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PENNSYLVANIA BULLETIN

Volume 29

Number 17

Saturday, April 24, 1999 • Harrisburg, Pa.

Pages 2135—2252

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the Environmental Quality Board's
Bottled Water Systems—Permit by Rule

Part I

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Department of Environmental Protection
Department of General Services
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Environmental Hearing Board
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Insurance Department
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Pennsylvania Public Utility Commission
State Board of Psychology
State Employees' Retirement System
Turnpike Commission

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

No. 293, April 1999

PENNSYLVANIA



BULLETIN

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211
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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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PENNSYLVANIA BULLETIN

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Part II

This part contains the
Environmental Quality Board's
Bottled Water Systems—Permit by Rule

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE OF LAW [204 PA. CODE CH. 71]

Amendment of Rule 204 of the Pennsylvania Bar Admission Rules; No. 219 Supreme Court Rules Doc. No. 1

Order

Per Curiam:

And Now, this 6th day of April, 1999, Rule 204 of the Pennsylvania Bar Admission Rules is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Pennsylvania Rule of Judicial Administration No. 103 or otherwise, the immediate amendment of Pa. B.A.R. 204 is hereby found to be required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and shall be effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE OF LAW CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter B. ADMISSION TO THE BAR GENERALLY

IN GENERAL

Rule 204. Admission of domestic attorneys.

As an alternative to satisfying the requirements of Rule 203 (relating to admission of graduates of accredited and unaccredited institutions), an attorney of another state may be admitted to the bar of this Commonwealth if the applicant has completed the study of law at and received without exception an earned Bachelor of Laws or Juris Doctor degree from an accredited law school, is a member of the bar of a reciprocal state at the time of filing of the application for admission to the bar of this Commonwealth and meets the following qualifications:

* * * * *

(2) Presentation of proof satisfactory to the Board that the applicant has for a period of five years of the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth:

(i) engaged in the practice of law in a [reciprocal] state or states outside this Commonwealth; **provided the applicant had at some time been engaged in the practice of law in reciprocal jurisdictions for at least five years or had been engaged in the practice**

of law in reciprocal jurisdictions for a substantial portion of the five out of the seven year period immediately preceding the application. For purposes of this paragraph, the phrase "engaged in the practice of law" is defined as "devoting a major portion of one's time and energy to the rendering of legal services"; or

(ii) engaged full-time in the teaching of law at one or more accredited law schools, **colleges or universities** in the United States **provided a substantial portion of such time was spent teaching at an accredited law school**; or

* * * * *

(5) Has passed the Multistate Professional Responsibility Exam with the score required by the Court to be achieved by successful applicants under Rule 203.

[Pa.B. Doc. No. 99-655. Filed for public inspection April 23, 1999, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Accelerated Rehabilitative Dispositions Program (ARD)—Administrative Fee; 34 MI 99

Administrative Order No. 7-1999

And Now, this 9th day of April, 1999, in order to implement and cover the additional costs of administering the new Program providing for automatic expungement of all records upon successful completion of ARD, it is hereby

Ordered and Decreed that, effective May 1, 1999, all parties placed into the Carbon County Accelerated Rehabilitative Disposition Program shall be assessed an increased Administrative Fee as follows:

	<i>Current Fee</i>	<i>New Fee</i>
Standard Track ARD	\$250.00	\$300.00
Fast Track ARD	\$350.00	\$400.00

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

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

6. Keep continuously available for public inspection copies of the Order in the Clerk of Court's Office.

By the Court

JOHN P. LAVELLE,
President Judge

[Pa.B. Doc. No. 99-656. Filed for public inspection April 23, 1999, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CHS. 91, 97 AND 101]

Wastewater Management; Advance Notice of Final Rulemaking

The Department of Environmental Protection (Department) is soliciting comments on changes it recommends to be made to the proposed amendments, which were published as proposed rulemaking at 27 Pa.B. 4343 (August 23, 1997). The Department is also holding one public hearing for the purpose of accepting comments from the public.

The draft final regulations are designed, in part, to supplement the Department's implementation of its "Final Strategy for Meeting Federal Requirements for Controlling Water Quality Impacts of Concentrated Animal Feeding Operations" (the CAFO Strategy). Notice of this strategy was published at 29 Pa.B. 1439 (March 13, 1999). In response to the implementation of this strategy and following the Department's review of other related information, including public comments on the proposed rulemaking, the Department has prepared a draft final regulations for public comment. The draft final regulation contain significant changes in four major areas. Sections 91.6, 91.11 and 91.34 have been revised to provide guidance on pollution prevention measures. The freeboard requirements for waste impoundments in § 91.35 have been revised to reflect the CAFO Strategy. The agricultural operation pollution control and prevention provisions of § 91.36 have also been revised to reflect the CAFO Strategy. And finally, regulatory language is being proposed to replace guidance outlined in proposed § 91.37 relating to private projects.

While there is no legal requirement to provide an opportunity to comment upon the Department's recommendations for final rulemaking, the Department believes further discussion would serve the public interest in this instance.

A copy of the draft final regulations is available from Mary Miller at the Department of Environmental Protection, Bureau of Water Quality Protection, (717) 787-8184. Written comments on the draft final regulations must be received by May 26, 1999; no telefax comments will be accepted. Comments or requests for copies should be addressed or delivered to Milton Lauch, Chief, Division of Wastewater Management, Bureau of Water Quality Protection, P. O. Box 8774, 10th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8774. The draft final regulations are also available electronically through the DEP Web site (<http://www.dep.state.pa.us>). Comments may be transmitted electronically to RegComments@A1.dep.state.pa.us, and must also be received by May 26, 1999. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

A public hearing on the draft final regulations will be held at 6:30 p.m. on May 25, 1999, at the Southcentral

Regional Office of the Department of Environmental Protection, which is located at 909 Elmerton Avenue, Harrisburg, PA.

Persons wishing to present testimony at the hearings are requested to contact Mary Miller at (717) 787-8184 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the time of the hearing. Each organization is limited to designating one witness to present testimony on its behalf.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Mary Miller at (717) 787-8184 or the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-657. Filed for public inspection April 23, 1999, 9:00 a.m.]

STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

Application Fees

The State Board of Psychology (Board) proposes to amend § 41.12 (relating to fees) by revising certain application fees to read as set forth in Annex A.

A. Effective Date

The proposed amendment will be effective upon publication of the final-form regulation in the *Pennsylvania Bulletin*.

B. Statutory Authority

The proposed amendment is authorized under section 3.3(d) of the Professional Psychologists Practice Act (act) (63 P. S. § 1203.3(d)).

C. Background and Purpose

The act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

In a recent systems audit of the operations of the Board within the Bureau of Professional and Occupational Affairs, the fees for services to licensees and applicants were analyzed to determine if the fees reflected the actual cost of providing the services. Actual cost calculations are based upon the following formula:

number of minutes to perform the function
 ×
 pay rate for the classification of personnel performing the function
 +
 a proportionate share of administrative overhead

The analysis determined that the fees for five services do not accurately reflect the actual cost of providing those services: reapplication following a first examination failure; reapplication following subsequent examination failure; verification of license; certification of examination scores and experience; and, fictitious and corporate name registration. The first reapplication fee and certification of scores/license have not been revised since 1987, while the subsequent reapplication fee was last revised in 1990. No fee is in place for verification of licensure or for registration of a corporate or fictitious name. The application fee following a second or subsequent examination failure exceeded the actual cost of providing the service.

Sections 41.26 and 41.27 (relating to professional corporations; and fictitious names) require the Board to review and approve articles of incorporation and registry statements for proposed corporations and fictitious name registrations in accordance with § 41.61 (relating to Code of Ethics). This review process involves Board staff, including the Administrator, as well as the entire Board.

In this proposal, fees for the services identified previously would be adjusted to allocate costs to those who use the service or make application. The Board would continue to apportion enforcement and operating costs to the general licensing population by means of its license renewal fee through the biennial reconciliation of revenue and expenditures.

D. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed amendment the Board considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

E. Fiscal Impact and Paperwork Requirements

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The proposed amendment will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

F. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 12, 1999, the Board submitted a copy of proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairperson of

the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Melissa M. Wilson, Administrative Assistant, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-636 (Application Fees), when submitting comments.

YVONNE E. KEAIRNS, Ph.D.,
 Chairperson

Fiscal Note: 16A-636. No fiscal impact; recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 41. STATE BOARD OF PSYCHOLOGY LICENSES

§ 41.12. Fees.

The schedule of fees charged by the Board is as follows:

	* * * * *	
Reapplication fee—first time examination failure.....		\$[15]20
Reapplication fee—subsequent examination failure		\$[105]90
	* * * * *	
Certification fee		\$[15]25
Verification fee		\$15
	* * * * *	
Fictitious/corporate name registration		\$80

[Pa.B. Doc. No. 99-658. Filed for public inspection April 23, 1999, 9:00 a.m.]

STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-981209]

Tariff Provisions that Limit the Liability of Utilities for Injury or Damage as a Result of Negligence or Intentional Torts

The Pennsylvania Public Utility Commission (Commission) on November 19, 1998, adopted a final policy statement to prohibit the inclusion of tariff language that limits the liability of utilities for injury or damages as a result of negligence or intentional torts and provide guidance to utilities for the drafting of tariff language. The contact persons are Alphonso Arnold, Office of Special Assistants, (717) 787-8032, and Russel Albert, Office of Special Assistants, (717) 797-8108.

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David W. Rolka, Dissenting; Nora Mead Brownell, Dissenting—Statements follows; Aaron Wilson, Jr.

Public Meeting held
November 19, 1998

Tariff Provisions That Limit the Liability of Utilities for Injury or Damage as a Result of Negligence or Intentional Torts; Doc. No. M-00960882, M-00981209

Policy Statement

By the Commission:

Before the Commission for consideration is a Staff recommendation for a proposed rulemaking proceeding which would prohibit the inclusion of tariff provisions that limit the liability of utilities for injury or damages as a result of negligence or intentional torts. For reasons which are explained, we shall not undertake a rulemaking, and instead, issue a Policy Statement expressly recognizing that State law permits utilities to limit their liability for interruption or cessation of service.

Background

In order to explain our action, a synopsis of what has occurred in this proceeding is necessary. By Tentative Order entered February 28, 1995, the Commission notified all jurisdictional utilities with tariff provisions which limit liability for injury or damage as a result of negligence or intentional torts, that the Commission was considering either rescinding or modifying these tariffs. A copy of the Tentative Order was served on the respective associations of each industry, the Office of Consumer Advocate and the Office of Small Business Advocate.

The Commission received extensive comments in response to the Tentative Order. A review of those comments indicated that tariffs on file by the various utilities addressed liability limitation in disparate ways that did not necessarily conform to case law or reflect any consistent approach.

On March 17, 1997, the Commission entered a Declaratory Order finalizing our Tentative Order. The Declaratory Order provided the guidelines for approving tariffs of

utilities which limit liability for negligent acts or omissions and intentional torts. Specifically, the guidelines stated:

1. There is no justification for the Commission to limit liability for damages that result from events not within peculiar Commission expertise and subject to Commission ratemaking. Thus, the Commission has no reason to limit liability for competitive services that are not price regulated. It is more difficult to define in advance whether liability limitations should be permitted under various alternative forms of regulation. However, the same principles should apply, so that tariffs limiting liability would not be permissible if the alternative regulatory scheme did not include costs and rates adopted by the Commission.

2. The limitation may apply in the event of interrupted service or property damage only, and not personal injury. No consumer should be expected to bear the burden of personal injury or death in order to maintain reasonable rates for all consumers.

3. Loss of service or property damage through an "act of God," perhaps through a lightning strike, in which utility action/inaction has played no part in the harm, imposes no utility liability to begin with. The tariff may make this clear.

4. Tariffs may limit liability for conduct that could be found to constitute "negligence" under tort law. Reckless, willful or other more serious misconduct may not be protected. Large utility companies may not limit liability for negligence to an amount less than \$25,000. Small utility companies may not limit their liability for negligence to an amount less than \$500. For the purpose of this Declaratory Order, a "large" company shall be one with gross intrastate annual operating revenues in excess of \$40 million.

5. Even for reasonable service, the liability may be limited, but not totally exculpated. The courts have specifically rejected any limitation on liability that completely exculpates utility action or inaction from exposure to damage claims.

The guidelines were based upon the following analysis:

Specific to the concern of the Commission in instituting the instant inquiry, was the language of the Court in *DeFrancesco v. West Penn Water Company*, 329 Pa. Superior Ct. 508, 478 A.2d 1295 (1984) (*DeFrancesco*). In *DeFrancesco*, the Court determined that a tariff provision purporting to exculpate a utility from liability rather than limit such liability, was void as against public policy. On consideration of the legal and policy considerations involved, we note the following: The Commission does not have jurisdiction to determine legal liability or to award damages. A utility customer with a damage claim against a fixed utility generally must sue in court to pursue a claim. Thus, it seems rather incongruous at first, that the Commission would consider limiting liability in certain damage actions since such limitations effectively set the amount of recoverable damages.

However, the Commission does have the authority and responsibility to define reasonable service. 66 Pa.C.S. § 1501; 1502. The Commission approves the cost of providing a utility system that is designed to

provide reasonable service at reasonable rates—not perfect service without regard to cost. Since reasonable service may result in occasional loss of service or property damage, the Pennsylvania Superior Court has issued two decisions permitting the Commission to limit liability in certain narrowly-defined circumstances. See *DeFrancesco, supra, also Behrend v. Bell*, 242 Pa. Superior Ct. 47, 363 A.2d 1752 (1976), vacated on other grounds, 473 Pa. 320, 374 A.2d 536 (1977).²

The Pennsylvania Supreme Court has not addressed this issue directly and the caselaw does not produce complete and clear directives. Significantly, the caselaw does not suggest any circumstances in which the Commission must adopt tariffs limiting liability. Rather, the existing caselaw provides examples of attempted limitations or liability that will be considered by the courts to be void and unenforceable as against public policy. See generally, *Poorbaugh v. Public Utility Commission*, 666 A.2d 744 (1995). Unenforceable tariffs should not be permitted to discourage consumers from bringing valid damage claims to court.

The question then becomes what liability limitations are appropriate? The basic principle underlying judicial acceptance of Commission intervention in “damage” actions through liability limitations tariffs is that the Commission can do a better job than the courts in defining the boundary between “reasonable” and unnecessarily expensive, i.e., “gold-plated” service that may have prevented damage. This rationale holds the view that utilities, their shareholders, and ultimately ratepayers, should not be exposed to unlimited liability when the utility is providing reasonable service or damage occurs as a result of other events not within utility control.

For example, an electric utility may be able to spend X dollars to install a distribution system that will experience occasional power surges that could damage property or 10X dollars to install a higher quality system than could prevent almost all damaging power surges, perhaps by installing wire underground. The Commission has the responsibility to determine what quality of service is reasonable under the circumstances, balancing the risk and severity of damage to individual customers and the increased cost to all customers through regulated rates. Such judgments are inherent in Commission decisions concerning reasonable service and rates, even if they also impact claims for damages. When such decisions are made, the Commission makes a determination that the public interest of lower cost service outweighs the potential private harm. This is the underlying rationale to permit tariffs that limit liability in some circumstances, and it is a rationale which imposes a heavy burden on the Commission to ensure that individual consumers are not unreasonably burdened.

Thus, a utility may file a tariff indicating that it shall endeavor to provide reasonable service to its customers but does not guarantee perfect service without interruption or damage to property. A utility may file a tariff limiting its liability in the event that, while providing reasonable service, a customer experiences service interruption or property damage.

² In addition, the Commission has the authority to impose fines on a utility for unreasonable service. 66 Pa.C.S. § 3301.

This rationale does not provide justification for a utility to file a tariff that limits liability in the event of unreasonable service, negligence or any other culpable act or omission. In proceedings before the Commission to determine whether a utility act or omission has been reasonable, tort terms such as “negligent,” “reckless” or “willful misconduct” are sometimes used. Further, such terms are used in several existing tariffs limiting liability. “Negligence” is defined by Black Law Dictionary as “the omission to do something which a reasonable man, guided by those ordinary considerations which ordinarily regulate human affairs would do, or the doing of something which a reasonable or prudent man would not do.” Consequently, a “negligent” act of omission should be “unreasonable” under public utility law. “Reckless,” “willful” or other characterizations of more serious misconduct certainly would be unreasonable as well. However, the Commission finds a separate justification in that the time has come to form a majority to resolve this [March 17, 1997 Declaratory Order] docket. It therefore is appropriate to permit limitations on liability for negligent acts in certain cases.

(March 17, 1997 Declaratory Order, slip op., pp. 6-8).

On March 11, 1998, in light of various petitions seeking reconsideration of the Declaratory Order, we vacated said Order and agreed to initiate a rulemaking to address the issue of limitation of liability in utility tariffs. Although we determined to initiate a rulemaking, we did not abandon the above-cited analysis of the March 17, 1997, Declaratory Order.

Discussion

After extensive reflection, we are now of the opinion that this issue should not be addressed by a rulemaking. The proposed rulemaking before us is not consistent with previous findings and conclusions of this Commission which found that utilities can limit their liability. We cannot undertake the promulgation of regulations which contradict those previous findings and conclusions. Moreover, as utilities enter into a new competitive environment, more regulations are not a preferable choice.

A rulemaking has the potential of treating all utilities as “one size fits all”—depending on whether the utility is classified as large or small. We have carefully reviewed the comments that were filed to the February 28, 1995, Tentative Order and have concluded that each utility should be treated on a case by case basis.¹

By this Order, we shall issue a Policy Statement which recognizes that State law permits utilities to limit their liability for interruption or cessation of service. If a utility seeks to place language in its tariff that limits its liability for interruption or cessation of service, a tariff filing shall be made with the Commission. The dollar amount should be company-specific and the company must substantiate the dollar amount. Also, the tariff filing should be served on the Office of Consumer Advocate and on the Office of Small Business Advocate.

For the foregoing reasons, the Commission, hereby, adopts the Policy Statement recognizing that State law permits utilities to limit their liability. Accordingly, under 66 Pa.C.S. §§ 501, 1301, and the Commonwealth Documents Law, (45 P. S. § 1201 et seq.), we hereby adopt the statement of policy in the manner set forth in Annex A; *Therefore,*

¹ However, we would note that the same protection that potentially exists for incumbent local exchange companies would also be available to competitive local exchange carriers.

It is Ordered That:

1. The order entered March 11, 1998, at this docket is hereby modified and rescinded consistent with the discussion in the body of this order.

2. The regulations of the Commission, 52 Pa. Code Chapters 69, are amended by adding a statement of policy (relating to Tariff Provisions That Limit the Liability of Utilities for Injury or Damage as a Result of Negligence or Intentional Torts in § 69.87 to read as set forth in Annex A.

3. The Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, as written, under 45 Pa.C.S. § 727 (relating to matter not required to be published).

4. The Secretary shall serve a copy of this order and Annex A, and any accompanying statements, upon the Office of Consumer Advocate, the Office of Small Business Advocate, and all parties who filed comments at this docket.

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

6. This Policy Statement shall be effective upon publication in the *Pennsylvania Bulletin*.

7. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Teri Mathias, Office of Special Assistants, at (717) 787-8039.

JAMES J. MCNULTY,
Secretary

Statement of Commissioner Nora Mead Brownell

Limitations on liability in any business or residential context is a difficult issue, deserving of a thorough opportunity for comment and debate. As the Commission reviews this matter, the potential impacts on residential consumers, small business, commercial and industrial customers, as well as the utilities themselves, must be carefully considered. I am particularly concerned about the effects that Commission approved limitations may have on residential customers and the small business community. In addition, the Law Bureau report suggests that there may be a question as to whether such limitations are consistent with the Public Utility Code in the first instance.

All of these concerns demand that this matter should be given full and complete debate. That is what the staff

recommendation would accomplish. By advancing this matter in the context of a proposed rulemaking, the staff recommendation moves the issue to publication, comment form all interested persons and review by the Commission's oversight committees in the General Assembly, the Attorney General and the Independent Regulatory Review Commission.

My prior vote in this matter supported the initiation of a proposed rulemaking in order to provide for full debate and review of this very serious issue. Consistent with that action, I respectfully dissent from the Motion.

Fiscal Note: 57-201. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

TARIFF PROVISIONS THAT LIMIT THE LIABILITY OF UTILITIES FOR INJURY OR DAMAGE AS A RESULT OF NEGLIGENCE OR INTENTIONAL TORTS—STATEMENT OF POLICY

§ 69.87 Tariff provisions that limit the liability of utilities for injury or damage as a result of negligence or intentional torts—statement of policy.

The Commission, after review of applicable State law, and on consideration of the various policy considerations relative to the inclusion in tariffs of provisions which limit the liability of utilities for injury or damages as a result of negligence or intentional torts, finds that State law permits utilities to limit their liability for interruption or cessation of service. If a utility seeks to place the language in its tariff, a tariff filing should be made under section 1308 of the code (relating to voluntary changes in rates), and should include a company-specific dollar amount for the proposed limitation and work papers to substantiate the dollar amount. A copy of the tariff filing should be served on the Office of Consumer Advocate and on the Office of Small Business Advocate.

[Pa.B. Doc. No. 99-659. Filed for public inspection April 23, 1999, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearings

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, April 28, 1999. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 1 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, NJ.

An informal conference among the Commissioners and staff will be held at 9:30 a.m. at the same location and will include discussions of proposals for a flow needs study and a Commission-Corps of Engineers drought storage agreement; and status reports on the Flowing Toward the Future workshops and activities of the Toxics Advisory Committee.

In addition to the subjects summarized as follows which are scheduled for public hearing at the business meeting, the Commission will also address the following: Minutes of the March 9, 1999 business meeting; announcements; report on Basin hydrologic conditions; reports by the Executive Director and General Counsel; status of compliance of Somerton Springs Golf Development; resolutions to contract for fish tissue analyses, continued development of the water quality model for the Delaware Estuary and participation in the EPA's Energy Star building program; consideration of a resolution to authorize funding of selected tasks of the flow needs study for the Delaware Estuary; and public dialogue.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Under Article 10.3, Article 11 and/or Section 3.8 of the Compact:

1. *New York State Department of Environmental Conservation (NYSDEC) D-77-20 CP (Revision No. 4).* A project to modify the revised schedule of experimental augmented conservation releases for Pepacton and Cannonsville Reservoirs (each located in Delaware County, NY) and Neversink Reservoir (located in Sullivan County, NY). The NYSDEC requests the following modifications for a 2-year period: 1) storage of 50% of the annual excess release quantity to create a fisheries protection bank that would be available to augment releases during drought warnings; 2) a revision to the drought operating curves to temporarily replace the Drought Warning One and Drought Warning Two designations with Drought Watch and Drought Warning, respectively; and 3) raise the Drought Warning (formerly Drought Warning Two) threshold by four billion gallons. The existing experimental release program (D-77-20 CP Revision No. 3) will be extended until April 30, 2001 to coincide with Revision 4.

2. *SPI Polyols, Inc. D-88-74 RENEWAL.* An application for the renewal of a groundwater and surface water withdrawal project to supply up to 60.04 million gallons (mg)/30 days of groundwater and 470.58 mg/30 days of surface water to the applicant's industrial facility from Well Nos. 8 through 12 and Delaware River intake. Commission approval on January 25, 1989 was extended to 10 years. The applicant requests that the total withdrawal from all wells remain limited to 60.04 mg/30 days

and 470.58 mg/30 days from the river intake. The project is located in New Castle County, DE.

3. *Northampton Generating Company, L.P. D-98-40.* A project to increase the withdrawal of water from 67.5 mg/30 days to 75 mg/30 days from the Lehigh River to continue to serve the applicant's existing 96 megawatt cogeneration facility located on Route 329 in Allen Township and Northampton Borough, both in Northampton County, PA. The applicant also proposes to modify the passby flow condition relative to Lehigh River low-flow periods.

4. *Township of East Rockhill D-99-6 CP.* A project to construct a new 0.113 mgd sewage treatment plant (STP) in East Rockhill Township, Bucks County, PA. The proposed extended aeration secondary treatment STP will serve East Rockhill Township only and will discharge treated effluent to East Branch Perkiomen Creek approximately 500 feet upstream of Perkasio Borough, Bucks County, PA.

5. *Parkway Gravel, Inc. D-99-8.* An application for approval of a surface water withdrawal project to supply up to 97.2 mg/30 days of water to the applicant's sand and gravel washing facility from a proposed water supply pond, and to limit the withdrawal from all sources to 97.2 mg/30 days. The project is located in New Castle County, DE.

6. *Upper Dublin Township D-99-9 CP.* A project to upgrade and expand the applicant's existing 1.1 mgd capacity secondary treatment plant to provide an additional 0.25 mgd capacity. The plant will continue to serve a portion of Upper Dublin Township and discharge to Pine Run, a tributary of Wissahickon Creek in Montgomery County, PA.

7. *Lehigh County Authority D-99-11 CP.* A project to upgrade and expand the applicant's existing 35,000 gallons per day (gpd) sewage treatment facility by providing a new advanced secondary biological treatment system capable of providing 60,000 gpd of treatment. The project is located just south of Heidelberg Heights Road in Heidelberg Township, Lehigh County, PA. Treated effluent will continue to discharge to an unnamed tributary of Mill Creek, which is a tributary of Jordan Creek.

8. *Warrington Township and The Cutler Group D-99-12 CP.* An application to rerate the applicant's existing 0.26 mgd Tradesville STP to 0.33 mgd to serve existing and proposed residential development in the northwestern portion of Warrington Township, Bucks County, PA. The applicant proposes an additional ultraviolet disinfection system and changes to the sequencing batch reactor process to allow the STP to operate more efficiently. The STP is located along the west side of Mill Creek Road in Warrington Township and will continue to discharge to Mill Creek, a tributary of Neshaminy Creek.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact Thomas L. Brand at (609) 883-9500, Ext. 221 concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary at (609) 883-9500, Ext. 203 prior to the hearing.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act and who would like to attend a hearing should contact the Secretary at (609) 883-9500, Ext. 203 or through the New Jersey Relay

Service at (800) 852-7899 (TTY) to discuss how the Commission may accommodate their needs.

Other Scheduled Hearings

By earlier notice, the Commission announced its schedule of public hearings on a determination that the assimilative capacity of the tidal Delaware River is being exceeded for certain toxic pollutants. This determination will authorize the Executive Director to establish wasteload allocations for specific point source discharge of these pollutants.

The public hearings are scheduled as follows:

May 3, 1999 beginning at 1:30 p.m. and continuing until 5 p.m., as long as there are people present wishing to testify. The hearing will be held in the Second Floor Auditorium of the Carvel State Building, 820 North French Street, Wilmington, DE.

May 5, 1999 beginning at 1:30 p.m. and continuing until 5 p.m. as long as there are people present wishing to testify, and resuming at 6:30 p.m. and continuing until 9 p.m., as long as there are people present wishing to

testify. The hearing will be held in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, NJ.

May 11, 1999 beginning at 1:30 p.m. and continuing until 5 p.m., as long as there are people present wishing to testify. The hearing will be held in the Jefferson Room of the Holiday Inn at 400 Arch Street, Philadelphia, PA.

Copies of supporting documents may be obtained by contacting Christopher Roberts, Public Information Officer at (609) 883-9500, Ext. 205.

Persons wishing to testify are requested to notify the Secretary in advance. Written comments on the proposed determination should also be submitted to the Secretary at the Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628-0360.

SUSAN M. WEISMAN,
Secretary

[Pa.B. Doc. No. 99-660. Filed for public inspection April 23, 1999, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 13, 1999.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
4-9-99	Summit Bancorp, Princeton, New Jersey, and First Valley Corporation, Bethlehem, to acquire 100% of the voting shares of Prime Bancorp, Inc., Fort Washington	Princeton, NJ	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-9-99	Summit Bank, Bethlehem, and Prime Bank, Philadelphia Surviving Institution— Summit Bank, Bethlehem	Bethlehem	Filed
4-9-99	Harris Savings Bank Harrisburg Dauphin County Purchase of assets/assumption of liabilities of one branch office of Commonwealth Bank, Norristown, Located at: 2203 West Cumberland Street Lebanon Lebanon County	Harrisburg	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-29-99	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Ivy Ridge Shopping Center 7124 Ridge Pike Philadelphia Philadelphia County	Opened

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-12-99	The Peoples State Bank East Berlin York County	Intersection of Greenbriar Road and Roosevelt Ave. York York County	Approved
4-12-99	Union Bank and Trust Company Pottsville Schuylkill County	Redner's Market Gold Star Highway Shenandoah Schuylkill County	Approved
4-12-99	Brentwood Savings Bank Pittsburgh Allegheny County	5259 Library Road Bethel Park Allegheny County	Approved
4-12-99	Merchants Bank of Pennsylvania Shenandoah Schuylkill County	Maplewood Plaza Humboldt Industrial Park Hazle Township Luzerne County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-9-99	Laurel Bank Johnstown Cambria County	<i>To:</i> Route 30 East Latrobe Westmoreland County <i>From:</i> 400 Latrobe Thirty Shopping Center Latrobe Westmoreland County	Filed
4-12-99	First Commonwealth Bank Indiana Indian County	<i>To:</i> 683 McMurray Road Bethel Park Allegheny County <i>From:</i> 3400 South Park Road Bethel Park Allegheny County	Approved

SAVINGS ASSOCIATION**Voluntary Liquidation**

<i>Date</i>	<i>Name of Institution</i>	<i>Action</i>
4-9-99	The Sterling Building and Loan Association Philadelphia	Certificate of Election for voluntary dissolution filed. Effective as of the close of business April 9, 1999.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 99-661. Filed for public inspection April 23, 1999, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of May 1999

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of May, 1999, is 8 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption

was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.81 to which was added 2.50

percentage points for a total of 8.31 that by law is rounded off to the nearest quarter at 8 1/4%.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 99-662. Filed for public inspection April 23, 1999, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of a Professional Design Firm or Firms; Project Reference No. FDC-500-520

The Department of Conservation and Natural Resources (Department) will retain a professional design firm or firms for open-end contracts for various building and engineering designs, geological services, environmental services and CADD services. The contract or contracts will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis.

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of professional design. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering and or architecture. The professional design firm may be an engineering/architectural firm, an architectural/engineering firm, an engineering firm with an architectural subconsultant or an architectural firm with an engineering subconsultant.

This firm's area of responsibility for assigned work shall be throughout the entire Commonwealth. Bureau of Facility Design and Construction personnel will do project work in conjunction with this professional design firm on some of the projects.

The services may encompass a wide range of design and environmental efforts with the possibility of several different types of projects being designed under short completion schedules. The firm may be required to design multiple projects at the same time.

The open-ended design services work will consist of building architectural, mechanical, plumbing and electrical designs, tie-ins to site utilities, major maintenance repair, renovations to existing buildings and additions to existing buildings. Many of these projects may be for building less than 5,000 square feet in size and small in terms of project scope. Projects to rehabilitate sewage treatment plants, water treatment plants and associated permit applications may also be included.

The anticipated types of projects may also include, but are not limited to, bridge replacement (single and multi-span), bridge rehabilitation, bridge approach work, road design, bridge inspection, minor location studies and CADD services.

Areas of environmental study associated with these projects may include, but are not limited to, wetlands, soil, geology, DEP Chapter 105, and Corps of Engineers

404 permits. The environmental studies will be conducted in accordance with accepted analysis techniques and methodologies.

The selected firm or firms, may be required to perform any or all of the above to ensure a complete environmental investigation has been performed and may be required to provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data, assess impacts, prepare reports and design mitigation plans. The reports and other graphic material to be prepared may include, but are not limited to, plans of study, meeting minutes, preparation of permit application documents, mitigation plans and reports and wetland and floodplain findings.

The professional design firm or firms, may be required to perform any or all of the following duties: attend site visits; prepare minutes; perform necessary field surveys; plot topography and cross sections; develop erosion control details and narrative; prepare type, size and location report; prepare construction drawings, specifications and estimates; procure core borings; provide soil and foundation engineering report; investigate utility involvement; and evaluate alternative using benefit/cost analysis, develop details and narratives; prepare reports; investigate utility involvement; and also, the review of shop drawings, catalog cuts and occasional attendance at job conferences may be required.

The services shall also include, but not be limited to, a preliminary meeting in the Bureau of Facility Design and Construction, 8th floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, for each project. The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. Work may be done on an hourly basis or a maximum cost work order for the individual design project. The design work will be reviewed by the architectural and engineering staff of the Bureau of Facility Design and Construction, and when acceptable, approved by the same staff.

The number of open-end contracts and the dollar amount of each contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

Commitment to Enhance Socially/Economically Restricted Businesses (SERB)

The Commonwealth of Pennsylvania strongly encourages the submission of proposals by Socially/Economically Restricted Business (SERB).

To achieve the objective of enhancing SERB participation, the Commonwealth has established SERB utilization as selection criteria in the evaluation process.

The Bureau of Contract Administration and Business Development (BCABD), Department of General Services, will evaluate the aforementioned criteria and will design a point value to be considered within the overall RFP total point tabulation.

Proposers not considered to be socially/economically restricted businesses seeking to identify the businesses for joint venture and subcontracting opportunities are encouraged to contact: Department of General Services, Office of Minority and Women Business Enterprise, Room 502, North Office Building, Harrisburg, PA 17125, (717) 787-7380.

Proposals submitted by individuals claiming SERB status or proposals submitted by individuals reflecting joint venture and subcontracting opportunities with SERBs must submit documentation verifying their claim.

SERBs are businesses whose economic growth and development has been restricted based on social and economic bias. The businesses are BCABD certified minority and women owned businesses and certain restricted businesses whose development has been impeded because their primary or headquarter facility is physically located in an area designated by the Commonwealth as being an enterprise zone. Businesses will not be considered socially/economically restricted if one of the following conditions exists:

1. The business has gross revenues exceeding \$4,000,000 annually.

2. The concentration of an industry is such that more than 50% of the market is controlled by the same type of SERB (Minority Business Enterprise (MBE) Women Business Enterprise (WBE) or businesses within designated enterprise zones.

Proposers not considered being socially/economically-restricted businesses seeking to identify the businesses for joint venture and subcontracting opportunities are encouraged to contact the Department of General Services, Bureau of Contract Administration & Business Development, Room 502 North Office Building, Harrisburg, PA 17125, (717) 787-7380, fax: (717) 787-7052.

SERB Information

SERBs are encouraged to participate as prime proposers. SERBs qualifying as an MBE/WBE must provide their BCABD certification number. SERBs qualifying as a result of being located in a designated enterprise zone must provide proof of this status. Proposers not considered being SERBs must describe, in narrative form, their company's approach to enhance SERB utilization on a professional level in the implementation of this proposal. The following options will be considered as part of the final criteria for selection:

Priority Rank 1. Proposals submitted by SERBs.

Priority Rank 2. Proposals submitted from a joint venture with a Commonwealth approved SERB as a joint venture partner.

Priority Rank 3. Proposals submitted with subcontracting commitments to SERBs.

Each proposal will be rated for its approach to enhancing the utilization of SERB. The optional approach used will be evaluated with option number 1 receiving the greatest value and the succeeding options receiving a value in accordance with the above-listed priority ranking. The percent designated for SERB commitment should be placed in a separate sealed envelope and stapled to the SERB section of the proposal. Contractor proposals should also include the SERB value in the cost and price analysis section of the proposal. The applicable items shown in the cost and price analysis section should also be used to prepare and detail the proposed SERB commitment value including, if applicable, fiscal year breakdown. The selected contractor's SERB commitment amount will be included as a contractual obligation when a contract is entered into. One copy of the SERB information shall be

submitted in a separate sealed envelope, clearly marked. The information will be evaluated by the Department of General Services.

General Requirements and Information

Firms interested in performing the required services for the project are invited to submit Letters of Interest to Eugene J. Comoss, P.E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact James Eppley or David Kyper at (717) 787-7398 for general information concerning the design work.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project proposed. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of all personnel who made major contributions to the project. The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department's needs. A standard new 1999 DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. Additional information pertinent to the firm's qualifications to do the work of this contract may be included. Direct costs other than payroll, such as travel and subsistence, shall be based on the current State rates. The Department shall reimburse miscellaneous expenses such as copies, prints, sepias, postage and film at cost upon approval.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

Criteria evaluated by the Technical review will include:

Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.

Qualifications of firm.

Professional personnel in firm.

Soundness of approach as demonstrated in Letter of Interest, including the firm's description of prompt responsiveness to design questions, shop drawings and construction questions.

Geographic proximity of the professional to the facility or study area.

Available manpower to perform the services required.

SERB participation. (Evaluated by DGS)

Equitable distribution of the contracts.

Each proposer shall relate their proposal to the above criteria.

Six copies of the Letter of Interest, six copies of the required forms and one copy of the SERB information must be received no later than 2 p.m. on May 19, 1999. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest

submitted, cancel the solicitation requested under this notice, and/or re-advertise solicitation for this service.

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

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 99-663. Filed for public inspection April 23, 1999, 9:00 a.m.]

The Department will offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the 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 this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. 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 Field Office indicated above the application.

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

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

PA 0083623. Industrial waste, SIC: 3568, **T. B. Woods, Inc.**, 440 North Fifth Avenue, Chambersburg, PA 17201-1778.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary to Falling Spring Branch, in Chambersburg Borough, **Franklin County**.

The receiving stream is classified for trout stocked 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 located in Hagerstown, Maryland. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.36 mgd are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Temperature (8-1 to 6-30)		100°F as daily maximum	
(7-1 to 7-30)		88°F as daily maximum	
pH		6.0—9.0	

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		shall be monitored	
CBOD		shall be monitored	
COD		shall be monitored	
Oil and Grease		shall be monitored	
Total Suspended Solids		shall be monitored	
Total Phosphorus		shall be monitored	
Total Kjeldahl Nitrogen		shall be monitored	
Dissolved Iron		shall be monitored	
Total Lead		shall be monitored	
Total Chromium		shall be monitored	
Total Copper		shall be monitored	
Total Cadmium		shall be monitored	
Total Nickel		shall be monitored	
Total Zinc		shall be monitored	
Total Arsenic		shall be monitored	

An annual inspection of the facility may be conducted in lieu of monitoring. The inspection shall include an examination of sediment present in the outfall including identification of substances present in the sediment. Areas contributing to a stormwater discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

PA 0088013. Industrial waste, SIC: 54, 55 and 58, **Lee-Mar Incorporated, (Mount Hope Food Mart)**, 2957 Lebanon Road, Manheim, PA 17545.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to an unnamed tributary to Shearers Creek, in Rapho Township, **Lancaster County**.

The receiving stream is classified for HQ-CWF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream potable water supply intake considered during the evaluation was the Columbia Water Company on the Susquehanna River located in Columbia Borough. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.036 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Benzene	0.001	0.002	0.0025
Toluene		monitor and report	
Ethylbenzene		monitor and report	
Xylene		monitor and report	
Total BTEX	0.1	0.2	0.25
Methyl Tertiary Butyl Ether	0.02	0.04	0.045
Napthalene	0.01	0.02	0.025
pH		from 7—9 inclusive	
Total Suspended Solids	30	60	75
Temperature		monitor and report	

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

The EPA waiver is in effect.

PA 0038920. Sewage, SIC: 4952, **Burnham Borough Authority**, 200 First Avenue, Burnham, PA 17009.

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

The receiving stream is classified for trout stocking 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 Dauphin Consolidated located in Middle Paxton 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 0.900 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
Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	16	XXX	32
(11-1 to 4-30)	monitor and report	XXX	monitor and report
Total Residual Chlorine (Interim)		monitor and report	
(Final)	0.8	XXX	2.7
Total Copper		monitor and report	
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0—9.0 inclusive	
Fecal Coliforms			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		22,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

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

PA 0098230. Sewage, **Fort Cherry Area School District**, 110 Fort Cherry Road, McDonald, PA 15057.

This application is for renewal of an NPDES permit to discharge treated sewage from the Jr./Sr. Elementary School STP in Mt. Pleasant Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cherry Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority.

Outfall 001: existing discharge, design flow of .02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	.35			.82
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0093891. Sewage, **Deer Creek Drainage Basin Authority**, P. O. Box 148, Little Deer Creek Road, Russelton, PA 15076.

This application is for renewal of an NPDES permit to discharge treated sewage from the Hampshire Estates STP in West Deer Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dawson Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Fox Chapel Water Authority.

Outfall 001: existing discharge, design flow of .04 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
(5-1 to 10-31)	2.5	3.8		5.0
(11-1 to 4-30)	5.0	7.5		10.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	.11			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0032085 Sewage. Department of Conservation and Natural Resources, Prince Gallitzin State Park, 966 Marina Road, Patton, PA 16668-6317.

This application is for renewal of an NPDES permit to discharge treated sewage from the Prince Gallitzin State Park STP in White Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Beaverdam Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA-American Water Company on the West Branch Susquehanna River near Milton.

Outfall 001: existing discharge, design flow of 0.12 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	30,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.0			
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 0002551, Amendment No. 1. Industrial waste, SIC: 2911, **Pennzoil-Quaker State Company,** Rouseville Refinery, 2 Main Street, Rouseville, PA 16344.

This application is for an amendment to an NPDES permit, to discharge treated industrial waste, noncontact cooling water, and Group 1 and Group 2 stormwater to Oil Creek and its tributary Hamilton Run in Rouseville Borough, **Venango County**. This is an existing discharge.

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

Outfall No. 006

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
This discharge shall be regulated through Suboutfalls 106 and 206.			

The proposed discharge limits, based on a design flow of 0.634 mgd, are:

Outfall No. 106

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitoring and report		
BOD ₅	40.2	80	100
Total Suspended Solids	35.5	56	90
COD	245	475	600
Oil and Grease	13.4	25.2	30
Phenols	0.2	0.6	0.6
Ammonia (as N)	5.4	11.8	13.4
Sulfide	0.2	0.5	0.6
Total Chromium	0.3	0.8	0.8
Hexavalent Chromium	0.1	0.02	0.05
pH	6.0—9.0 at all times		

The proposed discharge limits, based on a design flow of 0.042 mgd, are:

Outfall No. 013

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitoring and report		
BOD ₅			66
TSS			54
COD			450
Oil and Grease			15.7
Phenols			0.43
Chromium (Total)			1.1
(Hexavalent)			0.63
pH	6.0—9.0 at all times		

Outfalls:

010	Lat 41 27 44 Long 79 41 22
041	Lat 41 27 57 Long 79 40 40
042	Lat 41 27 58 Long 79 40 36
043	Lat 41 27 56 Long 79 40 30
060	Lat 41 27 16 Long 79 41 15
061	Lat 41 27 13 Long 79 41 14
062	Lat 41 27 10 Long 79 41 13
063	Lat 41 26 58 Long 79 41 14
064	Lat 41 26 53 Long 79 41 18
065	Lat 41 26 53 Long 79 41 21
140	Lat 41 27 56 Long 79 41 02
240	Lat 41 27 58 Long 79 40 54
340	Lat 41 27 55 Long 79 40 51
440	Lat 41 27 57 Long 79 40 48

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon		110	138
Oil and Grease		15	30

Outfalls:

030	Lat 41 28 16 Long 79 41 35
031	Lat 41 28 04 Long 79 41 31
051	Lat 41 26 53 Long 79 41 20
206	Lat 41 27 35 Long 80 41 21

These discharges shall contain uncontaminated stormwater runoff only.

The EPA waiver is not in effect.

PA 0101010. Sewage, **Extendicare Homes, Inc., d/b/a Abington Crest Nursing Center**, 1267 South Hill Road, Erie, PA 16509.

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

The receiving water is classified for cold water and migratory fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing/proposed downstream potable water supply to consider during the evaluation.

The proposed effluent limits for Outfall 001, based on average design flow of 0.0120 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)	7.5	15
(11-1 to 4-30)	22.5	45
Total Residual Chlorine	1.4	3.3
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
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—9.0 standard units at all times	

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0080926	Robert L. Schroeder 205 Sleepy Hollow Rd. Lititz, PA 17543	Lancaster Elizabeth Township	UNT to Hammer Creek	TRC
PA 0086118	Bumper Bob's Rest. Robert Conley 1875 Old Trail Rd. Etters, PA 17319-9546	York Newberry Township	UNT to Fishing Creek	TRC

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

**Applications under the Pennsylvania Clean
Streams Law**

(Part II Permits)

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 783-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received for industrial waste and sewerage under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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. 2199403. Sewage, submitted by **Hampden Township Sewer Authority**, 230 Sporting Hill Road, Mechanicsburg, PA 17055, in Hampden Township, **Cumberland County** to construct the Fairwinds Pump Station was received in the Southcentral Region on April 1, 1999.

A. 0187402, amendment 99-1. Sewage, submitted by **Abbottstown/Paradise Joint Sewer Authority**, P. O. Box 401, Abbottstown, PA 17301, in Paradise Township, **Adams County** to construct repairs to existing pump station no. 1 (US Route 30 East) was received in the Southcentral Region on April 1, 1999.

A. 0699403. Sewage, submitted by **Borough of Wyomissing**, 22 Reading Boulevard, Wyomissing, PA 19610, in Wyomissing Borough, **Berks County** to construct alterations/repairs to the Wynnewood at Wyomissing Apartment Complex pump station was received in the Southcentral Region on April 5, 1999.

A. 6799401. Sewage, submitted by **Springettsbury Township Board of Supervisors**, 1501 Mount Zion Road, York, PA 17402, in Springettsbury Township, **York**

County to construct a diversion pumping station and parallel interceptor was received in the Southcentral Region on March 29, 1999.

A. 2199402. Sewage, submitted by **Mark W. and Tara L. Lehman**, 695 Center Road, Newville, PA 17241, in Lower Mifflin Township, **Cumberland County** to construct a small flower sewage treatment system to serve their home was received in the Southcentral Region on March 29, 1999.

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

A. 0272419-A3. Sewerage. **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237-5597. Application for the modification and operation of a sewage treatment plant to serve the Pine Creek STP located in Hampton Township, **Allegheny County**.

A. 461S37-A1. Sewerage. **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237-5597. Application for the modification and operation of a sewage treatment plant to serve A & B STP located in McCandless Township, **Allegheny County**.

A. 467S028-A2. Sewerage. **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237-5597. Application for the modification and operation of a sewage treatment plant to serve Longvue No. 1 located in McCandless Township, **Allegheny County**.

