

Butler County, Wine and Spirits Shoppe # 1005, 1101 North Main Street, Butler, PA 16001-1944.

Lease Expiration Date: April 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 2,800 net useable square feet of new or existing retail commercial space in a shopping center environment on PA Route 8 North of US Route 422 and Butler.

Proposals due: April 14, 2000 at noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Jefferson County, Wine and Spirits Shoppe # 3305, 410 Main Street, Reynoldsville, PA 15851-1251.

Lease Expiration Date: April 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 1,600 net useable square feet of new or existing retail commercial space on Main Street in downtown Reynoldsville.

Proposals due: April 14, 2000 at noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Northampton County, Wine and Spirits Shoppe # 4803, 1375 Blue Valley Drive, Pen Argyl, PA 18072-1815.

Lease Expiration Date: February 28, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 2,300 net useable square feet of new or existing retail commercial space within the communities of Bangor or Pen Argyl.

Proposals due: April 14, 2000 at noon

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 00-547. Filed for public inspection March 24, 2000, 9:00 a.m.]

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Public Meetings and Availability of Draft Regulations

Prohibition of Nonessential Water Uses in a Commonwealth Drought Emergency Area, Local Water Rationing Plans, Philadelphia Drought Water Emergency Plan and Reductions of Major Water Use in the Delaware River Basin Drought Emergency Area

The Pennsylvania Emergency Management Agency (PEMA or Agency), in cooperation with the Department of Environmental Protection (DEP or Department), will hold public meetings to describe revisions it recommends be made to the drought emergency regulations found at 4 Pa. Code, Chapters 118, 119, 119a and 120. The draft revisions were developed based upon experience during

droughts in the past decade, and particularly the recent drought of 1998-99. In addition to revising Chapters 118, 119 and 120, the Agency is proposing to eliminate Chapter 119a, which applies specifically to the City of Philadelphia, and to incorporate the applicable provisions of Chapter 119a into Chapter 119.

A. Public Meetings

The Agency, in cooperation with the Department, will hold an informational meeting for the purpose of discussing the regulation revisions at the following locations, starting at 7:00 p.m.:

Wednesday, April 5, 2000
 Second Floor Auditorium
 Rachel Carson State Office Building
 400 Market Street
 Harrisburg, PA

Thursday, April 6, 2000
 Bethlehem Town Hall
 10 East Church Street
 Bethlehem, PA

Tuesday, April 18, 2000
 Department of Environmental Protection
 Southwest Regional Office
 400 Waterfront Drive
 Pittsburgh, PA

Persons with a disability in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Marilyn Keifer at (717) 772-4048, or through the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Agency may accommodate their needs.

B. Notice of Availability of Draft Regulations

Copies of the draft revised regulations are available from Robin Snyder at (717) 651-2224. The draft revisions are available electronically on the PEMA web site at <http://www.pema.state.pa.us> and on the DEP web site <http://www.dep.state.pa.us> by choosing "Subjects", then "Drought Information" and clicking on "Draft Revisions."

Written comments should be addressed to Mark Goodwin, Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110. Comments will not be accepted by facsimile. Comments must be received by April 30, 2000. A subject heading of the proposal and a return name and address must be included in each letter.

C. Background of the Draft Revisions to Drought Emergency Regulations

Introduction

The drought experience of 1998-99 offered insight into many ways in which the drought emergency regulations found at Chapters 118, 119, 119a and 120 have become outdated with the passage of nearly 20 years since they were initially written and nearly 10 years since they were last revised. Technology and social trends have advanced in ways that earlier drafters of the regulations could not have envisioned. As an example, irrigation practices have advanced with new technologies, and it may now be more efficient to irrigate with automated irrigation systems than to water with a hand-held hose in many cases.

Overall, our experience has also shown us the potential for more efficient ways to manage water use during drought emergencies. Experience has shown, for example, that a permanent Commonwealth Drought Coordinator, with authority to approve drought plans prior to a

drought, rather than during an emergency, would enable the Emergency Management Council to focus more closely on drought emergency operations, and at the same time provide for more meaningful reductions in and more efficient use of available water resources.

The proposed revisions will move the Commonwealth toward full-time drought preparedness and management. Implementation of actual emergency provisions of the regulations, including the nonessential water use bans, will only be effective during a declared emergency and within the declared emergency area, as before. However, the revised regulations will be effective at all times, rather than only during declared drought emergencies. They will also be effective Statewide, rather than only in the declared emergency area. This will enable the designation of a permanent Commonwealth Drought Coordinator (CDC) within the Department of Environmental Protection. It will authorize the CDC to receive and approve drought management plans on an ongoing basis from water users across the Commonwealth, thus allowing more opportunity to provide education and technical assistance to water users to guide them in the development of their individual drought plans. It will also allow more time for the CDC and Department staff to adequately review plans and to approve them prior to an actual emergency. This is in concert with new provisions in the regulations that require certain classes of water users, such as golf courses, to operate according to an approved plan during an emergency.

Chapter 118

The Chapter 118 regulations were originally written to apply only to the Delaware River Basin portion of the Commonwealth. References to the Delaware River Basin are being removed from the regulations in order to make them applicable Statewide. Many of the activities involved in submittal and review of drought contingency plans, as required by the regulations, included duplications of effort by both PEMA and the CDC. To the extent practicable, references to PEMA with regard to those activities are being removed from the regulations, and authority and responsibility for those activities are being delegated to the CDC, as agent for PEMA. In a similar manner, the current authorities and responsibilities of the Emergency Management Council in the appeal process, are being assigned to PEMA and further delegated to the extent practicable to the Public Utility Commission's administrative law judges or others.

Chapter 119

Chapter 119 contains the bans on nonessential water use, which are effective during a declared drought emergency. Many revisions are being proposed in Chapter 119. As in Chapter 118, to the extent practicable, responsibilities and authorities are being assigned from the Council to PEMA and delegated from PEMA to the CDC. These procedures again affect plan or variance submissions, reviews, approvals and appeals.

The effective emergency area is being expanded to include the complete service area of any public water supply agency whose source of water is located in the declared emergency area. This will eliminate problems experienced previously when public water supply service areas extended beyond an emergency county into a non-emergency county with the result that only a part of the service area was subject to emergency restrictions. In another effort to address public water supply inequities, the revisions provide that a public water supply agency whose sources are not in jeopardy, although located

within a declared emergency county, may request a variance from the nonessential use bans, if the agency is following a drought contingency plan that was approved by the CDC within the previous 3 years.

Definitions have been added or revised to clarify the meanings of athletic field, effective conservation, irrigation contractor, newly seeded and sodded grass, paved surface, and professional landscaper.

A new section is added to specifically address athletic fields, which were previously considered part of the "lawn" section. Regulations are provided separately for normal athletic fields and sand-based fields, because the sand-based fields (similar to golf greens) require more frequent and greater quantities of watering. Irrigation of sand-based fields will require metering and reporting and must be done according to a plan approved by the CDC. Normal athletic fields will be limited to watering one time per week; while sand-based fields will be limited to one and a half inches of water per week.

The golf course regulations have been completely rewritten. As with the sand-based athletic fields, irrigation of golf courses will require metering and reporting and must be done according to a plan approved by the CDC. The golf courses will be required to reduce their watering to 70% of the average daily quantity of water used, by month, in the previous 5 years, within lower and upper limits.

The grass and landscape/nursery sections of the regulations are being modified primarily to recognize the efficiencies in using automated irrigation systems, compared to the "hand-held bucket and hose" techniques allowed in the current regulations.

Recirculating fountains will be allowed to continue operating, until the water evaporates. Fountains or waterfalls necessary to sustain fish life will be allowed to operate; water will be allowed to be used to replenish fish ponds and water gardens to sustain fish and aquatic life.

Revisions in the mobile equipment and paved surface sections recognize the need to wash equipment or areas related to food vending and hauling. The use of a hand-held hose with automatic shutoff nozzle will be allowed, up to 2 minutes, for washing personal cars, recognizing that this will generally require less water than the "bucket" method allowed in the current regulations.

The fire hydrant regulations previously contained in Chapter 119a are being incorporated into Chapter 119; while Chapter 119a, which dealt specifically with Philadelphia, is being eliminated.

Chapter 119a

This chapter, which applies specifically to Philadelphia, is being eliminated and the section on fire hydrants is being incorporated into Chapter 119, as indicated above.

Chapter 120

This chapter applies solely to public and municipal water supply systems and allows either the municipality or the water supply agency to institute water rationing if the bans on nonessential water uses effected through Chapter 119 are insufficient to protect local water supplies. The suggested revisions to this chapter are primarily procedural in nature, some of them reflecting the proposed assignments and delegations of authority from the Council and/or PEMA to PEMA and/or the CDC. Again, the appeal processes reflect the intended use of Public Utility Commission administrative law judges as

hearing officers. In addition, procedures for amendment or repeal of an implemented rationing plan are being simplified.

