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PENNSYLVANIA BULLETIN

Volume 31

Number 18

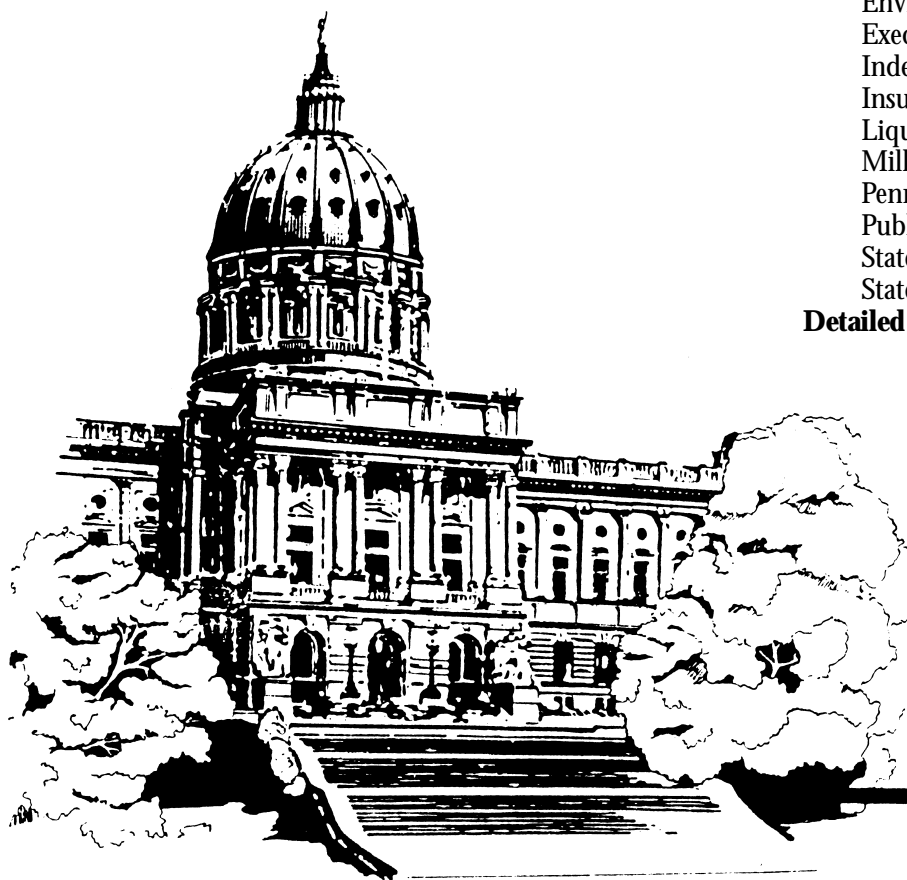
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Department of General Services
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Public School Employees' Retirement Board
State Board of Physical Therapy
State Board of Psychology

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No. 318, May 2001

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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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 2001.

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 91]

List of Approved Financial Institutions

Annex A

TITLE 204. JUDICIAL SYSTEMS GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter H. OVERDRAFT NOTIFICATION

§ 91.173. Approval and Termination of Financial Institutions

* * * * *

APPENDIX A

Rule 219, Pa.R.D.E. requires the name of each and every financial institution in this Commonwealth in which funds are held on behalf of a client or third party. For the purposes of Rule 219, financial institutions include but are not limited to banks, bank and trust companies, trust companies, savings and loan associations, credit unions, savings banks, foreign banking corporations and brokerage companies.

On the Attorney's Annual Fee Form, enter the Bank Code(s) of the Financial Institution(s), as well as the Branch Address and Account Number(s). Using a wrong or incorrect bank code may subject you to discipline by the Supreme Court. If you are listing Brokerage account(s) not included in this list, enter the Bank Code "0" and insert the name of the brokerage company in the Branch Address column. Any brokerage account(s) previously provided are not preprinted on the form and must be relisted each year.

Note: You are not required to list operating accounts in which you do not hold funds of clients or third parties.

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List of Approved Financial Institutions Who Have Been Approved as Depositories for Fiduciary Accounts of Attorneys

Bank Code A.

374	Abington Savings Bank
2	Adams County National Bank
477	Advest, Inc.
302	Allegheny Valley Bank of Pittsburgh
548	Allegiance Bank of North America
124	Allfirst Bank
375	Altoona First Savings Bank

376	Ambler Savings and Loan Association
532	American Bank of Lehigh Valley
502	American Eagle Savings Bank, PaSA
377	Apollo Trust Company
407	Armstrong County Trust Company

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3	Bank of Lancaster County, N.A.
415	Bank of Landisburg (The)
546	Bank Philadelphia
453	Bank Pittsburgh
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396	Bell Federal Savings & Loan Association
397	Beneficial Mutual Savings Bank
399	Bernville Bank, N.A.
391	Blue Ball National Bank
520	Boston Safe Deposit & Trust Company
392	Brentwood Savings Bank
495	Brown Brothers Harriman & Co.
161	Bryn Mawr Trust Company

Bank Code C.

540	C & G Savings Bank
480	Cambria County Federal Savings & Loan Assoc.
393	Carnegie Savings Bank
11	Central Bank
13	Cenwest Bank
394	Charleroi Federal Savings Bank
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68 Honesdale National Bank (The)
350 HSBC Bank of USA
143 Hudson United Bank
508 Huntingdon National Bank of PA
364 Huntingdon Valley Bank

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557 Investment Savings Bank
200 Iron and Glass Bank
526 Iron Workers Savings Bank
366 Irwin Bank & Trust Company

Bank Code J.

70 Jersey Shore State Bank
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488 Jonestown Bank and Trust Company
72 Juniata Valley Bank (The)

Bank Code K.

403 Keystone Savings Bank
 414 Kishacoquillas Valley National Bank (The)

Bank Code L.

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 187 Lebanon Valley Farmers
 182 Leesport Bank
 547 Legacy Bank
 78 Luzerne National Bank

Bank Code M.

269 Madison Bank
 398 Main Street Bank
 386 Malvern Federal Savings Bank
 412 Manor National Bank
 361 Manufacturers and Traders Trust Company
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 450 Premier Bank
 455 Prestige Bank, FSB
 202 Progress Bank
 451 Progressive Home Federal
 75 Promistar Bank
 456 Prudential Savings Bank
 530 PSB

Bank Code Q.

107 Quakertown National Bank (The)

Bank Code R.

109 Reeves Bank
 487 Reliable Bank, PaSA
 452 Reliance Savings Bank
 463 Rittenhouse Trust Company (The)
 496 Roxborough Manayunk Federal Savings Bank
 208 Royal Bank of Pennsylvania

Bank Code S.

153 S&T Bank
 457 Savings and Loan Association of Milton
 514 Schuylkill Savings & Loan Association
 464 Scottsdale Bank & Trust Company (The)
 460 Second Federal Savings & Loan Assoc. of Philadelphia
 335 Second National Bank of Masontown
 147 Security National Bank
 516 Sentry Federal Credit Union
 458 Sharon Savings Bank
 312 Sky Bank
 462 Slovenian Savings & Loan Assoc. of Franklin - Conemaugh
 459 Smithfield State Bank
 486 Somerset Trust Company

469	Spring Hill Savings Bank, FSB
111	Southwest Bank
316	Sovereign Bank, FSB
465	St. Edmond's Savings and Loan Association
518	Standard Bank PASB
542	Stonebridge Bank
529	Suburban Community Bank
466	Suburban Federal Savings Bank
485	Summit Bank
110	Sun Bank
517	Sun National Bank
236	Swineford National Bank

Bank Code T.

26	Third Federal Savings Bank
150	Three Rivers Bank & Trust Company
467	Turbotville National Bank (The)

Bank Code U.

113	Union Bank and Trust Company
481	Union Building and Loan Savings Bank
232	Union National Bank & Trust Co.
483	Union National Bank of Mount Carmel (The)
133	Union National Community Bank
243	Unitas National Bank
472	United Bank of Philadelphia
475	United Savings Bank
116	US Bank

Bank Code V.

136	Vartan National Bank
313	Vista Bank

Bank Code W.

119	Washington Federal Savings Bank
121	Wayne Bank
65	Waypoint Bank
122	West Milton State Bank
494	West View Savings Bank
473	Westmoreland Federal Savings and Loan Assoc. of Latrobe
553	Wheeling National Bank
476	William Penn Savings and Loan Association
123	Williamsport National Bank
474	Willow Grove Bank
160	Wilmington Trust of PA
272	Woodlands Bank

Bank Code X.**Bank Code Y.****Bank Code Z.**

ELAINE M. BIXLER,
Executive Director and
Secretary
The Disciplinary Board of
the Supreme Court of
Pennsylvania

[Pa.B. Doc. No. 01-767. Filed for public inspection May 4, 2001, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 21]

Internal Operating Procedures; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 23rd day of April, 2001, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted an amendment to Section 201 of the Internal Operating Procedures, as more specifically hereinafter set forth, *It Is Hereby Ordered:*

That Section 201 of the Internal Operating Procedures shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE IV. INTERNAL OPERATING PROCEDURES

CHAPTER 21. INTERNAL OPERATING PROCEDURES

FORMAL COMPLAINTS

§ 201. Assignment of Conference Judge.

When the Judicial Conduct Board files a Formal Complaint with the Court, the Court Administrator shall immediately notify the President Judge that a Formal Complaint has been filed. The President Judge shall appoint a Conference Judge or Judges in accordance with C.J.D.R.P. No. 301[(B)] (D). The President Judge, at his or her discretion, may appoint two other members to serve as Co-conference Judges. In such a case, the Conference Judge and Co-conference Judges shall serve as a panel in the performance of all duties to be performed by a Conference Judge under this Court's Rules of Procedure and these Internal Operating Procedures.

[Pa.B. Doc. No. 01-768. Filed for public inspection May 4, 2001, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1300]

Proposed Amendment to Rule 1311 Governing Admission of Documentary Evidence on Appeal from Compulsory Arbitration

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 1311 governing the procedure on appeal from compulsory arbitration be amended with respect to the admission of documentary evidence. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than June 8, 2001 to:

Harold K. Don, Jr., Esquire
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
or E-Mail to
civil.rules@supreme.court.state.pa.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure nor will it be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1300. COMPULSORY ARBITRATION

Subchapter A. Rules

Rule 1311. Procedure on Appeal. Admission of Documentary Evidence.