A. 6369406-A3. Sewerage. **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317-3153. Application for the modification and operation of a sewage treatment plant to serve the Brush Run STP located in Peters Township, **Washington 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 this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 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 period will be considered in the formulation of the final determinations regarding this application. Responses

should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

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

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

NPDES Permit PAS10-G359. Stormwater. **Columbia Transmission Communications Corporation**, P. O. Box 10146, Fairfax, VA 22030-0146, has applied to discharge stormwater from a construction activity located in West Vincent, West Nottingham, East Fallowfield, East Vincent, Upper Uwchlan, Upper Oxford, Caln, Lower Oxford, West Brandford, East Nottingham, East Brandywine and East Coventry Townships in **Chester County**, Marlborough, Limerick and Upper Frederick Townships in **Montgomery County**, Milford and Springfield Townships in **Bucks County**, Williams and Lower Saucon Townships in **Northampton County**, Upper Saucon Township in **Lehigh County** and Fulton, and Little Britain Townships in **Lancaster County**, to tributaries, unnamed tributaries and intermittent tributaries of the following waterways: Octorara Creek, Reynolds Run, Tweed Creek, Leech Run, Muddy Run, Doe Run, Bucks Run, Brandywine Creek, West Branch Brandywine Creek, Broad Run, Beaver Creek, East Branch Brandywine Creek, Shamona Creek, Marsh Creek Lane, Pine Creek, Birch Run, French Creek Stony Run, Pigeon Creek, Schuylkill River, Brook Evans Creek, Possum Hollow Creek, Hartenstine Creek, Swamp Creek, Scioto Creek, Goshenhoppen Creek, Deep Creek, Green Lane Reservoir, Macoby Creek, Hazelback Creek, Schmoutz Creek, Molasses Creek, Licking Run, Unami Creek, Tohickon Creek, Cooks Creek, Polk Valley Run, Silver Creek, East Branch Saucon Creek, Frya Run, Delaware Canal and Delaware River.

NPDES Permit PAS10-G360. Stormwater. **K. Hovnanian Companies**, 1369 Troon Lane, West Chester, PA 19380, has applied to discharge stormwater from a construction activity located in East Goshen Township, **Chester County**, to Tributary of Ridley Creek.

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

Franklin County Conservation District, District Manager, 550 Cleveland Avenue, Chambersburg, PA 17201, (717) 264-8074.

NPDES Permit PAS-10-M104. Stormwater. **Greencastle Market Place Associates, L. P.**, 1398 Logan Circle, Marietta, GA 30062, has applied to discharge stormwater from a construction activity located in Greencastle Borough, **Franklin County**, to Muddy Run.

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

Centre County Conservation District, 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-6817.

NPDES Permit PAS10F075. Stormwater. **Bureau of Abandoned Mine Reclamation**, P. O. Box 8476, Harrisburg, PA 17105-8476, has applied to discharge stormwater from a construction activity located in Burnside Township, **Centre County** to Unnamed Tributary Sevenmile Run and Miles Run to Sterling Run.

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

NPDES Permit PAS10L020. Stormwater. **CNG Transmission Corporation**, 445 West Main Street, Clarksburg, WV 26302-2450, has applied to discharge from a construction activity located in Georges, Wharton, North Union and South Union Townships, **Fayette County** to Laurel Run.

SAFE DRINKING WATER

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

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

A. 3899502. Public water supply, **Elizabethtown Borough**, West Cornwall Township, **Lebanon County**. *Responsible Official:* Nick Viscome, Borough Manager, 600 S. Hanover Street, Elizabethtown, PA 17022. *Type of Facility:* Construction of a raw water pump station and transmission main. Water will be pumped from Cornwall Quarry to Conewago Creek. *Consulting Engineer:* Mikel Geissler, P. E., CET Engineering Services, 1240 N. Mountain Rd., Harrisburg, PA 17112. *Application received:* March 18, 1999.

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

A. 2499502. Public water supply. **Ridgway Township**, Ridgway Drive, Ridgway, PA 15853. This proposal involves the construction of a water distribution and fire protection to service the Boot Jack Industrial Park in Ridgway Township, **Elk County**.

A. 2599504. Public water supply. **Windsor Mobile Home Park**, 2871 Route 6N East, Edinboro, PA 16412. This proposal involves the permitting of an existing water supply which will utilize five existing wells to supply water, along with a new central pump house, disinfection, 10,000 gallon storage facility and new PVC distribution lines with shut off valves in Washington Township, **Erie County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background 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 contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

James A. Stimmler, Inc., Loading Rack, AOC, Worcester Township, **Montgomery County**. Philip F. Gray, Jr., Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Notice of Intent to Remediate site soils 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 *Times Herald* on March 16, 1999.

James A. Stimmler, Inc., UST, AOC, Worcester Township, **Montgomery County**. Philip F. Gray, Jr., Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Notice of Intent to Remediate site soils 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 *Times Herald* on March 16, 1999.

Trust of Samuel H. Keiser, Pottstown Borough, **Montgomery County**. Philip F. Gray, Jr., Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Notice of Intent to Remediate site soils 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 Mercury* on March 19, 1999.

Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.

Adelphia Communications, Inc.—Future Operations Center, Coudersport Borough, **Potter County**. Jeffrey Loney, P. G. on behalf of his client Adelphia Communications, Inc., Main at Water Street, Coudersport, PA 16915, has submitted a Notice of Intent to Remediate groundwater contaminated with BTEX and PHCs. 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 *Potter Leader Enterprise* on March 8, 1999.

Dealer Associates Pennsylvania General Partnership, Ferguson Township, **Centre County**. Bradley S. Wolf on behalf of his client Dealer Associates Pennsylvania General Partnership, 169 West Aaron Drive, State College, PA 16801, has submitted a Notice of Intent to Remediate soil contaminated with lead, BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Centre Daily Times* on February 10, 1999.

Joseph Mint Residence, South Waverly Borough, **Bradford County**. David R. Crowther, Geologist, on behalf of his client Joseph Mint, 47 Williams Street, South Waverly, PA 18840, has submitted a Notice of Intent to Remediate soil contaminated with PAHs and groundwater contaminated with BTEX. A summary of the Notice of Intent to Remediate was reported to have been published in *The Evening Times* on February 24, 1999.

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

Engelhard Corporation/Mallinckrodt Inc. South Parcel, City of Erie, **Erie County**, has submitted a Notice of Intent to remediate groundwater. The site has been found to be contaminated with lead, heavy metals and solvents. 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 *Erie Times* on April 5, 1999.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

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

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

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

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

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

OPERATING PERMITS

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

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

06-302-171A: Premium Beverage Packers, Inc. (1055 Cross Roads Blvd., Reading, PA 19605) for two natural gas and No. 2 fuel oil fired boilers with low NOx burners in Muhlenberg Township, **Berks County**. The boilers are subject 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

22-303-012A: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for operation of a batch asphalt plant in the City of Harrisburg, **Dauphin County**.

67-310-053: York Building Products, Inc. (P. O. Box 1708, York, PA 17405) for installation of a fabric collector to control particulate emissions from a primary crushing operation in Jackson Township, **York County**.

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

14-309-043: Corning Asahi Video Products Co. (P. O. Box 9, State College, PA 16801-0009) for operation of three glass melting tanks (nos. 221, 222 and 223) and associated air cleaning devices (three electrostatic precipitators) and various associated minor air contamination sources in College Township, **Centre County**. These sources are subject to Subpart CC of the Federal Standards of Performance for New Stationary Sources and Federal Prevention of Significant Deterioration (PSD) requirements.

59-304-008B: ACP Mfg. Co. LLC (P. O. Box 9, Blossburg, PA 16912-0068) for operation of two ferrous casting grinders and tumblast machine and associated air cleaning device (a fabric collector) and operation of an annealing oven all previously owned and operated by Ward Mfg., Inc., ACP Division in Lawrence Township, **Tioga County**.

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

OP-65-00802: Bechwith Machinery Co. (P. O. Box 140, Delmont, PA 15626) for operation of construction/mining machinery at Delmont Facility in Salem Township, **Westmoreland County**.

OP-26-00280: West Penn Power Co. (800 Cabin Hill Drive, Greensburg, PA 15601) for operation of electric services at Connellsville Construction in Connellsville, **Fayette County**.

OP-11-00329: Empire Foundations, Inc. (300 Grant Street, South Fork, PA 15956) for operation at South Fork Facility in South Fork Borough, **Cambria County**.

PLAN APPROVALS

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

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

PA-46-0026A: Global Packaging, Inc. (Brower and Montgomery Avenues, Oaks, PA 19456) for modification of a flexographic printing press in Upper Providence Township, **Montgomery County**.

PA-46-0172A: Gemplus Plastics Corp. (Route 309 and Park Drive, Montgomeryville, PA 18934) for modification of a screen and lithographic printing in Montgomery Township, **Montgomery County**.

PA-46-0063: Universal Packaging Corp. (1196 Easton Road, Horsham, PA 19044) for construction of a rotogravure printing press in Horsham Township, **Montgomery County**.

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

06-3005A: Morton International (P. O. Box 15209, Reading, PA 19612) for construction of various sources in the manufacturing of plastic powder coatings controlled by two fabric collectors in Reading, **Berks County**.

21-2013D: Fry Communications, Inc. (800 West Church Road, Mechanicsburg, PA 17055) for installation of a regenerative thermal oxidizer in Building No. 1 (Plant No. 1) in Mechanicsburg Borough, **Cumberland County**.

36-03094: Snavely's Mill, Inc. (333 Snavely Mill Road, Lititz, PA 17543) for installation of two baghouses in Warwick Township, **Lancaster County**.

36-05089A: Wabash Alloys, L.L.C. (Hazel and Biddle Streets, Marietta, PA 17547) for installation of a replacement ingot casting line and modification of an existing rotary dryer in Marietta Borough, **Lancaster County**.

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

59-304-008: ACP Mfg. Co. LLC (P. O. Box 9, Blossburg, PA 16912-0068) for construction of an electric induction furnace iron foundry and associated air cleaning devices (fabric collectors) in Lawrence Township, **Tioga County**.

59-304-008D: ACP Mfg. Co. LLC (P. O. Box 9, Blossburg, PA 16912-0068) for construction of two Isocure core machines and associated air cleaning device (a packed bed scrubber) in Lawrence Township, **Tioga County**.

08-399-039B: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504) for installation of an air cleaning device (a fabric collector) on a tungsten/molybdenum press in Department 004, Building 20A in North Towanda Township, **Bradford County**.

08-301-016: Faithful Companions Pet Cemetery, Inc. (R. R. 2, Box 210, Ulster, PA 18850-9645) for construction of an animal crematory incinerator in Smithfield Township, **Bradford County**.

08-317-003B: Taylor By-Products, Inc. (P. O. Box 849, Wyalusing, PA 18853) for construction of a rendering plant crax cooler and associated air cleaning devices (a multiclone and a packed bed scrubber) in Wyalusing Township, **Bradford County**.

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

PA-63-014C: Duquesne Light Co. (411 Seventh Avenue, Mail Drop 14-705, Pittsburgh, PA 15230) for installation of Units 1, 2 and 3—boiler at Elrama Station in Union Township, **Washington County**.

65-318-046B: Perfect Plastics Industries (14th Street, Building 201, New Kensington, PA 15068) for installation of VOC evaporation at New Kensington Facility in New Kensington, **Westmoreland County**.

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

37-303-013B: Lindy Paving, Inc. (R. D. 3, Box 2A, Northgate Industrial Park, New Castle, PA 16105) for modification to increase production in Hickory Township, **Lawrence County**.

PA-33-160A: Reynoldsville Casket Co., Inc. (P. O. Box 68, Reynoldsville, PA 15851) for installation of electrostatic painting equipment on an existing casket surface coating operation (total of 12,000 units/year) and installation of a catalytic oxidizer for VOC emissions control on the same process in Reynoldsville Borough, **Jefferson County**.

Notice of Intent to Approve

Plan Approval Application No. PA-32-055C

Notice is given, under 25 Pa. Code § 127.44(a)(4), that the Department of Environmental Protection (Department) intends to issue a Plan Approval to EME Homer City Generation for the installation of three SCR units and a wet SO₂ scrubber at the plant located in Homer City, PA as described in its application received on March 1, 1999.

Based on the information provided by the applicant and on the Department's analysis of that information, these installations will result in emission reductions of approximately 2,784 tons of SO₂ and 6,492 tons of NO_x.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

In order for the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

Special Conditions for Plan Approval PA-32-055C

3. General Conditions

a) This Plan Approval is for the construction and seasonal operation of Selective Catalytic Reduction (SCR) on all three units at Homer City Station and the installation of a wet SO₂ scrubber (FGD) on Unit 3. In addition, Edison Mission Energy (EME) will replace the Unit 3 stack, and install limestone and gypsum product storage and handling facilities, provide for backup onsite gypsum disposal, install FGD waste water treatment and effluent discharge systems, replace and or modify air heaters and make changes to the Unit 3 turbine. A separate Plan Approval Application shall be filed and approval shall be obtained prior to construction of the anhydrous ammonia storage tank.

b) This approval to construct shall become invalid if: (1) construction is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the date of this approval; or, (2) if construction is discontinued for a period of 18 months or more.

c) Unit #3 is subject to New Source Performance Standards for fossil fuel-fired steam generators (40 CFR Part 60, Subpart D). In accordance with 40 CFR 60.4, copies of all requests, reports, applications submittals and other communications shall be forwarded to both the EPA and the Department at the following addresses unless otherwise noted.

Director, Air Toxics and Radiation, US EPA, Region III, Chestnut St., Philadelphia, PA 19107;

PA DEP, Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222.

d) This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met.

i) The Department must receive written notice from the owner/operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

ii) Operation is permitted only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an operating permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

iii) This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the owner/operator under subpart (i), above.

iv) The owner/operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

v) The notice submitted by the owner/operator under subpart (i), above, prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of the written notice.

4. Stack Emissions Limitations

a) Emissions of sulfur oxides (as SO₂) from Unit #3 shall not exceed 0.4 lb/mmBtu based on a 30 day rolling average.

b) Emissions of sulfur oxides (as SO₂) from Unit #3 shall not exceed 12,720 tons in any 12 month consecutive period.

c) The visible emissions from the lime receiving structure, the crusher building and all material drop points shall not equal or exceed 5% opacity at any time.

d) The emission of ammonia from the boilers shall not exceed 5 ppmv at stack conditions, compliance with this condition shall be determined through the stack testing required in condition #5e.

e) It is not an enforceable requirement that the SCR units operate at any given time.

5. Testing Requirements

a) Within 60 days after achieving maximum firing rate, but no later than 180 days after start-up, stack tests shall be conducted on all units to determine emission rates of particulate matter (PM₁₀), carbon monoxide and ammonia. The tests shall be conducted in accordance with 25 Pa. Code Chapter 139, 40 CFR 60.8 and 60.48(a).

b) At least 60 days prior to performance of these stack tests, pretest protocols shall be submitted to the Department for review.

c) Emission information from approved monitors and CEMs may be substituted for the stack testing requirements of this approval.

6. Facility Requirements

a) All material handling conveyors shall be covered to prevent fugitive dust emissions.

b) A water tank truck, dedicated to the facility, shall be used on the plant roads to prevent fugitive dust and be available at all times.

c) A distance of 250 feet in each direction from the plant's main entrance shall be maintained as to prevent the generation of fugitive emissions.

d) Vehicle speed shall be limited to 15 miles per hour within the plant. The speed limit shall be posted on signs measuring no less than 2 feet by 4 feet, with letters no less than 6 inches high.

7. Continuous Monitoring

a) The company shall continue to certify, maintain and operate a CEM system for monitoring sulfur oxides (as SO₂), NO_x (as NO₂) and gas flow from each boiler. Oxygen (O₂) or carbon dioxide (CO₂) shall be monitored at each location where SO₂ or NO_x are monitored in accordance with the requirements of 25 Pa. Code Chapter 139.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the following address. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Joseph Pezze, Regional Air Quality Program Manager, Commonwealth of Pennsylvania, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information persons may contact Thomas J. Joseph, Air Pollution Control Engineer III, Air Quality Control, at the same address.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes:

the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

Coal Applications Received

11890102. Permit Renewal for Reclamation, only, **T. J. Mining, Inc.** (P. O. Box 370, Carrolltown, PA 15722), for continued restoration of a bituminous strip mine in Blacklick Township, **Cambria County**, affecting 100.0 acres, receiving stream Coal Pit Run, unnamed tributary to South Branch Blacklick Creek. Application received March 26, 1999.

11830108. Permit Renewal for Reclamation, only, **L & J Energy Company, Inc.** (P. O. Box I, Grampian, PA

16838), for continued restoration of a bituminous strip-auger mine in Susquehanna Township, **Cambria County**, affecting 183.4 acres, receiving stream unnamed tributary of West Branch Susquehanna River to West Branch Susquehanna River. Application received April 2, 1999.

32930107. Permit Renewal, **T.L.H. Coal Company** (R. D. 1, Box 170, Rochester Mills, PA 15771), commencement, operation and restoration of bituminous strip mine in Grant Township, **Indiana County**, affecting 93.3 acres, receiving stream unnamed tributaries to/and East Run. Application received April 6, 1999.

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

65990102. **Dunamis Resources Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650). Application received for commencement, operation and reclamation of a bituminous surface auger mine, located in Fairfield Township, **Westmoreland County**, proposes to affect 93 acres. Receiving streams: unnamed tributaries to the Conemaugh River and the Conemaugh River. Application received March 30, 1999.

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

17990106. **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701), commencement, operation and restoration of bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 788 acres. Receiving streams: unnamed tributaries of Laurel Run and Laurel Run both to Laurel Run to West Branch Susquehanna River. Application received March 29, 1999.

17714022. **A. W. Long Coal Company** (1203 Presqueisle Street, Philipsburg, PA 16866), renewal of an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 142.4 acres. Receiving streams: Hawk Run to Moshannon Creek, and Moshannon Creek to West Branch Susquehanna River to Susquehanna River. Application received March 11, 1999.

17813084. **Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine-coal refuse disposal permit in Lawrence Township, **Clearfield County** affecting 407.3 acres. Receiving streams: Wolf Run to, and an unnamed tributary to the West Branch Susquehanna River to the Susquehanna River. Application received March 11, 1999.

17673057. **Power Operating Co., Inc.** (P. O. Box 25, Osceola Mills, PA 16666), renewal of an existing bituminous surface mine permit in Gulich and Woodward Townships, **Clearfield County** affecting 1,237.3 acres. Receiving streams: Whiteside Run, unnamed Run to Moshannon Creek, tributary to West Branch Susquehanna River. Application received March 31, 1999.

14663003. **Power Operating Co., Inc.** (P. O. Box 25, Osceola Mills, PA 16666), renewal of an existing bituminous surface mine permit in Rush Township, **Centre County** affecting 900.0 acres. Receiving streams: Trout Run to Moshannon Creek to West Branch Susquehanna River to Susquehanna River. Application received March 31, 1999.

14663004. **Power Operating Co., Inc.** (P. O. Box 25, Osceola Mills, PA 16666), renewal of an existing bituminous surface mine-coal refuse disposal permit in Rush Township, **Centre County** affecting 1,001.3 acres. Receiving streams: Moshannon Creek to Susquehanna River. Application received March 31, 1999.

17890115. Al Hamilton Contracting Company (R. D. 1, Box 87, Woodland, PA 16881), major permit modification to apply biosolids (stabilized sewage sludge) to enhance vegetation on an existing bituminous surface mine permit in Boggs Township, **Clearfield County** affecting 639 acres. Receiving streams: Camp Hope Run, Sanbourn Run, unnamed tributary to Sanbourn Run, to Clearfield Creek. Application received March 29, 1999.

57813001. Bernice Mining & Contracting, Inc. (P. O. Box 208, Mildred, PA 18632), renewal of an existing bituminous surface mine permit in Cherry Township, **Sullivan County** affecting 511 acres. Receiving streams: Birch Creek to Loyalsock Creek, and two unnamed tributaries of Loyalsock Creek to Loyalsock Creek and Loyalsock Creek to West Branch Susquehanna River. Application received April 1, 1999.

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

02851602. Mon Valley Transportation Center, Inc. (P. O. Box 135, Glassport, PA 15045-0135), to renew the permit for the Glassport Tipple in Glassport and Lincoln Boroughs, **Allegheny County**, no additional discharges. Application received March 16, 1999.

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

Project	Municipality
BF 439-101.1	Bullskin Township
BF 440-101.1	Redstone Township

To be considered, letters of interest must be received by Ernest F. Giovannitti, Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m., May 24, 1999.

Telephone inquiries shall be directed to John Stefanko, Project Engineer, Division of Acid Mine Drainage Abatement, at (717) 783-5896.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should

Noncoal Applications Received

15830602C3. Allan A. Myers, Inc. d/b/a Independence Construction Materials (4042 State Street, P. O. Box 657, Devault, PA 19432), renewal of NPDES Permit No. PA0614203 in Charlestown Township, **Chester County**, receiving stream—unnamed tributary to Pickering Creek. Application received March 25, 1999.

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

Large Industrial Mineral Permits Received

41990301. Glenn O. Hawbaker, Inc. (P. O. Box 135, 325 West Aaron Drive, State College, PA 16840), commencement, operation and restoration of a large industrial minerals (sandstone) permit in Armstrong Township, **Lycoming County** affecting 36.11 acres. Receiving streams: Hagermans Run to the Susquehanna River. Application received March 19, 1999.

ABANDONED MINE RECLAMATION

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine projects:

County	Acre
Fayette	47
Fayette	55

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

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 requests for certification under section 401 of the Federal Water Pollution Control Act.

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

E41-437. Encroachment. John M. Gonsalves, 200 W. 9th Avenue, South Williamsport, PA 17702. To 1) remove sunken and submerged old growth timber logs, not including the log cribs, from the West Branch Susquehanna River bed within a 12 mile bank-to-bank reach located immediately upstream of the Hepburn Street Dam, 2) to place fish habitat structures in the areas where old growth logs were removed (Williamsport, PA Quadrangle, from N: 19.6 inches; W: 0.9 inch to Linden, PA Quadrangle N: 13.7 inches; W: 9.9 inches) in the City of Williamsport, Loyalsock Township, South Williamsport Borough, Duboistown Borough, Armstrong Township, Susquehanna Township, and Woodward Township, Nippenose Township, Piatt Township, **Lycoming County**. This project proposes to insignificantly disturb 12 miles of streambed of the West Branch of the Susquehanna River, which is designated a warm water fishery.

E41-444. Encroachment. Donald and JoMarie Shaffer, 9424 Route 118, Unityville, PA 17774. To maintain 1) flow to a 27-foot wide by 300-foot long creek channel of

Little Muncy Creek and to construct and maintain 2) a 5-foot high by 15-foot deep by 60-foot long log/stone deflector and 3) 400-cubic yards of grass stabilized clean fill in a flood eroded channel, to a height no higher than 3 feet or to the base of the mature Sycamore trees in the area (whichever is lower), located 100-feet east of the Hemlock Valley Campground Office (Lairdsville, PA Quadrangle N: 21.00 inches; W: 9.25 inches) in Franklin Township, **Lycoming County**. This project proposes to permanently impact 60-feet of Little Muncy Creek that is classified as a cold water fishery.

E59-383. Encroachment. **Lawrence Township Board of Supervisors**, R. R. 1, Box 616, Lawrenceville, PA 16929. To realign and maintain the channel of Smith Creek, a cold water fishery, to provide flood protection for private and public property. The realignment work shall consist of the periodic removal of two gravel deposition areas that shall not exceed a maximum removal depth of 4-feet. The first depositional area for periodic removal is upstream of the bridge that carries SR 0015 across Smith Creek and its removal shall not exceed a maximum area of 1,200-feet (long) × 35-feet (wide). The second depositional area is downstream of the bridge that carries SR 0015 across Smith Creek and its removal shall not exceed a maximum area of 400-feet (long) × 35-feet (wide). As proposed, the realignment of Smith Creek will not impact wetlands while impacting 1,600 linear feet of waterway. The project is located along the eastern right-of-way SR 0015 approximately 1.6-miles north of SR 0328 and SR 0015 intersection (Jackson Summit, PA Quadrangle N: 19.0 inches; W: 15.9 inches) in Lawrence Township, **Tioga County**. This permit shall be void 5 years from the date of issuance.

E59-384. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. To remove an existing structure and to construct, operate and maintain a single span prestressed concrete spread box beam that will carry SR 4035, Section 009, Segment—Offset 0090/0252 across Catlin Hollow Run; a Trout Stocking Fishery. The bridge will be constructed with a center-to-center of span of 66.5-feet, and underclearance of 7.0-feet and a skew of 49.5-degrees that will temporarily impact 0.003 acre of wetland and 80-feet of waterway that is located along the northern right-of-way of SR 0006 approximately 1,000-foot north of T-580 and SR 4035 intersection (Keeneyville, PA Quadrangle N: 4.6 inches; W: 0.7 inch) in Charleston Township, **Tioga County**. The permit will also authorize the construction, operation, maintenance and removal of a temporary crossing of Catlin Hollow Run strictly for construction vehicle access. The temporary crossing shall be constructed, operated, maintained and removed in accordance with the Department of Environmental Protection's BDWM-GP-8.

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

E16-108. Encroachment. **Paint Township Supervisors**, R. D. 1, Box 231A, Shippenville, PA 16254. To remove the existing Township Bridge No. 2 and to construct and maintain a prestressed concrete adjacent box beam or steel I-Beam bridge having a clear normal span of 15.545 meters and a minimum underclearance of 3.28 meters across Toby Creek on T-577 (Breniman Road) approximately 2.4 kilometers east of S. R. 0066 (Lucinda, PA Quadrangle N: 1.45 inches; W: 16.3 inches) located in Paint Township, **Clarion County**.

E62-343. Encroachment. **Warren County**, Warren County Courthouse, 204 4th Avenue, Warren, PA 16365. To maintain a wooden deck snowmobile/pedestrian bridge across the existing S. R. 0059 bridge wingwalls across Morrison Run (HQ-CWF). The wooden bridge has a single clear span of 29 feet, a width of 8 feet, 4 inches, and an underclearance of 4 feet, 8 inches. The project is located on S. R. 0059 across Morrison Run approximately 2,000 feet east of the intersection of S. R. 0059 and S. R. 0006 (Clarendon, PA Quadrangle N: 13.0 inches; W: 14.0 inches) located in Mead Township, **Warren County**.

E62-344. Encroachment. **Warren County**, 204 4th Avenue, Warren, PA 16365. To maintain a wooden deck snowmobile/pedestrian bridge across the existing S. R. 0059 bridge wingwalls across Browns Run (EV, trout stocked, wild trout). The wooden bridge has a single clear span of 42 feet, a width of 8 feet, 4 inches, and an underclearance of 6 feet, 8 inches. The project is located on S. R. 0059 across Browns Run approximately 2,400 feet east of the intersection of S. R. 0059 and S. R. 0006 (Clarendon, PA Quadrangle N: 13.0 inches; W: 14.0 inches) located in Mead Township, **Warren County**.

E62-345. Encroachment. **Sugar Grove Township**, R. D. 4, Box 205, Sugar Grove, PA 16350. To remove the existing bridge and to place and maintain three 7-foot diameter corrugated metal pipe culverts and associated road fill on T-452 (Deer Run Road) across Patchen Run (CWF). The project is located on T-452 (Deer Run Road) across Patchen Run approximately 400 feet north of the intersection of T-452 (Deer Run Road) and T-579 (Sugar Grove, PA Quadrangle N: 11.6 inches; W: 14.8 inches) located in Sugar Grove Township, **Warren County**.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

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

WA56-535A. Water Allocation. **Citizens Water Company**, 513 Dean Street, P. O. Box 26, Confluence, PA 15424. The applicant is requesting the right to withdraw 200,000 gallons per day of water from Drake Run, **Somerset County**.

WA63-83C. Water Allocation. **Charleroi Borough Municipal Authority**, PA 15022. The applicant is requesting a service area expansion to serve Somerset Township, **Washington County**. The applicant is not requesting an increase to its current maximum allocated 9 mgd of water from the Monongahela River.

WA65-090C. Water Allocation. **The Municipal Authority of the City of New Kensington, Westmoreland County**. The applicant is requesting a service area expansion with no increase in their existing allocation of 8 mgd from the Allegheny River.

WA56-808A. Water Allocation. **Seven Springs Municipal Authority**, R. D. 1, Helen Road, Champion, PA 15622-9602. The applicant is requesting the right to withdraw 470,000 gallons of water, peak day, from Trout Run Springs 1, 2, 3 and 4 and Hemlock Lodge Spring, **Somerset County**.

WA11-1005. Water Allocation. **Friends Co-Op**, 259 Friends Avenue, Sidman, PA 15955. The applicant is

requesting the right to purchase 7,000 gallons of water, peak day, from the Highland Sewer and Water Authority.

ACTIONS

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

[National Pollution Discharge Elimination System
Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

NPDES Permit No. PA0063878. Sewerage. **North-eastern Schuylkill Joint Municipal Authority**, P. O. Box 1326, R. R. 1, Tamaqua, PA 18252, is authorized to discharge from a facility located in Rush Township, **Schuylkill County**, to Pine Creek.

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

NPDES Permit No. PA0006327. Industrial waste, **Allegheny Ludlum Corporation**, 100 River Road, Brackenridge, PA 15014, is authorized to discharge from a facility located at West Leechburg Facility, West Leechburg, **Westmoreland County** to receiving waters named Kiskiminetas River and Elder Run.

NPDES Permit No. PA0216054. Industrial waste, **Pittsburgh Spring, Inc.**, One McCandless Avenue, Pittsburgh, PA 15201, is authorized to discharge from a facility located at City of Pittsburgh, **Allegheny County** to receiving waters named Allegheny River.

NPDES Permit No. PAS806104. Industrial waste, **Con-Way Central Express**, 736 Cooper Avenue,

Johnstown, PA 15906, is authorized to discharge from a facility located at West Taylor Township, **Cambria County** to receiving waters named Wildcat Run (Outfalls 001 and 002) and Laurel Run (Outfall 003).

NPDES Permit No. PA0024449. Sewage, **Youngwood Borough Authority**, 17 South Sixth Street, Youngwood, PA 15697, is authorized to discharge from a facility located at Youngwood Borough Sewage Treatment Plant, Youngwood Borough, **Westmoreland County** to receiving waters named Jack Run.

NPDES Permit No. PA0027111, Amendment No. 2. Sewage, **Municipal Sanitary Authority of the City of New Kensington**, 120 Logans Ferry Road, New Kensington, PA 15068-2046, is authorized to discharge from a facility located at New Kensington Sewage Treatment Plant, City of New Kensington, **Westmoreland County**.

NPDES Permit No. PA0040011, Amendment No. 1. Sewage, **United Mobile Homes, Inc.**, P. O. Box 335, Eatontown, PA 07724, is authorized to discharge from a facility located at Port Royal Village STP, Rostraver Township, **Westmoreland County**.

NPDES Permit No. PA0041441. Sewage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501, is authorized to discharge from a facility located at Wells Creek STP, Somerset Township, **Somerset County** to receiving waters named Wells Creek.

NPDES Permit No. PA0042579. Sewage, **Smith Machine, Inc.**, P. O. Box 126, Route 519, Eighty Four, PA 15330, is authorized to discharge from a facility located at Smith Machine Sewage Treatment Plant, Somerset Township, **Washington County** to receiving waters named Storm Drain to Unnamed Tributary of Little Chartiers Creek.

NPDES Permit No. PA0092517. Sewage, **Allegheny Plaza Associates I, c/o Rosen Associates Management Corp.**, 33 South Service Road, Jericho, NY 11753-1006, is authorized to discharge from a facility located at Allegheny Plaza Associates Sewage Treatment Plant, Allegheny Township, **Westmoreland County** to receiving waters named Unnamed Tributary of Pine Run.

NPDES Permit No. PA0093874. Sewage, **Blairsville-Saltsburg School District**, 102 School Lane, Blairsville, PA 15717-8715, is authorized to discharge from a facility located at Saltsburg Elementary School STP, Loyalhanna Township, **Westmoreland County** to receiving waters named Unnamed Tributary of the Kiskiminetas River.

NPDES Permit No. PA0096016, Amendment No. 1. Sewage, **Rostraver Estates, Inc.**, R. R. 2, Belle Vernon, PA 15012, is authorized to discharge from a facility located at Rostraver Estates Sewage Treatment Plant, Rostraver Township, **Westmoreland County**.

NPDES Permit No. PA0097136. Sewage, **Laurel Land Development Ltd.**, P. O. Box 253, Hopwood, PA 15445, is authorized to discharge from a facility located at Hopwood Village Mobile Home Park Sewage Treatment Plant, North Union Township, **Fayette County** to receiving waters named an unnamed tributary of Redstone Creek.

NPDES Permit No. PA0110302. Sewage, **Johnstown Economic Development Corporation**, 111 Market Street, Johnstown, PA 15901, is authorized to discharge from a facility located at Quemahoning Industrial Development Park STP, Quemahoning Township, **Somerset County** to receiving waters named Quemahoning Creek.

NPDES Permit No. PA0110922. Sewage, **Camp Allegheny, Inc.**, 100 Camp Allegheny Drive, Stoystown, PA 15563-8823, is authorized to discharge from a facility located at Camp Allegheny STP, Stonycreek Township, **Somerset County** to receiving waters named Unnamed Tributary of Calendars Run.

NPDES Permit No. PA0216267. Sewage, **D&E Management**, 116 East Pittsburgh Street, Greensburg, PA 15601, is authorized to discharge from a facility located at The Pines Apartments STP, Loyalhanna Township, **Westmoreland County** to receiving waters named Boatyard Run.

Permit No. 0297408. Sewerage, **Richard and Heide Engel**, 5713 Wesleyann Drive, Gibsonia, PA 15044. Construction of single residence sewage treatment plant located in Richland Township, **Allegheny County** to serve Engel Residence STP.

Permit No. 0298411. Sewerage, **South Fayette Township Municipal Authority**, P. O. Box 171, Morgan, PA 15064. Construction of sanitary sewers and pump station located in South Fayette Township, **Allegheny County** to serve Oakridge, Boyce and Alpine Roads.

Permit No. 0299404. Sewerage, **Christopher K. Ard**, 4192 Moreno Drive, Pal Harbor, FL 34685. Construction of single residence sewage treatment plant located in Richland Township, **Allegheny County** to serve Ard Single Residence STP.

Permit No. 0299405. Sewerage, **Anthony L. Weiss**, 298 Harmony Road, Pittsburgh, PA 15237. Construction of single residence sewage treatment plant located in Marshall Township, **Allegheny County** to serve Weiss Single Residence STP.

Permit No. 0299407. Sewerage, **Nancy Iacurci**, 524 Guyasuta Road, Pittsburgh, PA 15215. Construction of single residence sewage treatment plant located in Indiana Township, **Allegheny County** to serve Iacurci Single Residence STP.

Permit No. 1199401. Sewerage, **Gaye Lacko**, Box 6, Summerhill, PA 15958. Construction of single residence sewage treatment plant located in Croyle Township, **Cambria County** to serve Lacko Single Residence STP.

Permit No. 2699401. Sewerage, **Country Care Development, Inc.**, R. D. 2, Box 335D, Fayette City, PA 15438. Construction of sewage treatment plant located in Washington Township, **Fayette County** to serve Country Care Sewage Treatment Plant.

Permit No. 5698407. Sewerage, **Harry L. Crouse**, 164 Camry Lane, Somerset, PA 15501. Construction of single residence sewage treatment plant located in Somerset Township, **Somerset County** to serve Crouse Single Residence STP.

Permit No. 6399401. Sewerage, **Art and Sheila Harding**, 245 County Line Road, Bridgeville, PA 15017. Construction of single residence sewage treatment plant located in Cecil Township, **Washington County** to serve Harding Single Residence STP.

Permit No. 6399402. Sewerage, **Aimee and David Cook**, 9 Fieldcrest Drive, McDonald, PA 15057. Construction of single residence sewage treatment plant located in Robinson Township, **Washington County** to serve Cook Single Residence STP.

Permit No. 6399403. Sewerage, **John Teyssier**, 557 Swihart Road, McDonald, PA 15057. Construction of single residence sewage treatment plant located in Cecil Township, **Washington County** to serve Teyssier Single Residence STP.

Permit No. 6599402. Sewerage, **Clarence Soforic**, R. D. 4, Box 2260, Mt. Pleasant, PA 15666. Construction of single residence sewage treatment plant located in Mt. Pleasant Township, **Westmoreland County** to serve Soforic Single Residence STP.

INDIVIDUAL PERMITS

(PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101317	Matthew Beers 1140 Summer Mountain Dr. Palmerton, PA 18071	Carbon County Lower Towamensing Township	Aquashicola Creek
PAS10S012-R	Camelback Ski Corp. P. O. Box 168 Tannersville, PA 18372	Monroe County Pocono and Jackson Townships	Pocono Creek
PAS10S015-R	Camelback Ski Corp. P. O. Box 168 Tannersville, PA 18372	Monroe County Pocono and Jackson Townships	Pocono Creek

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and/or Other General Permits

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements,

operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

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

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

*List of NPDES and/or other
General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

General Permit Type—PAG-2

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
East Marlborough Township Chester County	PAR10-G311	Unionville—Chadds Ford School District 740 Unionville Road Kennett Square, PA 19348	Unnamed Tributary to East Branch Red Clay Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
West Bradford Township Chester County	PAR10-G312	Village Builders, Inc. 2921 Windmill Road, Suite 4 Sinking Spring, PA 19608	East Branch Brandywine Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Limerick Township Montgomery County	PAR10-T451	The Rosen Organization I Corp. 3625 Welsh Road Willow Grove, PA 19090	Unnamed Tributary to Local Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Skippack Township Montgomery County	PAR10-T516	Skippack Township 1246 Bridge Road P. O. Box 164 Skippack, PA 19474	Unnamed Tributary to Skippack Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Worcester Township Montgomery County	PAR10-T513	Fairview Village Church of the Nazarene 3044 Germantown Pike Fairview Village, PA 19409	Tributary of Skippack Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Centre County Ferguson Township	PAR10F085	Christian and Missionary Alliance Church of State College 1606 Norma St. State College, PA 16801	Unnamed Tributary to Walnut Run and Slab Cabin Run	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823
Clearfield County Sandy Township	PAR101750	Michael J. Develop Corp. P. O. Box 1198 2500 Brookville Rd. Wexford, PA 15090	Sandy Lick Creek	Clearfield County CD 650 Leonard St. Clearfield, PA 16830

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<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Centre Township Berks County	PAR-10-C261	Skull Hill Dairy Charles L. Zimmerman 1056 Rake Road Mohrsville, PA 19541	Irish Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Richmond Township Berks County	PAR-10-C265	Fleetwood Area School District Dr. Nancy Allmon Supt. 801 North Richmond Street Fleetwood, PA 19522	Willow Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Spring Township Berks County	PAR-10-C258	Broadcasting Square Timothy Harrison G H Property Dev. Assoc. LP 20 Erford Road, Suite 212 Lemoyne, PA 17043	Tulpehocken Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Middlesex Township Cumberland County	PAR-10-H195	ABF Freight System Inc. 3801 Old Greenwood Road Fort Smith, AR 72903	Conodoguinet Creek	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Porter Township Huntingdon County	PAR-10-3013	Hartslog Courts R. D. 1 Huntingdon, PA 16652	Crooked Creek	Huntingdon County CD R. R. 1, Box 7C (Rte. 26S) Huntingdon, PA 16652 (814) 627-1627
Walker Township Huntingdon County	PAR-10-3014	Beverly Heights Development R. D. 3, Box 225 Huntingdon, PA 16652	Crooked Creek	Huntingdon County CD R. R. 1, Box 7C (Rte. 26S) Huntingdon, PA 16652 (814) 627-1627
West Hempfield Township Lancaster County	PAR-10-O-292	Roy Zimmerman 10 Eagles Landing Lititz, PA 17543	UNT Swarr Run	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Denver Borough Lancaster County	PAR-10-O-336	Richard E. Haller 307 East Lexington Road Lititz, PA 17543	Little Cocalico Creek	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Bethel Township Swatara Township Lebanon County	PAR-10-P096	Wilmer Weaver Subdivision Airport Rd. and School House Drive R. D. 1 Fredericksburg, PA 17026	Little Swatara Creek	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 EXT 3
Bethel Township Lebanon County	PAR-10-P097	Farmers Pride, Inc. P. O. Box 39 Fredericksburg, PA 17026	Deep Run	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 EXT 3
Jackson Township Lebanon County	PAR-10-P098	P. Keneth Gehman 210 Grenville Road Denver, PA 17517	Tulpehocken Creek	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 EXT 3

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Union Township Lebanon County	PAR-10-P100	Dept. of Military and Veterans Affairs Fort Indiantown Gap Annville, PA 17003-5002	Trout Run	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 EXT 3
Conewago Township York County	PAR-10-Y322	Hunter Creek Matthew Paul Endress 1642 Whitley Drive Harrisburg, PA 17111	Little Conewago Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
New Freedom Borough York County	PAR-10-Y378	New Freedom Apartments NFO Partners 2350 Springwood Rd., Suite 200 York, PA 17402	UNT to South Branch of Codorus Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County	PAR-10-Y359	Fairview Industrial Park Geometry Realty Inc. 110 East 59th Street 18th Floor New York, NY 10022	Fishing Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAR-10-Y376	Briar Bend J. Eugene Stumpf Est 135 South Duke Street York, PA 17403	UNT to Codorus Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
<i>General Permit Type—PAG-3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Carbon County Weatherly Borough	PAR202219	Weatherly Casting & Machine Co. P. O. Box 21 Weatherly, PA 18255	Black Creek	NERO Water Management (570) 826-2511
Lackawanna County Scranton City	PAR202222	Suckle Corporation 733 Davis Street Scranton, PA 18505	N/A	NERO Water Management (570) 826-2511
Lehigh County Coopersburg Borough	PAR212204	HYK Construction Corp. dba Rahns Construction Material Co. 430 Bridge Road Rahns, PA 19426	Unnamed tributary to Saucon Creek	NERO Water Management (570) 826-2511
Luzerne County Luzerne Borough	PAR202228	Kingston Metal Co. 100 Parry St. Luzerne, PA 18709	Toby Creek to Susquehanna River	NERO Water Management (570) 826-2511
Luzerne County Wright Township	PAR232207	Mountaintop Manufacturing 1050 Crestwood Drive P. O. Box 99 Mountaintop, PA 18707-0099	Big Wapwallopen Creek	NERO Water Management (570) 826-2511
Luzerne County Hanover Township	PAR212205	Wilkes-Barre Burial Vault 68 East St. Mary's Road Wilkes-Barre, PA 18702-4182	Susquehanna River	Northeast Regional Office, Water Management Program 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Luzerne County West Hazleton Borough	PAR232214	Flint Ink North America 4600 Arrowhead Drive Ann Arbor, MI 48105	Black Creek	Northeast Regional Office, Water Management Program 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Lackawanna County City of Scranton	PAR602215	Lackawanna County Solid Waste Management Authority 3400 Boulevard Avenue Scranton, PA 18512	Lackawanna River	NERO Water Management (570) 826-2511
Luzerne County Plains Township	PAR802206	Altec Industries, Inc. 210 Inverness Center Drive Birmingham, AL 35242	Susquehanna River	NERO Water Management (570) 826-2511
Northampton County Lower Mt. Bethel Township	PAR122208	ConAgra Flour Milling Co. a Subsidiary of ConAgra, Inc. P. O. Box 193 Martins Creek, PA 18063	Delaware River	NERO Water Management (570) 826-2511
Schuylkill County West Brunswick Township	PAR232226	GHM, Inc. R. R. 1, Box 1286A Industrial Drive Orwigsburg, PA 17961-9736	Schuylkill River	NERO Water Management (570) 826-2511
Westmoreland County City of Greensburg	PAR116101	ABB Power T&D Company, Inc. The Power Circuit Breaker Division 125 Theobald Avenue Greensburg, PA 15601	Slate Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County Hempfield Township	PAR116117	Carbidie Corporation P. O. Box 509 425 Arona Road Irwin, PA 15642-0509	UNT to Little Sewickley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Borough of Verona	PAR236120	Double R. Enterprises 221 Grove Street New Castle, PA 16101	Plum Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington County Union Township	PAR806185	Consolidated Rail Corporation 2001 Market Street Room 6A Philadelphia, PA 19101-1406	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4**Facility Location
County and
Municipality**Permit No.**Applicant Name
and Address**Receiving Stream
or Body of Water**Contact Office and
Telephone No.*Allegheny County
Indiana Township

PAG046179

Nancy Iacurci
524 Guyasuta Road
Pittsburgh, PA 15215UNT of Rawlings
RunSouthwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Allegheny County
Richland Township

PAG046174

Christopher K. Ard
4192 Moreno Drive
Palm Harbor, FL 34685UNT of Willow
RunSouthwest Regional
Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Cambria County
Croyle Township

PAG046172

Gaye Lacko
Box 6
Summerhill, PA 15958Little
Conemaugh
RiverSouthwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Westmoreland County
Mt. Pleasant Township

PAG046169

Clarence Soforic
RD 4, Box 2260
Mt. Pleasant, PA 15666UNT of Brush
CreekSouthwest Regional
Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Washington County
Robinson Township

PAG046173

Aimee and David Cook
9 Fieldcrest Drive
McDonald, PA 15057UNT of Robinson
RunSouthwest Regional
Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Washington County
Cecil Township

PAG046175

John Teyssier
557 Swihart Road
McDonald, PA 15057UNT of Miller
RunSouthwest Regional
Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Allegheny County
Marshall Township

PAG046176

Anthony L. Weiss
298 Harmony Road
Pittsburgh, PA 15237UNT of East
Branch Big
Sewickley CreekSouthwest Regional
Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Beaver County Franklin Township	PAG046180	Terry E. McClain 190 Hickernell Road Fombell, PA 16123	Hazen Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Elizabeth Township	PAG046162	John Karlovski 827 Peairs Road Elizabeth, PA 15037	UNT of Douglass Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County Somerset Township	PAG046163	Harry L. Crouse 164 Camry Lane Somerset, PA 15501	UNT of West Branch Coxes Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Indiana County White Township	PAG046164	Robert M. and Denise L. Clawson P. O. Box 771 Indiana, PA 15701	UNT of McKee Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County New Centerville Borough	PAG046166	James Richard Miller 199 Bridge Street Rockwood, PA 15557	UNT of South Glade Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington County Cecil Township	PAG046168	Art and Sheila Harding 245 County Line Road Bridgeville, PA 15017	UNT of Coal Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Lancaster County Caernarvon Township	PAG043611	Jacob L. Smucker 1842 Division Highway Narvon, PA 17555	UNT to Conestoga River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Caernarvon Township	PAG043616	Donald and JoAnn Pilon R. D. 3, Box 155A Elverson, PA 19520	Ditch to Conestoga River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Lower Mifflin Township	PAG043617	Mark W. and Tara L. Lehman 695 Center Road Newville, PA 17241	Doubling Gap Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG 05**Facility Location*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
York County Hanover Borough	PAG053526	Getty Property Corporation, Inc. 86 Doremus Avenue, P. O. Box 1099 Newark, NJ 07101	Drainage Ditch Connected to Plum Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG 8**Facility Location*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
South Middleton Township Cumberland County	PAG-08-3532	Peck's Septic Waste Processing Facility 68 Pine School Road Gardners, PA 17324-9048	N/A	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
East Manchester Township York County	PAG-08-3529	Northeastern York County Sewer Authority 175 Chestnut Street P. O. Box 516 Mt. Wolf, PA 17347	N/A	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG 9**Facility Location*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lack Township Juniata County	PAG-09-3521	Norm Thatcher RR 1, Box 3 East Waterford, PA 17021	N/A	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

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

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

City of Pottsville, Norwegian Township, North Manheim Township, Borough of Palo Alto, Schuylkill County

The Department has received the following submissions, as submitted by Camp, Dresser & McKee, Inc., the Greater Pottsville Area Sewer Authority (Authority), the City of Pottsville and Norwegian Township:

1. Correspondence, dated August 10, 1998, from Camp, Dresser & McKee, transmitting the following items to the Department:

(a) Final, revised corrective plan and schedule (CP&S) documents for the Main and West End Wastewater Treatment Facilities (Updated April 22, 1998).