DAVID L. SMITH,
Director

[Pa.B. Doc. No. 00-548. Filed for public inspection March 24, 2000, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before April 17, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00116672. Harriett V. Atkerson, t/d/b/a Capri Travel Agency (6523 North Park Avenue, Philadelphia, Philadelphia County, PA 19126)—persons in paratransit service: (1) from points in the city and county of Philadelphia, to all state correctional institutions located in Pennsylvania, and return; and (2) from the city and county of Philadelphia, to the Philadelphia International airport located in the city and county of Philadelphia and the township of Tinicum, Delaware County, and vice versa.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00110429, Folder 2. Donald W. Lemon (Box 63, Mt. Morris, Greene County, PA 15349), additional right—persons, in group and party service, using vehicles seating 15 passengers or less, including the driver, between points in the counties of Greene and Fayette, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

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-00114310, Folder 1, Am-B. Beninati Transport Corporation (220 Hemlock Road, Trafford, Westmoreland County, PA 15085), inter alia—persons in limousine service, between points in the counties of Armstrong,

Washington and Fayette, and from points in said counties, to points in the counties of Allegheny and Somerset, and the borough of Murraysville, Westmoreland County, and return: *So as to permit* the transportation of persons in limousine service: (1) between points in the counties of Westmoreland, Butler, Armstrong and Indiana, and from points in said counties, to points in Pennsylvania, and return; and (2) from points in the county of Allegheny, to other points in Pennsylvania, and return; subject to the following conditions: (A) that no right, power or privilege is granted to provide service for funeral homes or to transport persons attending funerals; (B) that no right, power or privilege is granted to provide service from points in Allegheny County, to points in Butler County; and (C) that no right, power or privilege is granted to transport persons to or from the Pittsburgh International Airport located in the county of Allegheny, and to or from the Westmoreland County Airport located in the county of Westmoreland.

A-00115183, Folder 1, Am-B Plymouth Taxi, Inc. (203 East Main Street, Plymouth, Luzerne County, PA 18351), a corporation of the Commonwealth of Pennsylvania, inter alia—persons, upon call or demand in the boroughs of Plymouth and Larksville and the township of Plymouth, Luzerne County: *So as to permit* the transportation of persons, upon call or demand, in the borough of Plymouth, Luzerne County, and within an airline distance of 15 statute miles of the limits thereof. *Attorney:* Leonard R. Omolecki, Jr., 792 Market Street, Kingston, PA 18704.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. JB Logistics, LLC;
Doc. No. A-00114516C9901

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That JB Logistics, LLC, respondent, maintains a principal place of business at 2039 Northampton Street, Easton, PA 18042.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00114516.
3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.
4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.
5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by JB Logistics, LLC at Docket No. A-00114516, for failure to maintain current evidence of insurance on file with the Commission.

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 to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 PA Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (10) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be

filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-549. Filed for public inspection March 24, 2000, 9:00 a.m.]

Telecommunications

A-310824F0002. United Telephone Company of Pennsylvania d/b/a Sprint and DSLnet Communication, LLC. Joint Application of the United Telephone Company of Pennsylvania d/b/a Sprint and DSLnet Communication, LLC for approval of a master interconnection and resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and DSLnet Communication, LLC, by its counsel, filed on March 14, 2000, at the Pennsylvania Public Utility Commission, a joint petition for approval of a master interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone of Pennsylvania d/b/a Sprint and DSLnet Communication, LLC, Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-550. Filed for public inspection March 24, 2000, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide

Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

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

Commodities

8250710 Van, Passenger, per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1448229 Water oxygenation/degassing devices and accessories. For a copy of the bid package fax request to (717) 787-0725.

Department: Fish and Boat Commission
Location: State College, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

8176730 2000 aeronautical chart. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: New Cumberland, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1471359 SCBA units per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

comm 83-99 25 ea., Radio Headset Stinger, 25 ea., Interface for Saber Radios, 25 ea., PTT Interface 7, 25 ea., Velcro Straps. The above to be telex no substitute.

Department: State Police
Location: Pennsylvania State Police, Communications Div., 20th and Herr Streets, Harrisburg, PA 17110
Duration: June 30, 2000
Contact: Robert D. Stare, (717) 705-5921

1468389 Reward aquatic herbicide. For a copy of the bid package fax request to (717) 787-0725.

Department: Conservation and Natural Resources
Location: Grantville, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

8249890 Mack EM6-300L diesel engine parts. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

8188020 Sample Bags per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

7509-99-0072 Reese button holer, 101-030af cb/ca r re.

Department: Corrections
Location: Correctional Industries SCI Smithfield, 1120 Pike Street, Huntingdon, PA 16654
Duration: 1 year
Contact: MaryAnn Ulrich, (717) 731-7134

1390119 Furnish, set-up, make operational and provide training for x-ray security screening system. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Various
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1457139 Provide all equipment, material, engineering and labor necessary to furnish and install an electronic copper and silver ionization for legionella disinfection. For a copy of the bid package fax request to (717) 787-0725.

Department: Public Welfare
Location: Pittsburgh, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1450229 Water oxygenation/degassing devices and accessories. For a copy of the bid package fax request to (717) 787-0725.

Department: Fish and Boat Commission
Location: Bellefonte, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1414389 Hydraulic excavator. For a copy of the bid package fax request to (717) 787-0725.

Department: Conservation and Natural Resources
Location: Wellsboro, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1454079 Smoke detectors. For a copy of the bid package fax request to (717) 787-0725.

Department: Health
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1415229 Boats, Model Tournament 192. For a copy of the bid package fax request to (717) 787-0725.

Department: Fish and Boat Commission
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1451229 Water oxygenation/degassing devices and accessories. For a copy of the bid package fax request to (717) 787-0725.

Department: Fish and Boat Commission
Location: Bellefonte, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1000-12343 Following are supplies to be used with a photo-imaging system. UltraCard III PVC/Polyester Cards—30 mil with 40% polyester core part No. 81763 Fargo UltraCard PVC Cards—10 mil with adhesive backing part No. 81759 Fargo UltraCard PVC Cards—10 mil part No. 81758 Fargo PolyGuard 1.0 mil Overlaminates part No. 81789 Fargo Cleaning Kits part No. 81518 Fargo Dye-sublimation ribbons—full color part No. 81740 Fargo.

Department: Corrections
Location: Department of Corrections MIS/John Shutika, 55 Utley Drive, Camp Hill, PA 17011
Duration: Indeterminate 1999—2000
Contact: Linda Malinak, (717) 975-4931

73200-99-43 Sewing Machines: 1 each Union Special Model 39500 SD 1/8 Blindstitch Hemmer. 3 each Juki Model 3704 OD6-500 Overlock Machine.

Department: Corrections
Location: Correctional Industries, State Correctional Inst., Dallas, PA 18612
Duration: FY 99
Contact: Joseph P. Kanjorski, (570) 773-2158, Ext. 560

73100-99-164 Model 72SNM-VHS Tape Edge Table Mounted with a Consew 227 Sewing Head, Lockstitch, Cylindrical Bed Machine.

Department: Corrections
Location: Correctional Industries, State Correctional Inst., Dallas, PA 18612
Duration: FY 99
Contact: Joseph P. Kanjorski, (570) 773-2158, Ext. 560

X9731 Provide 112 cases of disposable U-cups, 120 ml, ph, 500/case.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: Need by May 31, 2000
Contact: Dawn Levarto, (717) 787-9645

LBLA004/H-28 Housekeeping Carts—Coated Cart with Locking Door and Thumb Latch System. Size: 37-1/2"L x 20-1/2"W x 39"H. Nylon Bags and ABS Liners. Estimated Number of Carts is 40. Please fax the request to Becky J. Clapper at (814) 696-5395.

Department: Military Affairs
Location: Hollidaysburg Veterans Home, Rt. 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319
Duration: One-Time Purchase Only
Contact: Becky J. Clapper, Purchasing Agent III, (814) 696-5210

SERVICES

Agricultural Services—02

E4781-4790 Wildfire wire fire broom Shovel, Forest Fire (True Temper BFG Firefighting) Swedish Safety Brush Ax, single bit, 3 1/2 lb. head, 30" hickory handle (Snow and Neally Single Bit) Dip Torch, wildfire, 1 1/4 ga.

Department: Conservation and Natural Resources
Location: Harrisburg, PA
Duration: April 30, 2000
Contact: Deborah J. Kauffman, (717) 783-1896

Audio/Video—04

1104800010 Contractor will provide maintenance and repair service to the Harris 20/20 Telephone System at the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Frackville, PA. Vendors to request bid package by US mail or by fax at (570) 621-3096 to the attention of the purchasing agent.

Department: Corrections
Location: State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932
Duration: For the period July 1, 2000 to June 30, 2003
Contact: Ann M. Gavala, Purchasing Agent, (570) 773-2158, Ext. 422

739670 Hasselblad system: 1 each 50mm FE Lens, 80mm FE Lens, 150mm FE Lens, 503 Camera Body, PME-51 Finder. Items to be bid in a "Lump Sum." Call for bid package to be mailed.

Department: General Services
Location: Department of General Services, Commonwealth Media Services, Photo Division, 22nd and Forster Streets, 2nd Floor, Harrisburg, PA 17125
Duration: Indeterminate 1999—2000
Contact: Sandra K. Geesey/Don Constance, (717) 787-2095

Construction and Maintenance—09

519906 PennDOT seeks bidders to install approximately 35 in-pavement traffic monitoring sites throughout the Commonwealth of Pennsylvania, and to provide required maintenance and protection for these installations.

Department: Transportation
Location: Various locations within the Commonwealth of Pennsylvania
Duration: One year
Contact: Tom Reindollar, (717) 787-2187

FDC-410-682 Renovations to an office building, day use restroom, swimming pool building and marina fishing pier to improve ADA accessibility. Work includes bituminous paving, carpentry, caulking, skylight, carpet, painting and staining, bathroom partition, plumbing and electrical work. Project is at Neshaminy State Park in Bucks County. Note: Bid documents will be available on or after March 27, 2000.