(a) The trial shall be de novo.

Official Note: Except as otherwise provided by subdivision (c), [The]the provisions of Rule 1305 governing conduct of hearing shall not apply on appeal.

* * * * *

(c)(1) Documents set forth in Rule 1305(b)(1) shall be admitted into evidence at trial as provided in Rule 1305, if

(i) the plaintiff stipulates to a maximum amount of damages recoverable not in excess of \$15,000, and

(ii) forty-five days' notice of the intention to offer the documents at trial was given to every other party accompanied by a copy of each document to be offered.

(2) Any other party may subpoena the person whose testimony is waived by this rule to appear at or serve upon a party a notice to attend the trial and any adverse party may cross-examine the person as to the document as provided by Rule 1305(b)(4).

Explanatory Comment:

The proposed amendments to Rule 1311 recognize that compulsory arbitration involves cases in which the potential damage recovery is often relatively small. The cost of the attendance of a witness, for example an expert witness, to testify to the contents of documentary evidence at a trial de novo upon appeal might be prohibitively expensive when compared with the potential damages to be recovered. Parties to meritorious cases may be denied access to the court solely due to economic considerations.

Therefore, Recommendation 174 proposes to add a new subdivision (c) to Rule 1311 which would permit parties in an appeal from compulsory arbitration to the court of common pleas to take advantage of the relaxed evidentiary rules available in compulsory arbitration under Rule 1305(b). However, in order to utilize this procedure, a party must accept a limit on the damages

recoverable to no more than \$15,000 as well as provide notice of the intent to utilize this procedure at least forty-five days prior to trial.

Subdivision (c) also incorporates the procedure of Rule 1305(b)(4) providing for the subpoena of the person whose testimony has been waived, for cross-examination by an adverse party, and for fees and costs.

By the Civil Procedural Rules Committee

REA BOYLAN THOMAS,
Chair

[Pa.B. Doc. No. 01-769. Filed for public inspection May 4, 2001, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 2170]

Proposed Amendment to Rule 2177 Governing Actions By and Against a Corporation or Similar Entity

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 2177 governing actions by and against a corporation or similar entity be amended to permit the representation of a corporation by an executive officer in certain cases. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than June 8, 2001 to:

Harold K. Don, Jr., Esquire
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
or E-Mail to
civil.rules@supreme.court.state.pa.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure nor will it be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 2170. CORPORATIONS AND SIMILAR ENTITIES AS PARTIES

Rule 2177. Actions by and against a corporation or similar entity. Representation.

(a) An action shall be prosecuted by or against a corporation or similar entity in its corporate name.

(b) In any action prosecuted by or against a corporation or similar entity in which the amount in controversy does not exceed \$8000, the party may be represented by an executive officer or by counsel. If the amount in controversy exceeds \$8000, the party must be represented by counsel.

Official Note: See Rule 2176 for the definition of executive officer.

Explanatory Comment

The proposed amendment permits a corporation to be represented by a corporate officer in cases involving relatively small amounts in controversy brought in the courts of common pleas. This amendment is consistent with the current practice of the district justice courts in which such representation is permissible. The proposed amendment recognizes that many of these cases will involve closely held corporations which are in effect "incorporated individuals".

The new rule would represent a change from the practice established in *Walacavage v. Excell 2000, Inc.*, 331 Pa. Super. 480 A.2d 281 (Pa.Super. 1984) which precluded a corporation from being represented by anyone other than counsel. That decision was premised on the desired goal of protecting courts from inartful representation of the corporation by nonlawyers. As the type of cases contemplated under the new rule would be relatively simple, the goal of insuring access to the courts as well as consistency among the different levels of courts would outweigh the concern expressed in *Walacavage*.

By the Civil Procedural Rules Committee

REA BOYLAN THOMAS,
Chair

[Pa.B. Doc. No. 01-770. Filed for public inspection May 4, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 261 M. D. 2001

Order

And Now, this 19th day of April, 2001, Dauphin County Local Rules of Criminal Procedure are hereby amended as follows:

[Rule 130. Procedure in Court Cases Initiated by Arrest Without Warrant.

(a)—(b) Reserved.

(c) An arresting officer, when the officer deems it appropriate, may promptly release from custody a defendant who has been arrested without a warrant, rather than taking the defendant before the issuing authority, when the following conditions have been met.

(1) The most serious offense charged is a misdemeanor of the second degree.

(2) The defendant is a resident of the Commonwealth.

(3) The defendant poses no threat of immediate physical harm to any other person or to himself or herself.

(4) The arresting officer has reasonable grounds to believe that the defendant will appear as required.

(5) The defendant does not demand to be taken before an issuing authority.

(d) When a defendant is thus released, a complaint shall be filed against the defendant within five (5) days of the defendant's release. Thereafter, a summons, not a warrant of arrest, shall be issued and the case shall proceed as provided in Rule 110 of the Pennsylvania Rules of Criminal Procedure.] RESCINDED.

Comment: This rule is rescinded as it is duplicative of the State rule.

Rule of Criminal Procedure [161] 301. Accelerated Rehabilitative Disposition (ARD) in Summary Cases.

(a) Eligibility: Pursuant to the District Attorney's designation filed under Pa.R.Crim.P. [160(b)(2)] 300 B(2), all summary first offenders and summary juvenile offenders may apply for admission to the program with the following exceptions:

i. Any offense which is excluded by statute.

ii. Any offense under Title 75 (Vehicles).

iii. Any offense charged by local ordinance, with the exception of local ordinances prohibiting the public display of open containers of alcoholic beverages.

iv. Any offense which is the result of an original charge classified as a misdemeanor three or above, which is subsequently reduced.

v. Any offense which is joined with a court case which is held or waived for trial at a preliminary hearing.

(b) Program Costs: The costs taxable under each docket number shall be \$50 (fifty dollars), in addition to restitution, if any, both of which shall be payable no later than the day of admission to the program. The District Justice may, in appropriate cases, waive or defer payment of the ARD fee. Restitution may not be waived. The defendant shall further agree, as a condition of the ARD program, to pay the costs of any recommended treatment and/or community service program, and further pay any assessed probation supervision fees.

(c) Application: Eligible offenders may apply for ARD by completing an application, waivers or Rule [1100] 600 and applicable statutes of limitations, and submitting them to the Dauphin County District Attorney for preliminary investigation. The District Attorney shall have full authority to conduct a criminal and social background check and shall have access to any available records to confirm application information. The District Attorney shall further consider input from the victim, if any, and recommend restitution when appropriate. The District Attorney may then move for the defendant's inclusion in ARD.

(d) Program Conditions: An offender admitted to ARD shall comply with the following:

i. Obey all federal, state and local penal laws, and all rules of probation.

ii. Complete a minimum of 20 hours of community service.

iii. Undergo a drug and alcohol evaluation, if required by the District Justice, and complete any recommended treatment.

iv. Complete any other adjudication alternative program as directed by the District Justice.

(e) Program Admission and Completion: An eligible offender may be admitted to ARD by the District Justice upon the motion of the District Attorney. Bail, security or

other collateral shall terminate upon entry. Admission to ARD shall not affect any period of license suspension/revocation directed by statute. Upon satisfactory completion of the program, the charges against the defendant shall be dismissed. The record of arrest shall not be affected by the operation of this local rule, however upon successful completion of the program, the case record shall be sealed by the District Justice.

The District Justice, in all cases where he/she finds the defendant guilty through trial and therefore ineligible for ARD, may refer the defendant to the program as part of a post-dispositional order. In all such cases the issuing authority shall consider imposing a fine with the provision that the fine be vacated or reduced if the defendant successfully completes the program. Restitution may not be reduced under this provision.

(f) *Program Monitoring*: The Dauphin County Adult and Juvenile Probation departments, or representatives from an adjudication alternative program, or Pre-Trial Services, are hereby authorized to monitor and supervise a defendant's progress in the summary ARD program. Further such organizations shall inform the District Justice of either the offender's successful completion, or the failure to complete, and in the latter case may testify as to the reason therefor in program revocation proceedings. An allegation that the defendant has violated a condition of ARD must be brought during the term of the program, or if filed thereafter, within a reasonable time after the alleged violation was committed.

(g) *Revocation*: Should a defendant fail to comply with any condition of the ARD program, he or she may be revoked from the program by order of the District Justice at a revocation hearing where the defendant will be afforded an opportunity to be heard. The District Justice may issue such process as is necessary to bring the defendant before the Court. Should the defendant fail to appear after receiving notice of a revocation hearing, the District Justice may issue a warrant pursuant to Pa.R.Crim.P. [75] 430. No appeal shall be allowed from a revocation order.

Upon revocation from the summary ARD program, or if a defendant declines to accept the program, the case shall thereafter be scheduled for trial pursuant to Chapter [50] 4 of the Pennsylvania Rules of Criminal Procedure.

(h) *Monthly Report*: District Justices shall submit a monthly report on the disposition of all cases which have applied for entry to ARD to the District Attorney. Should admission to ARD be denied, the reasons for such denial shall be included.

Rule [301] 106. Continuances Where Case Set for Jury Trial.

(a) All motions for a continuance shall be in writing and filed with the Clerk of Courts no later than 4:00 p.m. on the Wednesday prior to the week of criminal jury trials during which the case is scheduled for trial. A copy of the motion shall be served on opposing counsel by the same deadline.

The motion shall contain a procedural history of the case, beginning with date of filing of the criminal complaint, and a recitation of any prior continuances sought. The motion shall aver whether opposing counsel has been contacted concerning the motion and shall state counsel's position thereon.

In cases which have been permanently assigned, the motion shall be addressed to the assigned judge. All other cases shall be referred to the motions judge.

(b) The Court Administrator will assign all such motions to the [**motion's**] **motions** judge who will either dispose of the motion on its face or assign the motion to the judge assigned to the case for trial or plea.

(c) A later motion shall be entertained only when the opportunity therefor did not previously exist, or the defendant was not aware of the grounds for the motion, or the interests of justice require it.

(d) A later motion shall be presented only in open court before the business court judge or the judge assigned to the case for trial. Reasonable notice shall be afforded opposing counsel prior to the presentation of the motion in open court.

Pretrial Proceedings

Rule [302] 120. Attorneys.