(b) Proof of newspaper publication (Published on May 1, 1998) advertising proposed adoption of CP&S Documents for the Main and West End Wastewater Treatment Facilities.

(c) Solicitation letters to, and response letters from the Schuylkill County Planning Commission, City of Pottsville Planning Commission, Port Carbon Borough Planning Commission, Norwegian Township Planning Commission and North Manheim Township Planning Commission.

2. Correspondence, dated September 24, 1998, from Greater Pottsville Area Sewer Authority transmitting the following items to the Department:

(a) Resolutions of adoption from the City of Pottsville and Norwegian Township for the CP&S documents mentioned in Item 1.a. above.

All of the previously-referenced submissions are required to effectively revise the Authority's existing CP&S documents for its Main and West End Wastewater Treatment Facilities. The existing CP&S documents, last approved by the Department on March 13, 1997, will be replaced by the revised CP&S documents as listed in this correspondence, for both the Main and West End Wastewater Treatment Facilities. The revised CP&S documents set forth systematic plans to reduce and eliminate the hydraulic and organic overload conditions which currently exist in the Authority's wastewater collection, conveyance and treatment facilities. The CP&S documents also contain time schedules for the implementation of the activities listed in each CP&S.

After receiving the submissions listed earlier in this correspondence, developing circumstances in the Greater Pottsville Area, concerning the Authority and its Main Wastewater Treatment Facility, warranted the need for the Department to prepare a consent order and agreement (CO&A). The CO&A was structured using the CP&S document, prepared by the Authority for the Main Wastewater Treatment Facility and its service area, as its basis. As a result, the items previously outlined in the Main Wastewater Treatment Facility's CP&S are now part of the CO&A between the Department and the Authority. The CO&A was formally executed by the Department on February 8, 1999.

This correspondence acknowledges the Department's position that the Main Wastewater Treatment Facility's CP&S has already been accepted by the Department as the Authority's Corrective Plan as required by 25 Pa. Code § 94.21(a)(3). This was accomplished through the execution of the CO&A document by all parties. For purposes of sewage facilities planning under the Pennsylvania Sewage Facilities Act (Act 537), this correspondence also grants planning approval for both the Main and West End Wastewater Treatment Facilities' CP&S documents. These documents are now to be considered an integral part of the municipalities' Official Sewage Facilities Plan.

In accordance with the provisions of the Pennsylvania Sewage Facilities Act and 25 Pa. Code Chapter 71, the Department will hold the municipalities and the Greater Pottsville Area Sewer Authority responsible for the complete and timely implementation of the activities listed in the CP&S documents previously described. Noncompliance with any of the provisions of the approved CP&S documents may result in Departmental action against the municipality and/or the Greater Pottsville Area Sewer Authority.

Please be advised that any additional wastewater-related improvements, additions, deletions or changes outside those explicitly described in the CP&S documents must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

Rice Township, Luzerne County

The Department has reviewed the Prospect Road Area Act 537 Special Study (Special Study), dated June 1996, and revised November 1998 (received by the Department on December 11, 1998), as submitted by Milnes Engineering Inc. on behalf of Rice Township.

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

The wastewater disposal alternative to be implemented proposes the construction of both gravity and low-pressure sewer extensions from the existing Mountaintop Area Joint Sanitary Authority's (MAJSA) 4' force main/gravity sewer line which traverses the Prospect Road study area. A gravity sewer line will be constructed from existing MAJSA Manhole No. 28 eastward to serve a total of four properties located on the north side of Prospect Road. The line will be sized, however, to accommodate wastewater flows which may result from the future eastward extension of the line along the remaining length of Prospect Road.

The selected alternative also proposes the installation of two low-pressure sewer extensions from the existing MAJSA force main and extending south across Prospect Road. The low-pressure sewer extensions would provide access to the MAJSA wastewater collection/conveyance system for four properties located on the southern side of Prospect Road. Currently, these properties are not connected to the MAJSA system.

In accordance with the Special Study, the Township shall require property owners within the Prospect Road Special Study Area whose onlot wastewater disposal system has malfunctioned to connect to the proposed wastewater collection system as per the Rice Township mandatory sewer connection ordinance No. 77-4 (Adopted January 7, 1997) after the collection systems are constructed. In accordance with the Special Study, the Township shall require all other property owners accessible to

the proposed wastewater collection system and not currently experiencing an onlot wastewater disposal system malfunction to connect to the system when one or more of the following conditions occur:

1. Upon the expiration of a 10-year period from the date of approval of the Prospect Road Area Special Study by the Department (by March 24, 2009).

2. Upon Rice Township's or the Department's determination that an onlot wastewater disposal system serving a particular property has malfunctioned.

3. Upon a change in the ownership of a particular property.

To determine the malfunction status on those onlot wastewater disposal systems still in use within the Prospect Road Special Study Planning Area, Rice Township's Sewage Enforcement Officer will inspect each system on an annual basis until all the properties are eventually connected to the proposed sewer system. A representative of the Department may participate in the Sewage Enforcement Officer's inspections at its discretion.

To ensure that connections to the proposed wastewater collection system are made in accordance with Condition No. 3 above, Rice Township proposes to place a restricted covenant in the property deeds of those properties listed in Appendix 3 of the Special Study. The covenant shall ensure that both current and future, prospective owners of the indicated properties are aware that a connection to the proposed wastewater collection system must be constructed upon a change in ownership of the indicated properties.

The proposed covenant does not adequately inform owners and prospective purchasers of existing homes that the Township will be requiring them to connect to the centralized wastewater collection system in accordance with the approved Special Study. Inclusion of the notice/restriction on a deed furthers the public policy of insuring that the affected residents and prospective purchasers are aware of the financial expenditures associated with connecting to the centralized wastewater collection system. The final version of the deed covenant should contain additional, specific language which indicates the requirement to connect the properties to the system upon any future change in ownership of the properties previously mentioned. The covenant should also contain a "sunset" provision which indicates that the deed covenant becomes null and void after the 10-year mandatory connection period lapses on March 24, 2009. Regardless of the language of the deed restriction, Rice Township is obligated to implement its approval Special Study.

After March 24, 2009 all properties, with the exception of the Kanaske, Davis and Wolfe properties, within the current study area must be connected to the proposed wastewater collection system regardless of each property's onlot system operational status. Financing of the selected wastewater disposal alternative will be provided by the MAJSA. MAJSA will also construct and operate the proposed system.

In accordance with the provisions of the Pennsylvania Sewage Facilities Act, and 25 Pa. Code Chapter 71, the Department will hold Rice Township responsible for the complete and timely implementation of the Special Study's selected alternative, as listed in the Schedule of Implementation, contained in the Special Study.

Please be advised that any additional wastewater-related improvements, additions, deletions or changes

outside of those explicitly described in the Special Study and this correspondence must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

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. 0999503. Public water supply. **Borough of Chalfont**, 40 Main Street, Chalfont, PA 18914. A permit has been issued for a proposal involving the installation of an air stripping tower on well No. 8A for the removal of tetrachlorethylene. Also, this project includes modifications to the existing well house building and replacement of the well pump in New Britain Borough, **Bucks County**.

Type of Facility: Public Water Supply. *Consulting Engineer:* Joseph N. Nolan, P.E., CKS Engineers, Inc., 88 South Main Street, Doylestown, PA 18901. *Permit to Construct Issued:* April 5, 1999.

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

Permit No. 4146363. The Department issued an operating permit to **Harmony Brook, dba Culligan Store Solutions** (1030 Lone Oak Road, Suite 110, Eagan, MN 55121-2251), for registration of a NAMA approved drinking water vending machine located at the Wal-Mart Supercenter #2528 in Mill Hall Borough, **Clinton County**.

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

Permit No. 0375501-T1. Public water supply. **Worthington-West Franklin Joint Municipal Authority**, P. O. Box O, Worthington, PA 16262.

Type of Facility: Worthington distribution system and 488,000 gallon storage tank.

Permit for Operation Issued: April 5, 1999.

Permit No. 0376501-T1. Public water supply. **Worthington-West Franklin Joint Municipal Authority**, P. O. Box O, Worthington, PA 16262.

Type of Facility: Bear Street Water Treatment Plant and wells no. 1 and no. 2

Permit for Operation Issued: April 5, 1999.

Permit No. 0380501-T1. Public water supply. **Worthington-West Franklin Joint Municipal Authority**, P. O. Box O, Worthington, PA 16262.

Type of Facility: Well no. 3.

Permit for Operation Issued: April 5, 1999.

Permit No. 0383502-T1. Public water supply. **Worthington-West Franklin Joint Municipal Authority**, P. O. Box O, Worthington, PA 16262.

Type of Facility: Well no. 4 and Cherry Street Water Treatment Plant.

Permit for Operation Issued: April 5, 1999.

Permit No. 0383502-A2-T1. Public water supply. **Worthington-West Franklin Joint Municipal Authority**, P. O. Box O, Worthington, PA 16262.

Type of Facility: Modifications to the Cherry Street Water Treatment Plant.

Permit for Operation Issued: April 5, 1999.

Permit No. 0383502-A3-T1. Public water supply. **Worthington-West Franklin Joint Municipal Authority**, P. O. Box O, Worthington, PA 16262.

Type of Facility: Interconnection with Kittanning Suburban Joint Water Authority.

Permit for Operation Issued: April 5, 1999.

Permit No. 0375501-A4-T1. Public water supply. **Worthington-West Franklin Joint Municipal Authority**, P. O. Box O, Worthington, PA 16262.

Type of Facility: Pumping equipment in existing meter vault.

Permit for Operation Issued: April 5, 1999.

Permit No. 0390501-T1. Public water supply. **Worthington-West Franklin Joint Municipal Authority**, P. O. Box O, Worthington, PA 16262.

Type of Facility: Well no. 5 at the Cherry Street Water Treatment Plant.

Permit for Operation Issued: April 5, 1999.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, 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.

Realen Limited Partner, Inc., Old Mill Pointe Development, Middletown Township, **Delaware County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380, has submitted a Final Report concerning remediation of site soil contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Statewide health standard.

ACME Store No. 22-1764 (Former), East Nottingham Township, **Chester County**. Iain Bryant, Sovereign Consulting, Inc., 111-A North Gold Drive, Robbinsville, NJ 08691, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Penns Park Road Spill Site, Wrightstown Township, **Bucks County**. Richard A. Weaver, Kleeman Associates, Inc., 1500 S. Delaware Avenue, Suite 200, Philadelphia, PA 19147, has submitted a Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Golden Triangle Shopping Center, Manheim Township, **Lancaster County**. BL TETHYS LLC, 2407 Park Drive, 1st Floor, Harrisburg, PA 17110, has submitted a Remediation Investigation and Final Report concerning remediation of site groundwater contaminated with heavy metals, BTEX and PHCs. The report is intended to document remediation of the site to the site-specific standard.

Lancaster Leaf Transformer Oil Release, City of Lancaster, **Lancaster County**. Science Applications International Corporation, 3240 Schoolhouse Road, Middletown, PA 17057-3595, has submitted a Final Report concerning remediation of site soils contaminated with polychlorinated biphenyls (PCBs). The report is intended to document remediation of the site to the Statewide health standard.

Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.

Dealer Associates Pennsylvania General Partnership, Ferguson Township, **Centre County**. Bradley S. Wolf on behalf of his client Dealer Associates Pennsylvania General Partnership, 169 West Aaron Drive, State College, PA 16801, has submitted a Final Report concerning the remediation of soils contaminated with lead, BTEX and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

Joseph Mint Residence, South Waverly Borough, **Bradford County**. David R. Crowther, Geologist, on behalf of his client Joseph Mint, 47 Williams Street, South Waverly, PA 18840, has submitted a Final Report concerning the remediation of soil contaminated with PAHs and groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediations Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, 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.

AVO International, Inc., Plymouth Township, **Montgomery County**. David N. Wilcots, P.G., GA Environmental Services, Inc., 401 Baldwin Tower, 1510 Chester Pike, Eddystone, PA 19022, has submitted a Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons and groundwater contaminated with solvents. The Final Report demonstrated attainment of the Statewide health standard for soils and site-specific standards for groundwater and was approved by the Department on April 6, 1999.

New Life Youth and Family Services, Lower Salford Township, **Montgomery County**. Samuel J. Kucia, Environmental Consulting, Inc., 1232 Forty Foot Road, Kulpsville, PA 19443-3145, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on March 30, 1999.

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

Berks Products Corporation, Muhlenberg Township, **Berks County**. Berks Products Corporation, 4408 Fifth Street Highway, Reading, PA 19560, has submitted a Final Report concerning the remediation of site groundwater contaminated with lead, solvents and PHCs. The final report demonstrated attainment of the background standard, and was approved by the Department on April 7, 1999.

Osram Sylvania Products, West Manchester Township, **York County**. Osram Sylvania Products, 1128 Roosevelt Avenue, York, PA 17404, has submitted a remedial investigation report and a final report concerning the remediation of site soils contaminated with solvents. These reports demonstrated attainment of the site-specific standard, and were approved by the Department on March 8, 1999. This corrects a previous *Pennsylvania Bulletin* notice.

AIR QUALITY OPERATING PERMITS

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

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

OP-09-0066: PECO Energy Co. (Fairless Hill Generating Station, Fairless Hills, PA 19030), issued December 31, 1999, for operation of a Facility VOC/NOx RACT in Falls Township, **Bucks County**.

OP-09-0003: Superpac, Inc. (1220 Industrial Boulevard, Southampton, PA 18966), issued March 25, 1999, for operation of a graphic arts facility VOCs RACT in Upper Southampton Township, **Bucks County**.

OP-46-0156: Universal Packaging Corp. (1196 Easton Road, Horsham, PA 19044), issued April 8, 1999, for operation of a Facility VOC/NOx RACT in Horsham Township, **Montgomery County**.

OP-09-0006: USX Corp./U. S. Steel Group (Fairless Works, Fairless Hills, PA 19030), issued April 8, 1999, for operation of a Facility NOx RACT in Falls Township, **Bucks County**.

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

14-318-001A: Spectra Wood (2651 Carolean Industrial Drive, State College, PA 16801), on March 11, 1999, for operation of a wood furniture finishing operation in College Township, **Centre County**.

17-305-012A: Fuel Fabricators, Inc. (P. O. Box 368, Bigler, PA 16825), on March 30, 1999, for operation of a

bituminous coal-fired boiler and associated air cleaning device (a multi-cyclone collector) in Bradford Township, **Clearfield County**.

OP-49-0005: Truck Accessories Group East, A Division of Truck Accessories Group, Inc. (Leer) (200 Housels Run Road, Milton, PA 17847), on March 26, 1999, for establishment of reasonably available control technology (RACT) for various volatile organic compound sources at a fiberglass reinforced plastics truck cap manufacturing and surface coating facility in Milton Borough, **Northumberland County**.

OP-41-0008: Koppers Industries, Inc. (P. O. Box 189, Montgomery, PA 17752), on March 30, 1999, for establishment of reasonably available control technology (RACT), for various nitrogen oxides sources at a creosoted woodwaste-fired cogeneration plant and railroad crosstie treatment plant in Clinton Township, **Lycoming County**.

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

63-000-070: Dyno Nobel Inc. (1320 Galiffa Drive, Donora, PA 15033), issued March 31, 1999, for operation of NOx sources at Donora Plant in Donora Borough, **Washington County**.

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

PA-10-298C: ESM II, Inc. (1161 Pittsburgh Road, Valencia, PA 16059), issued March 31, 1999, for a hammermill in Clinton Township, **Butler County**.

PA-24-083B: Carbon of America Graphite Materials Division (215 Stackpole Street, St. Marys, PA 15857), issued March 30, 1999, for a graphite machining center in Benzinger Township, **Elk County**.

PA-33-161A: Buff-One Transmission & Core Buyer (74 First Street, Falls Creek, PA 15840), issued February 28, 1999, for an aluminum melting furnace in Falls Creek, **Jefferson County**.

PA-43-305A: Champion Carrier Corp. (2755 Kirila Road, Hermitage, PA 16148), issued April 30, 1999, for a surface coating operation in Hermitage, **Mercer County**.

PA-61-011A: Merisol Antioxidants, L.L.C. (Route 8, Rouseville Road, Oil City, PA 16301), issued March 31, 1999, for a process dryer system and two heaters in Cornplanter Township, **Venango County**.

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

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

46-313-119: Rhone-Poulenc Rorer Pharmaceutical, Inc. (500 Virginia Drive, Fort Washington, PA 19034), revoked April 5, 1999, for operation of four coating pans lines (Slo-Bid) in Upper Dublin Township, **Montgomery County**.

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

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

23-310-014GP: Joseph F. Cappelli & Sons, Inc. (140 1/2 Bethel Road, Twin Oaks, PA 19014), issued April 7, 1999, for a portable crushing plant in Upper Chichester Township, **Delaware County**.

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

GP-62-017: United Refining Co. (15 Bradley Street, Warren, PA 16365), issued March 31, 1999, for installation of floating roof seals for tanks in Warren, **Warren County**.

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

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

OP-49-0002: Foster Wheeler Mount Carmel, Inc. (P. O. Box 490-D, Marion Heights, PA 17832), on March 17, 1999, to authorize operation of a trommel screen constructed under Plan Approval No. OP-49-0002A as well as the operation of an ash silo and two associated cartridge collectors installed under Plan Approval No. OP-49-0002A in Mount Carmel Township, **Northumberland County**.

PLAN APPROVALS

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

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

PA-15-0029A: Dopaco, Inc. (241 Woodbine Road, Downingtown, PA 19335), issued April 5, 1999, for operation of a flexographic printing press in Downingtown Borough, **Chester County**.

PA-09-0111: Waste Alternatives, Inc. (Hays Blvd., Magnolia Industrial Park, Bristol, PA 19007), issued April 6, 1999, for operation of a solid waste composting plant in Bristol Township, **Bucks County**.

PA-46-0191: Merck & Co., Inc. (Sumneytown Pike, P. O. Box 1000, North Wales, PA 19454), issued March 8, 1999, for operation of a fuel combustion source in Upper Gwynedd Township, **Montgomery County**.

PA-46-0161: Pottstown Trap Rock Quarries, Inc. (394 Sanatoga Road, Pottstown, PA 19464), issued April 8, 1999, for operation of a batch asphalt plant in Lower Pottsgrove Township, **Montgomery County**.

PA-09-0025: Delbar Products, Inc. (7th and Spruce Streets, Perkasio, PA 18944), issued April 8, 1999, for operation of an afterburner (control device) in Perkasio Borough, **Bucks County**.

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

21-310-031B: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201), issued April 7, 1999, for modification of the limestone crushing plant in Southampton Township, **Cumberland County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

22-305-001B: Kimmel's Coal and Packaging (P. O. Box 1, Machamer Avenue, Wiconisco, PA 17097), issued April 7, 1999, for construction of the miscellaneous coal handling operations controlled by six fabric collectors in Wiconisco Township, **Dauphin County**. These sources are subject to 40 CFR 60, Subpart Y, Standards of Performance for New Stationary Sources.

PA-36-05001A: Armstrong World Industries, Inc. (P. O. Box 169, Marietta, PA 17547), issued April 7, 1999, for modification of a board dryer controlled by two scrubber systems in East Donegal Township, **Lancaster County**.

PA-67-05032B: Harley-Davidson Motor Co. (1425 Eden Road, York, PA 17402), issued April 7, 1999, for welding and polishing cells controlled by a cartridge collector and in-line filter system in Springettsbury Township, **York County**.

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

08-313-049C: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 16648), on March 5, 1999, for construction of three bulk acid storage tanks, a railcar unloading operation and associated air cleaning devices (a venturi scrubber and a packed bed scrubber) in Towanda Borough, **Bradford County**.

08-318-027: Mill's Pride-Pennsylvania (c/o Mill's Pride Limited Partnership, 423 Hopewell Road, Waverly, OH 45690-9700), on March 8, 1999, for construction of a wood kitchen cabinet door manufacturing and finishing operation incorporating two wood-fired boilers and associated air cleaning devices (dual multiclones), a finishing operation and associated air cleaning device (a regenerative thermal oxidizer), various pieces of woodworking equipment and associated air cleaning devices (five fabric collectors), a lumber pre-dryer, 18 lumber drying kilns and various other minor air contamination sources in Athens Township, **Bradford County**. The boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

41-305-009C: Keystone Filler & Mfg. Co. (P. O. Box 120, Muncy, PA 17756), on March 11, 1999, for installation of an air cleaning device (a fabric collector) on a coal dryer and various other pieces of carbon product processing equipment in Muncy Creek Township, **Lycoming County**.

41-329-001A: Lycoming County Resource Management Services (P. O. Box 187, Montgomery, PA 17752), on March 15, 1999, for construction of two 860 hp landfill gas-fired reciprocating internal combustion engines at the Lycoming County Landfill in Brady Township, **Lycoming County**.

17-305-032B: Al Hamilton Contracting Co. (RD 1, Box 87, Woodland, PA 16881), on March 16, 1999, for construction of a coal crusher, dump bin/hopper and product conveyor at the Little Beth Tipple in Bradford Township, **Clearfield County**. This equipment is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

53-399-006B: St. Mary's Carbon Co. (P. O. Box One, Galeton, PA 16922), on March 17, 1999, for construction of two powdered metal parts sintering furnaces in Pike Township, **Potter County**.

OP-41-0007B: Coastal Aluminum Rolling Mills, Inc. (2475 Trenton Avenue, Williamsport, PA 17701), on March 30, 1999, for construction of a coil coating application station and curing oven in Williamsport, **Lycoming County**. This equipment is subject to Subpart TT of the Federal Standards of Performance for New Stationary Sources.

49-313-032G: Merck & Co., Inc. (P. O. Box 600, Danville, PA 17821-0600), on March 31, 1999, for installation of an air cleaning device (a vacuum pump/condenser) on various chemical process vessels in Riverside Borough, **Northumberland County**.

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

PA-37-304A: L & N Metallurgical Products Co. (3 Fountain Avenue, Ellwood City, PA 16117), issued April 6, 1999, for installation of three skiving machines in Ellwood City, **Lawrence County**.

PA-37-234A: Praxair Surface Technologies (3225 Honeybee Lane, New Castle, PA 16105-9029), issued April 7, 1999, for construction of a coating deposition cubicle in Wilmington Township, **Lawrence County**.

PA-10-028E: Armstrong Cement & Supply Co. (100 Clearfield Road, Cabot, PA 16023), for installation of three baghouses on the cement storage silos in West Winfield Township, **Butler County**.

PA-37-023B: Pennsylvania Power Co. (P. O. Box 891, 1 East Washington Street, New Castle, PA 16103), for installation of low NOx burners in West Pittsburgh, **Lawrence 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-46-0018: Brown Printing Co. (668 Gravel Pike, East Greenville, PA 18041), issued April 7, 1999, for operation of a web offset/heat set printing press in Upper Hanover Township, **Montgomery County**.

09-303-028: Bucks County Crushed Stone Co., Inc. (262 Quarry Road, Ottsville, PA 18942), issued March 31, 1999, for operation of a batch asphalt plant in Nockamixon Township, **Bucks County**.

09-313-093: Cleveland Steel Container Corp. (350 Mill Street, Quakertown, PA 18951), issued April 7, 1999, for operation of 2 web offset presses in Quakertown Borough, **Bucks County**.

15-309-016A: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087), issued March 2, 1999, for operation of an SCR System No. 1 in Tredyffrin Township, **Chester County**.

46-313-115: SmithKline Beecham Pharmaceuticals (709 Swedeland Road, King of Prussia, PA 19406), issued April 7, 1999, for operation of a centrifuge and reactor exhausts in Upper Merion Township, **Montgomery County**.

PA-09-0013: Wheelabrator Falls, Inc. (1201 New Ford Mill Road, Morrisville, PA 19067), issued April 7, 1999, for operation of a municipal waste incinerator in Falls Township, **Bucks County**.

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

PA-10-277A: Wiest Asphalt Products (310 Mitchell Hill, Butler, PA 16001), issued March 30, 1999, for a batch asphalt plant in Summit Township, **Butler County**.

PA-10-302A: Allegheny Metalworking Corp. (17 Leonburg Road, Cranberry Township, PA), issued April 30, 1999, for a paint finishing system in Cranberry Township, **Butler County**.

PA-37-243A: International Metals Reclamation Co. (245 Portersville Road, Ellwood City, PA 16117), issued April 30, 1999, for rotary calciner thermal oxidation in Ellwood City, **Lawrence County**.

PA-42-182A: Allegheny Store Fixtures, Inc. (500 Chestnut Street, Bradford, PA 16701), issued March 30, 1999, for surface coating in Bradford Township, **McKean County**.

42-399-026A: Allegheny MDF, Limited Partnership (RD 1, Box 266, Kane, PA 16735), issued April 30, 1999, for a material reject air system in Sargeant Township, **McKean County**.

42-399-027A: Allegheny MDF, Limited Partnership (RD 1, Box 266, Kane, PA 16735), issued April 30, 1999, for two dryers, one cone sander dust burner in Sargeant Township, **McKean County**.

42-399-028A: Allegheny MDF, Limited Partnership (RD 1, Box 266, Kane, PA 16735), issued April 30, 1999, for a high pressure chip system in Sargeant Township, **McKean County**.

42-399-030: Allegheny MDF, Limited Partnership (RD 1, Box 266, Kane, PA 16735), issued April 30, 1999, for sander dust systems in Sargeant Township, **McKean County**.

42-399-031: Allegheny MDF, Limited Partnership (RD 1, Box 266, Kane, PA 16735), issued April 30, 1999, for a sawdust and fuel system in Sargeant Township, **McKean County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 410 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Coal Permits Issued

56980109. Mountaineer Mining Corporation (1010 Garrett Shortcut Road, Berlin, PA 15530), commencement, operation and restoration of a bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 29.4 acres, receiving stream unnamed tributaries to/and Hays Run and unnamed tributaries to/and Buffalo Creek. Application received November 23, 1998. Permit issued March 31, 1999.

56960108. SMP Revision, PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), SMP Revision to conduct mining activities within 100 feet of T-654 in Brothersvalley Township, **Somerset County**, affecting 101.0 acres, receiving stream unnamed tributary to Buffalo Creek; Buffalo Creek. Application received February 17, 1999. Issued April 5, 1999.

56663094 Permit Revision, Croner, Inc. (P. O. Box 157, Berlin, PA 15530), requesting approval for a revised plan from the approximate original contour backfilling to postmining recontouring affecting approximately 77 acres. Postmining land use changes are requested as follows: 5.4 acres of forestland to cropland; 1.6 acre of forestland to pastureland; and 22.7 acres of previously unreclaimed strip mine to forestland in Brothersvalley Township, **Somerset County**, affecting 182.0 acres, receiving stream unnamed tributaries to Blue Lick Creek and to Blue Lick Creek. Application received February 8, 1999. Issued April 8, 1999.

11890102. Permit Renewal for Reclamation, only. T. J. Mining, Inc. (P. O. Box 370, Carrolltown, PA 15722), for continued restoration of a bituminous strip mine in Blacklick Township, **Cambria County**, affecting 100.0 acres, receiving stream Coal Pit Run, unnamed tributary to South Branch Blacklick Creek. Application received March 26, 1999. Issued April 8, 1999.

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

17980122. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of a bituminous surface mine permit in Knox Township, **Clearfield County**, affecting 110 acres. Receiving streams: Pine Run and unnamed tributaries of Pine Run to Pine Run, Pine Run to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River. Application received October 7, 1998. Permit issued March 30, 1999.

17803094. Sky Haven Coal, Inc. (R. R. 1, Box 180, Penfield, Pa 15849), renewal of an existing bituminous surface mine-auger permit in Goshen Township, **Clearfield County**, affecting 295 acres. Receiving streams: Little Trout Run to Trout Run to West Branch Susquehanna River. Application received January 7, 1999. Permit issued March 17, 1999.

17803105. Shale Hill Coal Company (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous surface mine permit in Ferguson and Pike Townships, **Clearfield County**, affecting 797 acres. Receiving streams: Six unnamed tributaries to Little Clearfield Creek, to Clearfield Creek, and to the West Branch Susquehanna River to Susquehanna River. Application received January 8, 1999. Permit issued March 26, 1999.

17930129. Penn Grampian Coal Company (P. O. Box 249, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Jordan Township, **Clearfield County**, affecting 436.4 acres. Receiving streams: Potts Run, unnamed tributaries to Gazzam Run and McNeel Run. Application received January 19, 1999. Permit issued April 5, 1999.

17960114. Larry D. Baumgardner Coal Co., Inc. (P. O. Box 186, Lanse, PA 16849), revision to an existing bituminous surface mine permit for a change in permit acreage from 57.0 to 80.9 acres, Brady Township, **Clearfield County**. Receiving streams: unnamed tributaries to Luthersburg Branch. Application received December 15, 1998. Permit issued April 6, 1999.

17663037. Al Hamilton Contracting Co. (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine permit in Woodward and Decatur Townships, **Clearfield County** affecting 400.5 acres. Receiving streams: Goss Run and Little Beaver Run, both to Beaver Run to Moshannon Creek to West Branch Susquehanna River to Susquehanna River. Application received February 5, 1999. Permit issued April 6, 1999.

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

04970701. M J Mining Co. (1021 Whitestown Rd., Butler, PA 16001), to operate the Refuse 1 in Greene Township, **Beaver County**, new refuse site, unnamed tributary to Peggs Run. Permit issued March 25, 1999.

32951301. PennAmerican Coal, L. P. (R. D. 1, Box 119A, Avonmore, PA 15618), to transfer the permit for the Burrell Mine in Burrell Township, **Indiana County** to transfer from CRG Group, no additional discharges. Permit issued March 25, 1999.

32841312. Keystone Coal Mining Corp. (P. O. Box 729, Indiana, PA 15701), to renew the permit for the Urling No. 1 and No. 3 Mines in Armstrong Township, **Indiana County**, no additional discharges. Permit issued March 30, 1999.

56981301. Quecreek Mining, Inc. (2851 Stoystown Rd., P. O. Box 149, Friedens, PA 15541), to operate the Quecreek No. 1 Mine in Lincoln Township, **Somerset County**, new underground mine, unnamed tributary to Quemahoning Creek. Permit issued March 31, 1999.

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

49870101R2. Kaminski Brothers, Inc. (226 New Boston Road, Pittston, PA 18640-9961), renewal of an existing anthracite surface mine operation in Jenkins Township, **Luzerne County** affecting 76.6 acres, receiving stream—the watershed of Lampback Creek and Gardner Creek. Renewal issued April 8, 1999.

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

Small Noncoal (Industrial Mineral) Permits Issued

08982801. Robert J. Johnson (R.R. 4, Box 4055, Wyalusing, PA 18853), commencement, operation and restoration of a small industrial mineral (flagstone) permit in Stevens Township, **Bradford County** affecting 3 acres. Receiving streams: Benner Creek, tributary to Wyalusing Creek. Application received November 19, 1998. Permit issued March 26, 1999.

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

58970847. Rowena J. Shager (RR 1, Box 111W, New Milford, PA 18834), commencement, operation and restoration of a bluestone quarry operation in Harford Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued April 6, 1999.

28992802. Snoke's Excavating & Paving, Inc. (P. O. Box 247, Walnut Bottom, PA 17266), commencement,

operation and restoration of a quarry operation in Southampton Township, **Franklin County** affecting 3.0 acres, receiving stream—Muddy Run. Permit issued April 8, 1999.

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

Coal Applications Returned

63980102. Robinson Coal Company (P. O. Box 9347, Neville Island, PA 15225). Application returned for road variance for a portion of S. R. 4067 within the above-referenced permit known as the Burgoon Mine located in Robinson Township, **Washington County**. Application returned: April 5, 1999.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Project do not include 401 Certification, unless specifically stated in the description.)

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

E14-336. Encroachment. College Township Water Authority, 1481 East College Avenue, State College, PA 16801. To construct and maintain approximately 150 linear feet of 12 inch ductile water line with an associated meter and valve box in a palustrine emergent/palustrine scrub shrub exceptional value wetland. The project is located along Puddin Town Road (SR 3012) approximately 0.5 mile west from the intersection of SR 0026 (State College, PA Quadrangle N: 11.5 inches; W: 12.0 inches) in College Township, **Centre County**. The project will

temporarily disturb 0.13 acre of exceptional value wetlands that shall be fully restored.

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

E46-812. Encroachment Permit. Lower Gwynedd Township, P. O. Box 625, Springhouse, PA 19477. To construct and maintain facilities associated with the construction of Penllyn Park. The water obstructions are listed as follows. The project will impact 0.28 acre of wetlands, and have 216 feet of impact to watercourses (TSF). The site is located north of the intersection of Township Line Road and Gwynedd Avenue (Lansdale, PA Quadrangle N: 8.65 inches; W: 0.85 inch) in Lower Gwynedd Township, **Montgomery County**. The applicant will construct 0.25 acre of replacement wetlands.

1. Install and maintain twin 40-foot long, 4-foot high by 9-foot wide, precast concrete box culverts in and along Willow Run beneath the main park entrance roadway (Township Line Road) and to install and maintain a stormwater outfall structure in this area.

2. Install and maintain two 40-foot long, 4-foot high by 9-foot wide, precast concrete box culverts in and along Willow Run to serve as an emergency access roadway to the park.

3. Construct and maintain a 10-foot wide pier supported pedestrian bridge spanning Willow Run.

4. Construct and maintain a 600-foot long circular boardwalk, supported by 4 by 4-inch support posts, impacting 0.06 acre of wetlands. (Mitigation required only for support posts.)

5. To construct and maintain 400 feet of Township Line Road within the floodplain of Wissahickon Creek.

6. To install and maintain a split rail fence across wetlands in several locations.

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

E35-304. Encroachment. Bureau of Abandoned Mine Reclamation, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790. To remove an existing footbridge and to reconstruct approximately 1,610 linear feet of Lucky Run for the purpose of eliminating multiple deep mine infiltration points with work consisting of the construction of a trapezoidal, meandering and rock lined channel in McDade Park. The project, known as OSM 35 (2185) 101.1, Keyser Avenue/Scranton is located approximately 0.3 mile northwest of the intersection of S. R. 3002 and S. R. 3011 (Scranton, PA Quadrangle N: 7.3 inches; W: 11.7 inches) in Taylor Borough, City of Scranton, **Lackawanna County**.

E40-511. Encroachment. City of Wilkes-Barre, 40 East Market Street, Wilkes-Barre, PA 18711. To remove the existing structure and to construct and maintain a single-span prestressed concrete box beam bridge, having a clear span of 38.0 feet and an underclearance of 7.3 feet, across Laurel Run at Mill Street; and to construct and maintain a single-span prefabricated steel truss pedestrian bridge, having a clear span of 41.6 feet and an underclearance of 8.4 feet, across Laurel Run at Govier Street. The project is located approximately 2,000 feet east of the interchange of S. R. 309 and Wilkes-Barre Boulevard (Pittston, PA Quadrangle N: 1.2 inches; W: 13.3 inches), in the City of Wilkes-Barre, **Luzerne County**.

E54-263. Encroachment. **Blue Mountain School District**, P. O. Box 279, Red Dale Road, Orwigsburg, PA 17961-0279. To place fill in 0.11 acre of wetlands within the drainage basin of Mahoney Creek, for the purpose of constructing site improvements at Blue Mountain High School. The wetland impacts are associated with the construction of an athletic field, an outfall apron and berm for a stormwater detention pond, and the widening of an existing access road. The project is located on a 113-acre parcel of land situated on the northwest corner of the intersection of S. R. 0443 and T-376 (Greenview Road) (Pottsville, PA Quadrangle N: 4.7 inches; W: 1.7 inches), in North Manheim Township, **Schuylkill County**. The permittee is required to provide 0.19 acre of replacement wetlands.

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

E02-1210. Encroachment. **Jay B. Simmons**, 1411 Parkmont Road, Allison Park, PA 15101. To maintain fill in 0.23 acre of wetlands (PFO) and in the floodway on the left bank side and to operate and maintain a driveway crossing consisting of three 3 foot culverts in a tributary to Lowries Run (TSF) locally known as Whitmer Run to provide access to two existing residences. The project is located on the east side of Highland Road approximately 1,000 feet north of its intersection with Sloop Road (Emsworth, PA Quadrangle N: 12.9 inches; W: 6.8 inches) in McCandless Township, **Allegheny County**.

E02-1265. Encroachment. **City of Pittsburgh**, 414 Grant Street, City-County Building, Room 301, Pittsburgh, PA 15219-2455. To construct and maintain a 75 feet long and 12 feet high retaining wall between two existing retaining walls along the left bank side of the Monongahela River near River Mile 1.9 for a proposed gravel walking trail and paved bicycle path (Pittsburgh East, PA Quadrangle N: 10.4 inches; W: 14.8 inches) in the City of Pittsburgh, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E20-466. Encroachment. **PA Department of Transportation**, District 1-0, 1140 Liberty Street, Franklin, PA 16323. To remove the existing Shermansville Bridge and to construct and maintain a 191-foot-long reinforced concrete box stream enclosure having a 10-foot-wide by 6-foot-high waterway opening in a tributary to Pymatuning Reservoir and fill 0.2 acre of wetlands on S. R. 0006, Section B01, Segment 0250, Offset 0000 in the village of Shermansville (Linesville, PA Quadrangle N: 0.45 inch; W: 0.3 inch) in Sadsbury Township, **Crawford County**. Project includes contribution to the Pennsylvania Wetland Replacement Fund for replacement of 0.2 acre of wetlands.

E25-577. Encroachment. **Oas Partnership**, 306 Shenango Drive, Girard, PA 16417. To construct and maintain approximately 867 feet of 48-inch-diameter PVC pipe stream enclosure in a tributary to Lake Erie for construction of a warehouse facility and associated parking and access north of Church Street and east of the Bessemer and Lake Erie Railroad tracks (Fairview, PA Quadrangle N: 1.75 inches; W: 9.0 inches) in Girard Borough, **Erie County**.

WATER ALLOCATIONS

Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

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

Permit issued on April 6, 1999.

WA 32-1000. Water Allocation. **Indiana County Municipal Services Authority**, Indiana, PA. The right to withdraw 450,000 gallons per day of water, as a 30-day average, not to exceed 700,000 gallons per day as a daily peak, from Crooked Creek, at Creekside, at an intake point upstream of the confluence with McKee Run but downstream of the confluence with Twomile Run.

SPECIAL NOTICES

Nitrogen Oxides (NOx) Allowance Program Notice of Intent to Issue State Only Operating Permit

The Department of Environmental Protection (Department) intends to revise the State Only Operating Permit issued to the Cheswick plant, owned and operated by Duquesne Light Company located in Springdale Borough, Allegheny County. The proposed revision will revise the NOx Allowances available to the facility.

Persons wishing to file protests or comments on the proposed revised operating permit must submit the protest or comment to the Department within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed permit. Any comments or protests filed must include a concise statement of the objections to the issuance of the 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* and a newspaper of general circulation, where the facility is located, at least 30 days prior to the date of the hearing.

Copies of the proposed permit and other relevant information is available for review at the following address.

Bureau of Air Quality: Division of Permits, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

02-0054: Duquesne Light Company Cheswick (411 Seventh Avenue, Box 1930, Pittsburgh, PA 15230), located in Springdale Borough, **Allegheny County**.

NOx Affected
Sources(s):

Boiler Point ID: 001 Allowance: 2500

Public Hearing Notice 102/NPDES/Stormwater

The Department of Environmental Protection (DEP) Water Management Program will be holding a fact finding hearing on the following Stormwater NPDES permit applications:

Columbia Transmission Communications Corporation, Chesapeake Network Fiber Optic Row, PAS10-G359; and

Sugartown Ridge Associates, Sugartown Ridge, PAS10-G360

The hearing is scheduled for May 25, 1999 at 1:30 a.m. at the Chester County Conservation District Office, Conference Room 240, 610 Westtown Road, West Chester, PA 19382-4519, Chester County. The hearing is being held to solicit pertinent comments on these applications. The applications are for stormwater construction activities, with discharges to the West Branch Brandywine Creek Watershed, the Cooks Creek Watershed and the Valley Creek Watershed. A copy of the applications are available for review in the Southeast Regional Office's Record Management Section, (610) 832-6268. Those interested in reviewing the applications should call to schedule a date to review the file. The project sponsors are:

Columbia Transmission Communications Corporation,
P. O. Box 10146, Fairfax, VA 22030-0146.

Sugartown Ridge Associates, c/o Vintage Development Company, 63 Chestnut Road, Paoli, PA 19301.

Comments received will be considered by DEP in completing its review and prior to taking final action concerning the applications. 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 at the above address. The notice should include your name, address and phone number, whether you are opposed or in favor of any of the projects and a brief statement about your 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. Persons wishing to present written material directly to DEP 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. 99-664. Filed for public inspection April 23, 1999, 9:00 a.m.]

Grants Available for Local Watershed AMD Abatement Projects

DEP's Bureau of Mining and Reclamation is accepting project proposals for acid mine drainage (AMD) pollution abatement projects to be funded between October 1 and September 30, 2000. Projects will be funded by the FY 99 Clean Water Act, Section 104(b)(3) Federal grant money, or other funding that may become available. Moneys under this program are to be used on a watershed basis to fund projects. Acceptable projects involve watershed group formation, watershed assessments, development and implementation of watershed rehabilitation plans or demonstrations of AMD remediation technologies in Pennsylvania watersheds.

Watershed activities must focus on the causes, effects, extent, prevention, reduction or elimination of water pollution from abandoned coal mines or related facilities. Emphasis will be placed on a holistic watershed approach supporting the principles of Reclaim PA for water quality improvements and on projects that support this approach. Each proposal must include a description of how the environmental impact of the project will be evaluated.

Proposals should include a long-range plan and a demonstrated commitment to efforts that will extend beyond the proposed contractual period. Demonstration projects should have potential for Statewide application. Selection criteria will be weighted to favor AMD technology demonstration proposals. Deadline for project proposals is 4 p.m. on June 4, 1999. Project proposals received after this date will not be considered.

A copy of the proposal guide is available by contacting Lou DiLissio at (717) 787-7007, or accessing the DEP website at <http://www.dep.state.pa.us/mines/bmr/104b3.htm>.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-665. Filed for public inspection April 23, 1999, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Indiana County Cambria 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 is proposing a project to reconstruct existing U. S. Route 22 (S. R. 0022, Section 495) between the eastern end of the Armagh Bypass in East Wheatfield Township, Indiana County extending a distance of approximately 14.0 kilometers (8.7 miles) east to the four-lane section of U. S. Route 22 at Fords Corner in Jackson Township, Cambria County. The project consists of widening/reconstruction to four lanes and providing minor horizontal and vertical realignment to provide additional capacity and improve safety through the project area. The Department of Transportation has received environmental clearance in the form of a Finding of No Significant Impact from the Division Administrator of the Federal Highway Administration.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-666. Filed for public inspection April 23, 1999, 9:00 a.m.]

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 incorporate roadway safety improvements along S. R. 0113 in Skip-pack Township, Montgomery County. The roadway will be widened approximately 3.0 meters (10 feet) throughout most of the project corridor. The roadway drainage will be

improved in problem areas, including the construction of a 1.5 × 3.7 meter (5 foot × 12 foot) box culvert to replace the existing structure carrying S. R. 0113 over an unnamed tributary of Skippack Creek.

The construction of the project will require right-of-way from seven (7) National Register eligible historic properties within the Creamery Historic District and the Jacob Kolb Farm property.

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 prudent and feasible alternative to the project as designed, and that all reasonable steps have been taken to minimize such effects.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-667. Filed for public inspection April 23, 1999, 9:00 a.m.]

Finding

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to construct a new diamond interchange with a new bridge over Interstate 81 (I-81) approximately 412 meters (1,350 feet) south of the existing Walker Road (T-517) overpass. The southbound ramps to I-81 and from I-81 will be located on the east side of existing Walker Road, and will tie into existing Walker Road near the Green Township-Chambersburg Borough line. The northbound ramps to I-81 and from I-81 will be located on the west side of Franklin Farm Lane. The existing Walker Road overpass will be removed, and a new bridge over I-81 will be constructed 412 meters (1,350 feet) south of the existing overpass.

No adverse environmental effect is likely to result from the construction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-668. Filed for public inspection April 23, 1999, 9:00 a.m.]

Finding

Venango County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing Utica Bridge, which carries S. R. 3017, Section B00 over French Creek in the Borough of Utica, Venango County. The existing Utica Bridge has been determined eligible for the National Register of Historic Places. The effect of this project on the Utica Bridge will be mitigated by the following measures to minimize harm to the resource:

1. A marketing plan for the relocation and preservation of the existing Utica Bridge will be developed.

2. Preparing a Historic American Engineering Record (HAER) Recordation of the Utica Bridge.

3. Installing a permanent plaque commemorating the history and significance of the Utica Bridge.

4. Incorporating the extant bridge plaques for the Utica Bridge into the construction of the new structure.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and that all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-669. Filed for public inspection April 23, 1999, 9:00 a.m.]

Retention of Engineering Firms

Centre and Clearfield Counties Project Reference No. 08430AG2334

The Department of Transportation will retain a consulting firm to provide Environmental Review Services for S.R. 0322, Section B02, The Dog Leg, in Centre and Clearfield Counties.

S. R. 0322, Section B02 is the relocation of approximately twenty-seven (27) miles of U.S. 0322 as a four lane Limited Access Highway from its interchange with I-99 north of Port Matilda in Centre County to the Woodland Interchange (Interchange 20) of Interstate 80 in Clearfield County.

The environmental review will consist of technical advisory support in the areas of natural resources, cultural resources, farmlands, Section 2002 evaluations, socioeconomics, air quality, noise, hazardous and residual wastes, and federal and state permitting.

Document review will include the prompt review of all pre-draft and draft technical documents, including report outlines, individual sections and chapters of technical reports, working papers, permit applications, graphics and exhibits. A review of the project's Technical Support Data File is to be conducted.

The sub-topics that are included in the Environmental Evaluation Report that are subject to review may include, but are not limited to, the following: regional and community growth; secondary and cumulative impacts; aquatic resources; wetland delineation and report preparation; agricultural areas; residential; commercial and industrial areas; hazardous and residual waste investigations; terrestrial habitat; archaeological investigations; Section 2002; threatened/endangered species habitat; groundwater recharge; air quality attainment areas; noise studies; needs analysis; and necessary permits.