Department: Conservation and Natural Resources
Location: Ben Salem Township
Duration: 90 days
Contact: Construction Management Section, (717) 787-5055

015DGS1103-40EN2 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Work will include the installation of brickwork, limestone and granite panels for the project. Contractor will also be required to provide scaffolding, protected pedestrian walkways and other required items for the duration of this contract. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$1,000,000 to \$2,000,000. Masonry Construction. Plans Deposit: \$200 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15202-1004, Attn: Scott Womack, Tel: (412) 788-1500. Bid Date: Wednesday, April 19, 2000 at 11 a.m. A Prebid Conference has been scheduled for Thursday, April 13, 2000 at 1:30 p.m. Meet at 3400 Forbes Avenue, Pittsburgh, PA (Eureka Building). Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny, PA
Duration: 376 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-303-716 Realignment of golf cart path; placement of gabion basket wall and removal of existing bridge abutments and wall; and construct an earthen berm to control run-off. Project is at the golf course in Caledonia State Park, Adams and Franklin County. Note: Bid documents will be available on or after March 27, 2000.

Department: Conservation and Natural Resources
Location: Franklin Township, Adams County and Greene Township, Franklin County
Duration: 45 days
Contact: Construction Management Section, (717) 787-5055

FDC-300-629 Replace doors and windows and place stucco over exterior of office and manager's residence, and construct a breezeway for the main entrance to the regional office in Shawnee State Park, Bedford County. Note: Bid documents will be available on or after March 29, 2000.

Department: Conservation and Natural Resources
Location: Napier Township
Duration: 90 days
Contact: Construction Management Section, (717) 787-5055

FDC-313-627 Replace the built-up roof on the water treatment plant and the pump buildings, with a new rubber roof at Shawnee State Park in Bedford County. Note: Bid documents will be available on or after March 27, 2000.

Department: Conservation and Natural Resources
Location: Napier Township
Duration: 90 days
Contact: Construction Management Section, (717) 787-5055

015DGS1103-40EN5 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Work will include the installation of aluminum windows, aluminum storefront and curtainwall systems. Work will include glass, glazing, spandrel glass, aluminum entrance doors and hardware, wood blocking for these items and additional related items. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$500,000 to \$1,000,000. Glass and Glazing Construction. Plans Deposit: \$200 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, April 19, 2000, at 11 a.m. A Prebid Conference has been scheduled for Thursday, April 13, 2000 at 1:30 p.m. Meet at 3400 Forbes Avenue, Pittsburgh, PA (Eureka Building). Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 465 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-205-558 Replace flat/shed type roofs on contact station, sewage plant and water plant with new gable type roofs. Project is at Keystone State Park in Westmoreland County. Note: Bid documents will be available on or after March 29, 2000.

Department: Conservation and Natural Resources
Location: Derry Township
Duration: 120 days
Contact: Construction Management Section, (717) 787-5055

YFC No. 2 Relocate, install and secure existing propane tanks onto new concrete pads, enclosed with steel bollards where required.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: July 1, 1999—June 30, 2000
Contact: Susan E. Wilkinson, (570) 443-9524

FDC-133-596 Modification of existing restrooms at the winter boat launch area and Schenck's Grove picnic area to meet ADA standard (includes walkways, fountains, grills, picnic pads and ADA parking). Project is at Bald Eagle State Park in Centre County. Note: Bid documents will be available on or after March 29, 2000.

Department: Conservation and Natural Resources
Location: Howard Township
Duration: 60 days
Contact: Construction Management Section, (717) 787-5055

015DGS1103-40EN4 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Work will include the installation of a single-ply, fully adhered roof membrane over insulation. Contract also includes the installation of all wood blocking, metal wall capping and gravelstops, as well as additional roofing items. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$100,000 to \$500,000. Roofing Construction. Plans Deposit: \$200 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004. Tel: (412) 788-1500. Bid Date: Wednesday, April 19, 2000 at 11 a.m. A Prebid Conference has been scheduled for Thursday, April 13, 2000 at 1:30 p.m. Meet at 3400 Forbes Avenue, Pittsburgh, PA (Eureka Building). Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured contract documents are invited and strongly urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 381 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

YFC No. 2 To clear, pave and fence-in the parking area. Clear the ground in the area to be paved, install required base material and bituminous pavement, and construct a security fence around the area.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: July 1, 1999—June 30, 2000
Contact: Susan E. Wilkinson, (570) 443-9524

015DGS1103-40EN3 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Work will include the installation of light gage structural metal framing, exterior sheathing, hollow metal doors and frames and other required items of work on the project. As the Lead Contractor you will be required to relocate the existing site fence along Forbes, maintain all of the site fencing, provide temporary water, power and other items of general construction work for the duration of this contract. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$1,000,000 to \$2,000,000. Exterior General Construction—Lead. Plans Deposit: \$200 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to this office listed. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004. Tel: (412) 788-1500. Bid Date: Wednesday, April 19, 2000 at 11 a.m. A Prebid Conference has been scheduled for Thursday, April 13, 2000 at 1:30 p.m. Meet at 3400 Forbes Avenue, Pittsburgh, PA (Eureka Building). Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 496 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS970-145 Project Title: Roof Replacement. Brief Description: Remove existing roof system, fascia, gutters, downspouts and insulation down to existing deck. Replace with new standing seam metal roofing system, 3.5 batt insulation, snow guards, fascia, gutters, downspouts and accessories. Estimated Range: \$100,000 to \$500,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, April 12, 2000 at 2 p.m.

Department: General Services
Location: Carlisle National Guard Armory Building, Carlisle, Cumberland County, PA
Duration: 120 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS1103-40EN1 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Installation of cast-in place concrete on raised metal deck construction. Contractor is responsible for concrete fill in all metal stairs and landings in the entire building. Work includes the setting of sleeves, coordination of other imbedded items and some exterior slab-on-grade concrete flatwork and stairs. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$500,000 to \$1,000,000. Concrete Flatwork Construction. Plans Deposit: \$200 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Attn: Scott Womack. Tel: (412) 788-1500. Bid Date: Wednesday, April 19, 2000 at 11 a.m. A Prebid Conference has been scheduled for Thursday, April 13, 2000 at 1:30 p.m. Meet at 3400 Forbes Avenue, Pittsburgh, PA (Eureka Building). Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 262 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS208-12 Project Title: Emergency Generator Replacement. Brief Description: Provide standby generator to serve all building systems. Estimated Range: Under \$100,000. Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, April 19, 2000 at 1 p.m.

Department: General Services
Location: Pennsylvania State Police Headquarters, Hazleton, Luzerne County, PA
Duration: 140 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

Contracting for Demolition and/or Removal of Structures. The Department of Transportation is seeking bids for the Demolition and/or Removal of certain Residential and Commercial structures in conjunction with the construction of SR 222, Sections 001/002 in the County of Lehigh, Townships of Upper Macungie and Lower Macungie. There is asbestos in some or all of the structures. The bidding will be open to the pre-qualified contractors only. For Bid Forms, date of inspections, specifications and further information contact: Presnell Associates, Inc., 5930 Hamilton Blvd., Suite 6, Wescosville, PA 18106.

Department: Transportation
Location: Presnell Associates Inc., 5930 Hamilton Blvd., Suite 6, Wescosville, PA 18106
Duration: As specified in contract
Contact: David Eckhardt, (610) 336-4840

90881073 Bituminous Resurfacing of Basketball Court and Roadway to include storm drainage along Buildings No. 15 and 16 located at the Loysville Youth Development Center, Perry County. Complete specifications will be mailed with bid.

Department: Public Welfare
Location: Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047
Duration: Anticipated start date of March 15, 2000 thru June 30, 2000.
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

015DGS960-53 Project Title: Construction of Addition to Coates Hall Building for use as a Dietary Facility. Brief Description: New dietary addition includes a kitchen, dining room, loading/receiving and storage. General, HVAC, Plumbing, Electrical and Food Service Equipment construction contracts are included. Estimated Range: \$2,000,000 to \$5,000,000. General, HVAC, Plumbing, Electrical and Food Service Equipment. Plans Deposit: \$200 per set payable to: BBLM Architects. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail requests to: BBLM Architects, 924 Cherry Street, Philadelphia, PA 19107. Tel: (215) 625-2500. Bid Date: Wednesday, April 12, 2000 at 1 p.m. A Prebid Conference has been scheduled for Tuesday, March 28, 2000, at 1 p.m. at Southeastern PA Veterans' Center, Multi-Purpose Room No. 147, Spring City, PA. Contact: Tom Schmidt, Tel: (610) 948-2430. For Questions about project, Contact: Laura Strychalski, at BBLM Architects, Tel: (215) 625-2500. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Southeastern PA Veterans' Home, Spring City, Chester County, PA
Duration: 350 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS960-54 Project Title: Expand Parking Facilities. Brief Description: Work consists of site grading, bituminous paving, landscaping and lighting for a new parking lot. Estimated Range: \$100,000 to \$500,000. General and Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, April 12, 2000 at 1 p.m.

Department: General Services
Location: Southeastern PA Veterans' Home, Spring City, Chester County, PA
Duration: 90 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-3923

90881072 Replace exterior doors and frames located at the Southeast Secure Treatment Unit. Complete specifications will be mailed with bid.

Department: Public Welfare
Location: Southeast Secure Treatment Unit, 1824 West Strasburg Road, West Chester, PA 19382
Duration: Anticipated start date of March 15, 2000 thru June 30, 2000
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

ESU 405-638 Replace Cooling Towers at Stroud Hall. HVAC \$25K, Electrical \$10K. Removal and replacement of cooling towers. Call (570) 421-2025 for Bid Package. Send \$25 nonrefundable to STRUNK-ALBERT, R. D. 5, Box 5198B, East Stroudsburg, PA 18301. Prebid April 5, 2000. Bid opens April 26, 2000. For special accommodations call Ann Zaffuto at (570) 422-3595. All responsible firms are invited.