(1) The Clerk of Court, his **or her** deputy and employees, and all persons employed in this Court, shall neither practice as attorneys, nor be interested, directly or indirectly, as partners or otherwise, in the fees of attorneys practicing in this Court.

(2) Attorneys shall not communicate or cause another to communicate with a Judge or an official before whom a proceeding in which the attorney is involved is pending, with regard to such proceeding, except:

(a) in the course of official proceedings in the cause;

(b) in writing if **she/he** promptly delivers a copy of the writing to opposing counsel or the adverse party if **she/he** is unrepresented; or

(c) orally upon adequate notice to opposing counsel or to the adverse party if unrepresented.

(3) No attorney, who is also a Notary Public, or otherwise authorized to administer oaths, shall take the affidavit of his **or her** own client.

(4) No attorney will be received as bail or surety in any suit, action, prosecution, or proceeding in any Court of this County, whether or not a Court of record, nor may the Prothonotary, Sheriff, Sheriff's Officer, or any other person concerned in the execution of process, become such bail or surety in any action or proceeding.

Bail

Rule [4006] 520. Types of Bail.

(a) A District Justice or a Judge of the Court of Common Pleas may allow defendants charged with a crime or crimes to post as bail with the District Justice or Clerk of Courts a sum of money, in United States currency, equal to ten (10%) percent of the full amount of the bail, fixed by the District Justice or Judge of the Court of Common Pleas in those cases where the defendant or other surety evidences sufficient financial reliability as to the full amount of the bail.

(b) The sum of money required for percentage cash bail may be furnished by the defendant or by a third person acting as surety, and the bail certificate shall disclose the name and address of the person furnishing the money listing said person as surety.

(c) The sum of money furnished shall be receipted for, deposited, accounted for, forfeited, or returned in accordance with the Pennsylvania Rules of Criminal Procedure.

(d) Rescinded.

Comment: Subsection (d) has been renumbered to Rule 535.

Rule 535. Return of Deposit.

After twenty (20) days following the final disposition of the case, and provided there has been no bail revocation or forfeiture, the sum of money constituting percentage cash bail shall be returned to the person who originally furnished it, less a retention fee for the use of the county for administering the percentage cash bail program. In cases held for court, the retention fee shall be received and accounted for by the Clerk of Courts. In cases not held for court, the issuing authority shall forward the retention fee to the County Controller.

Comment: Former Rule 4006(d).

Rule [4008] 530. Duties and Powers of a Bail Agency.

(a) The Dauphin County Pre-Trial Services Agency is hereby designated as the county bail agency pursuant to Rule [4008] 530 of the Pennsylvania Rules of Criminal Procedure.

(b) The county bail agency shall perform the duties and exercise the powers set forth in Rule [4008] 530 of the Pennsylvania Rules of Criminal Procedure.

(c) The county bail agency shall, in all cases, be qualified to act as supervisory surety with respect to percentage cash bail and nominal bail, and may be so designated by the court or issuing authority; but the county bail agency shall incur no financial liability by acting as supervisory surety.

(d) Designation of the county bail agency as supervisory surety in nominal bail and percentage cash bail cases shall subject the defendant to the supervisory rules and regulations of that agency.

(e) Designation of the county bail agency as supervisory surety shall authorize the county bail agency to charge a fee payable to the County of Dauphin for the performance of the supervisory obligations mandated by Rule [4008] 530. The fees and categories of bail to which they apply are as follows:

(1) nominal bail—twenty-five (\$25.00) dollars;

(2) ten (10%) percent cash bail (with the option of conditions of bail pursuant to Rule [4013] 533 of the Pennsylvania Rules of Criminal Procedure)—thirty (30%) percent of the money furnished or three (3%) percent of the total amount of bail; however, in no event, shall the fee be less than fifty (\$50.00) dollars.

(f) In all cases where nominal bail or percentage cash bail is to be set, the court or issuing authority shall consider the option of designating the county bail agency as supervisory surety. [**Noting**] **Nothing** in this rule shall prohibit the designation of other private surety in percentage cash bail and nominal bail cases without the designation of the county bail agency as supervisory surety.

(g) Nothing in this rule shall prohibit the posting of any other type of bail allowed under Rule [4006] 527 of the Pennsylvania Rules of Criminal Procedure by other private or licensed sureties.

(h) Any designation of Dauphin County Pre-Trial Services Agency as supervisory surety shall be listed on the Bail Certificate as a Condition of Bail pursuant to Rule [4013] 526 of the Pennsylvania Rules of Criminal Procedure.

Rule [1123A] 720A. Appeals.

In every appeal from an order or decree of this Court [to which no post-trial motions or exceptions were filed but such appeal is] taken directly to an appellate court, appellant['s counsel] shall[, immediately upon taking the appeal,] file of record a concise statement of the matters complained of [and intended to be argued] on appeal[,] no later than 14 days after filing notice of appeal. A copy thereof [and] shall be [serve] served [a copy thereof] upon the Judge from whose order or decree the appeal was taken, except that if such Judge was a visiting Judge such copy shall be served upon the Court Administrator [Administrator's Office]. The trial judge may thereafter direct the filing of briefs in support of, and in opposition to, the statement of matters complained of. Whenever an appeal is withdrawn by counsel, notice of such withdrawal shall immediately be [given to the] served upon said Judge [from whose order or decree the appeal was taken, except that if such Judge was a visiting judge such notice shall be given to the] or Court Administrator [Administrator's Office].

Trial**Rule [1123] 720B. Post [Verdict] Sentence Motions.**

(a) Copies of post[-trial] sentence motion in criminal cases shall be filed with the Clerk of Court and delivered to the Trial Judge and served upon all adverse parties. Upon order of Court, the court stenographer shall transcribe the record.

(b)—(c) Reserved.

(d) Reasons for a new trial based on after-discovered evidence must be supported by a written affidavit by the party or his or her attorney containing the names of the witnesses, the substance of their expected testimony, the affiant's belief of its sufficiency to change the verdict, and an explanation why the testimony was not produced at the trial.

(e) The trial judge shall determine whether post[-verdict] sentence motions shall be argued before himself or herself alone or before a panel sitting as a court en banc. Whenever the trial judge hears the motion alone, she/he may make any ruling that could be made by a court en banc.

[Rule 9001. Certification of Pennsylvania Department of Transportation Driver License Records.

a) A copy of a Pennsylvania Department of Transportation drivers license record accessed from the city of Harrisburg's Metro computer system may be used as evidence in all criminal proceedings in Dauphin County.

b) Such a record must be accompanied by a certificate in which:

(1) The Secretary of Transportation certifies the director of the Bureau of Driver Licensing of the Pennsylvania Department of Transportation is the legal custodian of the Driver License Records of the Pennsylvania Department of Transportation.

(2) The legal custodian of the Driver License Records certifies that the records are kept accurately and that the Deputy director of Metro Police

Operations for the City of Harrisburg is authorized to retrieve such records from the Pennsylvania Department of Transportation's computer via the computer linkup with the Metro computer system.

(3) The Deputy Director of Metro Police Operations for the City of Harrisburg certifies that he retrieved the records from the Pennsylvania Department of Transportation computer via the Metro computer system and that the records are accurate.

e) This certificate is pursuant to the requirements of 42 Pa.C.S.A. 6103(a) which concerns proof of official records.

d) The Deputy Director of Metro Police Operations shall be permitted to make notations on the certified records summarizing the contents of the records.] RESCINDED.

Comment: This rule is rescinded as a Rule of Criminal Procedure and is promulgated as a Rule of Evidence.

General Provisions

Rule [9020] 574. Motions, Filing, Service and Notice. Removal of Papers.

(1) Petitions and motions, other than those made during the actual trial of a case, shall be:

(a) made in writing, and the original thereof filed with the Clerk of Court before presentation to the Court;

(b) brought to the Court Administrator's Office for presentation to the Motion Court Judge unless otherwise specifically allowed; and

(c) served forthwith upon the adverse party.

(2) All papers filed in the Office of the Clerk of Court shall bear the name of the attorney or party filing them, and an address as which service can be made.

(3) REMOVAL OF PAPERS: (a) Except as otherwise provided herein, no original papers shall be removed from the office of the Clerk of Court without prior written permission of the Court upon cause shown.

(b) No original note, bond or other instrument upon which a judgment has been entered, shall be removed from the Office of the Clerk of Court except for use by the Court.

(c) All other papers may be removed by any attorney who is a member of the Dauphin County Bar—

i. For return to the close of the next business day, upon the filing with the Clerk of Court of a signed letter listing with specificity each document to be removed together with a receipt as prescribed by (e) below.

ii. For a period not to exceed thirty (30) days, with written leave of Court.

(d) A referee, auditor, master or other similar officer appointed by the Court may remove papers for the purposes of his **or her** appointment for a period not to exceed ninety (90) days, unless the time be further extended by order of Court.

(e) When an attorney removes papers from the Office of the Clerk of Court with permission of the Court **she/he** shall give a receipt therefor, setting forth the caption and number of the case, a description of the papers removed and the date of removal, which receipt shall be signed by the attorney removing the papers.

(f) All papers removed on receipt, with or without leave of Court, shall be returned promptly, and in no case shall papers be retained for a period longer than prescribed

herein, except by special permission of the Court. If papers are retained beyond the proper time limit, the Clerk of Court shall notify the attorney in default of his **or her** failure to return such papers, and if such default continues, for three (3) days following such notice, the attorney concerned shall thereafter be prohibited from removing any papers from the office until the default is corrected. The Clerk of Court shall report such cases of continuing default to the Court for appropriate action.

Rule [9022] 576. Filing.

All papers filed with the Clerk of Court shall bear the name of the attorney or party filing them, and the address at which service can be made. In all cases where a judge has been assigned to the matter in dispute, a courtesy copy of all pleadings, briefs or memoranda filed with the Clerk of Courts shall also be filed with the chambers of the assigned judge. The size and other physical characteristics of all papers or other documents filed shall conform to standards set and established by the Pennsylvania Rules of Appellate Procedure for papers or other documents filed in an appellate court.

This amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH H. KLEINFELTER,
President Judge

[Pa.B. Doc. No. 01-771. Filed for public inspection May 4, 2001, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 19th day of April, 2001, Dauphin County Local Rule of Civil Procedure 5005 is promulgated as follows:

Rule 5005. Forfeiture Actions.