The following factors, listed in order of importance, will be considered by the Consultant Selection Committee during the evaluation of the firms submitting Letters of Interest:

a. How the selected firm will accomplish the tasks outlined or provide the services as detailed.

b. Specialized experience and technical competence of the team in Environmental Studies

c. Specialized experience and technical competence of the team in Preliminary Design

d. Experience in public participation

e. Specialized experience and technical competence of the team in the design of high speed interchanges

f. Specialized experience, previous experience, technical competence of individuals

g. The understanding of this assignment

h. Capacity of the team to perform work

i. Past record of performance with respect to cost control, work quality, and ability to meet schedules

The shortlisting for this project will be done at the District. All firms submitting Letters of Interest will be notified by the District of the shortlisting date.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11 x 17 size), required information, and additional resumes, if applicable. (See the General Requirements and Information Section).

The letter of interest submission shall be sent to:

Mr. George M. Khoury, P.E., District Engineer
Engineering District 2-0
P. O. Box 342, 1924-30 Daisy Street
Clearfield, PA 16830

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Christopher J. Sokol, P.E. District 2-0, at (814) 765-0676 or Mr. James R. Bathurst, P.E., District 2-0, at (814) 75-0437.

**Crawford, Erie, Forest, Mercer, Venango and
Warren Counties**

Project Reference No. 08430AG2335

The Department of Transportation will retain an engineering firm for an Open-End Contract for Utility Designation, Location and Site Characterization Services on various projects located in Engineering District 1-0, that is, Crawford, Erie, Forest, Mercer, Venango and Warren Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of this Open-End Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating An Open-End Contract based on the Department's evaluation of the letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final 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. Experience and effectiveness of proposed project managers

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience

c. Specialized experience and technical competence of key staff

d. Specialized equipment required (available) for locating underground utilities

e. Location of consultant with respect to Engineering District 1-0

The firm may be required to perform any or all of the following engineering services: attend project field views and meetings and prepare minutes of same; prepare appropriate submissions for all project related meetings and field views; determine by electronic equipment the approximate location of underground facilities; locate by test hole an underground utility facility; survey and provide data indicating the top and bottom of the facility as well as the existing ground at the site; scan or sweep specific delineated areas for underground storage tanks, drums, and/or other subsurface structures that are incidental to designating and locating utilities; and provide data on Department plans as may be required.

The format and content of all documents, plans, reports and other submissions will be consistent with applicable State and Federal regulations and guidelines.

The reports and other written graphic material to be prepared may include, but not be limited to, early coordination and scoping correspondence; plans of study; meeting minutes; handouts and displays.

The engineering services identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project related Scope-of-Work will be described for under this Open-End Contract.

This project reference assignment is considered non-complex. The letter of interest shall be a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11 x 17 size), required information, and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. John L. Baker, P.E., District Engineer
Engineering District 1-0
1140 Liberty Street
Franklin, PA 16323

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael L. McMullen, P.E., District 1-0, at (814) 437-4331.

**Lackwanna, Luzerne, Pike, Susquehanna,
Wayne and Wyoming Counties**
Project Reference No. 08430AG2336

The Department of Transportation will retain an engineering firm for an Open-End Contract for designated and locating utilities on various projects located in Engi-

neering District 4-0, that is, Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount for the Open-End Contract will be \$250 thousand.

The Department will establish an order of ranking of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the Letters of Interest received in response to this solicitation. The ranking will be established directly from the Letters of Interest.

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, availability of appropriate equipment, and technical competence of firm in performing subsurface utility engineering for highway project.
- b. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals who constitute the firms shall be considered.
- c. Available staffing for this assignment.
- d. Location of consultant in respect to the District.
- e. Resumes of all key personnel.

The selected firm will be required to provide: all professional designating and locating services to designate, with electronic equipment, existing subsurface utility facilities, including detection and mapping of underground storage tanks, drums, and similar type facilities in progressive phases; to locate by test holes existing subsurface utility facilities which may be affected by our highway projects; to provide valuation problem identification and solutions in the field; to provide utility facility identification by survey; and other related services as may be required.

For the purpose of this advertisement, "designate" means to indicate, by marking, the presence of approximate horizontal location of a subsurface utility using geophysical prospecting techniques, and "locate" means to obtain the accurate horizontal and vertical location of a subsurface utility by digging a test hole.

This project reference assignment is considered non-complex. The letter of interest shall be a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11 x 17 size), required information, 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/
O'Neill Highway
Dunmore, PA 18512

Any technical questions concerning the requirements for this project should be directed to: Mr. George J. Roberts, P.E., District 4-0, at (570) 963-4064.

**Philadelphia County
Project Reference No. 08430AG2337**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately ten (10) inspectors, under the Department's Inspector(s)-in-Charge for construction

inspection and documentation services on S.R. 2001, Section B02, Philadelphia County. This project consists of reconstructing Delaware Avenue to six (6) lanes including drainage, sidewalks and lighting from Race Street to Richmond Street in the City of Philadelphia.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities. Department and District experience and supervisory experience.
- b. Specialized experience in bituminous and concrete paving, landscaping, Maintenance and Protection of Traffic and lighting, electrical and water/sewer construction (City of Philadelphia experience beneficial).
- 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 (TCIS 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.

A minimum of four (4) individuals submitted as part of your inspection staff must have a NECEPT Bituminous Field Technician Certification.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	6 (4)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$40.54
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- a. 35 MM camera (one per project)
- b. Three (3) Two-way radios/repeater equipment and base unit (maximum number per project)
- c. Safety vests-high visibility for inspectors
- d. One (1) cellular phone

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 non-complex. The letter of interest shall be a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11 x 17 size), required information, and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Andrew Warren, District Administrator
 Engineering District 6-0
 200 Radnor-Chester Road
 St. Davids, PA 19087

The Letter of Interest submission for this project reference number must be received at the address listed

above by 4:30 P.M. prevailing time on the twentieth day following the date of this Notice.

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	3
TCI	7

No resumes are required for the TA Classification.

Any technical questions concerning the requirements for this project should be directed to: Mr. George Dunheimer, District 6-0, at (610) 964-6554.

**Montgomery County
 Project Reference No. 08430AG2338**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately eighteen (18) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S.R. 0202, Section 4032, Montgomery County. This project consists of constructing new bridge structures and ramps for Traffic Routes 202 and 422, including retaining walls, concrete paving, soundwalls, drainage, wetlands and signing while maintaining the existing traffic in Upper Merion and Tredyffrin Townships.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities. Department and District experience and supervisory experience.
- b. Specialized experience in structures, concrete paving, earthwork, geotextiles and Maintenance and Protection of Traffic.
- c. Number of NICET and NECEPT certified inspectors in each payroll classification.
- d. Understanding of Department's requirements, policies, and specifications.
- e. Ability to provide one (1) "CDS" operator or person capable of inputting data into personal computer (TCIS Classification), 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.

A minimum of four (4) individuals submitted as part of your inspection staff must have a NECEPT Bituminous Field Technician Certification.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	3 (2)
Transportation Construction Inspector (TCI & TCI-M) (NICET Highway Construction Level 2 or equivalent)	12 (7)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$46.27
(TCIS)	\$40.54
(TCI-M)	\$36.55
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting. The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident

prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- a. Two (2) 35 MM camera
- b. One (1) pager
- c. Safety vests-high visibility for inspectors
- d. One (1) cellular phone
- e. One (1) nuclear densometer gauge/license and a means to transport this gauge on demand.

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 non-complex. The letter of interest shall be a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11 x 17 size), required information, and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Andrew Warren, District Administrator
 Engineering District 6-0
 200 Radnor-Chester Road
 St. Davids, PA 19087

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth day following the date of this Notice.

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	4
TCI-M	2
TCI	11

No resumes are required for the TA Classification.

Any technical questions concerning the requirements for this project should be directed to: Mr. Rex Mackey, District 6-0, at (610) 964-6556.

**Bedford County
 Project Reference No. 08430AG2339**

The Department of Transportation will retain an engineering firm to perform preliminary design, final design, and construction services for S.R. 0030, Section 007, and S.R. 0030, Section 017, the Bedford to Everett widening project, located on U.S. Route 30, in Bedford and Snake Spring Townships, and Bedford Borough, in Bedford County and the Bedford By-Pass located on S.R. 0030, Section 017 in Bedford Township, in Bedford County. Estimated construction costs for these two (2) projects is approximately \$58.0 million.

The S.R. 0030, Section 007 project includes widening and reconstruction 4.7 miles of U.S. Route 30 from the Narrows at Segment 0390 to Mount Dallas at Segment 0470, including rehabilitation of the existing Narrows Bridge, construction of a new structure adjacent to the

Narrows Bridge, replacement of the PA Turnpike overpass bridge to provide wider opening of Route 30 at Segment 0394, and replacement of the structure over Snake Spring Valley Run at Segment 0460. The S.R. 0030, Section 017 project also includes rehabilitation of 3.3 miles of four-lane U.S. Route 30 known as the Bedford By-Pass, including rehabilitation work for nine (9) structures.

The selected firm will be required to perform field surveys; preliminary and final roadway design; erosion and sedimentation control plans; maintenance and protection of traffic plans; right-of-way plans; hydrologic and hydraulics analysis; roadway and structure borings; preliminary of final type, size and location, preparation of plans, specifications and estimates, shop drawing review, and consultation during construction.

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. Firms must demonstrate an ability to analyze available data to make decisions and develop plans in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on similar projects. The firms will also be evaluated on customer satisfaction, including accessibility, cooperation, and attitude toward previous projects.

c. The firms selected must be capable of providing adequate leadership, human resources, organization, and strategic planning to effectively coordinate all final design activities.

d. Firms must demonstrate their ability to communicate ideas and/or practices across units, including subconsultants, to improve the design process and better meet the requirements of the Department.

e. The relative size of the firm.

f. Location of the firm in relation to the District Office.

This project reference assignment is considered moderately complex. The letter of interest shall be a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11 x 17 size), required information, 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
Attention: Mr. Thomas A. Prestash, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the sixth day following the date of this Notice.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Earl L. Neiderhiser, P.E., District Engineer, District

9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648, Attention: Mr. Thomas A. Prestash, P.E.

Any technical questions concerning the requirements for this project should be directed to: Mr. Thomas A. Prestash, P.E., District 9-0, at (814) 696-7174.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that requests engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith

efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WEBS or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-670. Filed for public inspection April 23, 1999, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Metz Contracting, Inc. v. DEP; EHB Doc. No. 99-061-R

Metz Contracting, Inc. has appealed the denial by the Department of Environmental Protection of an NPDES permit to PAR 10W120 for a facility in the Borough of Canonsburg, Washington County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by an interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 99-671. Filed for public inspection April 23, 1999, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, April 8, 1999, and took the following actions:

Regulations Approved:

State Board of Psychology #16A-635: Examination Fees (amends 49 Pa. Code § 41.12).

State Board of Chiropractic #16A-4310: Radiologic Procedures Examination Fees (amends 49 Pa. Code Chapter 5).

State Board of Landscape Architects #16A-614: Examination Fees (amends 49 Pa. Code § 15.12).

Department of Labor and Industry #12-53: Special Funds Assessments (amends 34 Pa. Code Chapter 121).

Pennsylvania Public Utility Commission #57-163: Obsolete Regulations Concerning Electric Service (amends 52 Pa. Code Chapters 57 and 59).

Department of Agriculture #2-111: Weights, Measures and Standards (amends 70 Pa. Code Chapters 1—10, 21, 35 and 39).

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocco-drilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
April 8, 1999

State Board of Psychology—Examination Fees; Regulation No. 16A-635

Order

On March 12, 1999, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Psychology (Board). This rulemaking amends 49 Pa. Code § 41.12. The authority for this regulation is section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and sections 3.2(2) and 3.3(d) of the Professional Psychologists Practice Act (63 P. S. §§ 1203.2(2) and 1203.3). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation increases the fee for the National portion of the licensure examination, Professional Practice of Psychology, by \$55 or 18.6%. The increase is necessary to meet contract costs that apply to examinations on and after April 1999.

On March 23, 1999, the House Professional Licensure Committee approved the regulation.

We have reviewed this regulation and find it to be in the public interest. The revised fee reflects the Board's contract with Professional Examination Services to develop, grade and administer the Professional Practice of Psychology examination.

Therefore, It Is Ordered That:

1. Regulation No. 16A-635 from the State Board of Psychology, as submitted to the Commission on March 12, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocco-drilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
April 8, 1999

State Board of Chiropractic—Radiologic Procedures Examination Fees; Regulation No. 16A-4310

Order

On March 12, 1999, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Chiropractic (Board). This rulemaking amends 49 Pa. Code Chapter 5. The authority for this regulation is contained in section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a) and section 1101(a) of the Chiropractic Practices Act (63 P.S. § 625.1101(a)). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Board is proposing to decrease the fee for the radiological procedures examination. The fee will be reduced from \$75 to \$58. The fee represents the contract cost between the Board and its agent, the American Chiropractic Registry of Radiological Technologists to administer the radiological procedure examination. The examination must be taken by auxiliary personnel who perform certain radiological procedures under the direct supervision of a chiropractor.

The House Professional Licensure Committee approved the regulation on March 23, 1999.

We have reviewed this regulation and find it to be in the public interest. The change in fee is necessary to reflect the actual costs to administer the radiological procedures examination.

Therefore, It Is Ordered That:

1. Regulation No. 16A-4310 from the State Board of Chiropractic, as submitted to the Commission on March 12, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocco-drilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
April 8, 1999

State Board of Landscape Architects—Examination Fees; Regulation No. 16A-614

Order

On March 10, 1999, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Landscape Architects (Board). This rulemaking amends 49 Pa. Code § 15.12. The authority for this regulation is in sections 4(2) and (9) and 5(a) of the Landscape Architects' Registration Law (63

P.S. §§ 904(2) and (9) and 905(a)). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Board is increasing the fees for the National Landscape Architect Registration Examination (LARE) effective with the December 1999 examinations. The regulation also incorporates revised examination section designations which will be used starting with the June 1999 examination. Currently, the LARE has six numbered sections. The revised LARE has Sections A through E.

On March 23, 1998, the House Professional Licensure Committee approved the regulation.

We have reviewed this regulation and find it to be in the public interest. The revised fees reflect the Board's contract with the Council of Landscape Architectural Registration Boards to develop, grade and administer the LARE.

Therefore, It Is Ordered That:

1. Regulation No. 16A-614 from the State Board of Landscape Architects, as submitted to the Commission on March 10, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocco-drilli; Robert J. Harbison, III ; John F. Mizner

Public Meeting held
April 8, 1999

Department of Labor and Industry—Special Funds Assessments; Regulation No. 12-53

Order

On August 26, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code Chapter 121. The authority for this regulation is found in section 2218 of Act 57 of 1997 (71 P.S. § 578) and sections 401.1 and 435 of the Workers' Compensation Act (71 P.S. §§ 710 and 991). The proposed regulation was published in the September 5, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 16, 1999.

In accordance with Act 57, the Department is revising Chapter 121 to clarify that the imposition, collection and remittance of assessments for certain funds shall be done "through insurers" rather than "imposed on" insurers. The revisions affect the Subsequent Injury Fund; the Workmen's Compensation Supersedeas Fund; and the Workmen's Compensation Administration Fund. The regulation also clarifies the formula for calculating the assessment for the Office of Small Business Advocate and the procedures for the operation of the Special Funds.

We have reviewed this regulation and find it to be in the public interest. The revisions bring the Department's regulations into compliance with Act 57.

Therefore, It Is Ordered That:

1. Regulation No. 12-53 from the Department of Labor and Industry, as submitted to the Commission on March 16, 1999, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
April 8, 1999

Pennsylvania Public Utility Commission—Obsolete Regulations Concerning Electric Service; Regulation No. 57-163

Order

On February 20, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapters 57 and 59. The authority for this regulation is sections 501, 504, 505, 506, 1301 and 1501 of the Public Utility Code (66 Pa.C.S. §§ 501, 504, 505, 506, 1301 and 1501). The proposed regulation was published in the March 8, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 10, 1999.

This regulation eliminates or revises obsolete provisions, including record maintenance for electric utilities and sales promotion practices for gas and electric utilities. The regulation also simplifies procedures for electric utilities to request an exemption from the underground installation requirements for electric service in new residential developments.

We have reviewed this regulation and find it to be in the public interest. Elimination of unnecessary record maintenance requirements should lower costs for electric utilities. Simplified procedures for exemption from underground installation requirements will benefit residential developers as well as new home purchasers.

Therefore, It Is Ordered That:

1. Regulation No. 57-163 from the Pennsylvania Public Utility Commission, as submitted to the Commission on March 10, 1999, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli, dissenting; Robert J. Harbison, III; John F. Mizner

Public Meeting held
April 8, 1999

Department of Agriculture—Weights, Measures and Standards; Regulation No. 2-111

Order

On September 29, 1998, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the Department of Agriculture (Department). This rulemaking amends 70 Pa. Code Chapters 1—10, 21, 35 and 39. The authority for this regulation is the Consolidated Weights and Measures Act (3 Pa.C.S. §§ 4101—4194) (act). The proposed regulation was published in the October 10, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 17, 1999.

The regulation implements the act by incorporating comprehensive provisions. It includes provisions for testing and inspection of universal product code (UPC) scanners and price look up (PLU) devices by State inspectors, county or city sealers, or by private certification programs. The regulation also allows cities and counties the option to participate in a sealer program. Participation had previously been mandatory.

The regulation contains training and licensure requirements for inspectors of UPCs and PLUs and for Certified Examiners of Weights and Measures (CEWMs). It also contains registration, training and reporting standards for sellers, installers and repairers of commercial weighing and measuring devices.

We have reviewed this regulation and find it to be in the public interest. The regulation establishes requirements consistent with the act for all parties who seek Department certification as CEWMs and scanner inspectors. It will impact all businesses that commercially use weighing and measuring devices by insuring that inspections are completed annually.

Therefore, It Is Ordered That:

1. Regulation No. 2-111 from the Department of Agriculture, as submitted to the Commission on March 17, 1999, 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. 99-672. Filed for public inspection April 23, 1999, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) (act) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (l) of the act (75 P. S. § 745.5a(h)(l)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
16A-623	State Board of Examiners of Nursing Home Administrators Continuing Professional Education (29 Pa.B. 662 (February 6, 1999))	4/8/99	3/8/01
11-193	Insurance Department Medicare Supplement Insurance Minimum Standards (29 Pa.B. 650 (February 6, 1999))	4/8/99	3/8/01
11-149	Insurance Department Motor Vehicle Physical Damage Appraisers (29 Pa.B. 655 (February 6, 1999))	4/8/99	3/8/01

Insurance Department Regulation No. 11-193

Medicare Supplement Insurance Minimum Standards

April 8, 1999

We have reviewed this proposed regulation from the Insurance Department (Department) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. Complaints—Clarity

The regulation is not clear regarding what constitutes a complaint, how complaints are to be distinguished from grievances, and the procedures an insurer must follow when a complaint is received. This affects the plan of operations filed by insurers, hearing of complaints by insurers, and the Department's evaluation of the performance of an insurer regarding complaints and grievances. The following comments provide specific points in the regulation where complaints and their procedures are vague.

a) *Definition of "Complaint."*

The definition of "complaint" in Subsection (c) does not provide a clear distinction between a complaint and a grievance. The definition of "grievance" appears to be substantially the same as the definition of "complaint." However, the definition of "grievance" contains qualifying phrases such as "expressed in writing," and "insured under a Medicare Select policy or certificate." It isn't clear whether a complaint could be in writing, or whether a complaint could be filed by an individual who is not insured. The regulation should provide clear guidance to distinguish a complaint from a grievance.

Alternatively, if there is not a clear distinction between the terms, the Department should combine these provisions and delete one of the terms from the regulation.

b) *Plan of operation regarding complaints.*

Subsection (f)(3) requires a description of the grievance procedure. The regulation does not require a corresponding description of the complaint procedure. If there is a difference between a complaint and a grievance, the regulation should include a requirement for the plan of operation to contain a description of the complaint procedure to be utilized, and how the insurer will distinguish between a complaint and a grievance.

c) *Procedures for hearing complaints.*

Subsection (l) requires procedures for hearing complaints and resolving written grievances. However, subsequent Paragraphs (1)—(6) only discuss grievances. If there is a difference between a complaint and a grievance, the regulation should provide a parallel description of procedures for hearing complaints and their resolution.

d) *Report regarding complaint procedures.*

Subsection (l)(6) requires reporting regarding grievance procedures. The regulation should provide a parallel reporting requirement for complaint procedures.

2. Subsection (f). Plan of Operation—Clarity

Subsection (f)(7) requires a proposed plan to contain "other information requested by the Commissioner." The Department should narrow the scope of this requirement to information pertinent to the plan of operation.

3. Subsection (l). Complaint and Grievance Procedures—Clarity

Subsection (l) requires the grievance procedure to be provided in the policy, the outline of coverage, and described in detail when a policy is issued. The Department should also consider requiring the insurer to explain how an individual may initiate a complaint or grievance when an individual expresses dissatisfaction to the insurer or its providers.

Subsection (l)(3) requires grievances to be considered in a "timely manner." Subsection (l)(4) requires corrective action to be taken "promptly." Subsection (l)(5) requires the concerned parties to be notified, but does not provide a timeframe for notice. These subsections do not provide clear guidance for when the actions are expected to occur. A grievance may involve the type or level of care an ill individual is receiving. The Department should consider setting minimum timeframes for processing grievances that directly affect a patient's care.

*State Board of Examiners of Nursing Home
Administrators
Regulation No. 16A-623*

Continuing Professional Education

April 8, 1999

We have reviewed this proposed regulation from the State Board of Examiners of Nursing Home Administrators (Board) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments

address issues that relate to fiscal impact, reasonableness, feasibility, need and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. Section 39.41. Provider registration.—Clarity

Subsection 39.41(a) states that “anyone seeking to offer a program for continuing education” must apply for Board approval as a provider. According to Board staff, this requirement applies to all providers including colleges, universities, associations, professional societies or organizations. Currently, subsection 39.14(b) outlines an approval process for programs offered by an association, professional society or organization. The proposed regulation deletes subsection 39.14(b). There are no other references to professional organizations in the regulation. In contrast, college or university courses are listed in subsection 39.61(b)(2). To clarify that professional organizations may apply to be continuing education providers, subsection 39.41(a) should include “colleges, universities, associations, professional societies or organizations” as examples of providers.

2. Section 39.44. Provider responsibilities.—Clarity

The Preamble states that the new section 39.44 establishes provider responsibilities including “verification requirements.” The term “verification” is not used in the new section. However, subsection 39.44(8) does require providers to retain “attendance records” and other materials. The Board counsel indicates that the “verification requirements” is intended to refer to the attendance records. This explanation needs to be included in the Preamble of the final-form regulation.

3. Section 39.51. Standards for continuing education programs.—Clarity

Subsection 39.51(b), as it appears in the *Pennsylvania Bulletin*, contains a typographical error. The first word of the revised subsection is repeated twice.

4. Section 39.52. Programs registration.—Fiscal Impact, Reasonableness, Feasibility and Need

Subsection 39.52(b) requires “preapproval” of all continuing education programs. The Pennsylvania Association of Non-Profit Homes (PANPHA), Hospital and Healthsystem Association of Pennsylvania (HHAP) and individual commentators are concerned that this requirement will unnecessarily limit the availability of valuable continuing education programs.

The House Professional Licensure Committee (House Committee) met on March 23, 1999, and considered this proposed regulation. The House Committee also expressed concern over the availability of continuing education programs. It requested additional information regarding the impact of the proposed regulation on the availability of continuing education programs for licensees.

Availability is important. The Board needs to study the numbers and types of courses that will be available under this proposed regulation. It should also examine the costs to licensees of locating and attending “preapproved” programs. The Board’s licensure renewal prerequisites must be both reasonable and feasible. The Board needs to assure both the House Committee and licensees that programs will be available and affordable.

In addition, the Board should consider two options to increase availability of programs. First, the regulation should include procedures whereby licensees could individually submit applications for preapproval of programs

when a provider is unwilling to apply or is unaware of the requirement. Second, the Board should consider retaining the retroactive approval option. Currently, section 39.64 contains procedures whereby licensees can obtain credit hours for attendance at programs that were not “preapproved” by the Board. It is being deleted by the proposed regulation. Rather than completely eliminating this option, the Board should consider retaining it. To encourage licensees to attend “preapproved” courses, it could limit the retroactive approval option to a limited number of hours.

5. Section 39.61. Requirements—Fiscal Impact, Reasonableness, Need and Clarity

When is preapproval required

Subsection 39.61(b)(1) requires that at least 24 hours of continuing education be taken in courses approved by the Board or National Association of Boards of Examiners of Long-Term Care Administrators (NAB). The rest of the section discusses other alternatives for receiving credit for clock hours including college or university courses, individual study, authoring a published article and serving as an instructor. However, there is no indication that these alternatives must be Board or NAB approved. According to the Board counsel, the only exception to the “preapproval” requirement will be authoring a published article.

The regulation should clearly delineate the programs that require “preapproval.” For example, subsection 39.61(b)(2) should be deleted or revised to state clearly that college and university courses need to be preapproved by the Board. In addition, subsection 39.52(b) should include “authoring a published article” as an exception to the “preapproval” rule.

Awarding “clock hours” for individual study and authoring a published article

Subsection 39.61(b)(3) allows a licensee to earn clock hours of continuing education through other activities including “individual study” and authoring an article. The continuing education prerequisite is 48 clock hours of instruction. “Individual study” is defined as not having “an instructor or other interactive learning methodologies” in section 39.1. The regulation does not contain any procedures for crediting “clock hours” to “individual study.” The regulation needs to describe how the Board will calculate the credit earned through individual study.

The subsection also states that a licensee may earn up to three clock hours per published article. It goes on to indicate that an author may earn additional clock hours for an article based on the complexity of the subject matter or work or if the article is published in a refereed journal. However, there is no indication of how and when the Board will determine the amount of additional credit to be awarded to a licensee for authoring a published article. The regulation needs to explain how this credit will be measured as well.

Authoring a published article and earning more clock hours

Subsection 39.61(b)(3) begins with this statement: “A maximum of 12 clock hours may be taken in any of the following categories.” However, there is an exception to the maximum in subparagraph 39.61(b)(3)(ii). This subparagraph indicates that a licensee who authored an article published in a refereed journal may earn up to 24 clock hours of credit.

Subparagraph 39.61(b)(3)(ii) is not consistent with the “maximum 12-hour rule” set forth in the first sentence in the subsection. To improve clarity, subparagraph

39.61(b)(3)(ii) should appear as a separate subsection. It could be subsection 39.61(b)(4). Subparagraph 39.61(b)(3)(iii) would then be renumbered as (ii).

6. Section 39.61. Requirements—Fiscal Impact, Reasonableness and Need

The proposed regulation deletes the existing language in subsection 39.61(b)(2) which allows licensees to earn up to 12 credit hours by actively participating in community, professional and health care activities. Individual commentators claim that these activities are valuable experiences and they need the flexibility to use these activities as credit. The Board's position is that while these are worthwhile activities, they do not constitute education or learning which contributes directly to the professional competence of licensees.

Since the Board acknowledges that community, professional and health care activities are worthwhile, it needs to explain why they are not valuable as continuing education for licensees. Written comments to the Board questioned the value of some preapproved courses and presented a compelling case for receiving continuing education credit for professional, community and health care activities. For example, meetings with professional colleagues are an opportunity to exchange new and current ideas that enhance the quality and efficiency of health care and skilled nursing operations.

Section 9(b) of the Nursing Home Administrators License Act (63 P. S. § 1109(b)) requires licensees to attend "not less than 24 hours" of continuing education biennially. The Board increased the requirement to 48 hours. The Board's authority to increase the minimum requirement of the statute is clear. However, the Board should fully explain the need and rationale for restricting licensees' ability to meet the requirement.

Many nursing homes and their staffs operate under tight budgets. Limiting the options for administrators to meet their continuing education requirements may not be in the best interests of these facilities or their residents. Rather than eliminating the "community, professional and health care activities" option, the Board should examine the possibility of reducing the maximum amount of credit available for this option from 12 to 9 hours.

Insurance Department Regulation No. 11-149

Motor Vehicle Physical Damage Appraisers

April 8, 1999

We have reviewed this proposed regulation from the Insurance Department (Department) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to reasonableness and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. Section 62.1. Definitions.—Clarity.

Aftermarket crash part

The regulation includes the following definition of "aftermarket crash part":

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

It appears this definition applies only to original equipment manufacturer (OEM) parts because the proposed regulation contains a separate definition of "nonoriginal equipment manufacturer aftermarket crash part." The definition of "aftermarket crash part" should be revised to clarify this point. Furthermore, the Department should clarify whether recycled OEM parts are covered by the definition of "aftermarket crash part."

In its comments, the Insurance Federation of Pennsylvania (IFP) recommended deleting the reference to "sheet metal or plastic" parts because it may not reflect the changing technology in the industry. The Department should ensure that the definition is broad enough so that it does not become obsolete as new materials are used to manufacture parts.

Appraisal

"Appraisal" is defined, in part, as follows:

A written monetary determination of damage incurred to a motor vehicle when the making of such a determination is assigned in order to return the vehicle to its *condition prior to the damage in question.* (emphasis added.)

To be consistent with the terminology used throughout the regulation, the phrase "condition prior to the damage in question" should be replaced with "predamaged condition."

Predamaged condition

The definition of this term reads as follows:

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

The definition is confusing and hard to read. In its comments, IFP suggests substituting "condition" with "function and appearance" to eliminate the circular reference to "condition." We suggest the Department revise the definition to read as follows:

The function and appearance of the motor vehicle immediately prior to when the damage in question was incurred.

2. Section 62.2. Licensing requirements.—Clarity.

Additional information for licensure

Subsection (a)(2) provides the following:

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

It is unclear what additional requirements are contemplated by this provision and under what circumstances an applicant would be subject to the additional requirements. We request the Department clarify when an applicant would be subject to requirements other than those contained in the Motor Vehicle Physical Damage Appraiser Act (act) and the regulation. Also, the Department should insert the word "on" between "information" and "experience" to clarify the sentence.

Determination of trustworthiness

Subsection (b)(3) states that the Department will determine if an applicant possesses the trustworthiness required to conduct motor vehicle appraisals. The regulation does not specify how the Department will make this determination. It is our understanding that the Department will base this determination on the factors listed in paragraphs (b)(1), (2), (4) and (5). If this is the Department's intent, we suggest that paragraph (b)(3) be deleted and that paragraph (b) be revised to read as follows:

(b) An application for licensing may be denied if the Department determines the applicant does not possess the professional competence and trustworthiness required to engage in conducting motor vehicle appraisals. The Department will base this determination on the following:

3. Section 62.3. Applicable standards for appraisal.—Clarity, reasonableness.

Use of abbreviations

The Department is proposing to delete existing subsection (a)(3), which prohibits an appraisal from using abbreviations or symbols to describe the work to be done unless the appraisal includes an explanation of the symbols and abbreviations. The Department's rationale for deleting this provision is that it has been an automotive industry practice to use abbreviations with definitions, and section 11(b) of the act (63 P.S. § 861(b)) requires the appraisal to be legible.

Consumers may not be familiar with the abbreviations used in the automotive industry. Deleting the requirement for definitions of abbreviations and symbols may result in appraisals with terms and notations confusing to the consumer. Since the use of definitions with abbreviations has been an industry standard, retaining this requirement would not be burdensome or unreasonable. Therefore, the Department should retain subsection (a)(3).

Signing the appraisal

Subsection (a) requires the appraisal be "signed" by the appraiser. Some commentators noted that "authenticated" would be a better term because many appraisals are now electronically transmitted. We agree and recommend that the Department replace "signed" with "authenticated."

Excess costs

Subsection (b)(2) requires the following:

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

It is unclear what the term "excess cost" means. We suggest the Department define this term in Section 62.1. Definitions.

It is also unclear what recourse the vehicle owner has in disputing the appraiser's determination of excess costs, or in objecting to the appraiser's conduct. Not all consumers may be aware of the option of filing a complaint with the Department. We suggest the Department require the appraisal to include a statement informing the vehicle owner of the right to file a complaint with the Department and providing the address and phone number of the appropriate bureau in the Department.

Recommendation of repair shops

Subsection (b)(3) allows the appraiser to provide the consumer with the names of at least two repair shops able to perform the repairs. This provision raised concerns with several commentators. The IFP believes there is no provision in the act for the appraiser to make this recommendation. The Pennsylvania Collision Trade Guild also opposes this provision because it is inconsistent with the intent of the act with respect to customer choice and an appraiser's independence. We agree. Allowing an appraiser to recommend specific repair shops raises a concern about an appraiser's independence and could influence the consumer's selection of a repair shop.

Section 861 of the act (63 P.S. § 861) allows the consumer to select a body shop to perform the repairs. This section also provides that "No appraiser or his

employer shall require repairs be made in any specified repair shop" and that the appraiser must make an independent appraisal.

The regulation does not require the consumer to choose the recommended shops. However, the consumer may feel obligated to follow the appraiser's recommendation. Also, the provision may create the appearance that the appraiser is steering consumers to specific repair shops and not performing an independent appraisal.

To avoid these concerns, the Department should delete the provision allowing an appraiser to recommend repairs shops to the consumer.

Description of repairs

This paragraph requires the appraisal to include a "description of repairs necessary to return the vehicle to its predamaged condition." Commentators have suggested adding the phrase "known at the time of the appraisal" after "repairs" to acknowledge that all the repairs that are ultimately necessary to return the vehicle to its predamaged condition may not be known at the time of the initial appraisal. Commentators suggest the same language also be added to paragraphs (b)(4), (b)(5) and (b)(7). The Department should make this revision.

Depreciation

Also in subsection (b), the Department is deleting the sentence that requires specification of charges relating to several specific items including depreciation. Most of the items in the deleted sentence are included under new paragraphs 62.3(b)(5), (6) and (7), with the exception of depreciation. It is our understanding that the exclusion of depreciation was simply an oversight. The Department should include the reference to depreciation in the final-form regulation.

Invocation of the appraisal clause

Subsection (b)(4) provides that if there is a dispute about repair costs, the insured or insurer may seek resolution through the invocation of the appraisal clause in the insurance policy. We have two concerns with this provision.

First, some commentators have interpreted this provision as requiring all insurance policies to contain an appraisal clause. The commentators assert such a requirement is not authorized in the act. It is our understanding that this provision is intended to provide information to consumers about potential options available when a dispute occurs, not to mandate an appraisal clause in all policies. If it is only for informational purposes, the Department should consider whether this regulation is the appropriate vehicle to provide this information.

Second, if this provision is retained, the Department needs to explain what occurs if a consumer's policy does not contain an appraisal clause. That is, what process is to be followed when the consumer and insurer disagree on the appropriate repair costs?

Applicable sales tax

Subsection (b)(6) provides that the appraisal shall contain "the sales tax on the total dollar amount of the appraisal." Because not all items in the appraisal may be subject to sales tax, it is not correct to apply the sales tax to the total dollar amount of the appraisal. For example, sales tax does not apply to towing services and storage. Therefore, the appraisal should contain the sales tax only where applicable.

Warranty of Non-OEM parts

Subsection (b)(9) provides that if the use of an aftermarket crash part voids the warranty on the original part, the aftermarket crash part should have a warranty equal to or better than the original part. We have several concerns about the clarity and reasonableness of this provision.

First, Subsection (b)(9) begins by referencing Non-OEM aftermarket crash parts. The last part of the provision relating to warranties simply references aftermarket crash parts. Therefore, it is not clear if the provision relates to just Non-OEM parts or all aftermarket crash parts. The Department should clarify how this provision is to be applied. Also, if the Department's intent is to apply this requirement only to Non-OEM parts, it should explain why the warranty provision should not apply to all other aftermarket crash parts.

Second, we question the intent and reasonableness of the warranty being "equal to or better than the warranty on the original part." The warranty period should only be as long as the remaining portion of the original part's warranty. If the original part had a five-year warranty and was 3 years old, the warranty on the replacement part should be for two years. The Department should clarify that the warranty for the replacement part must be of the same duration as the remaining time on the original part.

Third, the regulation should clarify who will make the determination that an aftermarket crash part voids the warranty on the original part.

Disclosure of Non-OEM parts

Subsection (b)(9) requires disclosure "if the appraisal includes Non-OEM aftermarket crash parts, a statement the appraisal has been prepared based on the use of aftermarket crash parts supplied by a source other than the manufacturer of the motor vehicle. . . ." We have several concerns and questions related to this new disclosure provision.

First, it is not clear if the appraisal must specifically indicate which replacement parts are Non-OEM or just simply indicate that the appraisal is based on the use of Non-OEM parts. To provide full disclosure and protect the consumer, the appraisal should indicate which parts are Non-OEM parts.

Second, many consumers may not understand the term Non-OEM. In order for the disclosure to be meaningful, the appraisal should include a definition of Non-OEM aftermarket crash part. We suggest the appraisal include the definition of this term found in Section 62.1. Definitions.

Third, disclosure is required if the appraisal includes "aftermarket crash parts supplied by a source other than the manufacturer of the motor vehicle." It appears the Department's intent is to require disclosure of parts not certified or manufactured by the original vehicle manufacturer. Consequently, the Department should replace the phrase "supplied by a source other than" with "not manufactured or certified by."

Finally, just as a consumer should be aware of the use of Non-OEM parts, a consumer should be informed when recycled OEM parts are used. Therefore, the Department should require disclosure when recycled OEM parts are used.

Salvage requirements in Pennsylvania vehicle code

The Pennsylvania Automotive Recycling Trade Society recommends that subsection (c)(1) be amended to reference section 1117(a) of the Pennsylvania Vehicle Code. This section requires the filing of an application of salvage with the Department of Transportation. The Department should consider this recommendation to assist the consumer in understanding all requirements for salvaging a vehicle.

Request of the use of other parts

Subsection (d) provides the following:

An appraisal for the repair of the motor vehicle shall be made in the amount necessary to return the motor vehicle to its predamaged condition. If the consumer requests the use of parts other than those listed on the appraisal, or otherwise wishes to repair the motor vehicle to a condition better than that existing prior to the damage incurred, the appraisal need only specify the cost of repairing the vehicle to its predamaged condition. (emphasis added.)

We have two concerns with this paragraph. First, it is unclear if the Department's intent is to address the issue of excess costs raised in section 62.3(b)(2). In the existing regulation, this provision follows a paragraph heading relating to "betterment of the vehicle." This heading has been deleted in the proposed regulation resulting in confusion regarding the difference between paragraphs (b)(2) and (d). We suggest the Department clarify the intent of this paragraph in the final-form regulation.

Our second concern relates to the phrase "requests the use of parts other than those listed on the appraisal, or otherwise wishes to repair the motor vehicle to a condition better than that existing prior to the damage incurred." This phrase implies that any time a consumer requests a part other than those listed on the appraisal, the consumer is seeking to restore the vehicle to a condition better than the predamaged condition. There may be instances where the consumer's request is legitimate. It is unnecessary to refer to the specific case of requesting parts other than those listed on the appraisal. The heart of the issue is that the appraisal does not need to specify costs of restoring a vehicle to better than its predamaged condition. We suggest the following revision: . . . If the consumer wishes to repair the motor vehicle to a condition better than the predamaged condition, the appraisal need only specify the cost of repairing the vehicle to its predamaged condition.

Satisfactorily and reasonably repaired

Subsection (e) uses the phrase "satisfactorily or reasonably repaired" as a decision factor when determining that the appraised value of loss should be the replacement value. It is not clear what will be considered "satisfactorily repaired" or "reasonably repaired." Furthermore, it is unclear who will make this determination. The Department needs to define these two terms and clarify who makes the determination.

Subsection (e) also contains the phrase "condition just prior to the damage in question being incurred." For consistency, this phrase should be changed to "predamaged condition."

Guide sources and replacement value

Subsection (e)(1)(i) provides that the Department will publish a list of approved guide sources once a year. Because this listing is instrumental in the implementa-

tion of the regulation, the initial list should be published at the same time as the final-form regulation.

The IFP recommends that the Department also allow the use of electronic data sources as an option for determining the replacement value. The Department should consider the merits of this recommendation.

For consistency, the first sentence of subsection (e)(1)(ii) should be amended to refer to the "predamaged condition of the motor vehicle" instead of using the qualifier "just prior to the damage in question."

Total loss evaluation report

Subsection (e)(7) requires the appraiser to send a copy of the total loss evaluation report within 5 working days of the appraisal's completion. This paragraph further requires that the consumer be advised of the right to receive a copy of the report within 5 days. To be consistent, the Department should revise this provision to require that the consumer be advised of the right to "be sent" a copy of the report within 5 days.

Terminology of salvager and salvage yard

The Pennsylvania Automotive Recycling Trade Society observes that the terms "salvage yard" and "salvager" are outdated and inconsistent with terms used in Pennsylvania statute. Section 1337 of the Pennsylvania Vehicle Code (75 Pa.C.S. § 1337) defines and provides for the registration of "Vehicle Salvage Dealer." Accordingly, the Department should use this term in place of salvager and salvage yard.

Direct and indirect conflict of interest

The regulation lacks clarity as to how direct and indirect conflict of interest will be defined, especially as it relates to the requirements of the act. Subsection (f)(9) provides that an appraiser shall:

(9) Not have a *direct or indirect conflict of interest* in the making of an appraisal. . . . (emphasis added.)

The Act (63 P. S. § 861(f)(2), (3) and (4)) provides the following:

(f) Every appraiser shall:

* * * * *

(2) Approach the appraisal of damaged property without prejudice against, or favoritism toward, any party involved in order to make fair and impartial appraisals.

(3) Disregard any efforts on the part of others to influence his judgment in the interest of the parties involved.

(4) Prepare an independent appraisal of the damage.

* * * * *

Subsection (f)(9) reinforces the independence requirements contained in the act. However, it is not clear what the Department regards as a "direct or indirect conflict of interest." Given that appraisers may be independent contractors, employees of an appraisal firm or employees of an insurance company, the Department should define "direct conflict of interest" and "indirect conflict of interest" in Section 62.1. Definitions.

Reappraisal

The Department is deleting subsection (g), relating to the ability to conduct more than one appraisal, because it serves no purpose and does not enhance the provisions of the act. This provision should be retained because it will provide notice to consumers and insurance companies that they may seek more than one appraisal. It also

provides notice that the original appraiser may need to make a second appraisal based upon new information.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-673. Filed for public inspection April 23, 1999, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-442	Department of Public Welfare Child Residential and Day Treatment Facilities	4/8/99
14-441	Department of Public Welfare Protective Services	4/14/99

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-674. Filed for public inspection April 23, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of Tri-Century Insurance Company

University of Pittsburgh Medical Center Health System has filed an application to acquire control of Tri-Century Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. § 991.1402 et seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or by e-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-675. Filed for public inspection April 23, 1999, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Valerian and Jane Kulakowski, file no. 99-280-30746; Prudential Property and Casualty; doc. no. PH99-04-005; May 11, 1999, at 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-676. Filed for public inspection April 23, 1999, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Philadelphia County, PLCB Regional Office #1, 4501 Kelly Drive, Philadelphia, PA 19129-1794.

Lease Expiration Date: January 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 9,000 net useable square feet of new or existing office space in the City of Philadelphia in the Chestnut Hill, Andorra, Roxborough or Manayunk sections of the City. The office

space must be near a SEPTA stop with parking for approximately 40 vehicles.

Proposals due: May 21, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Montgomery County, Wine & Spirits Shoppe #4607, 131 E. Butler Avenue, Ambler, PA 19002-4425.

Lease Expiration Date: July 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space in the Borough of Ambler.

Proposals due: May 21, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Montgomery County, Wine & Spirits Shoppe #4609, 55 Limekiln Pike, Glenside, PA 19038-2907.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space in Springfield Township.

Proposals due: May 21, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Montgomery County, Wine & Spirits Shoppe #4622, 404 Huntingdon Pike, Rockledge, PA 19046-4448.

Lease Expiration Date: January 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space in the Borough of Rockledge.

Proposals due: May 21, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Montgomery County, Wine & Spirits Shoppe #4629, Fairway Shopping Center, 1825 Limekiln Pike, Dresher, PA 19025-1739.

Lease Expiration Date: July 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space on Limekiln Road within a half mile radius of the intersection of Route #152 and Twining Road.

Proposals due: May 21, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5127, 2511 W. Girard Avenue, Philadelphia, PA 19130-1313.

Lease Expiration Date: April 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space on West Girard Avenue on the 2500 to 2900 block of Girard Avenue, Philadelphia.

Proposals due: May 21, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5159, 2006 Germantown Avenue, Philadelphia, PA 19122-1422.

Lease Expiration Date: June 30, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a half mile radius of the intersection of 5th and Berks Streets, Philadelphia.

Proposals due: May 21, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5165, 7322 Castor Avenue, Philadelphia, PA 19152-4205.

Lease Expiration Date: March 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space within a half mile radius of the intersection of Cottman and Castor Avenues, Philadelphia.

Proposals due: May 21, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5170, 6103 N. Broad Street, Philadelphia, PA 19141-1995.

Lease Expiration Date: March 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space on Broad Street, North of Olney Avenue, Philadelphia.

Proposals due: May 21, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5195, 7702 City Avenue, Philadelphia, PA 19151-2001.

Lease Expiration Date: April 30, 1999

Lease retail commercial space to the Commonwealth of

Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space on City Avenue, between Lancaster Avenue and West Chester Pike, Philadelphia.

Proposals due: May 21, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Erie County, Wine & Spirits Shoppe #2502, 105 W. 18th Street, Erie, PA 16501-2103.

Lease Expiration Date: April 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,100 net useable square feet of new or existing retail commercial space in a shopping center environment in downtown Erie, South of 12th Street and North of 20th Street. Location must have free, off-street parking and access for semi-trailer deliveries.

Proposals due: May 7, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130
 The Liquor Control Board seeks the following site:

Montgomery County, Wine & Spirits Shoppe #4617, Harleysville, Lower Salford Township.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within a 3 mile radius of the intersection of Route 63 and Route 113, Harleysville, Lower Salford Township.

Proposals due: May 21, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 99-677. Filed for public inspection April 23, 1999, 9:00 a.m.]

PENNSYLVANIA COMMISSION FOR WOMEN

Hearing Notice

The Pennsylvania Commission for Women (Commission) will hold a childcare hearing in Harrisburg on Thursday, May 13, 1999, at 9:30 a.m. in Room 8-EB of the East Wing Rotunda, Capitol Building.

The Commission will be working with the Pennsylvania Bar Association's Commission on Women in the Profession, and hopes to foster an informed public discussion on childcare issues that will contribute to the formulation of creative solutions to many childcare problems.

The Commission is soliciting the views of parents, childcare providers, legislators, policy makers, business owners, law enforcement officials and any other individuals interested in enhancing childcare services throughout the State. Persons who need accommodations due to a disability and want to arrange to attend should contact Christine Anderson, Pennsylvania Commission for Women, 205 Finance Building, Harrisburg, PA 17120 at (717) 787-8128, at least 24 hours in advance so arrangements can be made.