Department: State System of Higher Education
Location: East Stroudsburg University, East Stroudsburg, PA 18301
Duration: 150 days ANP
Contact: Strunk-Albert, (570) 421-2025

015DGS970-140 Project Title: Roof Replacement. Brief Description: Remove existing ballast, membrane roofing and insulation down to existing gypsum deck. Install new insulation, membrane roofing system and flashing. (replace 15% of decking. Estimated Range: \$100,000 to \$500,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, April 5, 2000 at 1 p.m.

Department: General Services
Location: Reading National Guard Armory Building, Reading, Berks County, PA
Duration: 120 Calendar Days from the Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS251-457 Project Title: Replace Existing HVAC System. Brief Description: Remove existing heating and cooling systems and install new natural gas heating and HVAC systems. Remove asbestos in specified areas of the building. Install new electric panels and circuits for new heating and HVAC systems. Estimated Range: \$100,000 to \$500,000. HVAC, Electrical and Asbestos Abatement Construction. Plans Deposit: \$25 per set payable to Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, April 12, 2000 at 1 p.m. A Prebid Conference has been scheduled for Thursday, March 30, 2000 at 10 a.m. at PennDOT Maintenance Building, Easton Northampton County, PA. Contact: Glenn Harshberger, Tel: (717) 787-5309. For directions call Ron King, tel: (610) 250-1846. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: PennDOT Maintenance Building, Easton, Northampton County, PA
Duration: 150 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

FM0163 Replace exterior door with transom at the PennDOT Maintenance Building, District 6-3, Bortondale, Delaware County, PA. To obtain a copy of this bid package, please fax the following information to Vikki Mahoney at (717) 783-7971. Contract No. FM0163 Company Name; Company Contact Name; Address; Telephone Number and Fax Number.

Department: Transportation
Location: PennDOT Maintenance Building, District 6-3, Bortondale, Delaware County, PA
Duration: 120 calendar days
Contact: Vikki Mahoney, (717) 787-7001

FM0083 ADA renovation of offices and restroom at the PennDOT Maintenance Building, Kittanning, Armstrong County, PA. To obtain a copy of this bid package, please fax the following information to Vikki Mahoney at (717) 783-7971. Contract No. FM0083 Company Name; Company Contact Name; Address; Telephone Number and Fax Number.

Department: Transportation
Location: PennDOT Maintenance Building, Kittanning, Armstrong County, PA
Duration: 120 calendar days
Contact: Vikki Mahoney, (717) 787-7001

FM0038 Replace windows and doors at the PennDOT Maintenance Building, Somerset, Somerset County, PA. To obtain a copy of this bid package, please fax the following information to Vikki Mahoney at (717) 783-7971. Contract No. FM0038 Company Name; Company Contact Name; Address; Telephone Number and Fax Number.

Department: Transportation
Location: PennDOT Maintenance Building K, Route 601, North Somerset, Somerset County, PA
Duration: 120 calendar days
Contact: Vikki Mahoney, (717) 787-7001

Engineering Services—14

08430AG2525 To perform NBIS bridge safety inspection for 384 designated bridges on the State Highway System in Chester County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 6-0
Duration: 30 Months
Contact: N/A

08430AG2524 Open-End Contract to provide supplemental construction inspection staff of approximately 15 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services in Engineering District 4-0, that is Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 4-0
Duration: 60 Months
Contact: N/A

08430AG2523 A multi-phase, specific project agreement to perform environmental studies and preliminary engineering, final design and services during construction for a new two lane highway from S. R. 1012 (Salem Road) in Archbald Borough to S. R. 0247 (T. R. 247) in Jessup Borough, Lackawanna County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 4-0
Duration: 36 Months
Contact: N/A

08430AG2522 To provide supplementary construction inspection staff for S. R. 6022, Section 005 and S. R. 0022, Section 011 in Huntingdon County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 9-0
Duration: 30 days after construction completion
Contact: N/A

Environmental Maintenance—15

AMD 07(4339)101.1 Acid Mine Drainage Abatement, Glenwhite Run involves approximately 8,720 tons AASHTO No. 3 limestone, 51,700 c.y. wetland construction and 2,800 c.y. spent mushroom substrate. This project will issue March 24, 2000; payment in the amount of \$15 must be received before bid documents will be sent. This project is financed by the Federal government.

Department: Environmental Protection
Location: Logan Township, Blair County
Duration: 190 calendar days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994

OSM 13(4069)102.1 Abandoned Mine Reclamation, Lansford Northeast involves approximately grading 1,410,500 c.y. and seeding 93 acres. This project will issue March 24, 2000; payment in the amount of \$15 must be received before bid documents will be sent. This project is financed by the Federal government; funds are available from Pennsylvania's \$21.7 million 1999 AML grant.

Department: Environmental Protection
Location: Nesquehoning and Summit Hill, Carbon County
Duration: 650 calendar days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994

OSM 17(7052)101.1 Abandoned Mine Reclamation, Little Muddy Run North involves approximately 0 to 2,000 tons removal and disposal of solid waste, grading 107,500 c.y., 2,000 tons limestone screenings, 1,885 s.y. rock lining with filter material and seeding 17 acres. This project will issue March 24, 2000; payment in the amount of \$10 must be received before bid documents will be sent. This project is financed by the Federal government; funds are available from Pennsylvania's \$21.7 million 1999 AML grant.

Department: Environmental Protection
Location: Gulich Township, Clearfield County
Duration: 190 calendar days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994

OSM 40(3748)101.1 Backfill Strip Pits and Openings East Askam, involves approximately 540 tons backfilling mine openings, 185 c.y. class c cement concrete and grading 263,600 c.y. This project will issue March 24, 2000; payment in the amount of \$10 must be received before bid documents will be sent. This project is financed by the Federal government; funds are available from Pennsylvania's \$21.7 million 1999 AML grant.

Department: Environmental Protection
Location: Hanover Township, Luzerne County
Duration: \$150 calendar days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994

OSM 54(3648)101.1 Backfill Strip Pits, Blackwood West involves approximately 480,100 c.y. grading, 2,880 s.y. rock lining and seeding 74.7 acres. This project will issue March 24, 2000; payment in the amount of \$10 must be received before bid documents will be sent. This project is financed by the Federal government; funds are available from Pennsylvania's \$21.7 million 1999 AML grant.

Department: Environmental Protection
Location: Reilly Township, Schuylkill County
Duration: 440 calendar days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994

SP3598540104 Removal and disposal of approximately 200 dry tons of sludge from the Wildwood Acid Mine Drainage Treatment Plant in Hampton Township, Allegheny County.

Department: Environmental Protection
Location: Wildwood Acid Mine Drainage Treatment Plant, Wildwood Road, Wildwood, PA 15091
Duration: Completion Date: December 30, 2000
Contact: Phyllis Cocco, (814) 472-1800

Food—19

PB-00-05 Frozen Waffles—80,000 servings; Cheese Pizza—60,000 servings; Tater Tots—45,000 lbs.; Frozen Vegetables: Broccoli, Cuts and Spears—30,000 lbs; Brussel Sprouts—20,000 lbs; Cauliflower—30,000 lbs; Vegetable Blend, Italian—30,000 lbs. Quantities are estimates. To be bid out by the institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: July 1, 2000, through June 30, 2001
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, ext. 142

FS0007 Dairy Products—Oleomargarine, Cottage Cheese, American Cheese, Swiss Cheese, Ice Cream Sandwiches, Bars, Party Slices, Popsicles, Yogurt, 2% and Skim Milk and like items. Note: Quarterly and/or monthly bids and orders. Monthly and/or weekly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, PA 16823
Duration: 7-1-00 thru 6-30-01
Contact: Cheryl Crispell, PA 2, (814) 355-4874, ext. 206

FS0008 Eggs, Shell—Grade A, Medium, Class 1, Fresh. Note: Quarterly bids and orders. Weekly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, PA 16823
Duration: 7-1-00 thru 6-30-01
Contact: Cheryl Crispell, PA 2, (814) 355-4874, ext. 206

FS0009 Fresh Fruits and Vegetables—Bananas, Oranges, Grapefruit, Cantaloupes, Watermelon, Apples, Pears, Strawberries, Lettuce, Celery, Cabbage, Onions, Carrots, Potatoes, Peppers, Cucumbers, Tomatoes, Tangerines, Tofu and like items. Note: Monthly bids and orders. Weekly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, PA 16823
Duration: 7-1-00 thru 6-30-01
Contact: Cheryl Crispell, PA 2, (814) 355-4874, ext. 206

PB-00-01 Bread: 23 oz. loaves, 28 servable slices. No pork or pork by-products. White Bread—150,000 loaves, Wheat Bread—20,000 loaves. Quantities are estimated. To be bid out by the institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: July 1, 2000 through June 30, 2001
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, ext. 142

PB-00-02 Milk: 2% Butter Fat. Vitamin A and D Fortified, homogenized, half pint containers, 580,000 containers. Milk—Skim: Half pint containers, 20,000 containers. All milk to conform to Title 7, Pa. Code Chapter 50 of the Milk Sanitation and Standards. Quantities are estimates. To be bid out by the institution.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: July 1, 2000 through June 30, 2001
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, ext. 142

PB-00-04 Eggs: Shelled, Medium, Grade A, Class 1, 50,000 dozen; Eggs: Whole liquid, frozen 20,000 lbs. Quantities are estimates. To be bid out by the institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: July 1, 2000, through June 30, 2001
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, ext. 142

1509-03304 28mm Collagen casing for fresh products.