1. All petitions in forfeiture filed pursuant to 42 Pa.C.S. § 6801 and § 6802 shall be filed and indexed in the Office of the Prothonotary.

The caption shall include a cross-reference (by defendant name and docket number) to any criminal action. The case shall thereafter proceed in accordance with the procedures set forth in § 6802.

2. Dauph. R.C.P. 1301—Arbitration shall be applicable to all actions in forfeiture.

3. Pa.R.C.P. 1007.1—Jury Trial. Demand, Waiver is made applicable to all actions in forfeiture.

This amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH H. KLEINFELTER,
President Judge

[Pa.B. Doc. No. 01-772. Filed for public inspection May 4, 2001, 9:00 a.m.]

NORTHAMPTON COUNTY
Aids in Imposing Sentence

Rule N1403. Aids in Imposing Sentence.

(a) Prior to filing the Information, the District Attorney shall obtain a report of the prior criminal convictions, if any, of the defendant. Within forty-five (45) days of receipt of the report, the District Attorney shall calculate the prior record score for guideline sentencing purposes.

(b) Upon request, the District Attorney shall make said report and calculation available to the Court, defense counsel, and, if unrepresented, the defendant.

(c) Prior to imposition of sentence, a Guideline Sentencing Form, as required by 204 Pa. Code § 303.1(d), shall be presented to the sentencing judge.

(d) (1) If a pre-sentence investigation report is prepared, the Guideline Sentencing Form shall be prepared by the report preparer.

(2) If a pre-sentence investigation report has not been prepared, the Guideline Sentencing Form shall be prepared by defense counsel if defendant is represented. The defense counsel shall use the prior record score provided by the District Attorney unless defense counsel contends that the score is lower than that provided by the District Attorney, in which case the Court shall determine the prior record score.

(3) If a pre-sentence investigation report has not been prepared, the Guideline Sentencing Form shall be prepared by the District Attorney if defendant is unrepresented.

(e) The Guideline Sentencing Form shall be reviewed by counsel for both the Commonwealth and the defendant prior to submission to the sentencing judge.

(f) The Clerk of Court—Criminal Division shall send a copy of the Guideline Sentencing Form to the Pennsylvania Commission on Sentencing.

Comment: 204 Pa. Code § 303.1(d) provides that a Pennsylvania Commission on Sentencing Guideline Sentence Form shall be completed at the Court's direction and shall be made a part of the record no later than twenty days after the date of each sentencing, and a copy shall be forwarded to the Pennsylvania Commission on Sentencing.

As used in Section (c), "imposition of sentence" includes imposition of probation.

Defense counsel has no obligation to disclose information that the prior record score is higher than that provided by the District Attorney. The preparation by defense counsel of portions of the guideline form shall not be deemed an affirmative statement of fact as to the prior record by defense counsel.

Adopted April 18, 2001; effective June 1, 2001.

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 01-773. Filed for public inspection May 4, 2001, 9:00 a.m.]

WESTMORELAND COUNTY

Ownership of Court Reporter Notes; No. 3 of 2001

Administrative Order

And Now This 17th day of April, 2001, It Is Hereby *Ordered* that Westmoreland County Rule of Judicial Administration WJ5000.4 is adopted, and WJ5000.13 is amended by the addition of new subsection (c). These changes are effective 30 days after publishing in the *Pennsylvania Bulletin*.

By the Court

CHARLES H. LOUGHRAN,
President Judge

Rule WJ5000.4. Employment and Duties of Reporters.

A court reporter may not take depositions for private parties during regularly scheduled work hours unless the reporter is on approved vacation, personal day, or leave of absence without pay.

Rule WJ5000.13. Ownership of Notes.

(c) The court reporter that takes the notes of a particular proceeding is responsible for transcribing those notes upon Order of Court or request and payment of an appropriate fee. The obligation of the court reporter to transcribe proceedings remains, subject to payment of transcription fees, after the employment relationship with the Court of Common Pleas of Westmoreland County has ended.

[Pa.B. Doc. No. 01-774. Filed for public inspection May 4, 2001, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Collection Fee and Late Payment Penalty for 2001-2002 Registration Year

Notice is hereby given of the establishment by The Disciplinary Board of the Supreme Court of Pennsylvania for the 2001-2002 registration year of the collection fee for checks in payment of the annual registration fee for attorneys that are dishonored and the late payment penalty for registrations not received on time.

Pennsylvania Rule of Disciplinary Enforcement 219(d)(2) provides that, where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, a collection fee established annually by the Board must be paid before the annual registration fee shall be deemed to have been paid. The Board has established the collection fee for the 2001-2002 registration year as \$50 per returned item.

Pa.R.D.E. 219(h)(2) provides that a late payment penalty established annually by the Board must be paid by an attorney who fails to timely file an annual registration statement before the attorney shall be considered on active status for the new registration year. The Board has

established the late payment penalty for the 2001-2002 registration year as \$75.

ELAINE M. BIXLER,
Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 01-775. Filed for public inspection May 4, 2001, 9:00 a.m.]

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated March 21, 2001, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 20, 2001 for Compliance Group 2 due August 31, 2000.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Lynn L. Abraham
 Parsippany, NJ

Holly A. Adams
 Canadaigua, NY

Annemarie Algeo
 Mt. Holly, NJ

Paul E. Allen
 Plano, TX

Leila M. Baheri
 Washington, DC

Donna R. Banks
 Springfield, VA

Bradley D. Barbin
 Orlando, FL

Christopher E. Barnes
 Cherry Hill, NJ

Scott D. Baron
 Roseland, NJ

Edward G. Bauer, Jr.
 Boca Raton, FL

Gina M. Betts
 Teaneck, NJ

Michael L. Block
 Burlington, NJ

John A. Bolton
 Lutz, FL

David P. Bradley
 Cleveland, OH

Alison M. Brown
 Mt. Laurel, NJ

David W. Burns
 Medford, NJ

James N. Cahill
 Endicott, NY

Antonina P. Coffey
 Haddonfield, NJ

Madeleine H. Cozine
 Lawrenceville, NJ

John B. Cummings
 Chester, VA

David H. Dupree
 Washington, DC

Thomas P. Frascella
 Lawrenceville, NJ

Michael W. Glaze
 Cherry Hill, NJ

James J. Gluck
 Toms River, NJ

Jeffrey M. Goldstein
 Washington, DC

Joshua D. Goodman
 Stanford, CT

Devon L. Graf
 Trenton, NJ

John F. Griffith
 San Francisco, CA

Dennis R. Honabach
 Fullerton, CA

Gregory J. Hubachek
 New Orleans, LA

Kevin B. Kimble
 Alexandria, VA

Sharon A. King
 Camden, NJ

James D. Lloyd
 Rockaway, NJ

Patrick J. Mahon
 Hopkington, MA

Joseph A. Manning
 Livingston, NJ

Roman Marin
 New York, NY

Allan A. Mascarenhas
 Falls Church, VA

Constance S. McAllister
 S. Orange, NJ

E. Winther McCroom
 Youngstown, OH

Richard D. Meadow
 New York, NY

Ira B. Mirsky
 Washington, DC

Mark S. Moore
 Indianapolis, IN

Timothy S. Murchison
 Southern Pines, NC

Paul J. Nemergut III
 Woodbridge, NJ

Stephen G. Novosel
 Blackwood, NJ

Annette J. O'Donnell
 New York, NY

Michael R. Paglione
Trenton, NJ

M. Scott Parsons
Baltimore, MD

Steven Pasternak
Livingston, NJ

Stephen L. Pettler, Jr.
Winchester, VA

Avalyn J. Pitts
Hyattsville, MD

Darren L. Press
New York, NY

Frank J. Raso
Hammonton, NJ

Mark F. Richardson
France

James J. Scanlon
Charlestown, MA

Stephanie F. Schultz
Hazlet, NJ

Clifford S. Sikora
Washington, DC

Paul P. Slawek
Ft. Lauderdale, FL

Jerome Tarver
Ft. Washington, MD

Nathan A. Tash
Boca Raton, FL

Richard L. Thurston
Richardson, TX

Harshad R. Vaidya
Newark, NJ

Jetty L. Viot III
Washington, DC

Barbra D. Watson
New York, NY

Daniel E. Whiteley, Jr.
Cincinnati, OH

ELAINE M. BIXLER,
Executive Director & Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 01-776. Filed for public inspection May 4, 2001, 9:00 a.m.]

RULES AND REGULATIONS

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 25]

Schedules of Controlled Substances

The Department of Health (Department) hereby adopts amendments to § 25.72 (relating to schedules of controlled substances) to read as set forth in Annex A.

Purpose and Background

The Controlled Substance, Drug, Device and Cosmetics Act (act) (35 P. S. §§ 780-101—780-144) recognizes the fact that there is a need to control substances which have potential for abuse while also recognizing that some of those substances have medical uses. The act provides for a system of five schedules of controlled substances as a means of grouping potentially dangerous substances based on their differing potentials for abuse and on their potential for medical use. Penalties for illegal use of the controlled substances vary according to the schedule on which the substance is listed. The health and safety of the public is protected by having a substance placed on the proper schedule. Additionally, proper scheduling ensures appropriate enforcement when a substance is abused or otherwise used illegally.

The act requires that a controlled substance be placed in Schedule II when there is: (1) a high potential for abuse; (2) currently accepted medical use in the United States or currently accepted medical use with severe restrictions; and (3) abuse may lead to severe psychic or physical dependence.

The act requires that a controlled substance be placed in Schedule III when there is: (1) a potential for abuse less than the substances listed in Schedules I and II; (2) well documented and currently accepted medical use in the United States; and (3) abuse may lead to moderate or low physical dependence or high psychological dependence.

The act provides for the scheduling of various substances. The act also provides for adding, removing or rescheduling of substances by regulation.

The Drug, Device and Cosmetic Board (Board) met on December 9, 1999. The meeting notice was published at 29 Pa.B. 5957 (November 20, 1999). The Board heard the petition of Roxane Laboratories, Inc., which requested that dronabinol be rescheduled from Schedule II to Schedule III. The Board unanimously approved a motion to authorize the Secretary of Health to reschedule the substance. This motion was based on several factors:

1. The United States Drug Enforcement Agency (DEA) rescheduled dronabinol from Schedule II to a Schedule III substance under the Controlled Substances Act (63 FR 59,751). Both the DEA and the Food and Drug Administration (FDA) determined that dronabinol should be rescheduled based on an eight-factor analysis of the scientific and medical data as required by Federal law.