LOIDA ESBRI,
Executive Director

[Pa.B. Doc. No. 99-678. Filed for public inspection April 23, 1999, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Service Without Hearing

A-122250 F0010. Peoples Natural Gas Company. Application of the Peoples Natural Gas Company for all approvals required under the Public Utility Code due to the transfer by merger of all of the stock of its parent company, Consolidated Natural Gas Company, to Dominion Resources, Inc., or a subsidiary thereof, with Dominion Resources, Inc., being the surviving parent company, directly or indirectly of the Peoples Natural Gas Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before May 10, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: The Peoples Natural Gas Company

Through and By Counsel: William T. Hawke, Esquire, Thomas J. Sniscak, Esquire, Malatesta, Hawke and McKeon, LLP, Harrisburg Energy Center, 100 North Tenth Street, Harrisburg, PA 17105, and

Applicant: Dominion Resources, Inc.

Through and By Counsel: Michael d. Klein, Esquire, John J. Gallagher, Esquire, LeBoeuf, Lamb, Greene and MacRae, LLP, 200 North 3rd Street, Suite 300, Harrisburg, PA 17108.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-679. Filed for public inspection April 23, 1999, 9:00 a.m.]

Sale of Certain Designated Generating and Related Assets

Without Hearing

A-110650F0004. Pike County Light & Power Company. Application of Pike County Light & Power Company (1) Requesting a Certificate of Public Convenience evidencing approval under section 1102(a)(3) of the Public Utility Code of the sale of certain designated generating

and related assets by Orange and Rockland Utilities, Inc. to affiliates of Southern Energy, Inc.; (2) Requesting approval under sections 508 and 2811(c) of the Public Utility Code of contracts related to sale; and (3) Requesting findings under section 32 of the Public Utility Holding Company Act.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before May 10, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: Pike County Light & Power Company

Through and By Counsel: Michael W. Hassell, Morgan, Lewis & Bockius LLP, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-680. Filed for public inspection April 23, 1999, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before May 17, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00115766. John Joseph Chambers (545 Tasker Avenue, Norwood, Delaware County, PA 19074)—persons in limousine service, between points in the counties of Philadelphia and Delaware, and from points in said counties, to points in Pennsylvania, and return.

A-00115789. Adamo Limousine, Ltd. (P. O. Box 3357, Easton, Northampton County, PA 18043-3357), a corporation of the Commonwealth of Pennsylvania—persons, in limousine service, between points in those portions of the counties of Berks, Chester, Lehigh, Montgomery, Northampton and Philadelphia, which are within an airline distance of 40 statute miles of the limits of the township of Doylestown, Bucks County, and from said points, to the Philadelphia International Airport, and vice versa. *Attorney:* Michael W. Hassell, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of household goods as described under each application.

A-00115679, Folder 2. Millennium Moving Co., Inc. (17 Ronald Circle, Oreland, Montgomery County, PA 19075), a corporation of the Commonwealth of Pennsylvania—additional right—household goods in use, between points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, and from points in said counties, to other points in Pennsylvania, and vice versa. *Attorney:* Richard A. Franklin, 1700 Sansom Street, 12th Floor, Philadelphia, PA 19103.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00111323, Folder 1, Am-A. Terry J. Kovach, t/d/b/a Vogue Limousines (508 Route 30 E, Irwin, Westmoreland County, PA 15642)—persons, in limousine service, between points in the county of Westmoreland, and from points in the county of Westmoreland, to points in the counties of Allegheny, Somerset and Washington, and return; subject to the following conditions: (a) that no right, power or privilege is granted to transport persons attending funerals or to provide service for funeral homes; and (b) that no right, power or privilege is granted to provide service between points in Allegheny County: *So as to permit* the transportation of persons in limousine service: (1) between points in the counties of Butler, Bedford, Westmoreland, Beaver, Armstrong, Cambria, Somerset, Fayette, Greene, Indiana, Lawrence and Washington, and from points in said counties, to points in Pennsylvania, and return; and; (2) from points in the county of Allegheny, to points in Pennsylvania, and return.

A-00112166, F. 1, Am-A. Classic Limousine Transportation, LLC (345 Rouser Road, Coraopolis, Allegheny County, PA 15108), a Pennsylvania Limited Liability Company—persons in limousine service, from points in Allegheny County, to other points in Pennsylvania, and return: *So as to permit* the transportation of persons in limousine service, between points in the counties of Washington, Westmoreland, Beaver, Fayette, Armstrong and Somerset, and from points in said counties, to points in Pennsylvania, and return; subject to the following condition: provided that no right, power or privilege is granted to provide service for funeral homes or for persons attending funerals. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.

A-00112166, Folder 3. Classic Limousine Transportation, LLC (345 Rouser Road, Coraopolis, Allegheny County, PA 15108), a Pennsylvania Limited Liability Company—brokerage license—to arrange for the transportation of persons, between points in Pennsylvania. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383

A-00115767. JMRS Enterprises, Inc., t/d/b/a JJ'S Travel & Tickets (1187 Wyoming Avenue, Exeter,

Luzerne County, PA 18643), a corporation of the Commonwealth of Pennsylvania—brokerage license—to arrange for the transportation of persons, between points in Pennsylvania. *Attorney:* Louis S. Sciandra, 11 Gramercy Park Building, Suite 213, 121 South Main Street, Pittston, PA 18640.

Applications of the following for approval of the right and privilege to partially discontinue/abandon operating as common carriers by motor vehicle for the transportation of persons as described under each application.

A-00088737, Folder 11, Am-A. Grove City Bus Lines, Inc. (1085 Sandy Lake Road, P. O. Box 745, Grove City, Mercer County, PA 16127), a corporation of the state of Delaware—discontinuance of service—persons in paratransit operations, including service for Federal, State, county or local agencies under programs sponsored by said agencies, a plan-a-ride service, share-a-ride service, time call service and senior citizens transportation service between points in the counties of Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Forrest, Jefferson, Lawrence, Mercer and Venango; subject to the following conditions: (a) that the service herein authorized is limited to transportation in vehicles having a seating capacity of not less than seven nor more than 15 persons, including the driver; (b) that the service herein authorized is limited to transportation for which advance reservations are made in vehicles not reserved for individual use; (c) that no right power or privilege is granted to provide call or demand service as defined in 52 Pa. Code Chapter 29; (d) that no right, power or privilege is granted to provide scheduled-route service as described in 52 Pa. Code § 29.14; or group and party service, as described in 52 Pa. Code § 29.16, except as presently authorized; and (e) that no right, power or privilege is granted to transport persons from points in Erie County, except as otherwise authorized.

A-00088737, Folder 13. Grove City Bus Lines, Inc. (1085 Sandy Lake Road, Grove City, Mercer County, PA 16127), a corporation of the State of Delaware—discontinuance of service—persons on schedule as follows: **A-00088737, Folder 3:** (1) to transport, as a common carrier by motor vehicle, persons on schedule in the borough of Grove City and vicinity, in Mercer County, over the following routes: (a) beginning at the intersection of Pine Street and South Broad Street in the borough of Grove City, thence on South Broad Street, Blair Street, South Center Street, East Main Street and Highway Route 58 to a point in Pine Township located 1 mile beyond the borough line, thence returning on Highway Route 58, East Main Street and South Broad Street to Pine Street, the place of beginning; (b) beginning at the intersection of Pine Street and South Broad Street, thence on South Broad Street, Blair Street, South Center Street, West Main Street, Spring Street, Columbia Avenue, South Center Street, West Main Street and Highland Avenue to Park School located near the intersection of Euclid Avenue and Highland Avenue, thence on Highland Avenue and West Main Street to the entrance of Community Park, thence returning on West Main Street and South Broad Street to Pine Street, the place of beginning; (c) beginning at the intersection of Pine Street and South Broad Street, thence on South Broad Street, North Broad Street, Gilmore Avenue, North Center Street, Chestnut Street, State Street and Cranberry Road (Highway Route 43077) to a point in Pine Township located 1 mile beyond the borough line, thence returning

on Cranberry Road, State Street, Hillcrest Avenue, Edgewood Avenue, Erie Street, South Center Street, West Main Street and South Broad Street to Pine Street, the place of beginning; (d) beginning at the intersection of Pine Street and South Broad Street, thence on South Broad Street, North Broad Street, Lincoln Avenue, Terrace Avenue, West Washington Boulevard, East Pine Street, Winfield Drive, Lincoln Avenue, East Washington Boulevard, West Washington Boulevard, Woodland Drive, North Harvard Street, South Harvard Street, East Pine Street, West Pine Street, South Center Street, West Main Street and South Broad Street to Pine Street, the place of beginning; **A-00088737, Folder 4:** (1) to transport, as a common carrier by motor vehicle, persons on schedule, baggage, newspapers, freight and express, such as can be transported in buses without the removal of seats or inconvenience to passengers, between the city of Sharon, Mercer County, and the city of Pittsburgh, Allegheny County, over the following routes: (a) beginning at the bus depot at 216 West State Street in the city of Sharon, Mercer County, thence on West State Street, South Irvine Street, Ohio Street, Chestnut Street, Depot Street and South Dock Street (Highway Route 718) to Broadway in the City of Farrell, thence to the bus depot at 704 Broadway, thence on Broadway, the Wheatland and Middlesex Road and Highway Route 18 (Sharon Road) through the borough of West Middlesex to its intersection with Highway Route 208 in Lawrence County, thence on Highway Route 208 to Neshannock Street in the borough of New Wilmington, thence on Neshannock Street and Market Street to the bus depot at 147 South Market Street (Isaly's Dairy Store), thence on Market Street, Vine Street, Highway Routes 158 and 18 to Wilmington Avenue in the city of New Castle, thence on Wilmington Avenue, North Jefferson Street to the bus depot at 114 South Jefferson Street, thence on South Jefferson Street, Grove Street, Neal Street, Taylor Street, East Washington Street and Highway Route 88 to Eastline Avenue in the borough of Ellwood City, thence on Eastline Avenue, North Street, Fountain Avenue, Fourth Street and Lawrence Avenue to the bus depot at 428 Lawrence Avenue (Elton Hotel), thence on Lawrence Avenue, Fifth Street, Crescent Avenue, Second Street, Hillside Street and Highway Route 288 to West New Castle Street in the borough of Zelienople, Butler County, thence on West New Castle Street and South Main Street to the bus depot at 205 South Main Street, thence on South Main Street and U.S. Highway Route 19 through the village of Wexford, Allegheny County to Babcock Boulevard, thence on Babcock Boulevard to North Avenue in the borough of Millvale, thence on North Avenue and East Ohio Street to Sixteenth Street in the city of Pittsburgh, thence on Sixteenth Street and Liberty Avenue to its intersection with Eleventh Street, the bus depot, thence returning on Penn Avenue, Eleventh Street, Liberty Avenue and the same route to the intersection of Crescent Avenue and Third Street in the borough of Ellwood City, thence on Third Street, Lawrence Avenue, Fifth Street, Fountain Avenue, North Street and the same route to the intersection of Depot Street and Railroad Avenue in the city of Sharon, thence on Railroad Avenue and State Street to the bus depot, the place of beginning; subject to the following condition: that no right, power or privilege is granted to transport persons locally between a point 100 yards north of the intersection of Babcock Boulevard and Rochester Road in the township of Ross and the terminus at Eleventh Street and Liberty Avenue in the city of Pittsburgh, all in the county of Allegheny; (2) to transport, as a common carrier by motor vehicle, persons on schedule, baggage, newspapers, freight and express, such

as can be transported in buses without the removal of seats or inconvenience to passengers, over the following *alternate route*: beginning at the bus depot at the intersection of Liberty and Eleventh Street in the city of Pittsburgh, Allegheny County, thence on Liberty Avenue, Twelfth Street, Penn Avenue, Eleventh Street, Liberty Avenue and Sixth Street to and across the Sixth Street Bridge to Federal Street, thence on Federal Street and East Ohio Street to its intersection with Chestnut Street, thence returning on East Ohio Street, Federal Street, Isabella and Sandusky Street to and across the Seventh Street Bridge to Seventh Street, thence on Seventh Street and Liberty Avenue to the bus depot, the place of beginning; with the right to render through service without change of buses between points on the aforesaid described routes and routes described at A-00088737, Folder 2 and Folder 3; with the right immediately above subject to the following condition: that no right, power or privilege is granted to transport persons locally between points on the said alternate route; **A-00088737, Folder 4, Am-A:** (1) to transport, as a common carrier by motor vehicle, persons on schedule, baggage, newspapers, freight and express, such as can be transported in buses without the removal of seats or inconvenience to passengers, between the city of Sharon, Mercer County, and the city of Pittsburgh, Allegheny County over the following alternate route: *For operating convenience only*: beginning at the intersection of U.S. Highway Route 19 and Interstate Highway Route 79; thence by Interstate Highway Route 79 to its intersection with Pennsylvania Highway Route 65; thence by Pennsylvania Highway Route 65 to the Fort Duquesne Bridge; thence by the Fort Duquesne Bridge to Stanwix Street, in the city of Pittsburgh, and return by the same route; **A-00088737, Folder 5:** (1) To transport, as a common carrier by motor vehicle, persons on schedule and, as a Class A carrier, merchandise, small packages, including automotive accessories, ice cream jackets, newspapers, meats, electrical supplies, dental supplies, magazines and film, such as may be transported in buses without the removal of seats, over the following route: beginning at the terminal on North Perry Square in the city of Erie, thence on State Street, 26th Street, Highway Route 505 to Highway Route 97, thence on Highway Route 97 through Waterford to Union City, thence on Highway Route 8, Highway Route 20139, along the north side of Canandoha Lake, Highway Route 20083 to the village of Lincolnville, Highway Application Route 6862, Highway Route 77 through the village of Riceville, thence on Highway Route 8 through the borough of Centerville, the village of Five Corners, the borough of Hydentown, the city of Titusville to the city of Oil City, and return over the same route; subject to the following conditions: (a) that no right, power or privilege is granted to transport persons locally within the municipal limits of the city of Oil City; (b) that no right, power or privilege is granted to transport persons locally between the city of Oil City and the borough of Rouseville, and between the cities of Franklin and Oil City; (c) that the rights, powers and privileges herein granted shall be limited and restricted so that the commodities shall be transported in separate compartments so as not to interfere with the safety, accommodation or convenience of passengers in the buses in which the said commodities are carried; and (d) that no right, power or privilege is granted to transport persons on schedule and merchandise, small packages, including automotive accessories, ice cream jackets, newspapers, meats, electrical supplies, dental supplies, magazines and films, such as may be transported in business without the removal of seats, locally between the city of Erie, Erie County, or within 1 mile of

the limits of the city of Erie; Erie County; **A-00088737, Folder 7:** (1) To transport, as a common carrier by motor vehicle, persons on schedule and merchandise and small packages, including automotive accessories, ice cream jackets, newspapers, meats, electrical supplies, dental supplies, magazines and films, such as may be transported in buses without the removal of seats, between the city of New Castle, Lawrence County, and the Pennsylvania-Ohio State Line over the following route and alternate route: beginning at the bus terminal located on Jefferson Street in the city of New Castle, Lawrence County, thence by Jefferson Street to Grant Street, thence by Grant Street to Highway Route 422, thence by Highway Route 422 through the townships of Union, Mahoning and Pulaski, Lawrence County, to the Pennsylvania-Ohio State Line; *Alternate Route:* beginning at the intersection of Old and New Highway Route 422 in the township of Union, Lawrence County, (a point on a presently certificated route), thence on New Highway Route 422 through the townships of Union, Mahoning and Pulaski, Lawrence County, to its intersection with Old Highway Route 422, (a point on a presently certificated route), near the Pennsylvania-Ohio State Line; (2) To transport, as a common carrier by motor vehicle, persons on schedule and merchandise and small packages, including automotive accessories, ice cream jackets, newspapers, meats, electrical supplies, dental supplies, magazines and films, such as may be transported in buses without the removal of seats, over the following route: beginning at the intersection of Highway Routes 322 and 19 west of the city of Meadville, Crawford County, thence on Highway Route 322 through the borough of Conneaut Lake to the village of Hartstown, thence by Highway Route 18 to College Avenue in the borough of Greenville, Mercer County, thence on College Avenue, Main Street, Clarksville Street and Highway Route 18 to its intersection with Highway Route 518, on Highway Route 518 to Walnut Street in the borough of Sharpsville, thence on Walnut Street, Main Street, Seventh Street, West Ridge Avenue and Sharpsville Avenue to East State Street in the city of Sharon, thence by East State Street, Dock Street to Broadway Street in the city of Farrell, thence on Broadway Street, Haywood Street and Highway Route 518 to Highway Route 18, thence on Highway Route 18 to the intersection of Highway Route 278, east on Highway Route 278 (formerly Route 18) to New Wilmington, south on Highway Route 158 (formerly Route 18) to the junction of Highway Route 18, thence on Highway Route 18 to North Jefferson Street in the city of New Castle, Lawrence County, thence on North Jefferson Street to the company's terminal and returning over the same route; subject to the following condition: that the rights, powers and privileges herein granted shall be limited and restricted so that the commodities shall be transported in separate compartments so as to not interfere with the safety, accommodation or convenience of passengers in the buses in which the said commodities are carried; (3) To transport, as a common carrier by motor vehicle, on schedule, persons and merchandise in small packages, including automotive accessories, ice cream jackets, newspapers, meats, electrical supplies, dental supplies, magazines and films, such as may be transported in buses without the removal of seats, over the following route: *Alternate Route (in either direction):* beginning at the intersection of Highway Routes 322 and 6 in the borough of Conneaut Lake, Crawford County, thence on Highway Route 6 and Highway Route 618 by Conneaut Lake Park to its intersection with Highway Route 18 in or near the village of Harmonsburg, thence on Highway Route 18 to its intersection with Highway

Route 322; (4) To transport, as a common carrier, persons on schedule and small parcels over a route beginning at 899 Park Avenue in the city of Meadville, Crawford County; thence by Park Avenue, Chestnut Street, Water Street, Mercer Street and Highway Route 322 to the intersection of Highway Routes 322 and 19 west of the city of Meadville as an extension of the second base route hereinabove described; with the right to render through service between points on said routes; **A-00088737, Folder 8:** To transport, as a common carrier by motor vehicle, on schedule, persons, freight, packages, express and newspapers, such as can be transported in buses without the removal of seats, over the following routes: *New Castle-Oil City Routes:* beginning at the bus depot on Neshannock Avenue near North Street in the city of New Castle, Lawrence County, thence on Neshannock Avenue, North Street, Creton Avenue and State Highway Traffic Route 108 through the village of Marlansburg to its intersection with State Highway Traffic Route 173 in the borough of Slippery Rock, Butler County, thence on State Highway Traffic Route 173 to Liberty Street in the borough of Grove City, Mercer County, thence on Liberty Street, East Main Street and Broad Street to the bus depot (McMullen's), thence continuing on Broad Street and State Highway Traffic Route 208 to its intersection with State Highway Traffic Route 8 in the village of Markeyville, Venango County, thence on State Highway Traffic Route 8 to 15th Street in the city of Franklin, thence on 15th Street and Liberty Street to the bus depot (M and C Smoke Shop), thence continuing on Liberty Street, Washington Crossing and State Highway Traffic Route 8 (U.S. Highway Route 62) through the village of Reno to Main Street in the city of Oil City, thence on Main Street, Petroleum Street, First Street, Wilson Avenue and Front Street to the Onion 1 Terminal, thence returning over Front Street, Petroleum Street and over the same route to the place of beginning; *Alternate Route:* beginning at the bus depot on Neshannock Avenue near North Street in the city of New Castle, thence on Neshannock Avenue, North Street, Craton Avenue and State Highway Traffic Route 168 through the village of Eastbrook to its intersection with U.S. Highway Route 19 in the village of Leesburg, Mercer County, thence on U.S. Highway Route 19 and State Highway Traffic Route 208 through the village of London to South Center Street in the borough of Grove City, thence on South Center Street, Poplar Street and Broad Street to the bus depot (McMullen's), and returning over the same route; *New Castle-Johnstown Route:* beginning at the bus depot on Neshannock Avenue near North Street in the city of New Castle, Lawrence County, thence on Neshannock Avenue, North Street, Jefferson Street, Taylor Avenue, Butler Avenue and U.S. Highway Route 422 to New Castle Street in the city of Butler, Butler County, thence on New Castle Street to the bus depot (McMullen's), thence continuing on New Castle Street, North Main Street and U.S. Highway Route 422 through the borough of West Kittanning to South Water Street in the borough of Kittanning, Armstrong County, thence on South Water Street, Jacob Street and South Jefferson Street to the bus depot (Sloan's Drugstore) at the corner of South Jefferson Street and Market Street, thence on Market Street, South Water Street and U.S. Highway Route 422 through the boroughs of Elderton and Shelocta to Philadelphia Street in the borough of Indiana, Indiana County, thence on Philadelphia Street and South 7th Street to the bus depot (Hess Restaurant), thence continuing on South 7th Street, Wayne Avenue, U.S. Highway Route 119 and State Highway Traffic Route 56 through the boroughs of Armagh and Seward to Harold Avenue in the city of Johnstown,

Cambria County, thence on Harold Avenue, Strayer Avenue, Fairfield Avenue, Broad Street, Roosevelt Boulevard, Washington Street and Walnut Street to the Greyhound Bus Terminal, and returning over the same route; subject to the following conditions, if necessary or proper for the service, accommodation and convenience of the public: (a) that the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the equipment certificate; (b) that no right, power or privilege is granted to transport persons, freight, packages, express and newspapers to or from any intermediate points between the terminal of the Grove City Bus Lines, Inc., in the city of Johnstown and the terminal in the borough of Indiana; (c) that no right, power or privilege is granted to transport persons, freight, packages, express and newspapers locally between points on that portion of the New Castle-Oil City Route and Alternate Route, between Grove City and Slippery Rock, including intermediate points and points within 1 mile of the limits of Grove City and Slippery Rock; (d) that no right, power or privilege is granted to transport persons, freight, packages, express and newspapers from points on that portion of the New Castle-Oil City Route and Alternate Route, between Oil City and a point 1 mile west of the limits of Slippery Rock on State Highway Traffic Route 108, including intermediate points and points within 1 mile of the limits of Grove City, to the city of Pittsburgh, or vice versa; (e) that no right, power or privilege is granted to transport persons, freight, packages, express and newspapers from points in the city of Butler and within 1 mile of the limits thereof to points in the city of Pittsburgh, or vice versa; (f) that no right, power or privilege is granted to transport persons, freight, packages, express and newspapers locally on the New Castle-Johnstown Route between points in the city of Johnstown and within 1 mile of the limits of said city; (g) that no right, power or privilege is granted to transport persons, freight, packages, express and newspapers locally between points in the New Castle-Johnstown Route between Indiana and Homer City, including intermediate points; (h) that no right, power or privilege is granted to transport persons, freight, packages, express and newspapers locally between Oil City and Markeyville, including intermediate points; (i) that no right, power or privilege is granted to transport persons, freight, packages, express and newspapers from points in the city of Erie to points on U.S. Highway Route 19 and the city of Pittsburgh, or vice versa; **A-00088737, Folder 9:** (1) to transport, as a common carrier, by motor vehicle, persons on schedule between the borough of Zelenople and the city of Butler, Butler County, over the following route: Beginning at the bus depot on Main Street in the borough of Zelenople, thence on Main Street, Grand View Avenue and State Highway Traffic Route 68 through the boroughs of Harmony and Evans City to New Castle Street in the city of Butler, thence on New Castle Street to the bus depot on New Castle Street, and returning over the same route.

A-00088737, Folder 2, Am-F and Folder 6, Am-H. Grove City Bus Lines, Inc. (1085 Sandy Lake Road, P. O. Box 745, Grove City, Mercer County, PA 16127), a corporation of the state of Delaware—discontinuance of service—**A-00088737, Folder 2:** (1) to transport, as a common carrier, by motor vehicle, groups and parties of persons from the borough of Grove City and the township of Wilmington, Mercer County, and the borough of New Wilmington, and the township of Wilmington, Lawrence County, to points in Pennsylvania; (2) to transport, as a common carrier by motor vehicle, groups and parties of persons from the borough of Ellwood City, Lawrence County, and points within 5 miles of the limits of said

borough to points in Pennsylvania; with Right No. 2 immediately above subject to the following condition: that no right, power or privilege is granted to transport groups and parties of persons from points within 5 miles by the usually traveled highways of the limits of the city of New Castle, except as presently authorized; (3) to transport, as a common carrier by motor vehicle, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from Harmony, Evans City, Mars and Zelenople, Butler County, Perrysville, West View, Wexford, Keown and Bradfordwoods, Allegheny County, and New Castle, Lawrence County to points in Pennsylvania; **A-00088747, Folder 2, Am-A:** to transport, as a common carrier, groups and parties of persons and persons on special excursions or tours or sight-seeing trips from points in that part of Allegheny County located north of the Ohio and Allegheny Rivers, and south and west of Highway Route 6, to points in Pennsylvania; subject to the following conditions: (a) that no right, power or privilege is granted to transport groups and parties of persons and persons on special excursions and tours and sight-seeing trips from points in the city of Pittsburgh, the boroughs of Millvale and Etna, and the townships of Reserve, Shaler, Hampton and Richland, Allegheny County, except as presently authorized; (b) that no right, power or privilege is granted to render service between points in Allegheny County; **A-00088737, Folder 2, Am-B:** to transport, as a common carrier, groups and parties of persons between points in the township of Marion, Butler County, and within an airline distance of 20 statute miles of the limits of said township and from points in said area to points in Pennsylvania; subject to the following conditions: (a) that no right, power or privilege is granted to render service from the cities of Oil City and Franklin, Venango County; (b) that no right, power or privilege is granted to render service from points in Butler County south of a line beginning at the northeast corner of Donegal Township and extending westerly along the northern boundaries of Donegal, Oakland and Center Townships and extending therefrom in a westerly direction along an extension of the said line to its intersection with the Butler-Lawrence County line, except as presently authorized; (c) that no right, power or privilege is granted to render service from the borough of Slippery Rock and the township of Slippery Rock, Butler County; (d) that no right, power or privilege is granted to render service from the borough of Mercer, Mercer County; **A-00088737, Folder 2, Am-C:** (1) to transport as a common carrier, groups and parties of persons from the city of Franklin, Venango County, and points within an airline distance of 5 statute miles of the limits of the said city (excluding the township of Cranberry, Venango County) to points in Pennsylvania; (2) to transport, as a common carrier, groups and parties of persons from points within an airline distance of 5 statute miles of the limits of the city of Oil City, Venango County (excluding said city of Oil City and the township of Cranberry, Venango County, to points in Pennsylvania); **A-00088737, Folder 2, Am-D:** (1) to transport as a common carrier by motor vehicle, persons in group and party service between points in the county of Clarion and from points in the county of Clarion and the borough and township of Slippery Rock, Butler County and the borough of Mercer, Mercer County, to points in Pennsylvania and return; (2) to transport as a common carrier by motor vehicle, persons in group and party service, from points in Armstrong County and within 3 miles of the limits of the

borough of New Bethlehem, Clarion County to points in Pennsylvania and return; **A-00088737, Folder 6:** to transport, as a common carrier by motor vehicle, groups and parties of persons on special excursions and tours or sight-seeing trips from the city of Titusville, the borough of Centerville, Hydetown, Spartansburg, and Townville, and the townships of Athens, Bloomfield, Oil Creek, Rome, Sparta, Steuben and Troy, Crawford County, and the townships of Cherrytree and Oakland, Venango County, to points in Pennsylvania; **A-00088737, Folder 6, Am-A:** (1) to transport, as a common carrier by motor vehicle, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from the borough of Volant and the townships of Hickory, Mahoning, Neshannock and Pulaski, Lawrence County, the borough of Conneaut Lake, the village of Conneaut Lake Park and the townships of East Fallowfield, Greenwood, North Shenango, Pine, Sadsbury, South Shenango, Summit, West Fallowfield and West Shenango, Crawford County, and the cities of Farrell and Sharon, the boroughs of Clarksville, Greenville, Jamestown, West Middlesex and Wheatland and the townships of Greene, Hempfield, Hickory, Shenango, South Pymatuning, Sugar Grove and West Salem, Mercer County, to points and places in Pennsylvania; subject to the following conditions: (a) that no right, power or privilege is granted to transport groups and parties of persons between points in Conneaut Lake during the summer season when the Conneaut Lake Navigation Company is furnishing service; (b) that no right, power or privilege is granted to render service from Greenville, Mercer County, to points south thereof; (2) to transport, as a common carrier by motor vehicle, groups and parties and persons on special excursions and tours or sight-seeing trips from the borough of Sharpsville, Mercer County, to points in Pennsylvania within 75 miles by the usually traveled highways of the point of origin; **A-00088737, Folder 6, Am-B:** to transport as a common carrier, in coaches with reclining chairs, groups and parties of persons who are part of Clarion State College, from the borough of Clarion, Clarion County, and within an airline distance of 5 statute miles of the limits of said borough to points in Pennsylvania, and the return of persons so transported to the point of origin; **A-00088737, Folder 6, Am-C:** to transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in the city of Meadville, Crawford County, and points within an airline distance of 5 statute miles of the limits of said city and from the city of Oil City and Cranberry Township, Venango County to points in Pennsylvania; **A-00088737, Folder 6, Am-D:** to transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in the county of Erie, to points in Pennsylvania, excluding the right to provide such service between points in Erie County, Pennsylvania; **A-00088737, F. 6, Am-E:** to transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in the boroughs of Clarion and Shipperville, Clarion County, to points in Pennsylvania; subject to the following condition: that no right, power or privilege is granted to transport handicapped children attending the schools for the blind, deaf and crippled located in the city of Pittsburgh and the county of Allegheny, and from points in the borough of Clarion, Clarion County to the said schools and vice versa; **A-00088737, Folder 6, Am-F:** to transport, as a common carrier, groups and parties of persons and persons on special excursions and tours or sight-seeing trips from points in the townships of

Center, Potter, Raccoon, Greene, Hanover, Independence and Hopewell and the boroughs of Frankfort Springs, Hookstown, Georgetown, Shippingport, and South Heights, Beaver County, to points in Pennsylvania; **A-00088737, Folder 6, Am-G:** to transport, as a common carrier, groups and parties of persons and persons on special excursions and tours of sight-seeing trips from points in the boroughs of Aliquippa, Conway, Baden, Ambridge and Economy, and the township of Harmony, all in Beaver County, to points in Pennsylvania; provided, however, that all the transportation from the boroughs of Aliquippa and Ambridge shall be limited to points in Pennsylvania more than 50 statute miles by the usually traveled highways from the point of origin.

Application of the following for the approval of the transfer of stock as described under each application.

A-00108867, Folder 5000. Personal Touch Limousine, Inc., t/d/b/a V.I.P. Limousine Service (49 Merri-man Road, Ambridge, Beaver County, PA 15003), a corporation of the Commonwealth of Pennsylvania—for the approval of the transfer of 500 shares of issued and outstanding shares of stock held by Francis B. McCormick, II to ATM Corporation of America. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

A-00092819, F. 5000. Lansdale Yellow Cab Co., Inc., t/d/b/a North Penn Carriers, 32 East Blaine Street, Lansdale, Montgomery County, PA 19446), a corporation of the Commonwealth of Pennsylvania—stock transfer—approval of the transfer of all issued and outstanding stock from James Reese, Jr. (100 shares) to Norristown Transportation Company, Inc. *Attorney:* William R. Wanger, 1250 South Broad Street, Lansdale, PA 19446.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-681. Filed for public inspection April 23, 1999, 9:00 a.m.]

Telecommunications

A-310482. Bell Atlantic-Pennsylvania, Inc. and Cellular Rentals, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Cellular Rentals, Inc. for approval of a Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Cellular Rentals, Inc., by its counsel, filed on April 8, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Cellular Rentals, Inc., Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-682. Filed for public inspection April 23, 1999, 9:00 a.m.]

Telecommunications

A-310803. Bell Atlantic-Pennsylvania, Inc. and Omnipoint Communications, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Omnipoint Communications, Inc. for Approval of an Interconnection Agreement Under Section 252(e) of The Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Omnipoint Communications, Inc., by its counsel, filed on April 8, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Omnipoint Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-683. Filed for public inspection April 23, 1999, 9:00 a.m.]

Water Service Without Hearing

A-210084. Republic Development Corporation. Application of Republic Development Corporation for approval to begin to offer, render, furnish or supply water service to the public in the Vantage Hills Development, Milford Township, Juniata County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before May 10, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: Republic Development Corporation

Through and By Water Operator: Harry J. Becker, III,
P. O. Box 36, Mexico, PA 17056.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-684. Filed for public inspection April 23, 1999, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT SYSTEM

Request for Proposal for Medical Consultant Services; Request for Proposal 1999-1

The Commonwealth of Pennsylvania State Employees' Retirement Board is soliciting proposals for Medical Consultant Services to be provided to the Commonwealth of Pennsylvania State Employees' Retirement System (SERS). The primary role of the Medical Consultant will be to review disability retirement applications and supporting medical documentation to determine whether a member qualifies for disability retirement and, in these cases, whether a temporary disability retirement should continue.

Eight signed copies of the proposal must be submitted in accordance with the specific instructions set forth in Request For Proposal 1999-1 (RFP 1999-1). Proposals should be sent to Linda M. Miller, Benefit Determination Division, SERS, 30 N. Third Street, Harrisburg, PA 17101. Proposals must be received at this address no later than 4 p.m. on Friday, June 4, 1999. Proposals received after that time will be rejected.

A preproposal conference will be held on Friday, May 14, 1999 at 9:30 a.m. at the SERS headquarters located at 30 North Third Street, 5th Floor, Harrisburg, PA 17101. Prospective bidders are invited to attend the preproposal conference before submitting a proposal to SERS for consideration. The preproposal conference is to clarify any points in RFP 1999-1 which may require explanation. Questions regarding the contents of RFP 1999-1 should be submitted in writing and received at SERS on or before 4 p.m. on Wednesday, May 12, 1999. All bidders will receive written responses to the submitted questions 1 week after the preproposal conference. Please note attendance at the preproposal conference is not mandatory.

Interested parties should contact Gayle Martin, Bureau of Benefit Administration, at the address referenced above or by internet e-mail at gmartin@sers.state.pa.us to obtain a copy of RFP 1999-1. Requests may also be faxed to Gayle Martin at (717) 787-5866.

JOHN BROSIUS,
Executive Director

[Pa.B. Doc. No. 99-685. Filed for public inspection April 23, 1999, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm

Reference No. 3-111

The Turnpike Commission (Commission) will retain an engineering firm to perform environmental services on an open-end basis for a variety of environmental services to be provided on various projects being performed by the Pennsylvania Turnpike.

The type of tasks to be addressed may include, but are not limited to, the following: project need documentation; alternatives analysis evaluation; farmlands evaluations and ALCAB presentations; historical structures inventories; Phase I, II and III archeological investigations;

wetlands identification and delineation, value and function analysis, and mitigation design; surface water quality and aquatic biota investigations; hazardous waste investigations; noise monitoring, modeling and abatement evaluations; and air quality investigations. The contract will be for a not-to-exceed amount of \$750,000 or a 2 year period, whichever occurs first.

Questions and inquiries concerning this project should be directed to David Willis at 939-9551, Ext. 3570 or by e-mail at dwillis@paturndpike.com.

General Requirements and Information

Firms interested in performing the above services are invited to submit expanded letters of interest to Barry L. Troup, P.E., Assistant Chief Engineer for Design, at the PA Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange (No. 19). (FedEx address: Route 283 and Eisenhower Boulevard, Highspire, PA 17034) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The expanded letters of interest must include the following for both the prime and all subconsultants: the project reference number on the cover, a Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, resumes of key personnel expected to be involved in the project (limit to one 8 1/2 x 11 page, one side, per person), an organizational chart and explanation that the firm has successfully completed similar type projects of the same magnitude. If the firm has multiple offices, the location of the office performing the work must be identified.

Firms with out-of-State headquarters or corporation not incorporated in Pennsylvania must include with each expanded letter of interest a copy of their registration to do business in this Commonwealth as provided by the Department of State.

The Consultant in their submission should identify the following factors:

(A) Specialized experience and technical competence of firm. The firm must clearly demonstrate their capabilities of completing this project by identifying similar projects that have been completed, the magnitude of the project and the client.

(B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

(C) Expanded letters of interest must include an indication of the prime consultant's and subconsultant's current workload for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the expanded letter of interest will require written approval from the Commission.

(F) An organization chart for the project, identifying key personnel. Only resumes of key personnel should be included.

(G) Other factors, if any, specific to the project.

There is not a minimum participation level for DBE/MBE/WBEs in this project.

Each firm should demonstrate in their expanded letter of interest their ability to perform the specific requirements indicated for this project by including a maximum three page report on this project.

The expanded letter of interest and required forms must be received by 12 p.m., Friday, May 14, 1999. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable expanded letters of interest received in response to this solicitation, one firm will be selected for this project. The order of preference will be established for the purpose of entering into an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission. Technical proposals or requests for proposals will not be requested prior to selection.

The Commission reserves the right to reject all expanded letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-686. Filed for public inspection April 23, 1999, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

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

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room G13 Finance Building
Harrisburg, PA 17120
717-787-2990
1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

1623118 Alarm and signal systems—1 system perimeter intrusion detection system.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1599118 Alarm and signal system—1 each furnish and install integrated fire alarm, access control, security and CCTV system. Ref. Grinnell Sitewatch 8000 CX 9200 or approved equal.

Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1686078 Alarm and signal systems—1 each upgrade building physical access security system for Year 2000 compatibility.

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8133080 Clothing and individual equipment—100 each women's oxford shirt—long sleeve, color light blue; 100 each women's oxford shirt—short sleeve, color light blue; 100 each women's trousers (summer) color navy w/front zipper; 100 each women's trousers (winter); 25 each women's cardigan sweater, color navy; 350 each men's oxford shirt—long sleeve, left pocket, color light blue; 400 each men's oxford shirt—short sleeve, left pocket; 350 each men's basic trousers (winter), color navy; 400 each men's basic trousers (summer), color navy; 75 each men's cardigan sweater—long sleeve, color navy; 50 each women's polo shirt—short sleeve, color light blue; 250 each men's polo shirt—short sleeve, color light blue; 100 each jacket—all weather with Gore-Tex or equivalent, color navy.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1596118 Communication equipment—1 lot furnish closed circuit television systems components.

Department: Corrections
Location: Hunlock Creek, Luzerne County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1606118 Communication equipment—1 lot furnish and install operating software to fully integrate with the existing DCP 200's (field devices). Installation is to include any wiring, cable runs or equipment racks/cabinets.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1609158 Communication equipment—1 lot electronic security control systems.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1611118 Communication equipment—1 lot furnish, install and make operational a digital video recording security system of 32 cameras, operating at 2 frames per second, with 7 day archiving capabilities and fully operational 24 hours a day.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1631118 Communication equipment—1 lot furnish, install and make operational an upgrade replacement of the Grinnell TCX-6000 security computer system with a Sitewatch 8000 security and fire alarm PC based system.

Department: Corrections
Location: Frackville, Schuylkill County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1658118 Communication equipment—3 each LTC 033020 1/3" black/white camera, Burle; 1 each TC 2009 monitor 9" black/white, Burle; 3 each TG223514 1/3" black/white camera, Burle; 5 each LTC 0809/20 autodome module, Burle; 5 each LTC 747360 power supply Burle; 5 each TC 740220 dome, Burle; 5 each TC 7440 WM wall mount Burle; 1 each LTC 8553/00 keyboard, variable speed, Burle; 1 each LTC 855700 remote hookup Burle; 1 each LTC 392460 24 hour recorder, Burle; 1 each TC 8568SD signal distribution Amp, Burle; 4 each TC 8808 video interconnect panel, Burle; 2 each PA 7020C 20" hi resolution color monitor 600 TVL, 115V, 60 HZ; 1 each V4221 economy rack 16U Winstead, Minneapolis MN; 3 each HS 4012 security housing, Pelco; 1 each VS 5108 sequence switcher, Pelco; 3 each EM 22 mounting bracket, Pelco; 2 each MRWA wall mount adapter, Pelco; 2 each MR 4000 monitor mount, Pelco; 1 roll 9841 data cable 1000' roll, Beldon; 3 rolls 8760 data cable 500' roll 18 gauge, Beldon; 5 rolls 9248 coax cable RG-6 1000' roll, Beldon; 2 each TV10A ATW 10" adjust TV monitor mount ATW Wellboro MA; 20 each fiber patch cored 6' 62.5/125 W/ST male at each end HS; 25 each St coupling 62.5/125 3M 6110; 50 each AIM coax crimp connectors 2 pcs. crimp RG6 27-9002; 1 each VT 6010R3 4 channel video receiver, 1 fiber IFS Newtown CT; 1 each VR 6010 4 channel video transmitter 1 fiber IFS; 4 each VT1500WDM video transmitter 1 fiber IFS; 2 each VR 1500WDM-R3 video receiver data transmitter 1 fiber IFS; 2 each VR 1500 WDM receiver data transmitter 1 fiber IFS; 1 each VR 8010-R3 channel video receiver IFS; 1 each VT8010 8 channel video transmitter IFS; 1 each R-3 video rack mount, must fit previous items, Mfg. by IFS or equal.

Department: Corrections
Location: Frackville, Schuylkill County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1701218 Electric wire and power and distribution equipment—3 each purchase and delivery of 3 new complete trailer-mounted packaged mobile, diesel powered emergency generators sets.

Department: Public Welfare
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1664118 Food preparation and serving equipment—1 each Hobart tray machine conveyor belt "Prison Package" for Hobart tray machine Model No. FT822BD-5-8-9 Serial No. 12-140-121, no substitute.

Department: Corrections
Location: Pittsburgh, Allegheny County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1615158 Furniture—1 each furnish and install high capacity movables storage system.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8205460 Laboratory instruments and equipment—20 each evidential breath alcohol testing instruments, software and accessories table model unit; 20 each evidential breath alcohol testing instruments, software and accessories hand held portable unit.

Department: Highway, Safety and Traffic Engineering
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1700118 Lumber, millwork, plywood and veneer—1,760 LF plastic lumber light gray, size 2 x 4 x 10; 1,272 LF plastic lumber 100% recycled, gray 2 x 4 x 12; 2,400 LF plastic lumber 100% recycled light gray, size 2 x 6 x 8; 1,500 LF plastic lumber 100% recycled light gray, size 2 x 6 x 10; 4,512 LF plastic lumber 100% recycled light gray, size 2 x 6 x 12; 1,800 LF plastic lumber 100% recycled light gray, size 2 x 8 x 12; 700 LF plastic lumber 100% recycled light gray, size 2 x 10 x 7; 1,800 LF plastic lumber 100% recycled light gray, size 2 x 10 x 12.

Department: Corrections
Location: Bellefonte, Centre County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1590118 Metal working machinery—2 each furnish, set up and make operational a 4 foot—60 ton hydraulic press brake.

Department: Corrections
Location: Pittsburgh, Allegheny County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1634118 Metal working machinery—2 each auto tag safety feeder, Model 48 by John R. Wald Co. or approved equal.

Department: Corrections
Location: Pittsburgh, Allegheny County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1711388 Paper and printing—Various quantities printing of mini-maps for 23 State parks.

Department: Conservation and Natural Resources
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1625118 Photographic equipment—62 each LTC 0450/20 camera 1/3" 490 TVL color DSP 12VDC/24VAC 60 HZ Mfg. by Burle/Philips Communications and Security; 4 each LTC 9303/01 housing; maximum security, corner mounting with key lock Mfg. by Burle/Philips Communication; 68 each LTC 3364/30 lens vari-focal 3.5—8MM Mfg. by Burle/Philips Communication; 4 each LTC 0809/20 autodome 1/3" 425 TVL color 4.5 to 72 MM, 16X optical and 6.25 digital zoom Mfg. by Burle/Philips Communication; 1 each LTC7461/100 dome module, light tint, fits LTC 7460 series Mfg. by Burle/Philips Communication; 46 each LTC9305/01 housing, maximum security, wall/ceiling mounting w/key lock Mfg. by Burle/Philips Communication; 3 each TC7402/20 dome/trim ring module, clear, fits TC7420/A, 30,40A series and LTC 7470 series Mfg. by Burle/Philips Communication; 3 each TC440WM wall mount, for mounting TC740A and TC7440A series Mfg. by Burle/Philips Communication; 12 each LTC 9348/00 dome, indoor housing, 8.5 inch, ceiling mount, metal backbox Mfg. by Burle/Philips Communication; 6 each LTC0430/20-38 camera 1/3" 490 TVL color DSP 12 VDC/24VAC 60 Hz Mfg. by Burle/Philips Communication; 6 each LTC9222/00 mount indoor/outdoor 200 lb. maximum load Mfg. by Burle/Philips Communication; 1 each LTC8801/60 Allegiant CCTV switching bay, CPU and power supply, 115 V matrix video switcher expandable to 256 video inputs x 64 video outputs Mfg. by Burle/Philips Communication; 1 each LTC 8821/00 video input module for LTC8801, 32 video input per card Mfg. by Burle/Philips Communication; 1 each LTC8834/00 video output module for LTC8600/88 4 video outputs per card Mfg. by Burle/Philips Communication; 1 each LTC8059/00 Allegiant configuration software, Windows NT Mfg. by Burle/Philips Communication; 3 each LTC8555/00 compact full function keyboard, variable speed joystick Mfg. by Burle/Philips Communication; 1 each LTC8553/00 full function keyboard, variable speed joystick Mfg. by Burle/Philips Communication.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1704078 Promotional items—25,000 each sponges, rectangular approximately 5 5/8" x 2 3/4", color blue, ink red to contain the Education Lead Poisoning Message; 25,000 each sponges, rectangular approximately 5 5/8" x 2 3/4", color blue, ink red to contain the Education Lead Poisoning Message; 25,000 each moist towelettes approximately 3" x 2 1/4" product color white, imprint area approximately 2 1/8" x 1 1/2" imprint colors Pantone 260 and a lighter shade of Pantone 260; 10,000 magnets, approximately 2 3/16" x 2 9/16", 35 mil., phone shape, colors red with white lettering.

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1712228 Ships, small crafts, pontoons, floating docks—1 each patrol boat and motor.

Department: Fish and Boat Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1705118 Textiles—50,000 yards sheeting, bleached width 42", color white Pantone color 11-0602 TC.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

98-C1014 Clothing and individual equipment—Emblems—various twill lettering, mar-row stitching sizes 3" 4 x 3"—2 3/8" x 3" and 3'.