Department: Corrections
Location: 2500 Lisburn Road
Duration: One year 7/1/00 to 6/30/01
Contact: Beth Procopio, (717) 975-4960

PB-00-06 Clams: Frozen, 3,500 lbs; Crab Cakes: Maryland Style, frozen, 10,000 lbs. Quantities are estimates. To be bid out by the institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: July 1, 2000 through June 30, 2001
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, ext. 142

PB-00-07 Veal Patties—20,000 lbs; Beef Rib-B-Q—20,000 lbs; Beef Liver—10,000 lbs; Beef Frankfurters—20,000 lbs; Beef Sandwich Wafer Steaks—20,000 lbs; Meatballs—15,000 lbs; Salisbury Steaks—20,000 lbs; Beef Polish Sausage—15,000 lbs; Tavern Ham—5,000 lbs. Quantities are estimates. To be bid out by the Institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: July 1, 2000, through June 30, 2001
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, ext. 142

PB-00-08 Chicken Leg Quarters—90,000 lbs; Chicken Patties—20,000 lbs; Unbreaded Chicken or Turkey Fillet—10,000 lbs; Turkey Ham—10,000 lbs; Turkey Polska Kielbasa—20,000 lbs; Processed Turkey Breast—20,000 lbs.; Ground Turkey—25,000 lbs.; Turkey Thighs—25,000 lbs; Fresh Turkey Breast—3,500 lbs.; Turkey Bologna—4,000 lbs.; Smoked Turkey—4,000 lbs.; Poultry Salami—2,000 lbs.; Pickel and Pimento Poultry Loaf—2,000 lbs. Quantities are estimates. To be bid out by the institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: July 1, 2000, through June 30, 2001
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, Ext. 142

PB-99-09 Cabbage—80,000 lbs.; Carrots—60,000 lbs.; Celery—900 cs.; Cucumbers—22,000 lbs.; Lettuce, Salad Mix—52,000 lbs.; Onions—80,000 lbs.; Sweet Peppers—1,000 bushels; Tomatoes—1,500 cs.; Potatoes—325,000 lbs.; Apples—2,200 cs.; Bananas—40,000 lbs.; Grapefruit—1,000 cs.; Oranges—2,200 cs.; Baking Potatoes—48,000 lbs.; Mushrooms—5,000 lbs.; Cauliflower—5,000 lbs.; Broccoli—1,500 lbs.; Kale—1,440 lbs.; Watermelon—16,000 lbs.; Cantaloupes—4,400 ea.; and Fresh Corn—1,500 dz. Quantities are estimates. To be bid out by the institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: July 1, 2000, through June 30, 2001
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, ext. 142

FS0012 Seafood—Clams, Breaded and Unbreaded Haddock and Crab Cakes or like items. Note: Quarterly bids and orders. Monthly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Rt. 26, Bellefonte, PA 16823
Duration: 7-1-00 thru 6-30-01
Contact: Cheryl Crispell, PA 2, (814) 355-4874, ext. 206

FS0010 Miscellaneous Frozen Foods—Pizza, Veal Patties, Chicken Patties, French Fries, Broccoli Cuts, Brussels Sprouts, Cauliflower, Frozen Eggs, Waffles and like items. Note: Quarterly bids and orders. Monthly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Rt. 26, Bellefonte, PA 16823
Duration: 7-1-00 thru 6-30-01
Contact: Cheryl Crispell, PA 2, (814) 355-4874, ext. 206

FS0011 Poultry, Meats and Meat Products—Fresh turkey, Chicken legs and thighs, Chicken breasts, Turkey Roast, Large Bologna, Lebanon Bologna, Salami, Pullman Canned Ham, Beef and Turkey Franks, Beef Liver, Turkey Ham, Polish Sausage, Fresh Pork Sausage, Beef Sandwich Steaks, Rib-B-Q Beef, Diced Chicken and turkey and like items. Note: Quarterly bids and orders. Monthly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Rt. 26, Bellefonte, PA 16823
Duration: 7-1-00 thru 6-30-01
Contact: Cheryl Crispell, PA 2, (814) 355-4874, ext. 206

PB-00-03 Cheese: American—pre-sliced, 25,000 lbs.; Provolone—5,000 lbs.; Cottage Cheese—Low Fat (1%), small curds—2,000 lbs.; Margarine: Solid—30,000 lbs.; Red-dies—6,000 cs. Ice Cream: Neopolitan Slices, 85,000 servings Sherbert: Assorted flavors, 4 oz. cups, 85,000 each. Quantities are estimates. To be bid out by the institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: July 1, 2000, through June 30, 2001
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, ext. 142

863-99 Bread, Rolls, etc., various items for delivery July—Sept. 2000. For more detailed information, request bid proposal inquiry No. 863-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2000, through Sept. 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

868-99 Coffee Concentrate, for detailed specifications and information request bid proposal inquiry No. 868-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2000, through December 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

860-99 Meat and Meat Products, various items for delivery July—Sept. 2000. For more detailed information, request bid proposal inquiry No. 860-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2000, through Sept. 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

865-99 Fresh Vegetables and Fruits, various items for delivery July—Sept. 2000. For more detailed information, request bid proposal inquiry No. 865-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2000, through Sept. 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

859-99 Poultry and Poultry Products, various items for delivery July thru Sept. 2000. For detailed information, request bid proposal inquiry No. 859-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2000, through Sept. 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

867-99 Dairy Product, various items for delivery July—Sept. 2000. For more detailed information, request bid proposal inquiry No. 867-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2000, through Sept. 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

861-99 Miscellaneous Frozen Foods, various items for delivery July—Sept. 2000. For more detailed information, request bid proposal inquiry No. 861-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2000 through Sept. 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

862-99 Fresh Baked Goods, various items for delivery July 2000—Sept. 2000. For more detailed information, request bid proposal inquiry No. 862-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2000, through Sept. 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

864-99 Frozen Fruit and Vegetables, various items for delivery July—Sept. 2000. For more detailed information, request bid proposal inquiry No. 864-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2000 through Sept. 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

RFP-101-00 Request For Proposal for Food Management Services at the Capitol Restaurant and the new Keystone Restaurant in the Capitol Complex. Vendor to provide a variety of restaurant and catering services to the General Assembly, Commonwealth employees and the visiting public. The Capitol Restaurant does an excess of \$900,000 gross sales annually.

Department: General Services
Location: Capitol Restaurant—East Wing, Main Capitol Building, Harrisburg, PA. Keystone Restaurant—Forster and North Streets, Capitol Complex, Harrisburg, PA
Duration: July 1, 2000, through June 30, 2002 with three 1 year renewal options.
Contact: Faye Love-Kretz, (717) 787-6573

866-99 Beverages, various types for delivery July—Sept. 2000. For more detailed information, request bid proposal inquiry No. 866-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2000, through Sept. 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

Fuel Related Services—20

2-2-00039 Furnish and install five heavy duty vertical free standing 5,000 gallon polyethylene Magnesium/Calcium Tanks with site gauge and pump shelter. The Department of Transportation will prepare five sites with containment areas.

Department: Transportation
Location: P. O. Box 245, Corner of Washington Ave. and Hall Street, Hyde, PA 16843-0245
Duration: 06/01/00 thru 05/31/01
Contact: Debbie Swank or Jake Bacher, (814) 765-0524

Hazardous Material Services—21

1000-072 Qualified waste management firms to provide services to dispose of hazardous and residual wastes located at county waste storage sites and within roadway right-of-ways within the counties of Engineering District 10-0. Services include sampling and testing for identification, providing overpacks when necessary, loading, transporting and disposal. Requests to bid must be faxed to Diane Spence at (724) 357-2872. Service Bid/Contract forms with required attachments will be issued by PennDOT Engineering District Office 10-0 upon request.

Department: Transportation
Location: Armstrong, Butler, Clarion, Indiana and Jefferson Counties
Duration: One year with two 2-year renewals by mutual consent.
Contact: Diane Spence, (724) 357-7987

SU-99-00 Shippensburg University is seeking vendors interested in providing services to remove and dispose of asbestos containing materials and to re-insulate areas where asbestos has been removed. This service is to be provided at various locations on campus from approximately June 1, 2000, through May 31, 2001. All services to be provided will include proper air monitoring and compliance with all Federal, State and local regulations, including manifest disposal in EPA regulated landfills. Notification will be required. To be added to the bidders list please fax your request to (717) 477-4004. Attn: Pam King by April 7, 2000. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257.
Duration: June 1, 2000, through May 31, 2001
Contact: Pamela A. King, Purchasing Agent, (717) 477-1121

00676-000-99-Insurance Flood Damage Repair—Asbestos Removal—Thompson Neely House.—Removal and clean up of asbestos containing material throughout a historic structure. Work includes removing hazardous material in duct and pipe insulation, tiles and other material. For directions contact the Project Manager, Mark Heeb at (717) 787-7788. All interested bidders should submit a \$25 (non-refundable) check and a request for a bid package in writing to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120—Attention: Judi Yingling (717) 772-2401. All proposals are due on Wednesday, April 12, 2000 at 11:45 a.m. Bid opening will be held in Room 526, 5th Floor of the State Museum Building, corner of 3rd and North Streets, Harrisburg, PA 17120.