2. The DEA and FDA determined that there is little evidence of actual abuse of dronabinol.

3. In 1996 the Haight Ashbury Clinics, Inc., conducted a study on the abuse potential of dronabinol. No evidence

of current abuse or diversion of dronabinol among populations having access to the medicine was found.

4. Cannabis-dependent populations have demonstrated no interest in abuse of dronabinol. Studies demonstrate that dronabinol is not a substitute for the problem of marijuana abuse or misuse.

5. The Haight Ashbury study concluded that there is no street market for dronabinol, and no evidence of any diversion of dronabinol for sale as a street drug.

6. A review of the Drug Abuse Warning Network (DAWN) data from 1988 to 1994 shows no reports of dronabinol misuse.

7. The DEA and FDA scientific and medical evaluation determined that dronabinol had only a low to moderate potential to lead to physical dependence and an abuse potential less than Schedule II drugs.

The Secretary of Health, upon advice of the Board, finds that placing dronabinol on Schedule III permits patients to obtain prescription refills and possibly reduce trips to physicians' offices. This action allows pharmacies to accept telephone or facsimile prescriptions from physicians rather than mandated written prescriptions. This action also allows pharmacies to obtain the drug product more quickly for patients. The amendment to the schedules of controlled substances follows similar actions by DEA on July 2, 1999. Dronabinol was approved for marketing by the FDA on May 31, 1985, for use as a treatment for nausea and vomiting in cancer therapy patients who have failed to respond adequately to conventional antiemetic treatments. In 1992, dronabinol was approved by the FDA for use in the treatment of anorexia associated with weight loss of patients with AIDS. Studies have shown that dronabinol has improved the lives of cancer and AIDS patients. Dronabinol has demonstrated short and long term safety and effectiveness relative to appetite stimulation in AIDS patients. Patients who received dronabinol also experienced a stabilization of weight.

Summary

This final-form rulemaking amends § 25.72 to reschedule the substance dronabinol from Schedule II to Schedule III.

Comments

The Department received no comments to the proposed rulemaking.

Fiscal Impact

The amendment to the schedules of controlled substances will have no measurable fiscal impact on the Commonwealth, local government or the general public. Manufacturers will benefit in that the rescheduling will increase the marketability of the drug and the ease by which it will be able to reach consumers. The benefits, however, are not quantifiable.

Paperwork Requirements

A system already exists for the handling of controlled substances under the act and the amendments will not increase paperwork.

Effective Date/Sunset Date

The amendments will become effective immediately upon publication as final-form rulemaking. These regulations are continually monitored and updated as needed. There is no sunset date.

Statutory Authority

The amendment to the schedules of controlled substances are adopted under sections 3 and 4 of the act (35 P. S. §§ 780—103 and 780-104), which authorize the Secretary to move a controlled substance from one schedule of controlled substances to another based upon the scheduling criteria set forth in the act.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 26, 2000, the Department submitted a copy of the proposed rulemaking published at 30 Pa.B. 3945 (August 5, 2000) to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for review and comment. In compliance with Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), the Department submitted a copy of the final-form regulation to IRRC and the Committees on February 5, 2001. In addition, the Department provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy is available to the public upon request.

This final-form regulation was deemed approved by the House Health and Human Services Committee and the Senate Public Health and Welfare Committee on February 26, 2001. The final-form regulation was deemed approved by IRRC on February 27, 2001, in accordance with section 5(g) of the Regulatory Review Act. The Office of Attorney General approved the final-form regulations on April 20, 2001.

Contact Person

Questions regarding this final-form regulation may be submitted to John C. Hair, Director, Bureau of Community Program Licensure and Certification, Pennsylvania Department of Health, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665. Persons with disabilities may submit questions in alternative formats such as by audio tape or Braille at V/TT (717) 783-6514. Speech or learning impaired persons may use the Pennsylvania AT&T Relay Service at 1-800-654-5984 [TT]. Persons with

disabilities who would like to obtain this document in an alternative format (such as, large print, audio tape or Braille) may contact John Hair so that necessary arrangements may be made.

Findings

The Department finds that:

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

(2) A public comment period was provided as required by law.

(3) The adoption of the final-form regulation is necessary and appropriate.

Order

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

(a) The regulations of the Department, 28 Pa. Code Chapter 25, are amended by amending § 25.72 to read as set forth at 30 Pa.B. 3945.

(b) The Secretary of Health shall submit this order and 30 Pa.B. 3945 to the Office of General Counsel and the Office of Attorney General for approval as required by law.

(c) The Secretary of Health shall submit this order, 30 Pa.B. 3945 and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for their review and action as required by law.

(d) The Secretary of Health shall certify this order and 30 Pa.B. 3945 and deposit them with the Legislative Reference Bureau as required by law.

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

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-777. Filed for public inspection May 4, 2001, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

Stream Redesignations, Little Bush Kill, et al.

The Environmental Quality Board (Board) proposes to amend §§ 93.9c, 93.9d, 93.9l, 93.9p and 93.9q to read as set forth in Annex A.

This order was adopted by the Board at its meeting of March 20, 2001.

A. Effective Date

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

B. Contact Persons

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 10th Floor, Rachel Carson State Office Building, P. O. Box 8555, 400 Market Street, Harrisburg, PA 17105-8555, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

C. Statutory and Regulatory Authority

These proposed amendments are made under the authority of the following acts: sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402) and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510—20), which grant to the Board the authority to develop and adopt rules and regulations to implement the provisions of The Clean Streams Law. In addition, the Federal regulation at 40 CFR 131.32 sets forth certain requirements for portions of the Commonwealth's antidegradation program.

D. Background of the Amendments

Pennsylvania's Water Quality Standards, set forth, in part, in Chapter 93 (relating to water quality standards), implement the provisions of sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313). Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements and effluent limits) on individual sources of pollution.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters designation in its ongoing review of water quality standards. In general, HQ and EV waters must be maintained at their existing quality. The Department may identify candidates during routine waterbody investigations. Requests for consideration may also be initiated by other agencies, such as the Fish and Boat Commission (FBC). Organizations, businesses or individuals may submit a rulemaking petition to the Board.

These streams were evaluated in response to three petitions, as well as requests from the FBC and the Department staff as follows:

Petitions: Little Bush Kill (Bushkill Falls); Lizard Creek (West Penn Township); Smithtown Creek (Smithtown Creek Watershed Association).

FBC: Oswayo Creek and Browns Run.

Department: Buck Hill Creek and Slate Run (corrective amendments).

The Department's Bureau of Water Supply and Wastewater Management conducted aquatic surveys on five of these streams. The physical, chemical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. In reviewing whether waterbodies qualify as HQ or EV Waters, the Department considers the criteria in § 93.4b (relating to qualifying as High Quality or Exceptional Value Waters).

Based upon the data collected in these surveys, the Board recommends the designations described in this Preamble and set forth in Annex A. Corrective amendments for Buck Hill Creek and Slate Run are also included in Annex A.

Copies of the Department's stream evaluation reports for these waterbodies are available from Edward R. Brezina.

The following is a brief explanation of the recommendations for each waterbody:

Little Bush Kill—The petition from Bushkill Falls requested consideration of portions of the stream for redesignation from High Quality-Cold Water Fishes (HQ-CWF) designation to EV. The Department evaluated the entire basin. The upper and lower portions of the basin are recommended for designation as EV. The upper reaches of the basin (source to and including unnamed tributary (UNT) 05067) meet the biological test for EV designation in the antidegradation regulation, and also contain the Stillwater State Natural Area, another EV qualifier. The lower portion of the basin (UNT 05069 to mouth, excluding UNT 05057) also satisfies the biological test and flows through the Delaware Water Gap National Recreation Area. The remainder of the basin is recommended to retain the HQ-CWF designation.

Buck Hill Creek—Portions of the Buck Hill Creek basin were recently redesignated EV at 30 Pa.B. 3036 (June 17, 2000). Following publication of the final rulemaking, the petitioner notified the Department that the recommended Migratory Fishes (MF) use designation had not been included in the rulemaking. This was an inadvertent omission by the Department when segmenting the basin. A corrective amendment is included in this proposed rulemaking to add the MF use to the Buck Hill Creek basin from Buck Hill Falls to the mouth, as recommended in the Department's original evaluation report.

Lizard Creek—West Penn Township, Schuylkill County, petitioned the Board to provide HQ protection for the Lizard Creek basin from the source to the State Route 309 bridge. The entire basin is currently designated Trout Stocking (TSF). No portion of the basin studied satisfied any of the regulatory criteria for HQ designation. Sampling of the fish community revealed the presence of reproducing brook and brown trout upstream from Dorset

Road. It is recommended that this portion of the basin be redesignated Cold Water Fishes (CWF). The remainder of the basin will retain the TSF designation.

Slate Run—The purpose of this corrective amendment is to simplify the Chapter 93 listing. The Slate Run basin was redesignated EV at 28 Pa.B. 4510 (September 5, 1998). The Department report for that redesignation used the previous Chapter 93 listing which contained several entries as the format for the recommendation. That format was carried over into Chapter 93. Since the entire basin is designated EV, only one entry in the drainage list is necessary.

Oswayo Creek—The FBC requested that the Oswayo Creek basin from the source to Clara Creek be considered for redesignation to HQ-CWF. Most of this basin is designated CWF, except for Brizzee Hollow which is HQ-CWF. The South Branch Oswayo Creek basin was redesignated to EV as part of the Buck Hill Creek package at 30 Pa.B. 3036 (June 17, 2000). The upper portion of the study basin, from the source to Brizzee Hollow, did not satisfy any of the regulatory criteria for redesignation as HQ or EV. The Brizzee Hollow basin did not qualify for EV protection. The remainder of the study basin, from Brizzee Hollow to Clara Creek (except the South Branch) is a Class A wild trout stream, and thus qualifies for an HQ designation.

Browns Run—Browns Run is currently designated CWF and was evaluated for redesignation to HQ-CWF at the request of the FBC. Portions of the basin meet the biological test for EV designation as specified in the antidegradation regulation. The sections recommended for redesignation to EV are: the Browns Run basin from the source to Dutchman Run; the Dutchman Run basin from the source to the T-413 crossing (Mead Township); the basin of UNT 56502; and the Morrison Run basin. The remainder of the basin will retain the current CWF designation.