Department: Corrections
Location: Waymart, Wayne County, PA
Duration: FY 98—99
Contact: State Correctional Institution Waymart, Mary Ann Ulrich, (717) 731-7134, fax (717) 731-7008

S-47003 Laboratory instruments and equipment—Wet bath alcohol simulators used to calibrate and check the accuracy of Type A evidentiary chemical breath test instruments. UL Certified. The Department of Transportation will purchase 20 units and the vendor must be capable of supplying an estimated 400 additional units to government agencies and other public entities within PA that submit orders independent of the Department. Department specifications for the simulators will be part of the bid package.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Department of Transportation, Barry Eckert, (717) 787-6853

4700-3 Automatic sheeter machine—Automatic sheeter machine that cuts roll material to length and width. The sheeter shall be capable of safely cutting materials such as paper, waxpaper, foam padding, plastic bubble, slip sheeting and all types of retroreflective sheeting used in the manufacture of traffic signs. Department specifications for the automatic sheeter will be a part of bid package. Bids must be returned by 11 a.m. on the day of bid opening to the Bureau of Highway Safety and Traffic Engineering, 7th Floor Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Department of Transportation, Carl A. Marcocci, (717) 783-4340

73200-99-01 Service and trade equipment—Reece Speedwelt 1000, chainstitch pocket welting machine, complete with delivery and setup.

Department: Corrections
Location: Waymart, Wayne County, PA
Duration: FY 98—99
Contact: State Correctional Institution Waymart, Joseph P. Kanjorski, (570) 773-2158, ext. 560

DGS Project No. 1104-53 Photographic equipment—Numerous projection screens of various sizes, manual and motorized. Pricing must be furnish and install. Must be completed by August 16, 1999.

Department: Temple University
Location: Philadelphia, Philadelphia County, PA
Duration: FY 98—99
Contact: Temple University, Theresa Burt, (215) 204-7686

PGC-2603 Communication equipment—One optical scanner, plus software necessary to support a Windows version scanning application package.

Department: Game Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Game Commission, Keith Snyder, (717) 787-7015

PGC-2604 Communication equipment—Check printing system—system to include hardware, software, forms, supplies, onsite and telephone services.

Department: Game Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Game Commission, Diane Shultz, (717) 787-6594

SERVICES

Advertising—01

5850-0300-000 Bureau of Correctional Industries is seeking the services of a publication coordinator to develop a new product catalog.

Department: Corrections
Location: Bureau of Correctional Industries, 75 Utley Drive, Camp Hill, PA 17011
Duration: Approximately 6 months
Contact: Linda Malinak, (717) 975-4931

RFP 98-13 The Pennsylvania Department of Transportation is soliciting proposals to design a new logo/brand for introduction in late 1999. This logo/brand will be used in all publications and on all products provided to customers, as well as on those products which are most visible to the public (such as equipment, facilities, forms, and the like.) In addition, the successful proposer will be required to develop a signing manual. Interested contractors may request a copy of the Request for Proposals by faxing their name, company name, address, telephone number and fax number to Tina Chubb at (717) 783-7971. Please reference RFP 98-13 on your fax.

Department: Transportation
Location: PennDOT, Harrisburg, PA
Duration: Multi-year with possibility of renewal
Contact: Debra Gray, (717) 783-9671

Audio/Video—04

1998-7 Contractor shall provide service to repair damaged telephone and optical fiber lines. (Underground).

Department: Corrections
Location: State Correctional Institution Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403
Duration: 1 or 2 months beginning June or July 1999
Contact: Quentin Hargenrater, Jr., (814) 398-5400

181792 Furnish and install wireless automatic door openers (four each) and a side entrance door at Warren State Hospital. Complete specifications may be obtained by contacting the hospital. Award to be made on a year aggregate basis.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099
Duration: July 01, 1999
Contact: JD Sample, (814) 726-4448

9999-3500-000 Contractor shall provide a maintenance service under normal usage conditions to include repair of dysfunctional components and replacement parts of the two-way high and low band radio systems located at the State Regional Correctional Facility at Mercer, PA. Complete specifications shall be contained within quote format.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Mercer, PA 16137-5699
Duration: July 1, 1999 to June 30, 2000
Contact: John Pitonyak, (724) 662-1837, ext. 194

SC159872 Millersville University is seeking qualified bidders who can provide the University with audio/visual systems for multimedia classrooms in McCullough Communications Center. Winning vendor will be responsible for providing, installing, training University staff and supporting the system. Interested vendors should fax their requests to be placed on a bidders list to Anna Stauffer (717) 871-2000 no later than 2 p.m., Friday, April 30, 1999.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: System must be fully functional by August 9, 1999
Contact: Anna Stauffer, (717) 872-3041

Barber Services—05

Inquiry No. 80879009 Barber services (9 hours per week).

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, Snyder County, PA 17870
Duration: Anticipated July 1, 1999 to June 30, 2001
Contact: Arletta K. Ney, Purchasing Agent, (570) 372-5070

Construction—09

SP3864008007 Paving approximately 3,500 feet of the main park road into Big Pocono State Park.

Department: Conservation and Natural Resources
Location: Bureau of State Parks, Big Pocono State Park, c/o Tobyhanna State Park, P. O. Box 387, PA Route 423, Tobyhanna, Monroe County, PA 18466-0387
Duration: June 30, 1999
Contact: Regional Park Office No. 4, (215) 453-5016

SP3864008009 Paving campground at Promised Land State Park.

Department: Conservation and Natural Resources
Location: Bureau of State Parks, Promised Land State Park, R. R. 1, Box 96, Route 390, Greentown, Pike County, PA 18426-9735
Duration: June 30, 1999
Contact: Regional Park Office, (215) 453-5016

DGS A 583-70 Project title: Upgrade Fire Alarm System—Building No. 1. Brief description: Replace building fire alarm system. Estimated range: Under \$100,000. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a check for \$5 per set made payable to Commonwealth of Pennsylvania or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, May 12, 1999 at 11 a.m.

Department: General Services
Location: Ebensburg Center, Ebensburg, Cambria County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 997-16 Project title: Replace Wood Shingle Roof—Visitors' Center. Brief description: The installation of a new high definition asphalt shingle roof over an existing plywood deck. Estimated range: Under \$100,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a check for \$5 per set made payable to Commonwealth of Pennsylvania or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, May 12, 1999 at 1 p.m.

Department: General Services
Location: Brandywine Battlefield Park, Chadds Ford, Delaware County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

M-8443 Building materials to construct a wood frame structure.

Department: Corrections
Location: State Correctional Institution Waynesburg, R. R. 1, Box 67, Waynesburg, PA 15370
Duration: Delivery requested to be June 1, 1999 or earlier
Contact: Judith Cook, Purchasing Agent, (724) 852-5609

MI-754 Project title: Lyle Hall Parapet Repair. Scope of work: Reconstruct and repoint existing brick parapets, cap existing precast concrete coping stones and existing brick parapets. Plans cost: \$25 nonrefundable.

Department: State System of Higher Education
Location: Lyle Hall, Millersville University, Millersville, Lancaster County, PA 17551-0302
Duration: 60 calendar days from the date of the Notice to Proceed
Contact: Jill M. Coleman, Dilworth Building, (717) 872-3730

MI-759 Project title: Pucillo Field Dugouts. Scope of work: Two softball dugouts, approximately 312 square feet each, constructed of masonry walls, wood framed roof structure, FRP doors, aluminum door frames with hardware, electric power lights and phone lines. Plans cost: \$15 nonrefundable.

Department: State System of Higher Education
Location: Pucillo Gymnasium Sports Field, Millersville University, Millersville, Lancaster County, PA 17551-0302
Duration: 30 calendar days from the date of the Notice to Proceed
Contact: Jill M. Coleman, Dilworth Building, (717) 872-3730

MU-600 Mansfield University—Project No. MU-600—Official Residence Renovation. The Mansfield University of the State System of Higher Education invites general contractors to request a Request for Proposals bid package for the Official Residence Renovation, Project No. MU-600. Project includes a new two and one half car garage, an addition and expansion to the kitchen area, wood deck, covered walkway and patio. There is a preproposal meeting on May 13, 1999 at the Brooks Maintenance Building. Bid proposals are due and will be opened publicly on June 8, 1999. RFP bid packages will be available after April 26th, 1999 at a nonrefundable cost of \$10. For further information, or to request the RFP bid package, bidders can contact the Purchasing Department, Brooks Maintenance Building, Mansfield University, Mansfield, PA 16933, (570) 662-4148. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Mansfield University Campus, Mansfield, PA 16933
Duration: 45—60 days from notice to proceed
Contact: Peg Chapel, (570) 662-4148

Elevator Maintenance—13

304-053 Contractor to provide a full service elevator maintenance program on the elevator equipment at the Philadelphia State Office Building. This consists of six gearless passenger and one gearless passenger/service elevators manufactured by Haughton. Service to include labor, supervision, materials, equipment and tools necessary to maintain the elevators in a first-class operating condition at all times.

Department: General Services
Location: Facilities Management, Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130
Duration: July 1, 1999 through June 30, 2002
Contact: Ernest K. Keen, (215) 560-2521

UP-165 Old Main Elevator Installation. Slippery Rock University is accepting sealed bids for the installation of a new passenger elevator. The project includes the removal of existing interior incinerator shaft, installation of a new 2,000 pound capacity elevator and the relocation of existing utilities and structural supports. The bid package can be obtained by submitting a \$75 nonrefundable check to Peter F. Loftus of Eichleay Engineers, Inc., 6585 Penn Avenue, Pittsburgh, PA 15206-4407, (412) 363-9000. Plans will be made available at the University for viewing by contacting Joan Allen, Project Coordinator at (724) 738-2536. A prebid conference will be held at 2 p.m. on April 20, 1999 in the basement of Old Main. The bid opening is set for 2 p.m. on May 4, 1999. Please mark UP-165 on the outside of the envelope.

Department: State System of Higher Education
Location: Slippery Rock University of PA, Slippery Rock, Butler County, PA 16057
Duration: 175 days
Contact: J. F. Revesz, Director of Contracts, (724) 738-2255

Engineering Services—14

08430AG2334 To provide environmental review services on S. R. 0322, Section B02, The Dog Leg, in Centre and Clearfield Counties.

Department: Transportation
Location: Engineering District 2-0
Duration: Twenty-one (21) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2335 Open-end contract for utility designation, location and site characterization services in Engineering District 1-0, that is, Crawford, Erie, Forest, Mercer, Venango and Warren Counties.

Department: Transportation
Location: Engineering District 1-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2336 Retain an engineering firm for designating and locating utilities on various projects located in Engineering District 4-0, that is, Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties.

Department: Transportation
Location: Engineering District 4-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2337 To provide construction inspection and documentation services for construction on S. R. 2001, Section B01 in Philadelphia County.

Department: Transportation
Location: Engineering District 6-0
Duration: Nineteen (19) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2338 To provide construction inspection and documentation services for the construction of S. R. 0202, Section 403 in Montgomery County.

Department: Transportation
Location: Engineering District 6-0
Duration: Thirty-six (36) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2339 To perform preliminary design, final design and construction services for S. R. 0030, Section 007 and S. R. 0030, Section 017—Bedford to Everett widening project located on U. S. Route 30 in Bedford and Snake Spring Townships and Bedford Borough and Bedford by-pass located on U. S. Route 30 in Bedford Township, Bedford County.

Department: Transportation
Location: Engineering District 9-0
Duration: Twelve (12) months
Contact: Consultant Agreement Division, (717) 783-9309

Contract No. FDC-500-520 Retention of a professional design firm for open-end contracts for various building and engineering designs, geological services, environmental service and CADD services.

Department: Conservation and Natural Resources
Location: All of Pennsylvania
Duration: One year with renewal option of 4 years
Contact: Construction Management Section, (717) 787-5055

Food—19

978-99 Fresh vegetables and fruit: various items. For specifics, request bid proposal, Inquiry No. 978-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: July through September, 1999
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

799-99 Coffee concentrate. For specifications, request bid proposal, Inquiry No. 799-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: July, 1999 through June, 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

792-99 Poultry and poultry products, various items, weekly deliveries. For specifics, request bid proposal, Inquiry No. 792-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: July through September, 1999
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

793-99 Meat and meat products: various items, weekly deliveries. For specifics, request bid proposal, Inquiry No. 793-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: July through September, 1999
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

794-99 Frozen entrees, various items, weekly deliveries. For specifics, request bid proposal, Inquiry No. 794-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: July through June, 1999
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

795-99 Fresh baked goods, various items, weekly deliveries. For specifics, request bid proposal, Inquiry No. 795-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: July through September, 1999
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

796-99 Bread, rolls, and the like, various items, three deliveries per week. For specifics, request bid proposal, Inquiry No. 796-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: July through September, 1999
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

797-99 Frozen vegetables and fruits: various items, weekly deliveries. For specifics, request bid proposal, Inquiry No. 797-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: July through September, 1999
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

1488 Cola beverage, dispensing equipment, supplies and installation in Dietary Department. Note: Bid specifications are available through Agency Purchasing Office.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823
Duration: July 1, 1999 through June 30, 2000
Contact: Cheryl Snook, Purchasing Agent II, (814) 355-4874, ext. 206

5235 Frozen juice—4 oz. portions—11 flavors—asst. case counts—one delivery per week to be made.

Department: Public Welfare
Location: Dietary Storeroom, Torrance State Hospital, S. R. 1014, Torrance, PA 15779
Duration: July—December, 1999
Contact: Nancy E. Byers, (724) 459-4677

5236 Meat and meat products—frozen—assorted items and poundages: one delivery per month to be made.

Department: Public Welfare
Location: Dietary Storeroom, Torrance State Hospital, S. R. 1014, Torrance, PA 15779-0111
Duration: July, 1999
Contact: Nancy E. Byers, (724) 459-4677

6500-072 Fruits and vegetables—fresh radishes, celery, cabbage, carrots, oranges, grapefruit, apples, bananas, tomatoes, onions, potatoes, tangerines, nectarines, cantaloupes, kiwi, watermelons, and other fruit and vegetable items are required by the institution. Bids to be submitted monthly—deliveries weekly.

Department: Corrections
Location: State Correctional Institution at Retreat, R. R. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1999 through June 30, 2000
Contact: Barbara Swiatek, Purchasing Agent, (570) 735-8754

6500-073 Processed meats, frozen fish products, bulk cheeses—turkey ham, minced turkey bologna, turkey salami, frankfurters, Lebanon bologna, meatballs, liver, turkey franks, veal patties, Pullman hams, sandwich steaks, frozen fish (breaded and unbreaded), cheeses (American, mozzarella, cheddar), and any other meat product as may be required by the institution. Items to be bid on a monthly basis for the period of July 1, 1999 through June 30, 2000.

Department: Corrections
Location: State Correctional Institution at Retreat, R. R. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1999 through June 30, 2000
Contact: Barbara Swiatek, Purchasing Agent, (570) 735-8754

6500-074 Poultry and poultry products—chicken fryers (split), chicken parts, turkey roast, ground turkey, and other poultry items as required. Items to be bid on a monthly basis for the months of July 1, 1999 through June 30, 2000.

Department: Corrections
Location: State Correctional Institution at Retreat, R. R. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1999 through June 30, 2000
Contact: Barbara Swiatek, Purchasing Agent, (570) 735-8754

6500-075 Butter and margarine—one pound block and ready-pats. Items will be bid on a quarterly basis. Bid specifications and delivery dates available from institutional purchasing office.

Department: Corrections
Location: State Correctional Institution at Retreat, R. R. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1999 through June 30, 2000
Contact: Barbara Swiatek, Purchasing Agent, (570) 735-8754

6500-076 Protein alternative products, to include, but not limited to: soy burgers, grainburgers, garden burgers, black bean burgers, dry soy chili mix, dry soy bar-b-que mix, tofu, and the like. Will be bid by institution on an as-needed basis.

Department: Corrections
Location: State Correctional Institution at Retreat, R. R. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1999 through June 30, 2000
Contact: Barbara Swiatek, Purchasing Agent, (570) 735-8754

6500-077 Ice cream, popsicles, frozen novelties—ice cream/frozen yogurt/sherbet—4 oz. portions; popsicles and other frozen novelties as required. All products to be free from pork or pork by-products. To be bid as needed per institutional menu requirements.

Department: Corrections
Location: State Correctional Institution at Retreat, R. R. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1999 through June 30, 2000
Contact: Barbara Swiatek, Purchasing Agent, (570) 735-8754

6500-078 Bread and rolls—assorted varieties, quantities, specifications and delivery dates on file at institutional purchasing office.

Department: Corrections
Location: State Correctional Institution at Retreat, R. R. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1999 through June 30, 2000
Contact: Barbara Swiatek, Purchasing Agent, (570) 735-8754

6500-079 Eggs, domestic hen type—domestic hen eggs to be delivered weekly. Amount of delivery will be based on institutional menu requirements (approximately 450 dozen per delivery). Product will be bid on a quarterly basis.

Department: Corrections
Location: State Correctional Institution at Retreat, R. R. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1999 through June 30, 2000
Contact: Barbara Swiatek, Purchasing Agent, (570) 735-8754

6500-080 Pizza—pizza with tomato sauce and real cheese (no cheese substitutes), fully baked. To be bid as needed to fulfill menu requirements. Estimated monthly usage: 45 trays (19 lbs. per tray).

Department: Corrections
Location: State Correctional Institution at Retreat, R. R. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1999 through June 30, 2000
Contact: Barbara Swiatek, Purchasing Agent, (570) 735-8754

8970-1400-000 The contractor agrees to supply half pint containers of skim milk and 2% butter fat milk to the State Correctional Institution at Coal Township. This will be a standing order for the period of July 1, 1999 to June 30, 2000 to be delivered on an as-needed basis. Delivery schedule will be established with the vendor and our food service department.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: July 1, 1999 to June 30, 2000
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, ext. 142

8970-2300-000 The contractor agrees to supply white and wheat bread to the State Correctional Institution at Coal Township. Loaves to be 20 oz. with 24 servable slices per loaf. No pork or pork by-products. This will be a standing order for the period of July 1, 1999 to June 30, 2000 to be delivered on an as-needed basis. Delivery schedule will be established with the vendor and our food service department.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: July 1, 1999 to June 30, 2000
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, ext. 142

E-2 Fresh produce—to be delivered 2 times weekly during contract period.

Department: Military Affairs
Location: Southeastern Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1999 through September 30, 1999
Contact: Ted LeBlanc, Purchasing Agent, (610) 948-2492

E-3 Bread and rolls—to be delivered 3 times weekly during contract period.

Department: Military Affairs
Location: Southeastern Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1999 through September 30, 1999
Contact: Ted LeBlanc, Purchasing Agent, (610) 948-2492

E-5 Meat—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1999 through September 30, 1999
Contact: Ted LeBlanc, Purchasing Agent, (610) 948-2492

E-6 Poultry—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1999 through September 30, 1999
Contact: Ted LeBlanc, Purchasing Agent, (610) 948-2492

E-7 Frozen foods—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1999 through September 30, 1999
Contact: Ted LeBlanc, Purchasing Agent, (610) 948-2492

HUN328 Frozen vegetables and foods: broccoli spears, cauliflower, brussel sprouts, Oleomargarine, whole frozen eggs, egg whites, yeast, waffles, French fried potatoes, and the like.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112
Duration: July 01, 1999 to June 30, 2000
Contact: Phyllis Sheffield, Purchasing Agent I, (814) 643-2400, ext. 303

HUN329 Fresh produce: lettuce, pascal celery, carrots, oranges, apples, onions, bananas, cabbage, baking potatoes, grapefruit, tomatoes, peppers, cucumbers, potatoes, and the like.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112
Duration: July 01, 1999 to June 30, 2000
Contact: Phyllis Sheffield, Purchasing Agent I, (814) 643-2400, ext. 303

HUN330 Processed meats and cheese: all beef frankfurters, beef liver, cheddar cheese, pork loin, bologna, mozzarella cheese, all beef sausage, Kielbasa, turkey roasts, Lebanon bologna, ham pork, diced chicken meat, turkey ham, frying chicken quarters, turkey salami, meatballs, yellow American cheese, and the like.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112
Duration: July 01, 1999 to June 30, 2000
Contact: Phyllis Sheffield, Purchasing Agent I, (814) 643-2400, ext. 303

MB-99 Milk—to be delivered 3 times a week during contract period.

Department: Military Affairs
Location: Southeastern Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1999 through June 30, 2000
Contact: Ted LeBlanc, Purchasing Agent, (610) 948-2493

PDA424 The purpose for the issuance of a contract is to secure the services of commercial food distributors or commercial food warehouses to receive, store and deliver to identified recipient agencies USDA commodity received by the Pennsylvania Department of Agriculture. Commodity includes food product requiring dry, chilled and frozen storage and handling. Contracts will be issued in the following Agricultural Distribution Regions (ADR): ADR IV Allegheny and surrounding counties and ADR V Blair and surrounding counties.

Department: Agriculture
Location: Regions IV and V
Duration: Three (3) year contract
Contact: Barry Shutt, (717) 787-2940

SA223-99-VS Vending services. Stony Acres, Inc., a nonprofit subsidiary of East Stroudsburg University, is accepting requests for bids on Request for Proposal (RFP) Number SA223-99-VS. Vendor to provide cash and card (debit) operated soft drink and snack machines throughout the University campus.

Department: State System of Higher Education
Location: East Stroudsburg University, East Stroudsburg, PA 18301-2999
Duration: 5 years
Contact: Fred Moses, General Manager, (570) 422-3291

Fuel Related Services—20

9999 Universal vehicle fleet credit card services.

Department: General Services
Location: Statewide
Duration: Five (5) years
Contact: Stephen Anderson, (717) 783-4256

Hazardous Material Services—21

Project No. 9965 Asbestos removal.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 97—99 Shewell Avenue, Doylestown, Bucks County, PA
Duration: May 1, 1999—January 30, 2000
Contact: Emma Schroff, (717) 861-8518

HVAC—22

020 Vendor will replace the existing hot water converter in C and D Units at the State Correctional Institution at Pittsburgh. For questions, contact Jim Crytzer, FMMIII at (412) 761-1955, ext. 260.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, P. O. Box 99901, Pittsburgh, PA 15233
Duration: One (1) month from award date
Contact: Carol R. Schaeffer, Purchasing Agent II, (412) 761-1955, ext. 291

021 Vendor will repair damaged/leaking chilled water lines in HVAC manhole, reinsulate all chilled water, H. P. steam and condensate lines inside HVAC manhole and replace 2" PVC ATC conduit with steel/conduit inside HVAC manhole, at the State Correctional Institution at Pittsburgh. For questions, contact Jim Crytzer, FMMIII at (412) 761-1955, ext. 260.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, P. O. Box 99901, Pittsburgh, PA 15233
Duration: One (1) month from award date
Contact: Carol R. Schaeffer, Purchasing Agent II, (412) 761-1955, ext. 291

80671013 Contractor is to supply all labor, tools and supervision to install one transformer 225KVA; one 800 amp 240 volt fusible switch; one 400 amp, 600 volt fusible switch; one 400 amp panelboard; conduit; and wiring at Norristown State Hospital. Work shall be done in accordance with the National Electric Code. To request bid packet, contact Sue Brown, Purchasing Agent, N.S.H., (610) 313-1026.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: Ninety (90) calendar days ARO
Contact: Thomas Ford, DPW, Facilities Management, (717) 772-2088

Inquiry No. 80879011 Replace underground electric feeder cable.

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, Snyder County, PA 17870
Duration: Anticipated May 1, 1999 to June 30, 1999
Contact: Arletta K. Ney, Purchasing Agent, (570) 372-5070

AE-5104 Natural gas conversion, Fax (717) 783-7971.

Department: Transportation
Location: PennDOT Maintenance Building, Broad Street, Milford, Pike County, PA
Duration: 90 calendar days, proposed bid date May 1999
Contact: Tina Chubb, (717) 787-7001

AE-5150 Install new air conditioning in print room. Fax (717) 783-7971.

Department: Transportation
Location: District Office Building, 715 Jordan Avenue, Montoursville, PA
Duration: 90 calendar days, proposed bid date—May 1999
Contact: Tina Chubb, (717) 787-7001

AE-5159 Installation of a vehicle exhaust system. Fax (717) 783-7971.

Department: Transportation
Location: Maintenance Building, 715 Jordan Avenue, Montoursville, Lycoming County, PA
Duration: 90 calendar days, proposed bid date—May 1999
Contact: Tina Chubb, (717) 787-7001

AE-5191 Installation of a vehicle exhaust system. Fax (717) 783-7971.

Department: Transportation
Location: Maintenance Building, off T. R. 706, Montrose, Susquehanna County, PA
Duration: 90 calendar days, proposed bid date—May 1999
Contact: Tina Chubb, (717) 787-7001

AE-5269 Installation of a vehicle exhaust system. Fax (717) 783-7971.

Department: Transportation
Location: PennDOT Maintenance Building, 401 Montgomery Avenue, West Chester, Chester County, PA
Duration: 90 calendar days, proposed bid date—May 1999
Contact: Tina Chubb, (717) 787-7001

FM-7809 Provide emergency and routine repair work to the heating, plumbing, electrical and air-conditioning systems as needed. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. No mark-up on materials permitted.

Department: State Police
Location: Facility Management Division, Greensburg DNA Lab, 80 North Westmoreland Avenue, Greensburg, PA 15601
Duration: July 1, 1999 to June 30, 2002
Contact: Joan Douglass, (717) 783-5484

HVAC-002 The Hiram G. Andrews Center is seeking the services of a contractor to provide all labor, materials and tools to furnish and install the reconfiguration of the HVAC systems located in facility rooms no. 607, 608, 609 and 610, in accordance with bid documents. A mandatory site visit is to be scheduled by facility.

Department: Labor and Industry
Location: Hiram G. Andrews Center, 727 Goucher Street, Johnstown, Cambria County, PA 15905
Duration: August 1, 1999 to July 31, 2000
Contact: Robert D. Robinson, Purchasing Agent II, (814) 255-8210

MU-500 Mansfield University—Project No. MU-500—Official Residence—HVAC System—The Mansfield University of the State System of Higher Education invites HVAC contractors to request a Request for Proposals bid package for the Official Residence Air Conditioning System, Project No. MU-500. Project includes designing and installing an air conditioning system for an existing 3 story residence, with approximately 5,800 net square feet. There is a preproposal meeting on May 13, 1999 at the Brooks Maintenance Building. Bid proposals are due and will be opened publicly on June 8, 1999. RFP bid packages will be available after April 26th, 1999 at a nonrefundable cost of \$10. For further information, or to request the RFP bid package, bidders can contact the Purchasing Department, Brooks Maintenance Building, Mansfield University, Mansfield, PA 16933, (570) 662-4148. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Mansfield University Campus, Mansfield, PA 16933
Duration: 45—60 days from notice to proceed
Contact: Peg Chapel, (570) 662-4148

Janitorial Services—23

304-054 Contractor to provide necessary materials, equipment and labor to thoroughly wash all perimeter windows, outside only, through the Philadelphia State Office Building. The windows are to be washed three times during each year.

Department: General Services
Location: Facilities Management, Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130
Duration: July 1, 1999 through June 30, 2002
Contact: Ernest K. Keen, (215) 560-2521

304-07473 Contractor shall furnish the required labor, materials, equipment, tools and supervision to thoroughly clean and wash all interior and exterior windows and entrance glass partitions, and interior/exterior skylights and dome in the East Wing Building, Commonwealth Avenue, Harrisburg, PA 17125.

Department: General Services
Location: Facilities Management, East Wing Building, Commonwealth Avenue, Harrisburg, PA 17125
Duration: July 1, 1999 through June 30, 2002
Contact: Marc Waxman, (717) 787-2155

304-07474 Contractor shall furnish the necessary labor, materials, equipment, tools and supervision to thoroughly clean, wash and apply the pest control chemical to the windows of the following buildings: Labor and Industry Building, Health and Welfare Building, Rachel Carson Building, Harrisstown I Building, Harrisstown II Building and Agriculture Building. Contractor will accomplish the work by using rope work from the outside of the buildings.

Department: General Services
Location: Facilities Management, Capitol Complex Buildings, Harrisburg, PA 17125
Duration: July 1, 1999 through June 30, 2000
Contact: Marc Waxman, (717) 787-2155

304-07475 Contractor shall furnish the necessary labor, materials, equipment, tools and supervision to thoroughly clean and wash the windows of the following buildings: North Office Building, South Office Building, Forum Building and Finance Building. Contractor will accomplish the work by using a belt and ladder from the outside of the buildings.

Department: General Services
Location: Facilities Management, Capitol Complex Buildings, Harrisburg, PA 17125
Duration: July 1, 1999 through June 30, 2000
Contact: Marc Waxman, (717) 787-2155

Laundry/Dry Cleaning—25

201099019 Provide tailoring to the Pennsylvania State Police for initial issuance of uniforms to members and cadets in the Harrisburg/Hershey area. Vendor shall fit and size personnel as they are processed through the Department's clothing warehouse located in Harrisburg or the Training Academy in Hershey. Vendors interested in bidding must be located in the immediate Harrisburg/Hershey area and provide pick-up and delivery services. Resultant contract will provide for the option of renewal for an additional 2 years. Detailed bid specifications may be obtained from the Procurement and Supply Division at (717) 783-5485.

Department: State Police
Location: Academy, 175 East Hershey Park Drive, Hershey, PA; Clothing Warehouse, 20th and Herr Streets, Harrisburg, PA
Duration: July 1, 1999 through June 30, 2000
Contact: Diane Bolden, Procurement and Supply Division, (717) 783-5485

Lodging/Meeting—27

SP 2598010 The PA Board of Probation and Parole is requesting bids from prospective vendors to provide lodging services/training facility/food services to accommodate up to 55 people. These accommodations are needed for employees attending four training programs. The dates of each program are as follows: Program No. 1—July 12—30, 1999; Program No. 2—October 12—29, 1999*; Program 3—January 10—28, 2000 (excluding 1/17)*; Program 4—April 10—28, 2000. *Schedule will be affected by State holiday. Site must be within a 10-mile radius of the Agency's Central Office located at 1101 South Front Street, Harrisburg, PA. A complete description of services required will be included in the bid package.

Department: PA Board of Probation and Parole
Location: 1101 South Front Street, Suite 5500, Harrisburg, PA 17104-2521
Duration: July 12, 1999 to June 30, 2000
Contact: Michelle Carl, (717) 787-8879

Medical Services—29

1881810005 A medical doctor is necessary to review approximately 500,000 claims for the property tax/rent rebate program. Doctor must review medical records submitted with claim forms to determine if claimant is entitled to a rebate. Doctor is expected to review claim forms at 2-week intervals on the premises of the Department of Revenue, 4th Floor, Strawberry Square, Harrisburg, PA.

Department: Revenue
Location: Property Tax/Rent Rebate Division, Bureau of Individual Taxes, 4th Floor, Strawberry Square, Harrisburg, PA
Duration: July 1, 1999 to June 30, 2000
Contact: Judith Maybank, (717) 782-8415

Personnel, Temporary—31

SP 3590005151 Provide laborers for part-time assistance capable of following written and oral directions; lifting heavy furniture and equipment—desks, cabinets, partitioning, and the like.

Department: Environmental Protection
Location: At DEP-occupied facilities within a 15 mile radius of downtown center city, Harrisburg, PA
Duration: Through June 30, 2001, with option to renew
Contact: Ally Hubler, (717) 787-2471

Property Maintenance—33

01 Aluminum covering on windows in Rec. Hall and kitchen in the Ad Building at Youth Forestry Camp No. 2.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: July 1, 1999 to June 30, 2000
Contact: Rose M. Palermo, (570) 443-9524

No. 51 Furnish and install seven steel doors in various buildings located at Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657.

Department: Public Welfare
Location: Loysville Complex, Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657
Duration: May 1, 1999 through June 30, 1999
Contact: Mary Lou Auman, Purchasing Agent, (717) 789-5508

Bid No. 7907 Furnish all labor, materials and equipment required to cut, trim, fertilize, shrub care and maintain grass area at the Chambersburg Station. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Chambersburg Station, 679 Franklin Farms Lane, Chambersburg, PA 17201
Duration: July 1, 1999 to June 30, 2002
Contact: Donna Enders, (717) 783-5484

Bid No. 7908 Furnish all labor, materials and equipment to provide for fertilization, insect weed control and crown vetch control services to the Pennsylvania State Police, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Department Headquarters, Pennsylvania State Police, 1800 Elmerton Avenue, Harrisburg, Dauphin County, PA 17110
Duration: July 1, 1999 to June 30, 2002
Contact: Donna Enders, (717) 783-5484

AE-1549 Paint sheet metal building. Fax (717) 783-7971.

Department: Transportation
Location: Stockpile No. 02, Boro of Lemoyne at I-83 South, Cumberland County, PA
Duration: 90 calendar days, proposed bid date May 1999
Contact: Tina Chubb, (717) 787-7001

AE-5196 Door replacement. Fax (717) 783-7971.

Department: Transportation
Location: Roadside Rest Building, I-81 South, Luzerne County, PA
Duration: 90 calendar days, proposed bid date May 1999
Contact: Tina Chubb, (717) 787-7001

AE-5271 Window and door replacement. Fax (717) 783-7971.

Department: Transportation
Location: PennDOT Maintenance Building, 1920 Susquehanna Trail North, York County, PA
Duration: 90 calendar days, proposed bid date—May, 1999
Contact: Tina Chubb, (717) 787-7001

AE-5322 Window replacement. Fax (717) 783-7971.

Department: Transportation
Location: Maintenance Building, 1460 Pittsburgh Road, Route 8, Franklin, Venango County, PA
Duration: 90 calendar days, proposed bid date—May 1999
Contact: Tina Chubb, (717) 787-7001

AE-5353 Front entrance replacement. Fax (717) 783-7971.

Department: Transportation
Location: Roadside Rest, Along I-81 N. B., Franklin County, PA
Duration: 90 calendar days, proposed bid date—May 1999
Contact: Tina Chubb, (717) 787-7001

SP3864008008 Supply all labor and materials to re-roof the Meeting House Building at White Clay Creek Preserve, Landenberg, PA.

Department: Conservation and Natural Resources
Location: Bureau of State Parks, White Clay Creek Preserve, P. O. Box 172, Goodhope and Flint Hill Roads, Landenberg, Chester County, PA 19350-0172
Duration: June 30, 1999
Contact: Regional Park Office, (215) 453-5016

SU-404 Project title: SU-404 Old Main Exterior Preservation. Work to be performed at Shippensburg University of the State System of Higher Education, Shippensburg Township, Cumberland County, PA. Brief description: All work necessary to clean and paint the exterior of Old Main Building, to include lead, all lead paint abatement work. Prospective bidders may obtain project plans by contacting Deborah K. Martin, 1871 Old Main Drive, Shippensburg, PA 17257, (717) 532-1121 or fax (717) 530-4004. Prebid meeting with site visit immediately to follow will be held on May 3, 1999 at 10 a.m. in Old Main Conference Room 203. Bids due: May 13, 1999 by 4 p.m. in Old Main Room 300. Public bid opening: May 14, 1999 at 2 p.m., Old Main Room 203A. Prevailing wages, contracts, bonds and MBE/WBE participation apply. The System encourages responses from small firms, minority firms and firms which may have not previously performed work for the System. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, Shippensburg Township, Cumberland County, PA
Duration: 90 days from date of Notice to Proceed
Contact: Deborah K. Martin, Contract Administrator, (717) 532-1121

Railroad/Airline Related Services—34

2010990017 Perform overhauls, repairs and modifications to metal propellers, McCauley Model C2A34C204-B, and Hartzell Model HC-C2YK-2CUF and propeller governors suitable for these propellers, which are installed on Cessna 182 and Partenavia fixed wing aircraft. Supply parts and exchanges. Detailed specifications must be obtained from the Procurement and Supply Division at (717) 783-5485. Technical questions should be directed to Chuck Honer, Aviation Unit, (717) 774-3997.

Department: State Police
Location: 575 Airport Drive, New Cumberland, PA
Duration: July 1, 1999 through June 30, 2001
Contact: Diane Bolden, Procurement and Supply Division, (717) 783-5485

Sanitation—36

304-052 Contractor to furnish the labor and equipment for the removal of rubbish and other waste materials from the Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130.

Department: General Services
Location: Facilities Management, Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130
Duration: July 1, 1999 through June 30, 2003
Contact: Ernest K. Keen, (215) 560-2521

Miscellaneous—39

081-99-7000-46 Conduct a Statewide survey of student drug use in Pennsylvania during March/April 2000 similar to surveys conducted in 1989, 1991, 1993, 1995 and 1997. Redesign the existing survey instrument to refine and expand on the information collected. Develop an appropriate research design, methodology and survey instrument to be administered to students in selected grades between six and twelve. Pre-test new survey during Fall 1999 in a limited number of sites; modify survey as necessary. Construct a stratified random sample of public and nonpublic schools representative of the range of population density, geographic diversity and racial diversity in Pennsylvania's schools and administer the Spring 2000 survey. The survey should capture information on: students' use of alcohol, tobacco and other drugs; behaviors and attitudes concerning factors relating to substance use; risk factors and protective factors related to delinquency and substance abuse; knowledge about risks of substance use; physical fighting; weapons carrying; the presence of gangs in schools and students' associations with gangs; risks associated with vehicles such as driving under the influence; and other information deemed important. Survey must be confidential and anonymous to protect the identity of the respondents, and be capable of being completed in one standard classroom period. Contractor will be responsible for: constructing the Statewide sample and recruiting schools to participate in the survey; furnishing an adequate supply of surveys and instructions to participating schools and arranging for the return of completed surveys; analyzing the survey results and producing a report of the findings, similar in format to the 1997 report; and providing the participating schools with a basic report of the survey findings for their students. The PCCD is an equal opportunity employer.

Department: Executive Offices
Location: Commission on Crime and Delinquency Statewide
Duration: August 1, 1999 to July 31, 2000
Contact: Henry Sontheimer, (717) 787-5152, ext. 3032

AE-5323 Construction of a 36 x 45 storage building. Fax (717) 783-7971.

Department: Transportation
Location: Stockpile No. 09, Route 150, North of Mill Hall Boro, Clinton County, PA
Duration: 90 calendar days, proposed bid date—May 1999
Contact: Tina Chubb, (717) 787-7001

Convention 99 The Department of General Services will hold a purchasing convention in the Pittsburgh, PA area in the fall of 1999. Check <http://www.dgs.state.pa.us/interest.htm> for details and updates, as they are available.

Department: General Services
Location: Pittsburgh, PA
Duration: Indefinite
Contact: Vendor Services Section, (717) 787-2199 or (717) 783-2903

[Pa.B. Doc. No. 99-687. Filed for public inspection April 23, 1999, 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.	Awarded On	To	In the Amount Of	Requisition or Contract No.	Awarded On	To	In the Amount Of
5610-49	04/13/99	Allegheny Concrete, LLC	5,000.00	5610-49	04/13/99	Erie Sand and Gravel Company	5,000.00
5610-49	04/13/99	Beaver Concrete and Gravel	5,000.00	5610-49	04/13/99	Fi-Hoff Concrete Products, Inc.	5,000.00
5610-49	04/13/99	Berks Products Corporation	5,000.00	5610-49	04/13/99	Frank Casilio & Sons, Inc.	5,000.00
5610-49	04/13/99	Boger John H. & Sons	5,000.00	5610-49	04/13/99	Franklin Concrete Products	5,000.00
5610-49	04/13/99	Carbondale Concrete	5,000.00	5610-49	04/13/99	Glenn Redi Mix	5,000.00
5610-49	04/13/99	Castle Builders Supply, Inc.	5,000.00	5610-49	04/13/99	Glenn Sand and Gravel	5,000.00
5610-49	04/13/99	Central Builders Supply Company	5,000.00	5610-49	04/13/99	Hanover Concrete Company	5,000.00
5610-49	04/13/99	Centre Concrete Co.—Lock Haven	5,000.00	5610-49	04/13/99	Hempt Brothers, Inc.	5,000.00
5610-49	04/13/99	Centre Concrete Co.—State College	5,000.00	5610-49	04/13/99	Hoy's Construction Co., Inc.	5,000.00
5610-49	04/13/99	Centre Concrete Co.—Montoursville	5,000.00	5610-49	04/13/99	JMD Material Co., Inc.	5,000.00
5610-49	04/13/99	Consolidated Concrete Services, Inc.	5,000.00	5610-49	04/13/99	J & F Ready Mix Concrete	5,000.00
5610-49	04/13/99	Coon Industries, Inc.	5,000.00	5610-49	04/13/99	James W. Quandel & Sons	5,000.00
5610-49	04/13/99	Darlington Concrete, Inc.	5,000.00	5610-49	04/13/99	Judson Wiley & Sons, Inc.	5,000.00
5610-49	04/13/99	DePaul Concrete Company	5,000.00	5610-49	04/13/99	Juniata Concrete Co.	5,000.00
5610-49	04/13/99	Dubrook, Inc.—Butler	5,000.00	5610-49	04/13/99	LER Concrete Products	5,000.00
5610-49	04/13/99	DuBrook, Inc.—Dubois	5,000.00	5610-49	04/13/99	Master RMC, Inc.	5,000.00
5610-49	04/13/99	E. W. Bisett & Son, Inc.	5,000.00	5610-49	04/13/99	Meadville Redi Mix Concrete Co.	5,000.00
5610-49	04/13/99	Earl M. Brown, Inc.	5,000.00	5610-49	04/13/99	Mellott H. B. Estates, Inc.	5,000.00
5610-49	04/13/99	Eastern Industries, Inc.—West	5,000.00	5610-49	04/13/99	New Enterprise Stone/Lime Co., Inc.	5,000.00
				5610-49	04/13/99	New Holland Concrete	5,000.00
				5610-49	04/13/99	Patterson Supply Co.	5,000.00
				5610-49	04/13/99	Pennsy Supply, Inc.	5,000.00

STATE CONTRACTS INFORMATION

Requisition or Contract No.	Awarded On	To	In the Amount Of	Requisition or Contract No.	Awarded On	To	In the Amount Of
5610-49	04/13/99	Pocono Transcrete, Inc.	5,000.00	5850-01	04/02/99	American Power Con- version	1,120,000.00
5610-49	04/13/99	Porters Con- crete Ser- vice, Inc.	5,000.00	5850-01	04/02/99	Ameristar Technologies	10,000.00
5610-49	04/13/99	Prospect Con- crete, Inc.	5,000.00	5850-01	04/02/99	Anixter	320,000.00
5610-49	04/13/99	Ready Mix Concrete Co. of Lancaster	5,000.00	5850-01	04/02/99	Arsys Innotech Corp.	10,000.00
5610-49	04/13/99	Scranton Craftmen, Inc.	5,000.00	5850-01	04/02/99	AV Networks, Inc.	60,000.00
5610-49	04/13/99	Sheesley Sup- ply Co., Inc.	5,000.00	5850-01	04/02/99	Bay Networks	10,000.00
5610-49	04/13/99	Shrewsbury Concrete Co.	5,000.00	5850-01	04/02/99	Bell Atlantic Network	1,700,000.00
5610-49	04/13/99	State Aggre- gates, Inc.	5,000.00	5850-01	04/02/99	CDMS	20,000.00
5610-49	04/13/99	Stone & Com- pany	5,000.00	5850-01	04/02/99	Cisco Systems, Inc.	10,000.00
5610-49	04/13/99	Susquehanna Supply Co.	5,000.00	5850-01	04/02/99	Compaq Com- puter	5,200,000.00
5610-49	04/13/99	T. C. Redi-Mix	5,000.00	5850-01	04/02/99	Computer Hardware	5,625,000.00
5610-49	04/13/99	Thomson & Montgomery	5,000.00	5850-01	04/02/99	Computer In- tegration Group	720,000.00
5610-49	04/13/99	Union Quar- ries, Inc.	5,000.00	5850-01	04/02/99	Computer Junction, Inc.	10,000.00
5610-49	04/13/99	Valley Transit Mix Div. of Valley Quar- ries	5,000.00	5850-01	04/02/99	Crucial Tech- nology	10,000.00
5610-49	04/13/99	Wades Coal and Con- crete, Inc.	5,000.00	5850-01	04/02/99	Daly Comput- ers, Inc.	20,000.00
5610-49	04/13/99	Walter W. Zeigler & Sons, Inc.	5,000.00	5850-01	04/02/99	Danka Office Imaging	20,000.00
5610-49	04/13/99	Wayne City Ready Mix Concrete Co.	5,000.00	5850-01	04/02/99	Dauphin Asso- ciates, Inc.	70,000.00
5610-49	04/13/99	Wayne Con- crete Prod- ucts	5,000.00	5850-01	04/02/99	Dell Market- ing LP	6,380,000.00
5850-01	04/02/99	3 COM Corpo- ration	10,000.00	5850-01	04/02/99	EBS	10,000.00
5850-01	04/02/99	Acers America	10,000.00	5850-01	04/02/99	EMC Solutions	10,000.00
5850-01	04/02/99	All Communi- cations	10,000.00	5850-01	04/02/99	Entex Infor- mation Sys- tems	40,000.00
5850-01	04/02/99	Allied Telesyn	10,000.00	5850-01	04/02/99	Fore Systems	10,000.00
5850-01	04/02/99	Amera Com- puters, Inc.	10,000.00	5850-01	04/02/99	Fraser Busi- ness Sys- tems	10,000.00
5850-01	04/02/99	American Computer Assocs. Inc.	10,000.00	5850-01	04/02/99	Freedom Sys- tems Corp.	780,000.00
				5850-01	04/02/99	G. E. Richards, Inc.	10,000.00
				5850-01	04/02/99	Gateway 2000	10,000.00

STATE CONTRACTS INFORMATION

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Requisition or Contract No.	Awarded On	To	In the Amount Of	Requisition or Contract No.	Awarded On	To	In the Amount Of
5850-01	04/02/99	Government Technology	20,000.00	5850-01	04/02/99	Perfect Order Mfg., Inc.	154,000.00
5850-01	04/02/99	IBM Corpora- tion	15,000,000.00	5850-01	04/02/99	PIBH	10,000.00
5850-01	04/02/99	Ikon Office Solutions	10,000.00	5850-01	04/02/99	Picturitel	10,000.00
5850-01	04/02/99	IMR	242,000.00	5850-01	04/02/99	R. G. Tech- nologies, Inc.	10,000.00
5850-01	04/02/99	Inacom Infor- mation Sys- tems	20,000.00	5850-01	04/02/99	Response Computer Systems	10,000.00
5850-01	04/02/99	Integra Busi- ness Center, Inc.	10,000.00	5850-01	04/02/99	Ricoh Corpora- tion	10,000.00
5850-01	04/02/99	Intellimark	10,000.00	5850-01	04/02/99	Sharp Elec- tronics Cor- poration	10,000.00
5850-01	04/02/99	Intergraph Corporation	10,000.00	5850-01	04/02/99	Siemens Busi- ness Comm Systems	10,000.00
5850-01	04/02/99	Kingdom Com- puter	200,000.00	5850-01	04/02/99	Sun Microsystems Federal, Inc.	583,000.00
5850-01	04/02/99	Konica Busi- ness Tech- nologies	10,000.00	5850-01	04/02/99	Super PC Memory	82,000.00
5850-01	04/02/99	L&E Mobile Computers	10,000.00	5850-01	04/02/99	Tangent Com- puter, Inc.	6,578,000.00
5850-01	04/02/99	Lee Com Solu- tions	10,000.00	5850-01	04/02/99	Teloquent Communica- tions Corp.	10,000.00
5850-01	04/02/99	Lexmark In- ternational	10,000.00	5850-01	04/02/99	Thomas Betts	10,000.00
5850-01	04/02/99	Macro Com- puter Prod- ucts	360,000.00	5850-01	04/02/99	Total Peripher- als	52,000.00
5850-01	04/02/99	Macroland	250,000.00	5850-01	04/02/99	Transnet Cor- poration	20,000.00
5850-01	04/02/99	Microwarehouse, Inc.	10,000.00	5850-01	04/02/99	Tripp Lite	10,000.00
5850-01	04/02/99	Microage	144,000.00	5850-01	04/02/99	Unisys Corpora- tion	5,729,000.00
5850-01	04/02/99	Micron Elec- tronics, Inc.	10,000.00	5850-01	04/02/99	USA Futuretech, Inc.	10,000.00
5850-01	04/02/99	MTX, Inc.	20,000.00	5850-01	04/02/99	Vtel Corpora- tion	10,000.00
5850-01	04/02/99	NEC Com- puter Sys- tems Divi- sion	200,000.00	5850-01	04/02/99	Wave Technol- ogy, Inc.	175,000.00
5850-01	04/02/99	Network Asso- ciates, Inc.	10,000.00	5850-01	04/02/99	Westrex Inter- national	10,000.00
5850-01	04/02/99	New Frontier Electronics, Inc.	10,000.00	5850-01	04/02/99	Xerox Corpora- tion	10,000.00
5850-01	04/02/99	New MMI Cor- poration	220,000.00	5850-01	04/02/99	Xylan Corpora- tion	10,000.00
5850-01	04/02/99	Numonics Cor- poration	10,000.00	9905-16	04/12/99	3M	3,241,500.00
5850-01	04/02/99	OCE—USA, Inc.	211,000.00	1471388-01	04/12/99	Treessentials Company	79,116.00
5850-01	04/02/99	Panduit Cor- poration	10,000.00	1536188-01	04/12/99	Vibrations Sales Pro- motions	40,425.00

Requisition or Contract No.	Awarded On	To	In the Amount Of
1558118-01	04/12/99	Commercial— Ind. Laun- dry Serv.	27,940.00
8129630-01	04/12/99	Tetra Tech- nologies, Inc.	43,392.00
8504840-01	04/12/99	Miller A. C. Concrete Prod., Inc.	49,980.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 99-1138-19. Filed for public inspection April 23, 1999, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 109]

Bottled Water Systems—Permit by Rule

The Environmental Quality Board (Board) by this order amends Chapter 109 (relating to safe drinking water). The amendments establish a permit by rule for in-State permitted bottled water systems that meet certain specified criteria, reduce compliance monitoring for radionuclides for bottled water systems, retail water facilities and bulk water hauling systems, allow label information on the cap of returnable containers and allow new or additional proprietary labels to be submitted to the Department following production or distribution of the new or additional label product. Other minor revisions are also included pertaining to the submission of the coliform monitoring siting plan applicable to all public water systems and clarifying consecutive water system monitoring for lead and cadmium.