Department: Historical and Museum Commission
Location: Washington Crossing Historic Park, P. O. Box 103, Washington Crossing, PA 18977
Duration: 4-1-00 to 6-30-01
Contact: Judi Yingling, (717) 772-2401

HVAC—22

SP386207003 Sealed bids will be received at Dept. of Conservation and Natural Resources, Laurel Hill State Park Complex, 1454 Laurel Hill Park Road, Somerset, PA 15501-5629 and then publicly opened and read. A bid opening date has not yet been set. For Refrigeration Maintenance/Repair at Laurel Hill State Park Complex. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager, Laurel Hill State Park.

Department: Conservation and Natural Resources
Location: Dept. of Conservation and Natural Resources, Laurel Hill State Park Complex, 1454 Laurel Hill Park Road, Somerset, PA 15501-5629
Duration: July 1, 2000 to June 30, 2002
Contact: Laurel Hill State Park, (814) 445-7725

SP386207004 Sealed bids will be received at Dept. of Conservation and Natural Resources, Park Region No. 2, 195 Park Road, P. O. Box 387, Prospect, PA 16052-0387 and then publicly opened and read. A bid opening date has not yet been set. For Electrical Repair and/or Maintenance of the electrical equipment at Laurel Hill State Park Complex. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager, Laurel Hill State Park.

Department: Conservation and Natural Resources
Location: Dept. of Conservation and Natural Resources, Laurel Hill State Park Complex, 1454 Laurel Hill Park Road, Somerset, PA 15501-5629
Duration: July 1, 2000, to June 30, 2002
Contact: Laurel Hill State Park Complex, (814) 445-7725

SBC 1106000-001 The contractor shall provide preventative maintenance, inspections and repair, if required, for two existing generators and any others obtained during the contract period at the State Correctional Institution at Pittsburgh. Interested vendors can call John Murphy at (412) 761-1955 Ext. 251 for additional information.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Ave., P. O. Box 99901, Pittsburgh, PA 15233
Duration: July 1, 2000 to June 30, 2003
Contact: Carol Schaeffer/Purchasing Agent, (412) 761-1955, ext. 291

SP386210001 Sealed bids will be received at Dept. of Conservation and Natural Resources, Moraine State Park Complex, 225 Pleasant Valley Road, Portersville, PA 16051-9650 and then publicly opened and read. A bid opening date has not yet been set. For Electrical Repair and/or Maintenance of the electrical equipment at Moraine State Park Complex. 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: Dept. of Conservation and Natural Resources, Moraine State Park, 225 Pleasant Valley Road, Portersville, PA 16051-9650
Duration: July 1, 2000, to June 30, 2002
Contact: Moraine State Park, (724) 368-8811

1250-04 The Commonwealth is seeking price quotations for fire repairs or replacement in County Facility District 12-5, Greensburg, PA—Westmoreland County. The contract will be for 3 years with 1 year contracts and three renewal contracts will run from June to July yearly. Vendor must be able to supply 24 hour road service with maximum response time of 45 minutes from time of call.

Department: State
Location: PennDOT 12-5 Maintenance District 12-5, P. O. Box 189, Greensburg, PA 15601
Duration: One year with option of three renewals yearly
Contact: Barbara Smith, (724) 832-5387

90881071 Install a ventilation system for Bathrooms, Shower Rooms and 1st Floor Hallway located at the Southeast Secure Treatment Unit. Complete specifications will be mailed with bid.

Department: Public Welfare
Location: Southeast Secure Treatment Unit, 1824 West Strasburg Road, West Chester, PA 19382
Duration: Anticipated start date of 3/15/00 thru 6/30/00
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

90981032 Contractor is to provide all labor, materials, equipment, tools and supervision for the installation of an air-handling unit, complete with cooling condenser. Also involved is the installation and wiring of an electric heat coil, plus all connecting ductwork. Vendor is to call the YDC New Castle purchasing department for specifications, (724) 656-7310.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 17101
Duration: Undetermined
Contact: T. E. Meteja, PA, (724) 656-7310

YFC No. 2 Replace old, worn garage doors in the recreation and kitchen areas of the Administration Building that are beyond repair (parts are missing, they do not lock and close properly).

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: 7/1/99—6/30/00
Contact: Susan E. Wilkinson, (570) 443-9524

C-99-21 The contractor shall provide preventative maintenance and repairs to the following six sections of power equipment. Generator interface/control units, outdoor 15KV in-coming switchgear, generator 5KV switchgear section, load bus switchgear, 13 satellite motor operated switchgear and fuse and battery system. This equipment is located at the State Correctional Institution at Coal Township.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: Estimated begin date of 07/01/00 for a period of 3 years.
Contact: Nancy A. Lasko, (570) 644-7890, ext. 142

Laboratory Services—24

201000002 Provide a standard urinalysis drug screening for the most commonly abused controlled substances on approximately 1,000 applicants each year for a 3-year period. The initial screen will consist of Enzyme Multiplied Immunoassay (EMIT). In the event the initial test is positive, then a second confirmatory test, Gas Chromatography/Mass Spectrum (GC/MS) will be performed to confirm the previous results. Provide chain of custody handling for all phases of the testing procedures.

Department: State Police
Location: Training Academy, Hershey, PA
Duration: 3 years
Contact: Diane Bolden, Procurement and Supply Division, (717) 705-5923

Medical Services—29

sp00882011 Psychiatrist board certified in adult or geriatric services for 8 hours per week. Provide psychiatric diagnosis interview examination which includes a history, mental status, disposition and utilization of team process for recommending treatment plan provided follow-up and monitoring of treatment plan especially medication regime. Also behavioral analysis and interventions by licensed professional geriatric mental health behaviorist for 8-hours per week. Provide analysis, development, monitoring and training in behavioral interventions unique to the population of SMRC, a geriatric population with a history of mental health disorder. Works closely with the consulting psychiatrist for development of appropriate behavioral plan.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: Anticipated from 3/1/00 to 6/30/05
Contact: Joseph F. Merlina, (717) 749-4030

00974003 Contractor to provide up to four board certified/board eligible psychiatrists.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365
Duration: 08/01/00—07/31/03
Contact: Bobbie Muntz, PA III, (814) 726-4496

Personnel Temporary—31

SU-99-19 Temporary Personnel Services for Shippensburg University. Shippensburg University is seeking bidders interested in providing temporary personnel services for Clerk Typists 1 and 2, Custodial Workers 1, Laborers and Painters. Duties include recruitment, hiring, employment and payment of salaries, mailing checks, withholding of all lawful deductions, provide worker's compensation, liability insurance, handle unemployment claims, prepare earnings records, tax reports, etc. Requests for the bid package should be faxed to Deborah K. Martin at (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: July 1, 2000 thru June 30, 2001 with option years
Contact: Deborah K. Martin, Contract Administration, (717) 477-1121

SU-99-18 Temporary Personnel Services for the Learning Center. Shippensburg University is seeking bidders interested in providing temporary personnel services. The Contractor will employ and pay the staff of the Learning Assistance Center. Duties include payment of salaries, mailing checks, withholding of all lawful deductions, provide worker's compensation, liability insurance, handle unemployment claims, prepare earnings records, tax reports, etc. Requests for the bid package should be faxed to Deborah K. Martin at (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: July 1, 2000, thru June 30, 2001 with option years
Contact: Deborah K. Martin, Contract Administrator, (717) 477-1121

Photography Services—32

1000-073 Provide photo finishing services for the District Office. Photo work is the development of Color, Black/White and Slide Film, 35mm 24 exposure and standard Black/White and Color prints, 5" x 7" enlargements from 35mm B/W negatives and color negatives, 8" x 10" enlargements from 35mm color negatives and B/W negatives, Standard color and B/W Prints, Color Slides from 35mm negatives, Color Slides from Color Prints, B/W Slides from B/W Prints, Color Slides from Color Slides. Copy negatives from 35mm Color Prints and Black/White Prints. Development of panoramic color 35mm film and panoramic prints. Requests to bid must be faxed to Diane Spence at (724) 357-2872. Service Bid/Contract forms with required attachments will be issued by PennDOT Engineering District Office 10-0 upon request.

Department: Transportation
Location: Engineering District 10-0, Indiana, PA 15701
Duration: One year with two 2-year renewals by mutual consent.
Contact: Diane Spence, (724) 357-7987

PGC2633 This contract will be for 3 years, and provides specialized services for the mapping unit. Services to include enlargement and reduction of maps, color separations, film positive, PMT. Twenty-four hour turnaround is a necessity. Vendor responsible for pick-up and delivery.

Department: Game Commission
Location: Pennsylvania Game Commission, Automotive and Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: Three years, beginning on July 1, 2000 and terminating on June 30, 2003
Contact: Frank A. Hoover, (717) 783-6778

Property Maintenance—33

FM0256 Replace windows at the PennDOT Maintenance District Building, 2105 Lincoln Highway East, Lancaster, Lancaster County, PA. To obtain a copy of this bid package, please fax the following information to Diane Cole at (717) 783-7971. Contract No. FM0256 Company Name; Company Contact Name; Address; Telephone Number; and Fax Number.

Department: Transportation
Location: PennDOT Maintenance Building, 2105 Lincoln Highway, East Lancaster, Lancaster County, PA
Duration: 120 calendar days
Contact: Diane Cole, (717) 783-8869

YFC No. 2 Remove existing projected and fixed glass windows. Furnish and install projected and fixed windows with insulating glass. Repair or replace all exposed wood trim and sills as needed. Paint all interior wood at windows.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: 7/1/99—6/30/00
Contact: Susan E. Wilkinson, (570) 443-9524

YFC No. 2 Replace flooring material of the Administration Building in the Dining Hall and Kitchen area.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: 7/1/99—6/30/00
Contact: Susan E. Wilkinson, (570) 443-9524

080S46 Roadside mowing in 8-8, Northern Lebanon County. Specifications and bid package requests must be received by fax at (717) 772-0975 (Bill Tyson) or telephone (717) 787-7600, 7:30 a.m.—3:30 p.m. (Mon—Fri). The request should include the Vendor's Name, Address, Telephone No., Fax No., and Employer's Fed. ID No.