Smithtown Creek—This UNT to the Delaware River (stream code 03211) is locally known as Smithtown Creek. Redesignation from the present TSF use to EV was requested in a petition from the Smithtown Creek Watershed Association. This stream did not satisfy any of the regulatory criteria for either HQ or EV designation. The current TSF designation should be retained.

E. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

1. *Benefits*—Overall, the citizens of this Commonwealth will benefit from these recommended changes because they will reflect the appropriate designated use and maintain the most appropriate degree of protection for each stream in accordance with the existing use of the stream.

2. *Compliance Costs*—Generally, the changes should have no fiscal impact on, or create additional compliance costs for the Commonwealth or its political subdivisions. The streams are already protected at their existing use, and therefore the designated use changes will have no impact on treatment requirements. No costs will be imposed directly upon local governments by this recommendation. Political subdivisions that add a new sewage treatment plant or expand an existing plant in these basins may experience changes in cost as noted in the discussion of impacts on the private sector which follow.

Persons conducting or proposing activities or projects that result in new or expanded discharges to streams

must comply with the regulatory requirements relating to designated and existing uses. These persons could be adversely affected if they expand a discharge or add a new discharge point since they may need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are upgraded.

3. *Compliance Assistance Plan*—The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations. The revisions extend additional protection to selected waterbodies that exhibit exceptional water quality and are consistent with antidegradation requirements established by the Federal Clean Water Act and The Clean Streams Law. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The proposed amendments will be implemented through the National Pollutant Discharge Elimination System (NPDES) permitting program since the stream use designation is a major basis for determining allowable stream discharge effluent limitations. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanded dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with existing uses and revised designated water uses.

4. *Paperwork Requirements*—The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions, or the private sector. These regulatory revisions are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus an individual permit, and its associated additional paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification, and the nonfeasibility of nondischarge alternatives, may be required for new or expanded discharges to certain HQ waters.

F. Pollution Prevention

The antidegradation program is a major pollution prevention tool because its objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanded wastewater discharges, nondischarge alternatives are encouraged, and required when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

G. *Sunset Review*

These proposed amendments will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the amendments 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 23, 2001, the Department submitted a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. In addition to submitting the proposed amendments, IRRC and the Committees have been provided a detailed regulatory analysis form prepared by the Department, in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

I. *Public Comments*

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th

Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments must be received by the Board by June 19, 2001 (within 45 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by June 19, 2001. The one page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the proposed amendments will be considered. If sufficient interest is generated as a result of this publication, a public hearing will be scheduled at an appropriate location to receive additional comments.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by June 19, 2001.

DAVID E. HESS,
Acting Chairperson

Fiscal Note: 7-362. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

§ 93.9c. Drainage List C.

Delaware River Basin in Pennsylvania

Delaware River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * *	*		
4—Little Bush Kill	Basin, Source to Unnamed Tributary (UNT) 05067	Pike	[HQ-CWF] EV	None
5—Unnamed Tributary 05067 to Little Bush Kill	Basin	Pike	EV	None
4—Little Bush Kill	Basin, UNT 05067 to UNT 05059	Pike	HQ-CWF	None
5—Unnamed Tributary 05059 to Little Bush Kill	Basin	Pike	EV	None
4—Little Bush Kill	Basin, UNT 05059 to UNT 05057	Pike	EV	None
5—Unnamed Tributary 05057 to Little Bush Kill	Basin	Pike	HQ-CWF	None
4—Little Bush Kill	Basin, UNT 05057 to Mouth	Pike	EV	None
	* * * *	*		
4—Griscom Creek	Basin	Monroe	HQ-CWF	None
3—Buck Hill Creek	Basin, Griscom Creek to Buck Hill Falls	Monroe	HQ-CWF	None

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
3—Buck Hill Creek	Basin, Buck Hill Falls to Mouth	Monroe	HQ-CWF, MF	None

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§ 93.9d. Drainage List D.

Delaware River Basin in Pennsylvania

Lehigh River

* * * * *

3—Lizard Creek	Basin, Source to T-922 Bridge	[Carbon] Schuylkill	[TSF] CWF	None
3—Lizard Creek	Basin, T-922 Bridge to Mouth	Carbon	TSF	None

* * * * *

§ 93.9l. Drainage List L.

Susquehanna River Basin in Pennsylvania

West Branch Susquehanna River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
4—Slate Run	Basin	Lycoming	EV	None
[5—Francis Branch Slate Run	Basin, Source to Confluence with Cushman Branch	Tioga	EV	None
5—Cushman Branch	Basin, Source to Slate Run	Tioga	EV	None
4—Slate Run	Basin, Confluence of Francis and Cushman Branches to Mouth	Lycoming	EV	None]

* * * * *

§ 93.9p. Drainage List P.

Ohio River Basin in Pennsylvania

Allegheny River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
3—Oswayo Creek	[Main Stem, Source to Honeoye Creek] Basin, Source to Brizzee Hollow	[McKean] Potter	CWF	None
[4—Unnamed Tributaries to Oswayo Creek	Basins, Source to Honeoye Creek	Potter	CWF	None
4—Tyler Hollow	Basin	Potter	CWF	None]
4—[Brazzee] Brizzee Hollow	Basin	Potter	HQ-CWF	None
[4—Bryant Hollow	Basin	Potter	CWF	None]
3—Oswayo Creek	Basin, Brizzee Hollow to South Branch Oswayo Creek	Potter	HQ-CWF	None
4—South Branch Oswayo Creek	Basin	Potter	EV	None
[4—Topeka Creek	Basin	Potter	CWF	None]
3—Oswayo Creek	Basin, South Branch Oswayo Creek to Clara Creek	Potter	HQ-CWF	None
3—Oswayo Creek	Main Stem, Clara Creek to Honeoye Creek	Potter	CWF	None

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
4—Unnamed Tributaries to Oswayo Creek	Basins, Clara Creek to Honeoye Creek	Potter	CWF	None

* * * * *

§ 93.9q. Drainage List Q.

Ohio River Basin in Pennsylvania
Allegheny River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
3—Browns Run	Basin, Source to Dutchman Run	Warren	[CWF] EV	None
4—Dutchman Run	Basin, Source to T-413 Bridge	Warren	EV	None
4—Dutchman Run	Basin, T-413 Bridge to Unnamed Tributary (UNT) 56501	Warren	CWF	None
5—UNT 56501 to Dutchman Run	Basin, Source to UNT 56502	Warren	CWF	None
6—UNT 56502 to UNT 56501	Basin	Warren	EV	None
5—UNT 56501 to Dutchman Run	Basin, UNT 56502 to Mouth	Warren	CWF	None
4—Dutchman Run	Basin, UNT 56501 to Mouth	Warren	CWF	None
3—Browns Run	Basin, Dutchman Run to Morrison Run	Warren	CWF	None
4—Morrison Run	Basin	Warren	EV	None
3—Browns Run	Basin, Morrison Run to Mouth	Warren	CWF	None

* * * * *

[Pa.B. Doc. No. 01-778. Filed for public inspection May 4, 2001, 9:00 a.m.]

STATE BOARD OF PHYSICAL THERAPY

[49 PA. CODE CH. 40] Examination Fees

The State Board of Physical Therapy (Board) proposes to amend § 40.5 (relating to fees) by deleting references to examination fees. In particular, the proposal would delete references to the physical therapist examination fee of \$245, the athletic trainer examination fee of \$83.75 and the physical therapist assistant registration fee of \$230. These fees are set by the third party testing organization who administers the examinations, not the Board. The fees are uniform throughout the United States. To avoid the necessity of amending its regulations whenever the examination administrator might change the fees, the Board proposes to delete references to the fees.

The General Assembly has indicated its preference for the recognition of National uniform examinations and

grading services in accordance with section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a). Over the past several years, National uniform examinations have been developed for every category of license the Board issues. The fees for the examinations are established by the National examiners and communicated directly to the applicants. Applicants for these exams pay the examination fees directly to National examiners. Thus, it is unnecessary and impractical for the Board to continue to publish the National examiners' examination fees in the Board's regulations. Since examination fees are no longer established by the Board, section 8 of the Physical Therapy Practice Act (63 P. S. § 1308) (act) is inapplicable as to National uniform examinations. Thus, the Board is eliminating reference to these examination fees.

Fiscal Impact

The proposed amendment will have no fiscal impact on the Board or its licensees. The proposed amendment should have no fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The proposed amendment should not create additional paperwork for the private sector.

Compliance with Executive Order 1996-1

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and regulated population under the directives of Executive Order 1996-1, "Regulatory Review and Promulgation". The proposed amendment addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Statutory Authority

This amendment is proposed under section 812.1 of The Administrative Code of 1929 and section 8 of the act.

Fiscal Impact and Paperwork Requirements

The proposed amendment will have no fiscal impact on the Commonwealth or its political subdivisions.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 24, 2001, the Board submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons 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 the Commission has objections to any portion of the proposed amendment, it will notify the Board within 10 days after the expiration 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 regulation, by the Board, the General Assembly and the Governor, of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendment to Bob Kline, Administrative Assistant, State Board of Physical Therapy, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Reference No. 16A-658 (Deletion of Examination Fees) when submitting comments.

JAMES J. IRRGANG,
Chairperson

Fiscal Note: 16A-658. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY****Subchapter A. GENERAL PROVISIONS****§ 40.5. Fees.**

The following fees are charged by the Board:

Physical therapist:

* * * * *

[**Examination** **\$245**]

* * * * *

Athletic trainer:

* * * * *

[**Athletic trainer examination** **\$83.75**]

* * * * *

Physical therapist assistants:

* * * * *

[**Registration examination** **\$230**]

* * * * *

[Pa.B. Doc. No. 01-779. Filed for public inspection May 4, 2001, 9:00 a.m.]

STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

Examination Fees

The State Board of Psychology (Board) proposes to amend § 41.12 (relating to fees) by deleting references to examination fees. In particular, the proposal would delete references to the National portion of the examination of \$350, the State portion of the examination of \$42 and the administrative fee of \$45. These fees are set by the third party testing organizations who administer the examinations, not the Board. The fees are uniform throughout the United States. To avoid the necessity of amending its regulations whenever the examination administrators might change the fees, the Board proposes to delete references to the fees.