The Board approved these final amendments at its February 16, 1999, meeting.

A. Effective Date

These amendments are effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information, contact Frederick Marrocco, Acting Director, Bureau of Water Supply Management, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 787-9035 or Pamela Bishop, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This rulemaking is available electronically through the Department of Environmental Protection's (Department) Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

These amendments are being promulgated under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (act) (35 P. S. § 721.4), which grants the Board the authority to adopt rules and regulations governing the provision of drinking water to the public and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-7 and 510-20).

D. Background and Summary

The act authorizes the Department to regulate public water systems in this Commonwealth. The act defines "public water system" to include "a system which provides water for bottling or bulk hauling for human consumption." Systems providing water for bottling include:

- (1) Bottled water systems, which provide water for bottling in sealed containers.
- (2) Vended water systems, which provide water for bottling through the use of water vending machines.
- (3) Retail water facilities which provide water for bottling by dispensing at a store counter unit servings of water in a customer's or the system's containers.

Beginning in December 1984, the overall requirements in Chapter 109 pertaining to systems providing water for bottling or bulk handling became effective. Chapter 109 was amended at 20 Pa.B. 2621 (May 16, 1992) to place all requirements pertaining to these types of systems in one subchapter rather than having the requirements interspersed among requirements for other public water systems throughout Chapter 109.

Representatives of the large in-State bottled drinking water operations have expressed concerns over the time and expense involved in obtaining permit amendments and the types of in-plant modifications which require permit amendments. The primary reason for the concern was that the requirements were affecting their ability to implement timely business decisions. In response, a workgroup was formed consisting of several bottlers in the Commonwealth, the International Bottled Water Association (IBWA), NSF *International* (NSF), representatives of a large tap water system, an engineering/consulting firm and the League of Women Voters in addition to representatives of the Department and the Departments of Agriculture and Health. The purpose of the workgroup was to develop a framework for a permit by rule for bottled water systems to streamline the permitting process and minimize business disruption while ensuring regulatory efficiency, compliance and protection of public health. This is part of the Governor's PRIME (Privatize, Retain, Innovate, Modify and Eliminate) Initiative to provide better services to the regulated community and to make government smaller, more efficient and responsive.

Bottled water is regulated at the Federal level as a food product by the Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C.A. §§ 301—397). The Federal requirements applicable to bottled water include: food adulteration and misbranding provisions of Federal law; general food and specific bottled water Good Manufacturing Practice (GMP) regulations; standards of identity and quality for bottled water; and both civil and criminal penalties for noncompliance with these FDA requirements. The Commonwealth's existing regulations require compliance with the FDA requirements under 21 CFR 129 (relating to processing and bottling of bottled drinking water).

The IBWA is the trade organization for the bottled water industry. In addition to the FDA requirements, IBWA's Model Bottled Water Code for IBWA members provides information and standards on bottled water manufacturing practices, operational requirements and quality control for the bottled water industry.

The NSF is an internationally recognized third-party inspection and certification agency. The NSF's bottled water certification program verifies that a bottling facility and product waters meets the requirements of the Federal FDA regulations governing bottled water. The NSF conducts an annual unannounced audit of the bottling and processing facilities including source/product water testing. Bottlers meeting the certification requirements are allowed to use the registered NSF listing mark in their advertising, promotional activities and product listing. The IBWA members have an annual unannounced onsite audit conducted by NSF; however, the NSF certification is not a requirement of IBWA membership.

The Bottled Water Workgroup met on several occasions resulting in the cooperative development of a proposed

permit by rule framework for in-State bottlers which addresses the bottled water industry concerns.

The permit by rule provides in-State permitted bottlers an option to obtaining a permit amendment for substantial modifications to the bottling, processing or manufacturing facilities provided certain specified criteria are met. Specific criteria include: the source type (groundwater not under the direct influence of surface water or finished water from a community water system or both); the source water quality (does not exceed FDA quality standards for health related chemical and radiological contaminants and requires only disinfection to meet the Pennsylvania primary maximum contaminant levels); use of acceptable treatment technologies; and demonstrated compliance with the National standards of the FDA and the IBWA Model Bottled Water Code as determined by an annual onsite evaluation conducted by a third-party organization such as the NSF. The bottler would first notify the Department of the intent to operate under the permit by rule. A bottled water system operating under the permit by rule would file with the Department descriptions of substantial modifications such as replacement of equipment or addition of a new product line within 30 days of operation of the modification.

New in-State bottled water systems would still be required to obtain a public water system permit for the construction and operation of the bottled water system after which they could operate under the permit by rule option if qualified. The permit by rule does not include modifications to the collection facilities, including the addition of new sources, which would continue to require a permit amendment from the Department under the present permitting requirements. Any bottler seeking to use the permit by rule would have to comply with other applicable laws administered by the Department as required by section 7 of the act (35 P.S. § 721.7) and comply with other requirements of Chapter 109 including design, construction, operation, monitoring and reporting.

The amendments pertaining to radionuclide compliance monitoring, labeling requirements for returnable containers and coliform monitoring site plan submission address issues determined through the Regulatory Basics Initiative (RBI) which identified regulations for possible revision that were obsolete, prescriptive, redundant, needing clarification or more stringent than Federal regulations.

The monitoring for compliance with radiological maximum contaminant levels (MCLs) for bottled water systems, retail water facilities and bulk water hauling systems was reduced from "... annually ..." to "... once every 4 years. ..." The present requirement was identified under the RBI as more stringent than the Federal requirements. The radionuclide compliance monitoring results (annual monitoring) over the past 8 years indicates there has not been any violation of the radionuclide MCLs.

For submission of a siting plan for coliform monitoring, the "... November 16, 1992 ..." date is deleted and replaced with "... within 30 days of receipt of the Department's request for this information." The present requirement was identified under the RBI as obsolete.

The present regulation requires containers of bottled water to have labels which are designed to remain affixed to the container during usage. Through guidance, the Department has included the cap on returnable bottles under the "...affixed to the container during use..." The present requirements were identified under the RBI as being unclear. The amendments reflect the guidance.

The final rulemaking was presented to the Water Resources Advisory Committee (WRAC) at its September 9, 1998, meeting. The WRAC approved the final rulemaking.

The Department, by policy published in the Preamble at 20 Pa.B. 2621 to Chapter 109, announced its intention to regulate only those bottled water systems providing water for bottling in 1/2 gallon or larger containers. In the Preamble to the proposed rulemaking at 28 Pa.B. 2265 (May 9, 1998), the Department requested comments with supporting data on whether it should modify its policy on regulating small bottled products (less than one-half gallon) and bottlers of small bottled products. Since the Department did not receive any comments, the present policy will be continued until data is forthcoming which indicates the need to regulate this segment of the bottled water market.

E. Summary of Comments and Responses on the Proposed Rulemaking

The proposed rulemaking was published at 28 Pa.B. 2265 with a 30-day public comment period. The Board received comments from two commentators during the public comment period. The Board also received comments from the Independent Regulatory Review Commission (IRRC). Summaries of all comments received and the Department's responses may be found in a Comment and Response Document which is available from the contact persons listed in Section B of this Preamble.

Some sections have been modified from the proposed rulemaking based on the comments received in addition to other modifications. A list of the modified sections and a summary of the major comments received are provided as follows:

1. *§ 109.1005(a). Permit requirements.* A minor change revising subsections (d) to (e) in the last sentence.

2. *§ 109.1005(c). Permit requirements.* The commentators expressed concern that the provision requiring a permit amendment for "... the expanded use of existing permitted sources used by the bottled water system ..." would unintentionally expand or enlarge the scope of the permit amendment requirements. IRRC commented this should be clarified since the intent of the permit by rule was not to expand the permitting requirements.

The Department agrees that the intent of the permit by rule was not to expand the permit requirements. The language under question was intended to specify that the permit by rule only applies to the processing, manufacturing and bottling facilities. The specific language dealing with new sources and expanded use of existing sources is deleted in the final amendments and replaced with language specifying that the permit by rule does not apply to the collection facilities. Collection is defined as "the parts of a public water system occurring prior to treatment, including source, transmission facilities and pretreatment storage facilities." This clarifies that the permit by rule only applies to the bottling, processing and manufacturing facilities for bottled water.

3. *§ 109.1005(c)(1). Permit requirements.* In response to the IRRC comment that the Department identify the protocols that may be used by the Department in making the determination whether the bottled water system uses groundwater sources that are not under the direct influence of surface water, paragraph (1) has been modified to identify the *Guidance for Surface Water Identification Protocol* as the protocol the Department will use.

4. *§ 109.1005(c)(3)(i). Permit requirements.* The commentators expressed concern over the requirement that

the third-party evaluator demonstrate that it is independent of the bottled water systems using the organization's services. The concern was that this would eliminate from consideration industry organizations (which have membership in IBWA or receive financial support from the bottled water industry) with the knowledge and information that would enable them to serve as particularly effective evaluators. IRRC commented that how "independence" from the bottled water industry will be determined should be further explained or defined.

The independence of the inspection or evaluation organization is a key element of the permit by rule in assuring regulatory compliance and public health protection. In response to the comments, language has been added requiring the evaluation/inspection organization be accredited by the American National Standards Institute (ANSI) as a third-party evaluation/inspection organization. ANSI is a Nationally recognized accreditation agency for third-party certification organizations and agencies including testing/inspection organizations. Accredited inspection organizations certify compliance with specific requirements and standards including government regulations. ANSI evaluates the accreditation applicant's organizational structure to determine if the organization is "controlled" by the party that would be inspected or evaluated. If there is a potential conflict of interest, ANSI will recommend corrective measures to enable the organization to be accredited as a third-party inspection organization.

For accreditation by ANSI, the third-party organization must also have a method for handling complaints, a system for appeal of unresolved or other complaints or disagreements, an effective internal quality control system appropriate to the type, range and volume of work performed, and sufficient staff with the necessary education, training and experience to carry out the work for which it claims to be competent and subject to effective supervision. Requiring ANSI accreditation for a third-party inspection agency or organization is addressed, in the proposed rulemaking, in subsection (c)(3)(i) pertaining to independent of the bottled water systems, subsection (c)(3)(iii) pertaining to having an established system for investigating complaints and an appeals process, subsection (c)(3)(iv) pertaining to a documented quality assurance and control program and subsection (c)(3)(v) pertaining to the capability through experience or training, or both, to conduct the onsite evaluation program.

In the final amendments, the requirement that the inspection organization be accredited by ANSI as a third-party inspection agency replaces the proposed language in subsection (c)(3)(i) and (iii)—(v) are deleted.

5. *§ 109.1005(c)(3)(ii). Permit requirements.* Added "Department" to clarify the third-party organization has policies and procedures that would support any required Department enforcement actions.

6. *§ 109.1005(c)(5)(ii). Permit requirements.* For validation of treatment technologies, IRRC questioned what other organizations will be acceptable and recommended the Department publish a list of acceptable organizations annually. Evaluating organizations and protocols for conformance with the requirement could be resource intensive. The intent was to minimize the need for Department approval of protocols and evaluation organizations. In the final amendments, the reference to protocols is deleted and the subsection revised to reference treatment technologies certified under the appropriate ANSI/NSF Standard by a third-party acceptable to the Department and those verified under the EPA Environmental Technology

Verification Program. Language was added that treatment facilities approved by the Department for the bottled water system operating under the permit by rule are also considered validated treatment technologies. This allows a bottler operating under the permit by rule to add or use these permitted treatment technologies to a new product line or for an expansion of the bottling facilities.

For certifying treatment technologies under the appropriate ANSI/NSF Standard, the final amendments specify the certification organization (other than the NSF) must be accredited by ANSI as a third-party certification organization and meet the requirements, as applicable, under § 109.606(d).

7. *§ 109.1005(c)(6). Permit requirements.* Paragraph (6) was added requiring publication in the *Pennsylvania Bulletin* of the Department's determination that the bottled water system has complied with subsection (c)(1)—(4) and is operating under the permit by rule and of notices submitted under subsection (c)(5) for modifications to the bottling and processing facilities. Presently, major permit amendments require publication in the *Pennsylvania Bulletin*. The Department believes these notifications under the permit by rule should also be published in the *Pennsylvania Bulletin*.

8. *§ 109.1005(g) Permit requirements.* The term "circumstances" which was replaced with "situations" in the proposed rulemaking is retained in the final rulemaking.

9. *§ 109.1008(b). System management responsibilities.* The four digit extension was added to the Bureau's Zip Code.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the amendments.

Benefits

Bottlers in this Commonwealth who elect to operate under the permit by rule should realize time and cost savings from the streamlined permitting process by being able to make timely business decisions such as installation of a new or additional production line or replacement equipment without first obtaining a Department permit amendment. Along with the revised requirements for submitting new or additional product labels, this will provide bottlers in this Commonwealth greater flexibility and opportunity to respond to market conditions and increase competitiveness with out-of-State bottlers. The consumers of bottled water may also benefit from lower prices; however, this is difficult to quantify, due to the many factors affecting the retail price in producing bottled water products.

Over 90 bottled water systems, retail water facilities and bulk water hauling systems will benefit from the reduction in the compliance monitoring for radionuclides from annually to once every 4 years.

Compliance Costs

There should be no additional costs to State and local government or the regulated community to implement the amendments.

The permit by rule is an option and bottlers in this Commonwealth are not required to operate under the permit by rule. Under the permit by rule option, there would be an annual cost estimated at \$600 to \$800 for the third-party evaluation. Bottlers in this Commonwealth who are IBWA members or NSF certified should not experience an annual cost for the third-party inspection since this cost is included in IBWA's membership fee

or NSF's certification fee. Bottlers in this Commonwealth who do not have an annual third-party evaluation and elect to operate under the permit by rule would experience the annual evaluation cost. However, this cost should be offset by the bottler not being required to pay a permit application fee of \$300 to \$750 for major amendments to the bottling process under the present permitting procedures and the cost savings from reducing the radionuclide compliance monitoring from annually to once every 4 years. Since the permit by rule is an option, it is difficult to estimate the additional costs (if any) to bottlers in this Commonwealth.

Compliance Assistance Plan

It is anticipated that extensive compliance assistance will not be necessary. The permit by rule is an option for bottlers in this Commonwealth. The other amendments update, modify or clarify present requirements.

The Department will notify the regulated community through the *Environmental Protection Update Weekly Newsletter* and through revised Key Requirements summaries affected by the amendments. The Key Requirements summaries are available to the regulated community and placed on the Department's Web site. If necessary, the Department will directly notify the regulated community, including out-of-State bottlers, through mailings. Department staff will be available to assist the regulated community and any bottler in this Commonwealth considering operating under the permit by rule.

Paperwork Requirements

There should be no increase in the amount of paperwork. Overall, with the exception of the permit by rule, the final rulemaking updates, clarifies or revises present requirements and should not have any major impact on existing reporting, recordkeeping or other paperwork requirements.

Compared to obtaining a permit amendment under the present permitting process, bottlers in this Commonwealth would first notify the Department of the intent to operate under the permit by rule, file descriptions of substantial modifications within 30 days of operation of the modification and submit annual proof of compliance with the FDA standards and the IBWA Model Bottled Water Code based on the third-party evaluation. Bottlers operating under the permit by rule would still be required to comply with the other provisions of the act and regulations including design, construction, operation, reporting and recordkeeping. The Department anticipates the permit by rule would decrease paperwork requirements compared to obtaining a Department permit for modifications to the bottling, processing and manufacturing of bottled water. The reduction in radionuclide monitoring would reduce reporting and paperwork requirements for over 90 bottled water systems, retail water facilities and bulk water hauling systems.

G. Sunset Review

These final-form regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 28, 1998, the Department submitted a copy of the proposed rulemaking, published at 28 Pa.B. 2265, to IRRC, and the Chairpersons of the Senate and House Environmental Resources and Energy Committees 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 the comments as well as other documentation.

In preparing these final-form regulations, the Department has considered all comments received from IRRC and the public. The Committees did not provide comments on the proposed rulemaking.

These final-form regulations were deemed approved by the House Environmental Resources and Energy Committee and the Senate Environmental Resources and Energy Committee on March 15, 1999. IRRC met on March 25, 1999, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

I. Findings of the Board

The Board finds that:

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

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

(3) These final-form regulations do not enlarge the purpose of the proposal published at 28 Pa.B. 2265.

(4) These final-form regulations are necessary and appropriate for the administration and enforcement of the authorizing acts identified in Section C of this Preamble.

J. Order of the Board

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

(a) The regulations of the Department, 25 Pa. Code Chapter 109, are amended by amending §§ 109.1, 109.301, 109.701, 109.1003, 109.1005, 109.1007 and 109.1008 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

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

JAMES M. SEIF,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 1957 (April 10, 1999).)

Fiscal Note: Fiscal Note 7-337 remains valid for the final adoption of the subject regulations.

Annex A

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

**Subpart C. PROTECTION OF NATURAL
RESOURCES**

ARTICLE II. WATER RESOURCES

CHAPTER 109. SAFE DRINKING WATER

Subchapter A. GENERAL PROVISIONS

§ 109.1. Definitions:

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

* * * * *

IBWA—The International Bottled Water Association, Alexandria, Virginia 22314.

* * * * *

NSF—*NSF International*, Ann Arbor, Michigan 48105.

* * * * *

Subchapter C. MONITORING REQUIREMENTS

§ 109.301. General monitoring requirements.

The monitoring and analytical requirements, including approved sampling procedures and analytical techniques, established by the EPA under the National Primary Drinking Water Regulations, 40 CFR Part 141 (relating to national primary drinking water regulations), as of December 8, 1984, are incorporated by reference. Public water suppliers shall monitor for compliance with MCLs in accordance with the requirements established in the National Primary Drinking Water Regulations, except as otherwise established by this chapter unless increased monitoring is required by the Department under § 109.302 (relating to special monitoring requirements). Alternative monitoring requirements may be established by the Department and may be implemented in lieu of monitoring requirements for a particular National Primary Drinking Water Regulation if the alternative monitoring requirements are in conformance with the Federal act and regulations. The monitoring requirements shall be applied as follows:

(1) *Performance monitoring for filtration and disinfection.* A public water supplier providing filtration and disinfection of surface water sources shall, beginning July 1, 1990, conduct the performance monitoring requirements established by the EPA under the National Primary Drinking Water Regulations, unless increased monitoring is required by the Department under § 109.302.

(i) Except as provided under subparagraphs (ii) and (iii), a public water supplier:

(A) Shall determine the turbidity level of representative samples of the system's filtered water at least once every 4 hours that the system is in operation, except as provided in clause (B).

(B) May substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the Department. For systems using slow sand filtration or filtration treatment other than conventional filtration, direct filtration or diatomaceous earth filtration, the Department may reduce sampling frequency to once per day.

(C) Shall continuously monitor the residual disinfectant concentration of the water being supplied to the distribution system and record both the lowest value for each day and the number of periods each day when the value is less than .2 mg/l for more than 4 hours. If a public water system's continuous monitoring equipment fails, the public water supplier may, upon notification of the Department under § 109.402 (relating to emergency public notification), substitute grab sampling every 4 hours in lieu of continuous monitoring. Grab sampling may not be substituted for continuous monitoring for longer than 5 days after the equipment fails.

(D) Shall measure the residual disinfectant concentration at representative points in the distribution system no less frequently than the frequency required for total coliform sampling for compliance with the MCL for microbiological contaminants.

(ii) For a public water supplier serving 3,300 or fewer people, the Department may reduce the residual disinfectant concentration monitoring for the water being supplied to the distribution system to a minimum of 2 hours between samples at the grab sampling frequencies prescribed as follows if the historical performance and operation of the system indicate the system can meet the residual disinfectant concentration at all times:

<i>System Size (People)</i>	<i>Samples/Day</i>
<500	1
500—1,000	2
1,001—2,500	3
2,501—3,300	4

If the Department reduces the monitoring, the supplier shall nevertheless collect and analyze another residual disinfectant measurement as soon as possible, but no longer than 4 hours from any measurement which is less than .2 mg/l.

(iii) For a public water supplier serving fewer than 500 people, the Department may reduce the filtered water turbidity monitoring to one grab sample per day, if the historical performance and operation of the system indicate effective turbidity removal is maintained under the range of conditions expected to occur in the system's source water.

(2) *Performance monitoring for unfiltered surface water.* A public water supplier using unfiltered surface water sources shall conduct the following source water and performance monitoring requirements on an interim basis until filtration is provided, unless increased monitoring is required by the Department under § 109.302:

(i) Except as provided under subparagraphs (ii) and (iii), a public water supplier:

(A) Shall perform fecal coliform or total coliform density determinations on samples of the source water immediately prior to disinfection. Regardless of source water turbidity, the minimum frequency of sampling for fecal or total coliform determination may be no less than the following:

<i>System Size (People)</i>	<i>Samples/Week</i>
<500	1
500—3,299	2
3,300—10,000	3
10,001—25,000	4
25,001 or more	5

(B) Shall measure the turbidity of a representative grab sample of the source water immediately prior to

disinfection at least once every 4 hours that the system is in operation, except as provided in clause (C).

(C) May substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the Department.

(D) Shall continuously monitor the residual disinfectant concentration required under § 109.202(c)(1)(iii) (relating to State MCLs and treatment technique requirements) of the water being supplied to the distribution system and record the lowest value for each day. If a public water system's continuous monitoring equipment fails, the public water supplier may, upon notification of the Department under § 109.402, substitute grab sampling every 4 hours in lieu of continuous monitoring. Grab sampling may not be substituted for continuous monitoring for longer than 5 days after the equipment fails.

(E) Shall measure the residual disinfectant concentration at representative points in the distribution system no less frequently than the frequency required for total coliform sampling for compliance with the MCL for microbiological contaminants.

(ii) For a public water supplier serving 3,300 or fewer people, the Department may reduce the residual disinfectant concentration monitoring for the water being supplied to the distribution system to a minimum of 2 hours between samples at the grab sampling frequencies prescribed as follows if the historical performance and operation of the system indicate the system can meet the residual disinfectant concentration at all times:

<i>System Size (People)</i>	<i>Samples/Day</i>
<500	1
500—1,000	2
1,001—2,500	3
2,501—3,300	4

If the Department reduces the monitoring, the supplier shall nevertheless collect and analyze another residual disinfectant measurement as soon as possible, but no longer than 4 hours from any measurement which is less than the residual disinfectant concentration approved under § 109.202(c)(1)(iii).

(iii) For a public water supplier serving fewer than 500 people, the Department may reduce the source water turbidity monitoring to one grab sample per day, if the historical performance and operation of the system indicate effective disinfection is maintained under the range of conditions expected to occur in the system's source water.

(3) *Monitoring requirements for coliforms.* Public water systems shall determine the presence or absence of total coliforms for each routine or check sample; and, the presence or absence of fecal coliforms or *E. coli* for a total coliform positive sample in accordance with analytical techniques approved by the Department under § 109.304 (relating to analytical requirements). A system may forego fecal coliform or *E. coli* testing on a total coliform-positive sample if the system assumes that any total coliform-positive sample is also fecal coliform-positive. A system which chooses to forego fecal coliform or *E. coli* testing shall, under § 109.402(1), notify the Department within 1 hour of when the system is first notified of the total coliform-positive sample result.

(i) *Frequency.* Public water systems shall collect samples at regular time intervals throughout the monitoring period as specified in the system distribution sample siting plan under § 109.303(a)(2) (relating to sampling

requirements). Systems which use groundwater and serve 4,900 persons or fewer, may collect all required samples on a single day if they are from different sampling sites in the distribution system.

(A) Except as provided under § 109.705(b) (relating to sanitary surveys), the number of monthly total coliform samples that community water systems shall take is based on the population served by the system as follows:

<i>Population Served</i>	<i>Minimum Number of Samples per Month</i>
25 to 1,000	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390
2,270,001 to 3,020,000	420
3,020,001 to 3,960,000	450
3,960,001 or more	480

(B) Except as provided under § 109.705(c), the number of periodic total coliform samples that noncommunity water systems shall take is as follows:

(I) A noncommunity water system using only groundwater and serving 1,000 or fewer persons per day on a permanent basis, January through December each year, shall take one sample each calendar quarter that the system provides water to the public.

(II) A noncommunity water system using surface water (in total or in part) or serving more than 1,000 persons per day during a given month shall take the same number of samples as a community water system serving the same number of persons specified in clause (A) for each month the system provides water to the public, even if the population served is temporarily fewer than 1,000 persons per day. A groundwater system determined to be under the influence of surface water shall begin monitoring at this frequency 6 months after the Department determines that the source water is under the direct influence of surface water.

(C) A public water system that uses a surface water source and does not practice filtration in compliance with Subchapter B (relating to MCLs or treatment technique

requirements) shall collect at least one total coliform sample at the entry point, or an equivalent location as determined by the Department, to the distribution system within 24 hours of each day that the turbidity level in the source water, measured as specified in paragraph (2)(i)(B), exceeds 1.0 NTU. The Department may extend this 24-hour collection limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the sample analyzed within 30 hours of collection. A logistical problem outside the system's control may include a source water turbidity result exceeding 1.0 NTU over a holiday or weekend in which the services of a Department certified laboratory are not available within the prescribed sample holding time. These sample results shall be included in determining compliance with the MCL for total coliforms established under § 109.202(a)(2).

(ii) *Repeat monitoring.* A public water system shall collect a set of check samples within 24 hours of being notified of a total coliform-positive routine or check sample. The Department may extend this 24-hour collection limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the check samples analyzed within 30 hours of collection. A logistical problem outside the system's control may include a coliform-positive sample result received over a holiday or weekend in which the services of a Department certified laboratory are not available within the prescribed sample holding time.

(A) A system which collects more than one routine sample per monitoring period shall collect at least three check samples for each total coliform-positive sample found.

(B) A system which collects only one routine sample per monitoring period shall collect at least four check samples for each total coliform-positive sample found.

(C) The system shall collect at least one check sample from the sampling tap where the original total coliform-positive sample was taken, at least one check sample at a tap within five service connections upstream of the original coliform-positive sample and at least one check sample within five service connections downstream of the original sampling site. If a total coliform-positive sample occurs at the end of the distribution system or one service connection away from the end of the distribution system, the water supplier shall collect an additional check sample upstream of the original sample site in lieu of a downstream check sample.

(D) A system shall collect all check samples on the same day, except that a system with a single service connection may collect the required set of check samples all on the same day or consecutively over a 4-day period.

(E) If a check sample is total coliform-positive, the public water system shall collect additional check samples in the manner specified in this subparagraph. The system shall continue to collect check samples until either total coliforms are not detected in check samples, or the system determines that the MCL for total coliforms as established under § 109.202(a)(2) has been exceeded and notifies the Department.

(F) If a system collecting fewer than five routine samples per month has one or more valid total coliform-positive samples, the system shall collect at least five routine samples during the next month the system provides water to the public. The number of routine samples for the month following a total coliform-positive sample

may be reduced by the Department to at least one sample the next month if the reason for the total coliform-positive sample is determined and the problem has been corrected or will be corrected before the end of the next month.

(G) Results of all routine and check samples not invalidated by the Department shall be included in determining compliance with the MCL for total coliforms as established under § 109.202(a)(2).

(iii) *Invalidation of total coliform samples.* A total coliform sample invalidated under this paragraph does not count towards meeting the minimum monitoring requirements of this section.

(A) The Department may invalidate a total coliform-positive sample if one of the following applies:

(I) The laboratory which performed the analysis establishes that improper sample analysis caused the total coliform-positive result.

(II) A domestic or other nondistribution system plumbing problem exists when a coliform contamination incident occurs that is limited to a specific service connection from which a coliform-positive sample was taken in a public water system with more than one service connection. The Department's determination to invalidate a sample shall be based on a total coliform-positive check sample collected at the same tap as the original total coliform-positive sample and all total coliform-negative check samples collected within five service connections of the original total coliform positive sample. This type of sample invalidation does not apply to public water systems with only one service connection.

(III) A total coliform-positive sample result is due to a circumstance or condition which does not reflect water quality in the distribution system. The Department's decision to invalidate a sample shall be based on evidence that the sample result does not reflect water quality in the distribution system. In this case, the system shall still collect all check samples required under subparagraph (ii) to determine compliance with the MCL for total coliforms as established under § 109.202(a)(2).

(B) A laboratory shall invalidate a total coliform sample if no total coliforms are detected and one of the following occurs:

(I) The sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined.

(II) The sample exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter.

(C) If a laboratory invalidates a sample because of interference as specified in clause (B), the laboratory shall notify the system within 1 business day to collect another sample from the same location as the original sample within 24 hours of being notified of the interference and have it analyzed for the presence of total coliforms. The system shall resample within 24 hours of being notified of interference and continue to resample every 24 hours until it receives a valid result. The Department may extend this 24-hour limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the resamples analyzed within 30 hours. A logistical problem outside the system's control may include a notification of a laboratory sample invalidation, due to interference, which is received over a holiday or weekend in which the services of a

Department certified laboratory are not available within the prescribed sample holding time.

(iv) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement or repair, may not be used to determine compliance with the MCL for total coliform. Check samples taken under subparagraph (ii) are not considered special purpose samples, and shall be used to determine compliance with the monitoring and MCL requirements for total coliforms established under this paragraph and § 109.202(a)(2).

(4) *Exception.* For a water system which complies with the performance monitoring requirements under paragraph (2), the monitoring requirements for compliance with the turbidity MCL do not apply.

(5) *Monitoring requirements for VOCs.* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for VOCs established by the EPA under 40 CFR 141.61(a) (relating to MCLs for organic contaminants). The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.24(f) (relating to organic chemicals other than total trihalomethanes, sampling and analytical requirements), incorporated herein by reference, except as modified by this chapter. Initial or first year monitoring mentioned in this paragraph refers to VOC monitoring conducted on or after January 1, 1993.

(i) *Vinyl chloride.* Monitoring for compliance with the MCL for vinyl chloride is required only for groundwater entry points at which one or more of the following two-carbon organic compounds have been detected: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene or 1,1-dichloroethylene.

(ii) *Initial monitoring schedule.* The initial monitoring shall consist of four consecutive quarterly samples at each entry point in accordance with the following monitoring schedule during the compliance period beginning January 1, 1993, except for systems which are granted reduced initial monitoring in accordance with clauses (E) and (F). A system which monitors during the initial monitoring period, but begins monitoring before its scheduled initial monitoring year specified in this subparagraph, shall begin monitoring every entry point during the first calendar quarter of the year it begins monitoring, except as provided in clause (E).

(A) Systems serving more than 10,000 persons shall begin monitoring during the quarter beginning January 1, 1994.

(B) Systems serving 3,301 persons to 10,000 persons shall begin monitoring during the quarter beginning January 1, 1995.

(C) Systems serving 500 to 3,300 persons shall begin monitoring during the quarter beginning January 1, 1993.

(D) Systems serving fewer than 500 persons shall begin monitoring during the quarter beginning January 1, 1994.

(E) For systems serving 3,300 or fewer people which monitor at least one quarter prior to October 1, 1993, and do not detect VOCs at an entry point during the first quarterly sample, the required initial monitoring is reduced to one sample at that entry point. For systems serving 500 to 3,300 people to qualify for this reduced monitoring, the initial monitoring shall have been conducted during the quarter beginning January 1, 1993.

(F) For systems serving more than 3,300 people, which were in existence prior to January 1, 1993, initial monitoring for compliance with the MCLs for VOCs established by the EPA under 40 CFR 141.61(a) is reduced to one sample for each entry point which meets the following conditions:

(I) VOC monitoring required by the Department between January 1, 1988, and December 31, 1992, has been conducted and no VOCs regulated under 40 CFR 141.61(a) were detected.

(II) The first quarter monitoring required by this paragraph has been conducted during the first quarter of the system's scheduled monitoring year under this paragraph, with no detection of a VOC.

(G) Initial monitoring of new entry points associated with new sources which are permitted under Subchapter E (relating to permit requirements) to begin operation after December 31, 1992, shall conduct initial monitoring as follows:

(I) Entry points at which a VOC is detected during new source monitoring shall be monitored quarterly beginning the first quarter the entry points begin serving the public. Quarterly monitoring shall continue until reduced monitoring is granted in accordance with subparagraph (iii)(D).

(II) Entry points at which no VOC is detected during new source monitoring shall begin initial quarterly monitoring during the first calendar quarter of the year after the entry point begins serving the public. If no VOC is detected during the first quarter of monitoring, first year monitoring is reduced to one sample at that entry point.

(iii) *Repeat monitoring for entry points at which a VOC is detected.*

(A) For entry points at which a VOC is detected at a level equal to or greater than its MCL during the first year of quarterly monitoring, the monitoring shall be repeated quarterly beginning the quarter following detection at a level equal to or greater than the MCL, for VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i), until reduced monitoring is granted in accordance with clause (D).

(B) For entry points at which a VOC is detected, and reduced monitoring is granted in accordance with clause (D), and a VOC is thereafter detected at a level greater than the MCL, the monitoring shall be repeated quarterly beginning the quarter following detection at a level for the VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i), until reduced monitoring is granted in accordance with clause (D).

(C) For entry points at which no VOC is detected during the first year of monitoring but a VOC is detected thereafter, the monitoring shall be repeated quarterly beginning the quarter following detection at a level for the VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i), or until reduced monitoring is granted in accordance with clause (D).

(D) After analyses of four consecutive quarterly samples at an entry point, including initial quarterly samples, demonstrate that the VOC levels in each quarterly sample are less than the MCLs, the required monitoring is reduced to one sample per year at the entry point for the VOCs for which the EPA has established

MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i).

(E) A confirmation sample shall be collected and analyzed for each VOC listed under 40 CFR 141.61(a) which is detected at a level in excess of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of notification by the certified laboratory performing the analysis that an MCL has been exceeded. The average of the results of the original and the confirmation sample will be used to determine compliance. Monitoring shall be completed by the deadline specified for VOC compliance monitoring.

(iv) *Repeat monitoring for entry points at which no VOC is detected.*

(A) For entry points at which VOCs are not detected during the first year of quarterly monitoring, or annual monitoring if only one sample was required at an entry point for first year monitoring under subparagraph (ii) (E), (F) or (G)(II), required monitoring is reduced to one sample per entry point per year.

(B) For groundwater entry points where VOCs are monitored in accordance with this paragraph, but are not detected during 3 years of quarterly or annual monitoring, or both, required monitoring is reduced to one sample per entry point during each subsequent compliance period. Reduced monitoring shall be conducted at 3-year intervals from the year of required initial monitoring.

(v) *Reduced monitoring.* When reduced monitoring is provided under subparagraph (iii)(D), or subparagraph (iv)(A) or (B), the system shall monitor the entry point during the calendar year quarter of highest anticipated VOC levels or as specified by the Department. The reduced monitoring option in subparagraph (iv)(B) does not apply to entry points at which treatment has been installed for VOC removal. Quarterly performance monitoring is required for VOCs for which treatment has been installed.

(vi) *Waivers.* Waivers under 40 CFR 141.24(f) will not be available for the VOC monitoring requirements in this paragraph.

(6) *Monitoring requirements for SOCs (pesticides and PCBs).* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for SOCs established by the EPA under 40 CFR 141.61(c). The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.24(h), incorporated herein by reference except as modified by this chapter.

(i) *Initial monitoring schedule.* Initial monitoring shall consist of four consecutive quarterly samples at each entry point beginning during the quarter beginning January 1, 1995, except for systems which are granted an initial monitoring waiver in accordance with subparagraph (v). Systems which monitor during the initial monitoring period but begin monitoring before 1995 shall begin monitoring during the first calendar quarter of the year.

(A) New entry points associated with new sources which are vulnerable to SOC contamination, as determined in accordance with subparagraph (v), and which begin operation after March 31, 1995, and do not detect an SOC during new source sampling shall begin initial quarterly monitoring during the first calendar year quarter of the year after the entry point begins serving the public.

(B) New entry points associated with new sources which are vulnerable to SOC contamination as determined in accordance with subparagraph (v), at which an SOC is detected during new source sampling shall begin initial quarterly monitoring the first quarter the entry point begins serving the public. Quarterly monitoring shall continue until reduced monitoring is granted in accordance with subparagraph (ii)(E).

(ii) *Repeat monitoring for SOCs that are detected.* For entry points which were monitored for SOCs during the initial quarterly monitoring period or during the required quarterly monitoring immediately after being determined vulnerable to contamination by an SOC, repeat monitoring shall be conducted as follows:

(A) For entry points at which an SOC is detected at a level equal to or greater than its MCL, the monitoring for the detected SOC shall be continued quarterly, until reduced monitoring is granted in accordance with clause (E).

(B) For entry points at which an SOC is detected during the first year of quarterly monitoring, and reduced monitoring is granted in accordance with clause (E), and the SOC is thereafter detected at a level greater than its MCL, the monitoring for the detected SOC shall be repeated quarterly, until reduced monitoring is granted in accordance with clause (E).

(C) For entry points at which an SOC is not detected during the first year of quarterly monitoring, but an SOC is detected initially thereafter at a level less than the MCL, monitoring shall be repeated annually for the detected SOC.

(D) For entry points at which an SOC is not detected during the first year of quarterly monitoring, but the SOC is detected thereafter at a level equal to or greater than the MCL, monitoring for that SOC shall be repeated quarterly, until reduced monitoring is granted in accordance with clause (E).

(E) After analyses of four consecutive quarterly samples at an entry point, including initial quarterly samples, demonstrate that the SOC level in each quarterly sample is less than the MCL, the required monitoring for each SOC detected below the MCL is reduced to one sample per year at the entry point.

(F) For entry points at which either heptachlor or heptachlor epoxide is detected during the initial round of consecutive quarterly samples, or in subsequent repeat samples, the monitoring shall be continued for both contaminants in accordance with the more frequent monitoring required of the two contaminants based on the level at which each is detected.

(G) A confirmation sample shall be collected and analyzed for each SOC listed under 40 CFR 141.61(c) which is detected at a level in excess of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of the water supplier receiving notification from the certified laboratory performing the analysis that an MCL has been exceeded. The average of the results of the original and the confirmation samples will be used to determine compliance. Confirmation monitoring shall be completed by the deadline specified for SOC compliance monitoring.

(iii) *Repeat monitoring for SOCs that are not detected.* For entry points at which SOCs are not detected during the first year of quarterly monitoring, the required monitoring is reduced to one sample in each 3-year compliance period for systems serving 3,300 or fewer persons and to

two consecutive quarterly samples in each compliance period for systems serving more than 3,300 persons. Reduced monitoring shall be conducted at 3-year intervals from the year of required initial VOC monitoring, in accordance with paragraph (5)(ii).

(iv) *Reduced monitoring.* When reduced monitoring is provided under subparagraph (ii) or (iii), the system shall monitor the entry point during the second calendar year quarter, or the second and third calendar year quarter when two quarterly samples are required in each compliance period, unless otherwise specified by the Department. The reduced monitoring option in subparagraph (iii) does not apply to entry points at which treatment has been installed for SOC removal. Compliance monitoring for SOCs for which treatment has been installed to comply with an MCL shall be conducted at least annually, and performance monitoring shall be conducted quarterly.

(v) *Waivers.* A waiver will be granted to a public water supplier from conducting the initial compliance monitoring or repeat monitoring, or both, for an SOC based on documentation provided by the public water supplier and a determination by the Department that the criteria in clause (B), (C) or (D) has been met. A waiver is effective for one compliance period and may be renewed in each subsequent compliance period. If the Department has not granted an areawide use waiver in accordance with clause (B), the public water supplier is responsible for submitting a waiver application and renewal application to the Department for review in accordance with clause (B) or (C) for specific entry points. Waiver applications will be evaluated relative to the vulnerability assessment area described in clause (A) and the criteria in clause (B) or (C). Entry points at which treatment has been installed to remove an SOC are not eligible for a monitoring waiver for the SOCs for which treatment has been installed.

(A) *Vulnerability assessment area for SOCs except dioxin and PCBs.*

(I) For groundwater entry points, the vulnerability assessment area shall consist of wellhead protection area Zones I and II.

(II) For surface water entry points, the vulnerability assessment area shall consist of the area that supplies water to the entry point and is separated from other watersheds by the highest topographic contour.

(B) *Use waivers.* An areawide use waiver will be granted by the Department for contaminants which the Department has determined have not been used, stored, manufactured or disposed of in this Commonwealth, or portions of this Commonwealth. A use waiver specific to a particular entry point requires that an SOC was not used, stored, manufactured or disposed of in the vulnerability assessment area. If use waiver criteria cannot be met, a public water supplier may apply for a susceptibility waiver.

(C) *Susceptibility waivers.* A susceptibility waiver for specific contaminants may be granted based on the following criteria, and only applies to groundwater entry points:

- (I) Previous analytical results.
- (II) Environmental persistence and transport of the contaminant.
- (III) Proximity of the drinking water source to point or nonpoint source contamination.
- (IV) Elevated nitrate levels as an indicator of the potential for pesticide contamination.

(V) Extent of source water protection or approved wellhead protection program.

(D) *Waivers for dioxin and PCBs.* A system is granted a waiver from monitoring for dioxin and PCBs unless the Department determines that there is a source of dioxin or PCB contamination which poses a threat to a drinking water source.

(7) *Monitoring requirements for IOCs.* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for IOCs established by the EPA under 40 CFR 141.62 (relating to maximum contaminant levels (MCLs) for inorganic contaminants), and for arsenic established by the EPA under 40 CFR 141.11 (relating to maximum contaminant levels for inorganic contaminants). Transient noncommunity water suppliers shall monitor for compliance with the MCLs for nitrate and nitrite. The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.23 (relating to inorganic chemical sampling and analytical requirements). The requirements are incorporated by reference except as modified by this chapter.

(i) *Monitoring requirements for asbestos.*

(A) *Waivers for asbestos monitoring.* A system is granted a waiver from asbestos monitoring unless the Department determines that the system's distribution system contains asbestos cement pipe and the system has not implemented optimum corrosion control measures, or the Department determines that the system's source water is vulnerable to asbestos contamination.

(B) *Initial monitoring schedule.* Community water systems and nontransient noncommunity water systems not granted a waiver under clause (A) shall monitor for compliance with the MCL for asbestos by taking one sample at each vulnerable sampling point during the first 3-year compliance period of each 9-year compliance cycle, with the initial compliance monitoring beginning not later than the calendar year beginning January 1, 1995.

(C) *Monitoring of new entry points.* New entry points which begin operation after December 31, 1995, shall conduct initial monitoring during the first compliance period of the first compliance cycle after the entry point begins serving the public, if the Department determines that a waiver cannot be granted in accordance with clause (A).

(D) *Repeat monitoring for systems that detect asbestos.* If a sample exceeds the MCL for asbestos, the monitoring at that sampling point shall be continued quarterly beginning in the quarter following the MCL violation. After four consecutive quarterly samples less than the MCL at that entry point, the required monitoring is reduced to one sample at that entry point during the first 3-year compliance period of each subsequent 9-year compliance cycle, if treatment has not been installed to remove asbestos from the source water. Compliance monitoring at entry points at which treatment has been installed to remove asbestos from source water shall be conducted at least annually, and performance monitoring shall be conducted quarterly.

(ii) *Monitoring requirements for nitrate and nitrite.* The following compliance monitoring for nitrite is not required at entry points receiving water which has been disinfected with free chlorine, chlorine dioxide or ozone:

(A) *Initial monitoring schedule.* A public water system shall begin new monitoring for nitrate and nitrite by taking one annual sample at each groundwater entry

point to the system beginning during the year beginning January 1, 1993. Community water systems and nontransient noncommunity water systems with surface water sources shall monitor quarterly at each surface water entry point for nitrate and nitrite beginning during the quarter beginning January 1, 1993. Transient noncommunity water systems shall monitor each surface water entry point by taking one annual sample beginning during the year beginning January 1, 1993.

(B) *Monitoring of new entry points.* New community and nontransient noncommunity surface water entry points which begin serving the public after the first calendar quarter of a year and did not detect levels of nitrate or nitrite equal to or greater than 50% of the MCL during new source sampling shall begin initial monitoring for nitrate and nitrite during the first calendar quarter of the year after the entry point begins serving the public. New community and nontransient noncommunity groundwater and surface water entry points at which nitrate or nitrite is detected at levels equal to or greater than 50% of the MCL during new source sampling shall begin initial quarterly monitoring the first quarter the entry point begins serving the public. New community and nontransient noncommunity groundwater entry points at which nitrate and nitrite are not detected at levels equal to or greater than 50% of the MCL, and all transient noncommunity entry points, shall begin initial annual monitoring during the first new calendar year after the entry point begins serving the public.