Department: Transportation
Location: Lebanon County (Northern)
Duration: One year period for a total of four such renewals.
Contact: William Tyson, (717) 787-7600

FM0179 Replace windows at the PennDOT Maintenance District 6-4 Building, Norristown, Montgomery, PA. To obtain a copy of this bid package, please fax the following information to Diane Cole at (717) 783-7971. Contract No. FM0179 Company Name; Company Contact Name; Address; Telephone Number; and Fax Number.

Department: Transportation
Location: PennDOT Maintenance District 6-4, Norristown, Montgomery County, PA
Duration: 120 calendar days
Contact: Diane Cole, (717) 783-8869

FM0122 Replace windows at the PennDOT Maintenance Building, 619 North Franklin Street, Chambersburg, PA. To obtain a copy of this bid package, please fax the following information to Diane Cole at (717) 783-7971. Contract No. FM0122 Company Name; Company Contact Name; Address; Telephone Number; and Fax Number.

Department: Transportation
Location: PennDOT Maintenance Building, Chambersburg, Franklin County, PA
Duration: 120 calendar days
Contact: Diane Cole, (717) 783-8869

FM0221 Replace windows at the PennDOT Maintenance District 2-2 Building, Hyde, Clearfield, Clearfield County, PA. To obtain a copy of this bid package, please fax the following information to Diane Cole at (717) 783-7971. Contract No. FM0221 Company Name; Company Contact Name; Address; Telephone Number; and Fax Number.

Department: Transportation
Location: PennDOT Maintenance District 2-2 Building Hyde, Clearfield, Clearfield County, PA
Duration: 120 calendar days
Contact: Diane Cole, (717) 783-8869

YFC No. 2 Remove existing projected windows, furnish and install new projected windows and replace glass. Paint all interior wood at windows, cover all exposed wood window frames with aluminum.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: 7/1/99—6/30/00
Contact: Susan E. Wilkinson, (570) 443-9524

FM0061 Replace door at the PennDOT Rest Area Facilities, West Springfield, Erie County, PA. To obtain a copy of this bid package, please fax the following information to Vikki Mahoney at (717) 783-7971. Contract No. FM0061 Company Name; Company Contact Name; Address; Telephone Number and Fax Number.

Department: Transportation
Location: PennDOT Rest Area Facilities, 1-90 East, West Springfield, Erie County, PA
Duration: 120 calendar days
Contact: Vikki Mahoney, (717) 787-7001

AP99610058 576 sq. yd. carpet tiles similar to Interface Southern Plains Hempstead (No. 2846) or approved better per specs attached to bid, five pails grid set green adhesive to cover placement of carpet tiles per specs attached to bid, 480 linear feet of 4-inch vinyl cove base, old carpet removal and recycling per specs attached to bid, installation of above items on the 3rd and 11th floor elevator lobby and common walkway areas. Vendor responsible for all measurements.

Department: Education
Location: Bureau of Management Services, Department of Education, 333 Market Street, 15th Floor, Harrisburg, PA 17126-0333
Duration: Contract should be completed within 90 days after award.
Contact: Cynthia K. Anderson, (717) 787-8037

Bid No. 8139 Lawn maintenance to cut, trim and maintain grass area, three cuttings per month, or as required by the Station Commander. Services to include vegetation/fertilization, trim shrubs once a year. Trim to include edging along sidewalks and driveways. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Lewistown Station, 13225 Ferguson Valley Road, Yeagertown, PA 17099
Duration: 7/1/00 to 6/30/03
Contact: Donna L. Enders, (717) 783-5484

FM0073 Install new fence and gates at the PennDOT Stockpile 07, Hardytown, Monroe County, PA. To obtain a copy of this bid package, please fax the following information to Vikki Mahoney at (717) 783-7971. Contract No. FM0073; Company Name; Company Contact Name; Address; Telephone Number; and Fax Number.

Department: Transportation
Location: PennDOT Stockpile 07, Hardytown Road off T. R. 191/390, Hardytown, Monroe County, PA
Duration: 90 calendar days
Contact: Vikki Mahoney, (717) 787-7001

Real Estate Services—35

373883 Lease Office Space to the Commonwealth of Pennsylvania, 2,958 sq. ft. of office space with four parking spaces, in Beaver or Allegheny Counties, within 3 blocks of a public transportation system: within the County of Beaver or within the Boroughs of Leetsdale, Edgeworth and Sewickley, Allegheny County. Downtown locations will be considered. Proposals Due: May 22, 2000. Solicitation No. 92987

Department: Probation and Parole Board
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: John Hocker, (717) 787-4396

373883 Lease Office Space to the Commonwealth of Pennsylvania, 2,291 sq. ft. of office space with seven parking spaces, situated in Clarion or Venango Counties, bounded by: North, East and West: Clarion County Line and South: I-80 or within Venango County. In areas where street or public parking is not available, an additional 15 parking spaces are required. Downtown locations will be considered. Proposals Due: May 8, 2000. Solicitation No. 92979

Department: State Employees' Retirement System
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: John Hocker, (717) 787-4396

373883 Lease Office Space to the Commonwealth of Pennsylvania, 6,076 sq. ft. of office space with 17 parking spaces, in Philadelphia County, within 3 blocks of a public transportation system, bounded by: North: Queen LN, Route 1 and Berkley St., South: Allegheny Ave., East: Wissahickon Avenue, Germantown Ave., and 16th St. and West: Henry Ave. Downtown locations will be considered. Proposals Due: May 15, 2000. Solicitation No. 92978

Department: Probation and Parole Board
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: John Hocker, (717) 787-4396

Sanitation—36

1000-074 Qualified Bidders to pick up and disposal of nonhazardous refuse and trash at scheduled times and upon request from the department buildings located at 2550 Oakland Avenue (Rte. 286 South), Indiana. Requests to bid must be faxed to Diane Spence at (724) 357-2872. Service Purchase Proposal Contract forms for Refuse and Trash Removal will be issued by PennDOT Engineering District Office 10-0 upon request.

Department: Transportation
Location: Engineering District 10-0, 2550 Oakland Avenue, Indiana, PA 15701
Duration: Three-year contract with one 2-year renewal by mutual consent
Contact: Diane Spence, (724) 357-7987

Security Services—37

SP-260065 Provide unarmed and/or armed security guard service to designated PA Wine & Spirits Shoppes and/or other LCB facilities.

Department: Liquor Control Board
Location: Philadelphia, Chester, Montgomery, Delaware and Bucks Counties
Duration: Three years with two 1 year options
Contact: Debbie Brinser, (717) 772-2043

SC 160160 Millersville University is seeking qualified bidders who can provide the University with a residence hall access system. Currently seven halls are without access and three with access will need to be upgraded. The bidder's software must meet all of the University's requirements and interface with our existing hardware and software. Bidder must also be able to provide training and maintenance/support. Interested contractors should fax their requests to be placed on a bidders list to Anna Stauffer (Fax: (717) 871-2000) no later than 2 p.m., Friday, March 31, 2000.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: June 2000—Dec. 2000
Contact: Anna Stauffer, (717) 872-3041

M-4027 Security Key Dispensers. Includes keys, rings, cabinets, internal ports, etc.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: April 1, 2000—June 30, 2000
Contact: Cheryl Crispell, Purchasing Agent 2, (814) 355-4874, ext. 206

Miscellaneous—39

HUN 344 Supplemental Chaplaincy Services to assist the Institution Protestant Chaplain in religious duties within the institution. (10 hours per week) Details and specifications for duties and qualifications are on file in the Purchasing Department of the requesting Agency.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654
Duration: 7/1/00 to 6/30/03
Contact: Robert Jessel, Purchasing Agent, (814) 643-2400, ext. 304

2000-BNRSP-BIOMONITORING Provide bio-monitoring and assessment of migratory fish immediately downstream of Shikellamy State Park Inflatable Dam, Susquehanna River, Sunbury, PA from May 2000 through June 2004. Successful bidder will focus on detecting through electrofishing the occurrence and abundance of adult American shad and river herring. This is a multi-year contract. Continuation of the contract in each year is contingent on the availability of funds.

Department: Fish and Boat Commission
Location: PA Fish and Boat Commission, Shikellamy State Park Inflatable Dam, Sunbury, PA
Duration: May 2000 through June 30, 2004
Contact: Kathi Tibbott, (814) 359-5131

03-B-00 Provide Vending Machine Services in State and Federal Office Buildings in Philadelphia. Currently there are 29 locations.