The General Assembly has indicated its preference for the recognition of National uniform examinations and grading services in accordance with section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a). Over the past several years, National uniform examinations have been developed for every category of license the Board issues. The fees for the examinations are established by the National examiners and communicated directly to the applicants. Applicants for these exams pay the examination fees directly to National examiners. Thus, it is unnecessary and impractical for the Board to continue to publish the National examiners' examination fees in the Board's regulations. Since examination fees are no longer established by the Board, section 3.3 of the Professional Psychologists Practice Act (63 P. S. § 1203.3) (act) is inapplicable as to National uniform examinations. Thus, the Board is eliminating reference to these examination fees.

Fiscal Impact

The proposed amendment will have no fiscal impact on the Board or its licensees. The proposed amendment should have no fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The proposed amendment should not create additional paperwork for the private sector.

Compliance with Executive Order 1996-1

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The proposed amendment addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Statutory Authority

This amendment is proposed under section 812.1 of The Administrative Code of 1929 and section 3.3 of the act.

Fiscal Impact and Paperwork Requirements

The proposed amendment will have no fiscal impact on the Commonwealth or its political subdivisions.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 23, 2001, the Board submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons 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 agency 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 after the expiration 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 regulation, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendment to Judith Pachter Schulder, Counsel, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Reference No. 16A-6311 (Deletion of Examination Fees) when submitting comments.

ALEX M. SIEGEL, Ph.D./J.D.,
Chairperson

Fiscal Note: 16A-6311. No fiscal impact; (8) 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:

* * * * *

[Examination fee—National part only \$350

Examination fee—State part only \$42

**Administration fee (to be added to sum of parts
taken at one sitting)\$45]**

* * * * *

[Pa.B. Doc. No. 01-780. Filed for public inspection May 4, 2001, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Public School Employees' Retirement System

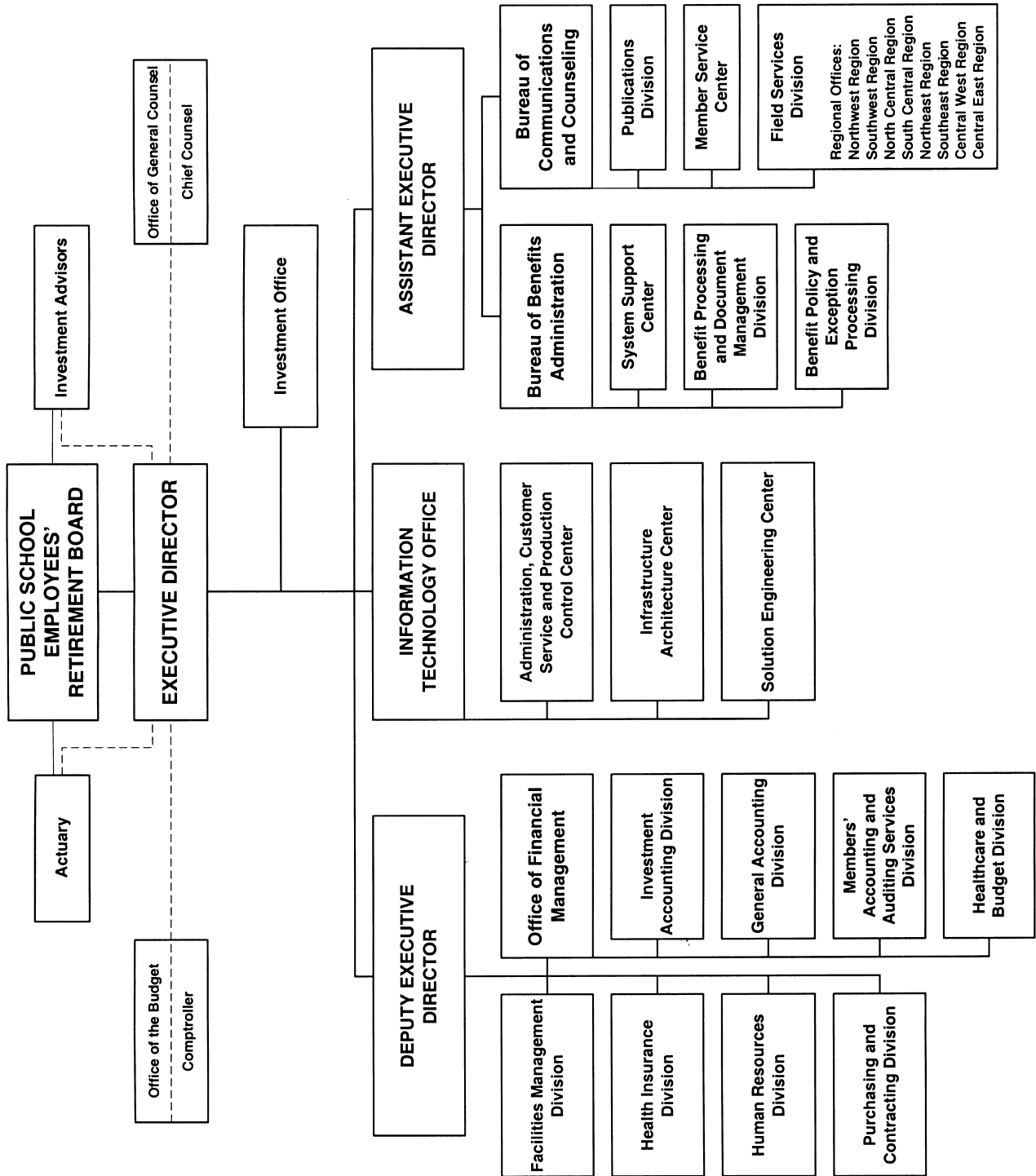
The Executive Board approved a reorganization of the Public School Employees' Retirement System effective April 10, 2001.

The following organization chart at 31 Pa.B. 2383 (May 5, 2001) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 01-781. Filed for public inspection May 4, 2001, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM



Title 7—AGRICULTURE

MILK MARKETING BOARD

[7 PA. CODE CH. 150]

License Classification Policy

The Milk Marketing Board (Board) by this order adopts a statement of policy in Chapter 150. The Board is publishing this statement of policy under section 411 of the authority of Milk Marketing Law (31 P. S. § 700j-411) (act). The statement of policy relates to the establishment of milk dealer and subdealer license classifications.

A. Effective Date

This statement of policy will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the statement of policy, contact Sharon L. Grottola, Chief Counsel, (717) 787-4194, 2301 N. Cameron Street, Harrisburg, PA 17110.

C. Statutory Authority

The statement of policy is published under the authority of section 411 of the act.

D. Purpose and Background

On October 4, 1995, the Board issued Official General Order No. A-891, which established a license classification system that set forth privileges and restrictions of the different licenses. This order expanded the classification system to a 12-license system to address problems associated with the two-license system that was in place at the time of the order. These license classifications listed both privileges and restrictions and reflected the changes occurring in the market conditions and business characteristics of the dairy industry. A lawsuit was brought in Commonwealth Court by an interested party challenging the Board's ability to establish a license classification system through the adjudicatory process. The Court held that the license classification system must be developed through the regulatory process, rather than through a Board order. A new license classification system is not in effect and will not be in effect for the start of the license year 2001—2002. Following a review of the proposed license classifications, several classifications were eliminated in that, based on the qualifications for milk dealer and subdealer licensure in the act, there was no need to license them. Those license classifications that were eliminated are importing retailer, importing distributor, broker, receiving station and subdealer store. Since it is anticipated that the new license classification system will become effective during the license year 2001—2002 and it would be an administrative burden to calculate and refund license fees to those entities that will not require licensure based on the new classification system, it is necessary to set forth a statement of policy. The statement of policy notifies those entities that they are not required to submit a license application for license year 2001—2002 and any succeeding license year.

E. Summary of Policy

It is the policy of the Board to establish license classifications for milk dealers and subdealers that reflect the activities of the applicants and issue the correct milk dealer or subdealer license. Each license classification will have privileges and restrictions. Upon review of current license holders, the Board determined that certain licens-

ees do not need to be licensed because of their activities. Those licensees are importing retailer, importing distributor, broker, receiving station and subdealer store. It is the intent of the Board to develop a new license classification system; however, this classification system will not be in effect prior to the start of the license year 2001—2002. The purpose of this statement of policy, therefore, is to notify those entities currently licensed as importing retailer, importing distributor, broker, receiving station or subdealer store that they are not required to be licensed by the Board and do not need to submit a milk dealer's license application for the license year 2001—2002 and any succeeding license year.

F. Paperwork

The statement of policy will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The statement of policy will have a fiscal impact on the Commonwealth based on the loss of license application fees from those entities currently licensed as importing retailer, importing distributor, broker, receiving station or subdealer store. The statement of policy will impose no new costs on the private sector or the general public.

H. Public Involvement

Because this order adopts a statement of policy, and not a regulation, the Board was not required to publish a notice of proposed rulemaking in the *Pennsylvania Bulletin* or to solicit public comment.

Order

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

(a) The statement of policy, 7 Pa. Code § 150.3, is added to read as set forth at Annex A.

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

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

BEVERLY R. MINOR,
Chairperson

(Editor's Note: Title 7 of the *Pennsylvania Code* is amended by adding a statement of policy in § 150.3.)

Fiscal Note: 47-8. (1) Milk Marketing Fund; (2) Implementing Year 2000-01 is \$22,000; (3) 1st Succeeding Year 2001-02 is \$22,000; 2nd Succeeding Year 2002-03 is \$22,000; 3rd Succeeding Year 2003-04 is \$22,000; 4th Succeeding Year 2004-05 is \$22,000; 5th Succeeding Year 2005-06 is \$22,000; (4) Fiscal Year 1999-00 \$30,000; Fiscal Year 1998-99 \$20,000; Fiscal Year 1997-98 \$7,500; (7) General Government Operations; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART VI. MILK MARKETING BOARD

CHAPTER 150. MILK MARKETING FEES

§ 150.3. Classification of licenses—statement of policy.