(C) *Repeat monitoring for systems with nitrate or nitrite levels equal to or greater than 50% of the MCL.*

(I) For entry points at which initial monitoring results or subsequent monitoring indicate nitrate or nitrite levels equal to or greater than 50% of the MCL, community and nontransient noncommunity water systems shall begin quarterly monitoring the quarter following detection at that level and continue quarterly monitoring for both nitrate and nitrite, unless reduced monitoring is granted in accordance with subclause (III).

(II) For entry points at which initial monitoring results or subsequent monitoring indicate nitrate or nitrite levels greater than the MCL, transient noncommunity systems shall begin quarterly monitoring the quarter following detection at that level and continue quarterly monitoring for both nitrate and nitrite, unless reduced monitoring is granted in accordance with subclause (IV).

(III) After four consecutive quarterly samples at an entry point for a community or nontransient noncommunity system indicate nitrate and nitrite levels in each sample are less than 50% of the MCLs, the required compliance monitoring is reduced to one sample per year at the entry point. Annual monitoring shall be conducted during the calendar quarter in which the consecutive quarterly monitoring indicated that the highest levels of contamination were present, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

(IV) After four consecutive quarterly samples at an entry point for a transient noncommunity system indicate nitrate and nitrite levels in each sample are less than the MCLs, the required compliance monitoring is reduced to one sample per year at the entry point. Annual monitoring shall be conducted during the calendar quarter in which the consecutive quarterly monitoring indicated that the highest levels of contamination were present, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

(V) For nitrate or nitrite sample results in excess of the MCLs, the water supplier shall take a confirmation sample within 24 hours of having received the original sample result. Noncommunity water systems for which an alternate nitrate level has been approved by the Department in accordance with 40 CFR 141.11(d) are not required to collect a confirmation sample if only the nitrate MCL is exceeded and nitrate is not in excess of the alternate nitrate level. If the alternate nitrate level is exceeded, the water supplier shall collect a confirmation sample within 24 hours after being advised by the certified laboratory performing the analysis that the compliance sample exceeded 20 mg/l for nitrate. Confirmation monitoring shall be completed by the deadline for compliance monitoring. Quarterly performance monitoring is required for nitrate and nitrite at entry points where treatment has been installed to remove nitrate or nitrite.

(D) *Repeat monitoring for systems with nitrate and nitrite levels less than 50% of the MCLs.* For entry points at which initial monitoring results indicate nitrate and nitrite levels in each sample are less than 50% of the MCLs, nitrate and nitrite monitoring shall be repeated annually during the calendar quarter in which the water supplier anticipates the highest levels of contamination, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

(iii) *Monitoring requirements for antimony, arsenic, barium, beryllium, cadmium, cyanide, chromium, fluoride, mercury, nickel, selenium and thallium.*

(A) *Initial monitoring schedule.* Community water systems and nontransient noncommunity water systems shall monitor each surface water entry point annually beginning during the year beginning January 1, 1993, and shall monitor each groundwater entry point once every 3 years beginning during the year beginning January 1, 1994.

(B) *Monitoring of new entry points.* New groundwater entry points which begin operation after December 31, 1994, shall begin initial monitoring in accordance with the schedule in clause (A)—that is, 1997, and so forth. New surface water entry points shall begin initial annual monitoring during the first new calendar year after the entry point begins serving the public.

(C) *Repeat monitoring for entry points at which an IOC MCL is exceeded.*

(I) For entry points at which initial monitoring results or subsequent monitoring indicates an IOC level in excess of the MCL, monitoring shall be repeated quarterly beginning the quarter following detection at that level for each IOC in excess of an MCL, until reduced monitoring is granted in accordance with subclause (II).

(II) After analyses of four consecutive quarterly samples at an entry point where treatment has not been installed to comply with an IOC MCL indicate that contaminant levels are less than the MCLs, the required monitoring for each IOC less than the MCL is reduced to the frequencies stated in clause (A). This reduced monitoring option does not apply to entry points at which treatment has been installed for IOC removal. Compliance monitoring for IOCs for which treatment has been installed to comply with an MCL shall be conducted at least annually, and performance monitoring shall be conducted quarterly.

(III) A confirmation sample shall be collected and analyzed for each IOC listed under 40 CFR 141.11(b) or

141.62(b) which is detected at a level in excess of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of notification by the certified laboratory performing the analysis that an MCL has been exceeded. The average of the results of the original and the confirmation samples will be used to determine compliance. Confirmation monitoring shall be completed by the deadline specified for IOC compliance monitoring.

(D) *Waivers for IOC monitoring.* Except when treatment has been installed to remove the IOC, after three consecutive rounds of quarterly, annual or triennial monitoring indicate the contaminant level for an IOC is below the MCL in all samples at an entry point, routine monitoring for the remainder of the compliance cycle for that IOC is waived and the required monitoring for the IOC is reduced to one sample per 9-year compliance cycle at that entry point. Reduced monitoring shall be conducted during the first monitoring period of the next monitoring cycle. A waiver is effective for one compliance cycle and may be renewed in each subsequent compliance cycle.

(E) *Operational monitoring for fluoride.* Public water suppliers who fluoridate shall conduct operational monitoring for fluoride daily.

(8) *Monitoring requirements for public water systems that obtain finished water from another public water system.*

(i) Consecutive water suppliers shall monitor for compliance with the MCL for microbiological contaminants at the frequency established by the EPA and incorporated by reference into this chapter.

(ii) Community consecutive water suppliers shall:

(A) Monitor for compliance with the MCL for total trihalomethanes (TTHMs) at the frequency established by the EPA and incorporated by reference into this chapter if the system does one of the following:

(I) Serves more than 10,000 persons.

(II) Obtains finished water from another public water system serving more than 10,000 persons.

(B) Monitor the distribution system for compliance with the MCL for asbestos at the frequency indicated in paragraph (7)(i), when the Department determines that the system's distribution system contains asbestos cement pipe and optimum corrosion control measures have not been implemented.

(iii) Consecutive water suppliers are exempt from conducting monitoring for the MCLs for VOCs, SOCs and IOCs if the public water system from which the finished water is obtained complies with paragraphs (5)—(7), except that asbestos monitoring is required in accordance with subparagraph (ii)(B).

(iv) For a public water system which is not a consecutive water system, the exemption in subparagraph (iii) applies to entry points which obtain finished water from another public water system.

(v) A public water supplier that obtains finished water from another permitted public water system using surface water sources shall, beginning May 16, 1992, measure the residual disinfectant concentration at representative points in the distribution system at least as frequently as the frequency required for total coliform sampling for compliance with the MCL for microbiological contaminants.

(9) *Monitoring requirements for POE devices.* A public water supplier using a POE device shall, in addition to the monitoring requirements specified in paragraphs (1)—(8), conduct monitoring on the devices installed. As a minimum, the monitoring shall include the MCLs for which the POE device is intended to treat and monthly microbiological monitoring. The Department may allow the water supplier to reduce the frequency of microbiological monitoring based upon historical performance. Except for microbiological contaminants, monitoring shall be performed quarterly on 25% of the installed POE devices with the locations rotated so that each device is monitored at least once annually, unless increased monitoring is required by the Department under § 109.302.

(10) *Additional monitoring.* The Department may by written notice require a public water supplier to conduct monitoring for compliance with MCLs during a specific portion of a monitoring period, if necessary to ensure compliance with the monitoring or reporting requirements in this chapter.

(11) *Monitoring requirements for entry points that do not provide water continuously.* Entry points from which water is not provided during every quarter of the year shall monitor in accordance with paragraphs (5)—(7), except that monitoring is not required during a quarter when water is not provided to the public, unless special monitoring is required by the Department under § 109.302.

Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES

§ 109.701. Reporting and recordkeeping.

(a) *Reporting requirements for public water systems.* Public water systems shall comply with the following requirements:

(1) *General reporting requirements.* Unless a shorter period is specified in this section, the water supplier shall assure that the results of test measurements or analyses required by this chapter are reported to the Department within either the first 10 days following the month in which the result is received or the first 10 days following the end of the required monitoring period as stipulated by the Department, whichever is shorter. The test results shall include the following at a minimum:

(i) The name, address and public water system identification number (PWSID) of the public water system from which the sample was taken.

(ii) The name, address and identification number of the laboratory performing the analysis unless the analysis is not required to be performed by a certified laboratory.

(iii) The results of analytical methods, including negative results.

(iv) Contaminants.

(v) Analytical methods used.

(vi) The date of sample.

(vii) The date of analysis.

(viii) Sample location.

(2) *Monthly reporting requirements for performance monitoring.*

(i) The test results of performance monitoring required under § 109.301(1) (relating to general monitoring requirements) for public water suppliers providing filtration and disinfection of surface water sources shall include the following at a minimum:

- (A) For turbidity performance monitoring:
 - (I) The number of days of filtration operation.
 - (II) The number of measurements taken each month.
 - (III) The number of measurements that equal or exceed .5 NTU for conventional, direct or other filtration technologies, or 1.0 NTU for slow sand or diatomaceous earth filtration technologies.
 - (IV) The date, time and values of measurements exceeding 2.0 NTU.
- (B) For performance monitoring of the residual disinfectant concentration of the water being supplied to the distribution system:
 - (I) The date, time and lowest value each day.
 - (II) The date, duration and number of periods each day when the concentration is less than .2 mg/l for more than 4 hours.
 - (C) For performance monitoring of the residual disinfectant concentration at representative points in the distribution system report the following:
 - (I) The number of monthly routine samples required.
 - (II) The number of monthly routine samples collected and analyzed.
 - (III) The number of samples in which the residual disinfectant concentration was less than 0.02 mg/l.
 - (IV) For samples in which the residual disinfectant concentration was less than 0.02 mg/l: the date, time and value of each sample.
 - (i) The test results of performance monitoring required under § 109.301(2) for public water suppliers using unfiltered surface water sources shall include the following, at a minimum:
 - (A) For turbidity performance monitoring:
 - (I) The date, time and value of each sample that exceeds 1.0 NTU.
 - (II) The date, time and highest turbidity value, if the turbidity does not exceed 1.0 NTU in a sample.
 - (B) For performance monitoring of the residual disinfectant concentration of the water being supplied to the distribution system:
 - (I) The date, time and lowest value each day the concentration is less than the residual disinfectant concentration required under § 109.202(c)(1)(iii) (relating to State MCLs and treatment technique requirements).
 - (II) If the concentration does not fall below that required under § 109.202(c)(1)(iii) during the month, report the date, time and lowest value measured that month.
 - (C) For performance monitoring of the residual disinfectant concentration at representative points in the distribution system, report the following:
 - (I) The number of monthly routine samples required.
 - (II) The number of monthly routine samples collected and analyzed.
 - (III) The number of samples in which the residual disinfectant concentration was less than 0.02 mg/l.
 - (IV) For samples in which the residual disinfectant concentration was less than 0.02 mg/l: the date, time and value of each sample.
 - (D) For performance monitoring of the fecal coliform or total coliform density determinations on samples of the

source water immediately prior to disinfection: the date, time and value of each sample.

(iii) The test results from performance monitoring required under § 109.301(7)(v) of the residual disinfectant concentration of the water in the distribution system shall include the date, time and value of each sample.

(iv) The test results of heterotrophic plate count measurements taken under § 109.710(b) (relating to disinfectant residual in the distribution system) shall include the date, time and value of each sample.

(3) *Compliance report.* The water supplier shall report to the Department within 48 hours failure to comply with Subchapter C (relating to monitoring requirements), except that emergency notification shall be made under § 109.402 (relating to emergency public notification).

(4) *Notice.* The water supplier shall, within 10 days of completion of each public notification required under Subchapter D (relating to public notification), submit to the Department a representative copy of each type of notice and a description of the publication, distribution, posting or other means undertaken to make the notice available.

(5) *Siting plan.* The water supplier shall submit to the Department a written sample siting plan for routine coliform sampling as required by § 109.303(a)(2) within 30 days of receipt of the Department's request for this information.

(i) A sample siting plan shall include at a minimum the following:

(A) A list of available sample site locations in the distribution system to be used for routine monitoring purposes, including the first service connection (or Department approved equivalent) and dead ends.

(B) The name of the company or individual collecting the samples.

(C) A time period by which available sites representative of the distribution system are to be sampled during each monitoring period.

(ii) The Department's approval of a sample siting plan will be based upon the following:

(A) The population served by the system.

(B) The accessibility of sample sites.

(C) The past monitoring history for the system.

(D) The completeness of the sample siting plan which includes the information specified in subparagraph (i) and other information relating to the criteria in this subparagraph necessary for evaluation of the sample siting plan.

(iii) A water supplier shall revise and resubmit its sample siting plan within 30 days of notification by the Department of a sample siting plan which fails to meet the criteria in subparagraphs (i) and (ii).

(iv) The water supplier shall notify the Department of subsequent revisions to an approved coliform sample siting plan for approval as they occur. Revisions to an approved coliform sample siting plan shall be submitted in written form to the Department within 30 days of notifying the Department of the revisions.

(6) *Records.* Upon request by the Department, the water supplier shall submit copies of records required to be maintained under this subchapter.

(7) *Form.* Reports required by this chapter shall be submitted in a manner or form acceptable to the Department.

(b) *Reporting requirements for community water systems.* In addition to the reporting requirements for a public water system, a community water supplier shall comply with the following requirements:

(1) The water supplier shall prepare a monthly operational report on forms provided by the Department or in a form acceptable to the Department. The report shall be maintained on file by the operator for at least 2 years and submitted upon request of the Department. The report shall include at least the following:

- (i) The water produced daily.
- (ii) The chemical added daily.
- (iii) The physical and chemical determinations taken daily.
- (iv) Water-level monitoring data for supply and any associated monitoring wells.
- (v) The maintenance performed.
- (vi) Operational problems.

(2) The water supplier shall submit by March 31 an annual water supply report for the prior calendar year on forms provided by the Department or in a form acceptable to the Department. This report shall include information relating to water use, connections, distribution system and storage.

(3) The water supplier shall keep a record of complaints received from consumers related to this act or in a form acceptable to the Department. Water suppliers complying with the Pennsylvania Public Utility Commission (PUC) complaint recordkeeping requirements under 52 Pa. Code § 65.3 (relating to complaints) shall be in compliance with this subsection if the complaints related to the act or this chapter are cross referenced within the PUC required records in a manner to make them readily available. The records shall be maintained on file by the operator for at least 3 years and submitted upon request of the Department.

(c) *Reporting requirements for nontransient noncommunity water systems.* In addition to complying with the reporting requirements for public water systems under subsection (a), a nontransient noncommunity water system shall comply with subsection (b)(1) except that records of water produced daily are not required.

(d) *Record maintenance.* The public water supplier shall retain on the premises of the public water system or at a convenient location near the premises the following:

(1) Records of bacteriological analyses which shall be kept for at least 5 years, and records of chemical analyses which shall be kept for at least 12 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, if the following information is included:

- (i) The date, place and time of sampling, and the name of the person who collected the sample.
- (ii) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or finished water sample or other special purpose sample.
- (iii) The date of analysis.
- (iv) The laboratory, certification number and person responsible for performing the analysis.

(v) The analytical technique and methods used.

(vi) The results of the analysis.

(2) Records of performance monitoring required under § 109.301 which shall be kept for at least 3 years. At a minimum, these records shall contain the reporting requirements under subsection (a).

(3) Records of action taken by the public water supplier to correct violations of MCLs or treatment technique requirements, which shall be kept for at least 3 years after the last action taken with respect to the particular violation involved.

(4) Copies of written reports or communications relating to sanitary surveys conducted by a water supplier or his agent, which shall be kept for at least 12 years.

(5) Records concerning a variance or exemption granted to the system which shall be kept at least 5 years following the expiration of the variance or exemption.

(6) Plans, specifications and permits for water system facilities which shall be kept for the life of the facility.

(7) Records concerning the use of acrylamide and epichlorohydrin shall be kept for at least 12 years. These records shall include verification that the chemicals used were certified for conformance with ANSI/NSF Standard 60 in accordance with § 109.606 (relating to chemicals, materials and equipment) and that the combination—or product—of dose and monomer level did not exceed the following:

- (i) Acrylamide = 0.05% dosed at 1 ppm (or equivalent).
- (ii) Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent).

Subchapter J. BOTTLED WATER AND VENDED WATER SYSTEMS, RETAIL WATER FACILITIES AND BULK WATER HAULING SYSTEMS

§ 109.1003. Monitoring requirements.

(a) *General monitoring requirements.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall monitor for compliance with the MCLs in accordance with § 109.301 (relating to general monitoring requirements) and shall comply with § 109.302 (relating to special monitoring requirements). The monitoring requirements shall be applied as follows, except that systems which have installed treatment to comply with a primary MCL shall conduct quarterly operational monitoring for the contaminant which the facility is designed to remove:

(1) Bottled water systems, retail water facilities and bulk water hauling systems, for each entry point shall:

- (i) Monitor for microbiological contaminants weekly.
- (ii) Monitor for turbidity every 4 hours or continuously each day a surface water source is in use.

(iii) Monitor for compliance with the MCLs for VOCs in accordance with § 109.301(5) beginning during the quarter that begins January 1, 1995, except that:

(A) Systems that obtain finished water from another permitted public water system are exempt from conducting monitoring for the VOCs if the public water system supplying the finished water performs the required monitoring at least annually and a copy of the analytical reports are received by the Department.

(B) For systems in existence prior to January 1, 1995, that obtain raw water from only protected groundwater sources, initial monitoring for compliance with the MCLs

for VOCs established by the EPA under 40 CFR 141.61(a) (relating to MCLs for organic contaminants) on January 30, 1991, and July 17, 1992, will be reduced to one sample for entry points or systems which meet the following conditions:

(I) The VOC monitoring required by the Department between January 1, 1988, and December 31, 1994, has been conducted and no VOCs were detected.

(II) The first quarter of VOC monitoring required by this subparagraph has been conducted during the first quarter of 1995 with no detection of a VOC.

(C) Initial monitoring of new entry points associated with new sources which are permitted in accordance with § 109.1005 (relating to permit requirements) to begin operation after December 31, 1994, shall be conducted as follows:

(I) Entry points at which a VOC is detected during new source monitoring shall be monitored quarterly beginning the first quarter the entry points begin serving the public. Quarterly monitoring shall continue until reduced monitoring is granted in accordance with clause (D)(I).

(II) Entry points at which no VOC is detected during new source monitoring shall begin initial quarterly monitoring during the first calendar quarter of the year after the entry point begins serving the public.

(D) Repeat monitoring for entry points shall be conducted as follows:

(I) For an entry point at which a VOC is detected during initial monitoring or where a VOC is detected anytime at a level in excess of its MCL, compliance monitoring shall be repeated quarterly for the VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in § 109.301(5)(i). After analyses of four consecutive quarterly samples at an entry point, including initial quarterly monitoring samples, demonstrate that the VOC levels in each quarterly sample are less than the MCLs, the required compliance monitoring is reduced to one sample per year at that entry point for all 21 VOCs, except for vinyl chloride as provided in § 109.301(5)(i).

(II) For a groundwater or surface water entry point at which VOCs are not detected during the initial and subsequent repeat monitoring, repeat monitoring shall be one sample per year from that entry point.

(iv) Conduct initial and repeat monitoring for compliance with the MCLs for SOCs—pesticides and PCBs—in accordance with § 109.301(6) for four consecutive quarters beginning during the quarter that begins January 1, 1995, except that:

(A) Systems that obtain finished water from another permitted public water system are exempt from conducting compliance monitoring for the SOCs if one of the following applies:

(I) The public water system supplying the finished water performs the required monitoring annually and a copy of the analytical results are received by the Department.

(II) The public water system supplying the water has been granted a waiver from conducting the initial or repeat compliance monitoring, or both, for one or more SOCs under § 109.301(6)(v). This exemption from conducting compliance monitoring applies only to SOCs indicated in the waiver.

(B) Systems which are granted an initial monitoring waiver in accordance with § 109.301(6)(v) are exempt from conducting compliance monitoring for the SOCs indicated in the waiver.

(C) Initial monitoring of new entry points associated with new sources which are permitted in accordance with § 109.1005 to begin operation after December 31, 1994, shall be conducted as follows:

(I) Entry points at which an SOC is detected during new source monitoring shall be monitored quarterly beginning the first quarter the entry points begin serving the public. Quarterly monitoring shall continue until reduced monitoring is granted in accordance with clause (D)(I).

(II) Entry points at which no SOC is detected during new source monitoring and which begin operation before April 1, 1995, shall conduct initial quarterly monitoring beginning during the quarter beginning January 1, 1995.

(III) Entry points at which no SOC is detected during new source monitoring and which begin operation after March 31, 1995, shall conduct initial quarterly monitoring beginning during the first calendar quarter of the year after the entry point begins serving the public.

(D) Repeat monitoring for entry points shall be conducted as follows:

(I) For entry points at which an SOC is detected during initial monitoring or where an SOC is detected anytime in excess of its MCL, compliance monitoring shall be repeated quarterly for the detected SOC for which the EPA has an established MCL under 40 CFR 141.61(c). After analyses of four consecutive quarterly samples at an entry point, including initial quarterly monitoring samples, demonstrate that the SOC level in each quarterly sample is less than the MCL, the required compliance monitoring is reduced for each SOC below the MCL to one sample per year at that entry point.

(II) For a groundwater or surface water entry point at which SOCs are not detected during the initial and any subsequent repeat monitoring, repeat monitoring shall be one sample per year from that entry point.

(v) Beginning in 1995, monitor for the primary IOCs, including lead and copper annually, except that:

(A) Systems are granted a waiver from asbestos monitoring unless the Department determines that the system's finished water is vulnerable to asbestos contamination by means of an asbestos cement pipe or the system's source water is vulnerable to asbestos contamination.

(B) Systems that obtain finished water from another permitted public water system are exempt from conducting compliance monitoring for the IOCs, except lead, copper and asbestos if the supplying system has not optimized corrosion control, if the public water system supplying the finished water performs the required monitoring annually and a copy of the analytical results is received by the Department.

(C) Monitoring for compliance with the MCLs for nitrate and nitrite shall be conducted quarterly following a monitoring result which is equal to or greater than 50% of the MCL. After four consecutive quarterly samples, indicate nitrate and nitrite in each sample are less than 50% of the MCLs, required monitoring is reduced to one sample per year.

(vi) Conduct operational monitoring for fluoride at least once each day, if the system fluoridates its water.

(vii) Monitor for compliance with radiological MCLs once every 4 years.

(2) Vended water systems shall monitor in accordance with paragraph (1) except that vended water systems qualifying for permit by rule under § 109.1005(b) (relating to permit requirements), for each entry point shall:

(i) Monitor monthly for microbiological contaminants.

(ii) Monitor annually for total dissolved solids, lead and cadmium.

(iii) Conduct special monitoring as required by the Department.

(b) *Special monitoring requirements for unregulated contaminants.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems, except vended water systems permitted by rule, shall monitor for the unregulated contaminants in accordance with the initial monitoring schedule for VOCs as prescribed in subsection (a).

(c) *Sampling requirements.*

(1) For bottled water and vended water systems, retail water facilities and bulk water hauling systems, samples taken to determine compliance with MCLs, monitoring requirements, including special monitoring requirements for unregulated contaminants, and treatment techniques shall be taken from each entry point.

(i) For bottled water systems, each entry point means each finished bottled water product. If multiple sources are used for a product and are not blended prior to bottling, the bottled water product for each source shall be considered a different product for monitoring purposes.

(ii) For bulk water hauling systems, retail water facilities and vended water systems, each entry point shall mean a point of delivery to the consumer from each carrier vehicle, machine or dispenser representative of each source.

(2) For the purpose of determining compliance with the monitoring and analytical requirements established under this subchapter, the Department will consider only those samples analyzed by a laboratory certified by the Department, except that measurements of turbidity, fluoridation operation, residual disinfection concentration, temperature and pH may be performed by a person meeting the requirements of § 109.1008(c) (relating to systems management responsibilities).

(3) Public water suppliers shall assure that samples for laboratory analysis are properly collected and preserved, are collected in proper containers, do not exceed maximum holding times between collection and analysis and are handled in accordance with guidelines governing quality control which may be established by the Department. A public water supplier who utilizes a certified laboratory for sample collection as well as analysis satisfies the requirements of this subsection.

(4) Compliance monitoring samples for VOCs, as required under subsection (a)(1)(iii), and for the unregulated contaminants as required under subsection (b), shall be collected by a person properly trained by a laboratory certified by the Department to conduct VOC or vinyl chloride analysis.

(5) Compliance monitoring samples required under subsections (a)(1)(iii) and (b) may be composited in accordance with 40 CFR 141.24(g)(7) (relating to organic chemicals other than total trihalomethanes, sampling and analytical requirements) except:

(i) Samples from groundwater entry points may not be composited with samples from surface water entry points.

(ii) Samples from one type of bottled water product or vended water product may not be composited with samples from another type of bottled water product or vended water product.

(iii) Samples used in compositing shall be collected in duplicate.

(iv) If a VOC listed under 40 CFR 141.61(a) is detected at an entry point, samples from that entry point may not be composited for subsequent compliance or repeat monitoring requirements.

(v) Samples obtained from an entry point which contains water treated by a community water supplier or nontransient noncommunity water supplier to specifically meet an MCL for a VOC listed under 40 CFR 141.61(a) may not be composited with other entry point samples.

(d) *Repeat monitoring for microbiological contaminants.*

(1) If a sample collected in accordance with subsection (a)(1)(i) is found to be total coliform-positive:

(i) The bottled water system shall collect a set of 3 additional samples (check) from the same lot or batch of the type of product.

(ii) The vended water, retail water facility or bulk water hauling systems shall collect a set of four additional samples (check) from the same entry point (machine, point of delivery or carrier vehicle).

(2) Samples shall be collected for analysis within 24 hours of being notified of the total coliform-positive sample. The Department may extend this 24-hour collection limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the check samples analyzed within 30 hours of collection. A logistical problem outside the system's control may include a coliform-positive result received over a holiday or weekend in which the services of a Department certified laboratory are not available within the prescribed sample holding time.

(3) If a check sample is total coliform-positive, the system shall be deemed to have violated the MCL for total coliforms established under § 109.1002 (relating to MCLs or treatment techniques).

§ 109.1005. Permit requirements.

(a) *General permit requirement.* A person may not construct or operate a bottled water or vended water system, retail water facility or bulk water hauling system without first having obtained a public water system permit under subsection (b) or (e).

(b) *Special permit by rule requirement for vended water systems.*

(1) A person constructing and operating a vended water system shall obtain a separate and distinct permit under subsection (d) for each water vending machine owned by the same person unless the vended water system satisfies the conditions in this subsection. A separate and distinct permit by rule will be required for each Department region in which the water vending machines are located. The Department retains the right to require a vended water system that meets the requirements of this subsection to obtain a permit, if, in the judgment of the Department, the vended water system cannot be adequately regulated through the standardized specifications and conditions. A vended water system which is released from the obligation to obtain a permit shall

comply with the other requirements of this subchapter, including design, construction and operation requirements.

(i) A vended water system in which all water vending machines are located in the same Department region.

(ii) A vended water system which has as its sole source of water, finished water from existing permitted community water systems and uses only NAMA approved water vending machines satisfies the permit requirement of the act.

(2) A vended water system covered under this subsection shall register with the Department on forms provided by the Department. Amendments to the registration shall be filed when a substantial modification is made to the system. Descriptions of modifications shall be filed within 30 days of operation of the modification.

(c) *Special permit by rule requirement for bottled water systems.* A person owning or operating a bottled water system in this Commonwealth permitted under this chapter shall obtain an amended permit before making substantial modifications to the processing and bottling facilities unless the bottled water system satisfies the conditions in paragraphs (1)—(5). The permit by rule does not apply to the collection facilities. The Department retains the right to require a bottled water system that meets the requirements of paragraphs (1)—(5) to obtain a permit, if, in the judgment of the Department, the bottled water system cannot be adequately regulated through the standardized specifications and conditions. A bottled water system which is released from the obligation to obtain a permit shall comply with the other requirements of this subchapter, including design, construction and operation requirements. The following are the conditions for a permit by rule:

(1) The bottled water system has as its sole source of water permitted groundwater sources which are not under the direct influence of surface water as determined through the Department's *Guidance for Surface Water Identification* protocol or finished water from a Department approved community water system.

(2) The water quality of the sources does not exceed the Food and Drug Administration quality standards for primary (that is, health-related) chemical and radiological contaminants specified in 21 CFR 165.110 (relating to bottled water) as determined under sampling conducted under subsection (e)(4)(ii) and requires treatment no greater than disinfection to provide water of a quality that meets the primary MCLs established under Subchapter B (relating to MCLs and treatment techniques).

(3) Proof that the facilities meet the standards of the Food and Drug Administration in 21 CFR Parts 110, 129 and 165 (relating to current good manufacturing practice in manufacturing, packing, or holding human food; processing and bottling of bottled drinking water; and beverages) and the IBWA Model Bottled Water Code as determined by an onsite evaluation conducted by a Nationally recognized, independent, not-for-profit third-party organization such as NSF or other organization acceptable to the Department. The onsite evaluation shall be conducted annually. The proof shall consist of the report issued by the organization which shall be submitted to the Department within 30 days following the completion of the onsite evaluation. To be acceptable to the Department, the organization shall:

(i) Be accredited by ANSI as a third-party inspection/evaluation organization.

(ii) Have well developed, documented policies, procedures and contracts to support Department enforcement actions for meeting compliance objectives.

(4) A bottled water system intending to operate under this subsection shall submit written notification to the Department with documentation that the system complies with paragraphs (1)—(3).

(5) A bottled water system operating under this subsection shall file descriptions of substantial modifications made to the system to the Department within 30 days of operation of the modification. The description shall include documentation that the modification meets the following requirements as applicable:

(i) Compliance with the product water-contact materials and treatment chemical additives toxicological requirements of § 109.606 (relating to chemicals, materials and equipment) or alternatively, the Food and Drug Administration standards in 21 CFR Part 129.

(ii) Validated treatment technologies for the reduction of contaminants. Validated treatment technologies are those that have been permitted by the Department under this chapter at the bottled water system operating under the permit by rule or certified to an applicable ANSI/NSF standard by NSF or other certification organization acceptable to the Department or verified under the EPA Environmental Technology Verification Program. To be acceptable to the Department, a certification organization other than NSF shall be accredited by ANSI as a third-party certification organization and meet the requirements under § 109.606(d) (relating to chemicals, materials and equipment) as applicable to the appropriate ANSI/NSF standard for the treatment technology.

(6) The Department will publish a notice in the *Pennsylvania Bulletin* of its determination that a bottled water system has complied with paragraphs (1)—(4) and is operating under the permit by rule. The Department will publish a notice in the *Pennsylvania Bulletin* of descriptions submitted under paragraph (5) of substantial modifications made by a bottled water system operating under the permit by rule.

(d) *Permit amendments.* A person may not substantially modify a bottled water or vended water system, retail water facility or bulk water hauling system operated under a public water system permit without obtaining a permit amendment from the Department or otherwise complying with subsection (f).

(e) *Permit applications.* An application for a public water system permit for a bottled water or vended water system, retail water facility or bulk water hauling system shall be submitted in writing on forms provided by the Department and shall be accompanied by plans, specifications, engineer's report, water quality analyses and other data, information or documentation reasonably necessary to enable the Department to determine compliance with the act and this chapter. The Department will make available to the applicant the Public Water Supply Manual, available from the Bureau of Water Supply Management, Post Office Box 8467, Harrisburg, Pennsylvania 17105-8467 which contains acceptable design standards and technical guidance. Water quality analyses shall be conducted by a laboratory certified under this chapter. An application for a public water system permit for a bottled water or vended water system, retail water facility or bulk water hauling system shall include:

(1) The signature of the appropriate individual identified in § 109.503(a)(1)(i) (relating to public water system construction permits).

(2) Plans, specifications and engineer's report or modules prepared by or under the supervision of a professional engineer registered to practice in this Commonwealth, or in the state in which the water system is located, except that manufacturer's drawings and specifications for equipment or vending machines may be submitted in lieu of plans and specifications, as prescribed in this section, for the equipment or machines.

(3) The front cover or flyleaf of each set of drawings, and of each copy of the specifications and engineer's report, except for manufacturer's drawings and specifications, shall bear the signature and imprint of the seal of the registered professional engineer. Each drawing shall bear an imprint or a legible facsimile of the seal.

(4) Information describing new sources as follows:

(i) A comprehensive sanitary survey of the physical surroundings of each new source of raw water.

(ii) An evaluation of the quantity and quality of the raw water available from each new source. The evaluation shall include data for each primary and secondary contaminant and other contaminants the Department determines necessary to evaluate potability of the source. When a new source is finished water from another public water system, the most recent quality data in compliance with the monitoring requirements of this chapter, obtained from the public water system supplying the finished water may be submitted.

(5) An erosion and sedimentation control plan which meets the requirements in Chapter 102 (relating to erosion control) when earthmoving activities are involved.

(6) In lieu of compliance with paragraphs (2)—(5), the Department may accept approval of an out-of-State systems' source and facilities by the agency having jurisdiction over drinking water in that state if the supplier submits proof of the approval by the other State agency.

(7) In addition to the information required under paragraphs (1)—(6), an application for a bottled water system permit shall include:

(i) An analysis of the quality of the manufactured water for each bottled water product. The analysis shall include data for each primary and secondary contaminant under § 109.1002 (relating to MCLs or treatment techniques).

(ii) A copy of each label of identification to be affixed to each type of bottled water product and trade name distributed by the public water system.

(iii) Proof that the system is in compliance with the standards of the Food and Drug Administration contained in 21 CFR Part 129.

(A) For out-of-State bottled water systems, the proof shall consist of the report issued by a Nationally recognized organization which inspects bottled water systems for compliance with 21 CFR Part 129, such as NSF, or another organization, state or country which utilizes an inspection protocol as stringent as NSF's protocol.

(B) For in-State bottled water systems, the proof shall consist of an inspection report issued by the Department.

(8) In addition to the information required under paragraphs (1)—(6), an application for a bulk water hauling system shall include:

(i) A detailed description of each water transportation tank, fill connection, outlet valve, hose, pump and other appurtenances including the manner in which they will be protected from contamination.

(ii) A description of the exact location where withdrawals will be made from each source of supply.

(9) In addition to the information required under paragraphs (1)—(6), an application for a vended water system shall include:

(i) A description of the exact location of each water vending machine.

(ii) A copy of the system's operation and maintenance plan detailing machine maintenance schedules.

(iii) A copy of the NAMA certification for each type of machine, if a certification has been issued.

(10) In addition to the information required under paragraphs (1)—(6), an application for a retail water facility shall include:

(i) A copy of NSF certificates, when applicable, for system components.

(ii) A copy of product labels, when applicable.

(f) *Permit amendment applications.* A bottled water or vended water system, retail water facility or bulk water hauling system operating under a public water system permit shall obtain a permit amendment before making a substantial modification to the public water system.

(1) A water supplier shall submit an application for a major permit amendment in accordance with subsection (e), if the proposed modification constitutes a major change to the public water system.

(i) For bottled water systems and retail water facilities, typical modifications which may be considered major changes are proposed new sources, additions or deletions of treatment techniques or processes and new types of products.

(ii) For bulk water hauling systems typical modifications which may be considered major changes are proposed new sources, additions or deletions of treatment techniques or processes, pumping stations and storage reservoirs.

(iii) For vended water systems, typical modifications which may be considered major changes are proposed additions or deletions of treatment techniques or processes, new product lines or types of products and the addition to the system of machines not certified by NAMA. For new sources, the supplier shall obtain a separate and distinct permit in accordance with subsection (e) unless the system qualifies for a permit by rule under subsection (b).

(2) A water supplier shall submit a written request to the Department for a minor permit amendment if the proposed modification constitutes a relatively minor change to the public water system. A request for a permit amendment under this paragraph shall describe the proposed change in sufficient detail to allow the Department to adequately evaluate the proposal.

(i) For bottled water systems and retail water facilities, typical modifications which can generally be accomplished under this paragraph include:

(A) Changes in treatment chemicals.

(B) Construction of storage tanks designed to standard specifications.

(C) Installation of replacement equipment.

(D) Changes in legal status, such as transfers of ownership, incorporation or mergers.

(ii) For bulk water hauling systems, typical modifications which can generally be accomplished under this paragraph include:

- (A) Changes in treatment chemicals.
- (B) Replacement of tank or reservoir linings or similar materials in contact with the water supply.
- (C) Additions and modifications to water carrier vehicles and standpipes designed to standard specifications.
- (D) Transmission mains.
- (E) Changes in legal status, such as transfers of ownership, incorporation or mergers.

(iii) For vended water systems, typical modifications which can generally be accomplished under this paragraph include changes in treatment chemicals, repair or replacement of machines, and the addition of new NAMA certified machines to a permitted vended water system.

(3) The Department determines whether a particular modification requires a permit amendment under subsection (f)(1) or a permit amendment under subsection (f)(2). The Department's determination will include consideration of the magnitude and complexity of the proposed change and the compliance history of the public water system.

(g) *Emergency permits.* In emergency circumstances, the Department may issue permits for construction, operation or modification to a bottled water or bulk water hauling system, which the Department determines may be necessary to assure that potable drinking water is available to the public.

(1) Emergency permits shall be limited in duration and may be conditioned on additional monitoring, reporting and the implementation of appropriate emergency response measures. The Department may revoke an emergency permit if it finds the water system is not complying with drinking water standards or the terms or conditions of the permit. An authorization for construction, operation or modifications obtained under an emergency permit will not extend beyond the expiration of the emergency permit unless the public water system receives a permit or permit amendment under subsection (e) or (f) for the construction, operation or modification initiated during the emergency.

(2) State and Federal agencies conducting emergency response bulk water hauling operations need not obtain a permit under this subchapter, if a Department-approved source is utilized and adequate monitoring specified by the Department is conducted to assure compliance with the microbiological MCL specified in § 109.1002.

(h) *Department's review.* Applications for public water system permits and permit amendments for bottled water and vended water systems, retail water facilities and bulk water hauling systems will be reviewed in accordance with the following procedures:

(1) Applications will be reviewed in accordance with accepted engineering practices. The approval of plans, specifications and engineer's reports by the Department is limited to the sanitary features of design and other features of public health significance.

(2) The Department will not accept an application for review until the application is determined to be complete. A complete application is one which includes the information specified in this chapter and other information necessary for the Department to ensure compliance with this chapter.

(3) As a condition of receiving a public water system permit, a bottled water system shall comply with the standards of the Food and Drug Administration contained in 21 CFR Part 129. Evidence shall be presented demonstrating compliance with subsection (e)(7)(iii).

(4) In reviewing a permit application under this chapter, the Department may consider the following:

(i) Adherence to standards of the Department in Subchapter F (relating to design and construction standards) and § 109.1006 (relating to design and construction standards).

(ii) Compliance by the proposed project with applicable statutes administered by the Commonwealth, river basin commissions created by interstate compact or Federal environmental statutes or regulations.

(i) *Permit fees.*

(1) An application for a new permit or major permit amendment under subsection (f)(1) for a bottled water or vended water system, retail water facility or bulk water hauling system shall be accompanied by a check in the amount of \$750 payable to the "Commonwealth of Pennsylvania," except that:

(i) An application from an out-of-State bottled water system submitting proof of out-of-State approval under subsection (e)(6) shall be accompanied by a fee of \$100.

(ii) An application from a bottled water system, retail water facility or bulk water hauling system purchasing finished water, as its sole source of water, from a public water system operating under a permit issued under this chapter, and a vended water system permitted by rule, shall submit a fee of \$300.

(2) A fee is not required for an emergency permit under subsection (g) or a minor permit amendment under subsection (f)(2).

§ 109.1007. Labeling requirements for bottled water systems, vended water systems and retail water facilities.

(a) *General labeling requirements.* Containers of bottled water distributed in this Commonwealth by bottled water systems, retail water facilities or, when appropriate, vended water systems, shall have labels which are designed to remain affixed to the container during use and which include the following information as required by this section. Labels with the following information on the caps of bottled water containers designed for reuse by the bottler are deemed to meet this requirement if the Department-issued identification number and the manufacture date, lot or batch number are on the bottle:

(1) The name and address of the water supplier together with the product trade name.

(2) The water source. When finished water is the source, the name of the public water system shall appear on the label.

(3) The Department identification number issued to the bottled or vended water system or retail water facility.

(4) The manufacture date, or a lot or batch number. The manufacturing date, or lot or batch number shall identify a specific set of primary containers or units of the same size, type and style, produced under conditions as nearly uniform as possible. A batch or lot may not extend for longer than 7 days.

(5) Labeling for mineral water shall include the words "mineral water." Mineral water which exceeds the MCL

for total dissolved solids shall include a statement on the label that the product exceeds the MCL for total dissolved solids.

(6) Labeling for artificially-fluoridated water shall include the words "fluoridated water."

(b) *Corporate name and trade name.* A bottled water system, vended water system or retail water facility whose corporate name contains the words "Spring," "Well," "Artesian," "Mineral" or "Natural" or a derivative of those words, shall label each bottle with the trade name in typeface of at least equal size to the typeface of the corporate name.

(c) *Special vending machine label.* The name and address of the water supplier together with the Department identification number shall be provided in a conspicuous location on each machine. When water is prebottled from the water vending machine and made available on the shelf for sale, each container shall be labeled in accordance with subsections (a) and (b).

(d) *Special retail water facility label.* When water is prebottled from the retail water facility and made available on the shelf for sale, each container shall be labeled in accordance with subsections (a) and (b).

§ 109.1008. System management responsibilities.

(a) *Reporting and recordkeeping requirements for bottled water and vended water systems, retail water facilities and bulk water hauling systems.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall comply with the reporting requirements in § 109.701(a) and (d) (relating to reporting and recordkeeping).

(1) In addition to the requirements in § 109.701(a) and (d), bottled water and vended water systems, retail water facilities and bulk water hauling systems shall comply with the following requirements:

(i) Annual product monitoring as required under § 109.1003 (relating to monitoring requirements) shall be reported to the Department by December 31 of each year.

(ii) Each bottled water system shall, by December 31 of each year, submit to the Department proof that the system is in compliance with the standards of the Food and Drug Administration in 21 CFR Part 129 (relating to processing and bottling of bottled drinking water) as required by § 109.1009(b) (relating to system operational requirements). Proof shall consist of the report issued by a Nationally-recognized organization which inspects bottled water systems for compliance with 21 CFR Part 129, such as NSF, or another organization, state or country which utilizes an inspection protocol as stringent as NSF's protocols.

(iii) A monthly operational report shall be prepared on forms provided by the Department or in a form acceptable to the Department. The report shall be maintained on file by the operator for at least 2 years and submitted upon request of the Department. The report shall include at least the following:

- (A) The water produced daily.
- (B) The chemicals added daily.
- (C) The physical and chemical determinations taken daily.
- (D) The maintenance performed.
- (E) The operational problems and how they have been corrected.

(iv) By March 31, an Annual Water Supply Report for the previous calendar year shall be submitted on forms provided by the Department or in a form acceptable to the Department. This report shall include at least the following:

(A) Information related to water produced or hauled for the year.

(B) A summary of sanitary surveys conducted by the water supplier, including, when applicable, updates to the operation and maintenance plan and cross-connection control program.

(C) Updates to the plan for product recall required under subsection (e).

(2) The bottled water, vended water, retail water or bulk water supplier shall retain on the premises of the public water system or at a convenient location near the premises all records in accordance with the schedule in § 109.701(d).

(3) For bottled water systems and, if applicable, vended water systems and retail water facilities, new or additional proprietary labels shall be reported to the Department in writing, along with copies of the labels, within 10 days following production or distribution of the new or additional label product. The new or additional proprietary labels may be submitted to the Department prior to the product production if the water supplier desires initial Department review. The new or additional proprietary labels shall comply with § 109.1007 (relating to labeling requirements for bottled water systems, vended water systems and retail water facilities).

(b) *Operation and maintenance plan requirements.* Bottled water, vended water, retail water and bulk water suppliers shall develop an operation and maintenance plan for each system. The operation and maintenance plan shall conform to the guidelines contained in Part III of the Department's *Public Water Supply Manual* which is available from the Bureau of Water Supply Management, Post Office Box 8467, Harrisburg, Pennsylvania 17105-8467. The water supplier shall implement the operation and maintenance plan in accordance with this chapter, and if appropriate in accordance with accepted practices of the bottled water, vended water, retail water facility or bulk water hauling industry. The plan shall be reviewed and updated as necessary to reflect changes in the operation or maintenance of the water system. The plan shall be bound and placed in locations which are readily accessible to the water system's personnel, and shall be presented upon request to the Department.

(c) *Operator requirements.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall have competent personnel qualified to operate and maintain the system's facilities.

(d) *Sanitary survey requirements.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall conduct a sanitary survey of the water system at least annually, the survey to include the activities listed in paragraphs (1)–(4). A bottled water, vended water, bulk water hauling system or retail water facility obtaining finished water from a permitted public water system is not required to perform the activities in paragraphs (1) and (2) if the Department determines that there are no potential problems necessitating inspection and evaluation of the source.

(1) Watershed surveillance consisting of an inspection of portions of the drainage area necessary to identify and evaluate actual and probable sources of contamination.

(2) Evaluation of source construction and protection and, when appropriate, withdrawal and transmission facilities.

(3) Treatment facilities inspection consisting of an evaluation of the effectiveness of the operation and maintenance procedures and the condition and operability of permitted facilities.

(4) Evaluation of finished water storage facilities.

(e) *Emergency response requirements.*

(1) A bottled water, vended water, retail water or bulk water supplier who knows or has reason to believe that circumstances exist which may adversely affect the quality of drinking water supplied by the system, shall notify the Department immediately under § 109.1004 (relating to public notification).

(2) The bottled water, vended water, retail water or bulk water supplier shall develop a plan for product recall under emergency circumstances, and submit the plan to the Department for approval. The plan shall:

(i) Identify detailed procedures for implementing product recalls, including emergency communications and notifications.

(ii) Be kept on file in a readily accessible location by the bottled water, vended water, retail water or bulk water supplier.

(iii) Be reviewed and updated at least annually. A copy of the update shall be included in the annual water supply report to the Department under this section.

(f) *Cross-connection control program.* At the direction of the Department, the bottled water, vended water, retail water or bulk water supplier shall develop and implement a comprehensive control program for the elimination of existing cross-connections or the effective containment of sources of contamination, and prevention of future cross connections. A description of the program, including the following information, shall be submitted to the Department for approval:

(1) A description of the methods and procedures to be used.

(2) An implementation schedule for the program.

(3) A description of the methods and devices which will be used to protect the water system.

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