Department: Labor and Industry
Location: Various
Duration: 1 year with an option for two 1-year extensions
Contact: Norman Kee, (717) 705-0450

[Pa.B. Doc. No. 00-551. Filed for public inspection March 24, 2000, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
5610-15	03/06/00	209 Enterprises/Div. of Haines & Kibblehouse Inc.	5,000.00	5610-15	03/06/00	Codorus Stone & Supply Co., Inc.	5,000.00
5610-15	03/06/00	Abe Materials/Div. of Haines & Kibblehouse	10,000.00	5610-15	03/06/00	County Line Quarry, Inc.	21,925.00
5610-15	03/06/00	Allegheny Mineral Corp.	18,000.00	5610-15	03/06/00	D. M. Stoltzfus & Sons, Inc.	54,550.00
5610-15	03/06/00	American Asphalt Paving Co.	66,527.00	5610-15	03/06/00	Dagget Sand & Gravel Co.	26,390.00
5610-15	03/06/00	Atlantic States Materials of PA	10,000.00	5610-15	03/06/00	Dalrymple Gravel & Construction Co., Inc.	8,000.00
5610-15	03/06/00	Barletta Materials & Construction	10,000.00	5610-15	03/06/00	E. F. Lippert & Co., Inc.	13,020.00
5610-15	03/06/00	Bear Gap Stone, Inc.	16,805.00	5610-15	03/06/00	Earl F. Dean, Inc.	11,210.00
5610-15	03/06/00	Bedrock Quarries, Inc.	8,220.00	5610-15	03/06/00	Eastern Industries, Inc.	20,225.00
5610-15	03/06/00	Better Materials Corp.	5,000.00	5610-15	03/06/00	Eastern Industries-West	115,814.00
5610-15	03/06/00	Brokenstraw Gravel Co., Inc.	17,750.00	5610-15	03/06/00	Edward Griffith Quarrying, Inc.	10,000.00
5610-15	03/06/00	Buffalo Crushed Stone, Inc.	10,000.00	5610-15	03/06/00	Erie Sand & Gravel Co.	5,000.00
5610-15	03/06/00	Buffalo Limestone, Inc.	10,000.00	5610-15	03/06/00	Eureka Stone Quarry, Inc.	10,000.00
5610-15	03/06/00	Cicccone Excavating, Inc.	16,020.00	5610-15	03/06/00	G. F. Edwards, Inc.	11,312.00
5610-15	03/06/00	Clifford Cross Jr.	15,595.00	5610-15	03/06/00	Gernatt Asphalt Products	43,000.00
5610-15	03/06/00	Commercial Stone Co., Inc.	122,480.00	5610-15	03/06/00	Glacial Sand & Gravel Co.	216,320.00
5610-15	03/06/00	Coolspring Stone Supply Co., Inc.	68,250.00	5610-15	03/06/00	Glasgow, Inc.	28,375.00
				5610-15	03/06/00	Glenn O. Hawbaker, Inc.	80,633.00
				5610-15	03/06/00	Global Stone Penroc, Inc.	42,250.00
				5610-15	03/06/00	Graham Construction & Excavating	15,904.00
				5610-15	03/06/00	Grange Lime & Stone	151,668.75

STATE CONTRACTS INFORMATION

1727

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
5610-15	03/06/00	Grannas Bros. Stone & Asphalt Co., Inc.	10,000.00	5610-15	03/06/00	ICM Morgantown	28,170.00
5610-15	03/06/00	Greer Indus- tries, Inc.	56,360.00	5610-15	03/06/00	ICM Paradise	36,735.00
5610-15	03/06/00	Handwerk Materials/ Div. of Haines & Kibblehouse	10,000.00	5610-15	03/06/00	Iddings Quarry, Inc.	23,830.00
5610-15	03/06/00	Hanson Aggregates/ Bloomsburg	41,290.00	5610-15	03/06/00	Independence Construc- tion	8,670.00
5610-15	03/06/00	Hanson Aggregates/ Boalsburg	24,027.50	5610-15	03/06/00	International Mill Service	92,025.00
5610-15	03/06/00	Hanson Aggregates/ Downingtown	15,780.00	5610-15	03/06/00	Jay Fulkroad & Sons, Inc.	28,000.00
5610-15	03/06/00	Hanson Aggregates/ Montoursville	102,379.00	5610-15	03/06/00	Johnson Ex- cavating	31,025.00
5610-15	03/06/00	Hanson Ag- gregates Pennsylva- nia, Inc.	5,000.00	5610-15	03/06/00	Keller Crush- ing & Screening	6,000.00
5610-15	03/06/00	Hanson Ag- gregates Glen Mills	5,000.00	5610-15	03/06/00	Keystone Lime Co.	10,000.00
5610-15	03/06/00	Hanson Ag- gregates Stroudsburg	5,000.00	5610-15	03/06/00	Keystone Quarry, Inc.	33,337.00
5610-15	03/06/00	Hasbrouck Sand & Gravel	31,880.00	5610-15	03/06/00	Lafarge Corp.	10,000.00
5610-15	03/06/00	H. B. Mellott Estates, Inc.	5,000.00	5610-15	03/06/00	Lakeland Sand & Gravel, Inc.	5,000.00
5610-15	03/06/00	H & K Materials/ Div. of Haines & Kibblehouse, Inc.	5,000.00	5610-15	03/06/00	Latrobe Con- struction Co.	50,130.00
5610-15	03/06/00	Highway Ma- terials, Inc.	5,000.00	5610-15	03/06/00	Lehigh As- phalt Pave Construc- tion	5,000.00
5610-15	03/06/00	Hempt Bros., Inc.	5,000.00	5610-15	03/06/00	Locust Ridge Quarry/Div. of Haines & Kibblehouse	5,000.00
5610-15	03/06/00	Hoover Sand & Gravel Co.	51,750.00	5610-15	03/06/00	Martin Lime- stone	17,125.00
5610-15	03/06/00	IA Construc- tion Corp. Via Cons Aggregates	67,830.00	5610-15	03/06/00	Martin Stone Quarries, Inc.	24,575.00
				5610-15	03/06/00	Meckleys Limestone Prod., Inc.	14,750.00
				5610-15	03/06/00	Middleport Materials, Inc.	10,000.00
				5610-15	03/06/00	Milestone Crushed, Inc.	20,920.00
				5610-15	03/06/00	M & M Lime Co.	10,000.00

STATE CONTRACTS INFORMATION

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
5610-15	03/06/00	M & M Stone Co.	10,000.00	5610-15	03/06/00	Simpson Stone Quarry	14,455.00
5610-15	03/06/00	Naceville Ma- terials Joint Vent.	10,000.00	5610-15	03/06/00	Slusser Brothers T & E Co., Inc.	8,995.00
5610-15	03/06/00	National Limestone Quarry, Inc.	36,900.00	5610-15	03/06/00	South Bend Limestone Co.	28,550.00
5610-15	03/06/00	New Enter- prise Stone & Lime Co.	340,734.50	5610-15	03/06/00	Southdown, Inc.	61,040.00
5610-15	03/06/00	New Milford Sand & Gravel, Inc.	5,000.00	5610-15	03/06/00	State Aggre- gates, Inc.	56,257.00
5610-15	03/06/00	North Star Aggregates, Inc.	20,950.00	5610-15	03/06/00	Stateline Quarries, Ltd.	10,000.00
5610-15	03/06/00	PBS Coals, Inc.	5,000.00	5610-15	03/06/00	Tarmac America	5,000.00
5610-15	03/06/00	P Stone, Inc.	10,250.00	5610-15	03/06/00	Thomas E. Siegel Co.	5,000.00
5610-15	03/06/00	P & P Gravel Co.	16,440.00	5610-15	03/06/00	Union Quar- ries, Inc.	16,550.00
5610-15	03/06/00	Penn/MD Materials/ Div. of Haines & Kibblehouse	5,000.00	5610-15	03/06/00	Valley Quar- ries, Inc.	90,925.00
5610-15	03/06/00	Pennsy Sup- ply, Inc.	118,500.00	5610-15	03/06/00	Valley Stone Quarry	55,825.00
5610-15	03/06/00	Pennsylvania Lime Inc., Formerly Carmbuse Pennsylva- nia, Inc.	20,600.00	5610-15	03/06/00	Vulcan Con- struction Materials LP	16,140.00
5610-15	03/06/00	Pikes Creek Sand & Stone, Inc.	10,000.00	5610-15	03/06/00	Waylite Corp.	121,445.00
5610-15	03/06/00	Pottstown Trap Rock Quarries	9,425.00	5610-15	03/06/00	Wayne Gravel Products, Inc.	24,570.00
5610-15	03/06/00	Quality Ag- gregates, Inc.	23,600.00	5610-15	03/06/00	White Haven Red Rock Sales	10,650.00
5610-15	03/06/00	Rhinehart Sand & Gravel, Inc.	10,000.00	5610-15	03/06/00	Wyoming Sand & Stone Co.	48,300.00
5610-15	03/06/00	Rohrers Quarry, Inc.	21,700.00	5610-15	03/06/00	York Building Products Co.	8,200.00
5610-15	03/06/00	Russell Min- erals, Inc.	10,000.00	1187219-01	03/13/00	Shembeda Floor Cov- ering	22,824.00
5610-15	03/06/00	Silver Hill Quarry/Div. of Haines & Kibblehouse	5,000.00	1240119-01	03/13/00	G. J. Olney, Inc.	67,900.00
				1260119-01	03/13/00	J. Weinstein and Son	85,400.00
				1289119-01	03/13/00	Raytex Fab- rics, Inc.	87,750.00

STATE CONTRACTS INFORMATION

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Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1290219-01	03/13/00	Life Home Healthcare Services LLC	21,449.00
1308119-01	03/13/00	Hoffman Ford Sales, Inc.	30,099.00
7314340-01	03/13/00	Jedco Paper	36,375.00
8057560-01	03/13/00	Technology Resource Center	25,465.00
8157870-01	03/13/00	International Traffic Cen- ter	38,920.00
8158400-01	03/13/00	Cumberland Equip. Co.	44,360.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
8176270-01	03/13/00	Williams & Heintz Map Corp.	631,475.00
8505050-01	03/13/00	Vehicle Main- tenance Program, Inc.	23,110.00
8505170-01	03/13/00	Vehicle Main- tenance Program, Inc.	27,444.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-552. Filed for public inspection March 24, 2000, 9:00 a.m.]