It is the policy of the Board to establish a license classification system that reflects the changes occurring in the market conditions and business characteristics of the dairy industry. The Board anticipates implementation of changes in the license classification system that will go

into effect during the license year 2001—2002. The Board's proposed changes will eliminate the license classifications of importing retailer, importing distributor, broker, receiving station and subdealer store. In order to reduce the administrative burden of calculating and refunding license fees during the license year to those entities that will not be required to be licensed under the new license classification system, it is the Board's intent to notify those entities currently licensed as an importing retailer, importing distributor, broker, receiving station or subdealer store that they are not required to complete and file a license application for the license year 2001—2002 and any succeeding license years.

[Pa.B. Doc. No. 01-782. Filed for public inspection May 4, 2001, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 41]

[L-00980135]

Evidentiary Criteria Used to Decide Motor Common Carrier Applications

The Pennsylvania Public Utility Commission (Commission) on March 22, 2001, adopted a final policy statement order establishing evidentiary criteria used to decide motor common carrier applications (limousine service). The contact person is Rhonda Daviston, Assistant Counsel, Law Bureau, (717) 787-6166.

Public Meeting held
March 22, 2001

Commissioner's Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson, Dissenting—Statement; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick, Statement

Order

By the Commission:

By order entered July 10, 1998, the Commission adopted a proposed policy statement to revise the evidentiary criteria used to review applications to provide limousine service. Specifically, the Commission proposed to eliminate two of the evidentiary criteria set forth in the policy statement in § 41.14 (relating to evidentiary criteria used to decide motor common carrier applications—statement of policy) in disposing of applications by limousine carriers.

The Commission directed that the proposed policy statement be published in the *Pennsylvania Bulletin* for comment by interested parties. The proposed revisions were published at 28 Pa.B. 3959 (August 15, 1998), with a 30-day comment period. This order addresses the 51 timely filed comments and adopts a final policy statement.

Background

Historically, an applicant seeking authority for limousine service has been required to meet the evidentiary criteria required of all applicants seeking motor carrier authority. Under § 41.14, an applicant shall demonstrate that the proposed service will serve a public purpose responsive to a public demand or need. See § 41.14(a). An applicant shall also establish that it possesses the technical and financial ability to provide the proposed service.

The Commission may deny this authority if the applicant "lacks a propensity to operate safely and legally." See § 41.14(b). Finally, existing providers of the applicant's proposed service may show that authorizing the proposed service would be contrary to the public interest. See § 41.14(c).

After a thorough review of this Commission policy, we believe that it should be changed to eliminate many of the burdens now faced by an entity that seeks a certificate of public convenience to provide limousine service. The Commission noted that in this era of increasing utility competition, it is difficult to justify the continuation of burdensome entry requirements that potential limousine service providers must overcome. Thus, the Commission proposed to alter § 41.14 to eliminate certain standards that govern our review of applications to provide limousine service. Specifically, such applicants would no longer be required to produce evidence of public need for the service. Further, the Commission would not consider the effect that a new carrier in the limousine market might have on existing providers of limousine service.

The Commission has the authority to change the policy statement in § 41.14, and has done so in the past. In 1983, the Commission altered § 41.14 to eliminate the requirement that an applicant for motor common carrier authority show the inadequacy of the existing service. In subsequent litigation, the Commonwealth Court found that the Commission had the authority to make this change. *Seaboard Tank Lines v. Pa. P.U.C.*, 502 A.2d 762 (Pa. Cmwlth. 1985). The court stated that the Commission's mandate to grant certificates of public convenience was broad, and that the Commission could formulate the criteria for the granting of such certificates. *Id.*

Further, the Commission recognized that these proposed changes correspond with Federal intervention in the area of intrastate transportation. The Federal government has preempted the State regulation of property carriers (49 U.S.C.A. §§ 11501(h), 4171(b)) and bus service (49 U.S.C.A. § 14501(a)), except for matters of safety and insurance. We emphasized that we would not relax any Commission safety and insurance requirements for present or future limousine service providers.

Comments

The Commission received 51 timely-filed written comments opposing the proposed revisions. Of these comments, 37 were from individual limousine company owners, one was from an attorney who represents limousine companies, one was from an insurer of limousines and one was from State Senator Frank A. Salvatore. The remaining comments were from three different law firms representing the interests of various limousine companies and associations. The Commission also received three different petitions (with 75 total signatures) generically opposing the proposed revisions.¹

Most (33) of the individual commentators used almost identical language. These comments assert that the signatory holds a certificate of public convenience and states that the signatory opposes the proposed revision on the grounds that the revision would constitute a taking of valuable rights without compensation. They go on to further assert that they have made significant investments in their certificates of public convenience and their equipment and that the proposed revisions would unfairly

¹The Commission also received late filed comments from State Senator Michael O'Pake, Representative Charles Dent (currently State Senator Dent) and Representative Gene DiGirolamo opposing the revision and comments from a potential limousine operator and Representative Keith McCall which supported the proposed revision.

deprive their business of the "benefit of the investment to the extent that it will be detrimental to the public."

State Senator Salvatore commented that he is involved in the issue of unlawful competition by limousine companies against taxicab operators in the City of Philadelphia. He further comments that partial deregulation will harm his taxicab medallion reform measures to obtain their operating authority. He requested that the Commission delay any consideration on this matter for 1 year.

The remaining comments provided other rationales to support the commentators' view that the Commission should not finalize the proposed revision. These comments make both practical and legal arguments against the partial deregulation of the limousine industry. The following is a list of the entities that filed timely comments:

The Hurd Insurance Agency, Inc., Dave's Best Limousine Co., Inc., Carriage Limousine Services, Inc., Celebrity Limousine & Transportation Services, King Transportation Services, Inc., Personal Touch Limousine Service, Inc. t/d/b/a V.I.P. Limousine Service, Donald W. Lemon, Star Limousine Service, Inc., Mary Lewis, Barry J. Testa, t/d/b/a Hollywood Limousine Service, and Larry Wills, Absolute Limousine Service, Inc., Kirk Livery, Inc., State Senator Frank A. Salvatore, Limousines for Less, A.B.E. Limousine Service (this comment included a list of 16 names of people who are all employed by Fuller Co., Inc.), Loma, Inc./A.B.E. Limousine Service (includes two lists with a total of 59 names of people), Daniel R. Koerber, t/d/b/a Crown Limousine Service, Tri-Star Enterprises, Inc., t/d/b/a Supershuttle and Lehigh Valley Taxicab Co., t/d/b/a A-Amora Limousine Service, Delaware Valley Limousine Owners Association, Northeastern Limousine Association and 26 individual carriers who are members of those associations, Central Pa. Limousine Service, Beverly Hills Limousine Service, Champagne Limousine Service, Unique Limousine, Inc., John A. Pillar, Esq., of Pillar Mulroy and Ferber, The Rose Limousine Services, Inc., London Limousine & Town Car Service, Conaway Hearse & Limousine Sales, Airport Express, First Class Limousine Service, Inc., Elegante' Limousine Service, American Limousine Service, Inc., Executive Limousine Service, Jerelu Enterprise, Inc., A & D Limousine Service, J & J Limousine Service, CWG Holdings, Inc., d/b/a Luxury Limousine Service, Chestnut Hill Limousine, White Rose Limousine, Inc., Fancee Limousine Service, Inc., Touch of Class Limo, Inc., Aries Limousine Service, Susan E. Grosh, Esq., of Blakinger, Byler & Thomas, P.C., Garden Spot Equipment Auction, d/b/a Landis Luxury Coaches, Elite Limousine, Ltd., Allied Limousine, Sterling Limousine, A La Carte Limousine Service, Inc., Hughes Limousine Service, Salgals, Inc., t/d/b/a Villa Limousine Service, VIP Express Limousine Service, Champagne Limousine Service, Park Avenue Luxury Limo, Elite Limousine, and Carey Limousine Philadelphia, Inc.

Practical Arguments

The "practical" comments focus on the impact of the proposed deregulation efforts on existing carriers. These commentators assert that the limousine industry is already very competitive and that the present requirement to show a "need" for the service is de minimis and not really a barrier for those who seek to enter the industry. Moreover, they assert that partial deregulation will promote an influx of out-of-State limousine companies which may cause some in-State limousine companies to go out of business.

These commentators also aver that the proposed revision will allow operators to enter the industry who may

not have the resources to provide safe service. A related argument is that the influx of new limousine companies will overburden the Commission's ability to police these operators for safety and insurance violations, thus promoting unsafe service.

Finally, these commentators realize that fixed utility deregulation may be beneficial to the public, but they note that most limousine companies are small operations. They assert that the partial deregulation of the limousine industry will have negative financial effects on limousine companies which far outweigh any benefit to the public. They argue that many limousine companies have invested significant time and financial resources to obtain their certificate of public convenience, and the loss of this certificate's value through deregulation will be an unfair hardship when compared to the public's need (if any) for additional limousine service.

Resolution

As noted, most of the commentators argue that the existing limousine companies will lose the benefit of their investment, if the policy statement is modified to eliminate the evidentiary requirements contained in § 41.14 (a) and (c). It is well settled that holding a certificate of public convenience is a privilege, not a property right. The holder of a certificate of public convenience does not acquire a vested property right or a contractual interest by virtue of its status as a public utility. *Pa. P.U.C. v. Zanella Transit, Inc.*, 417 A.2d 860 (Pa. Cmwlth. 1980).

Moreover, the primary objective of the public service laws is not to establish a monopoly or to guarantee the security of investment in public service corporations. The primary objective is to serve the interests of the public. *Sayre v. Pa. P.U.C.*, 54 A.2d 95 (Pa. Super. 1947). In this instance, we believe that the public interest compels us to permit greater competition in the limousine industry in order to provide the public with more choice and quite possibly lower prices. We believe that easing the entry standards for the limousine industry will accomplish these goals.

At the same time, however, we will in no way relax our overview of safety and insurance requirements. Nor will we grant certificates to companies that are technically or financially unfit to provide limousine service. In particular, the remaining evidentiary criteria in the policy statement will continue to apply to all prospective limousine applications. That provision provides that :

An applicant seeking motor carrier authority has a burden of demonstrating that it possesses the technical and financial ability to provide the proposed service, and in addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally.

52 Pa. Code § 41.14(b).

Legal Arguments

The primary legal argument made by commentators is that the Commission lacks the statutory authority to implement the proposed revisions. Section 1103(a) of the Public Utility Code, 66 Pa.C.S. § 1103(a), states that a "certificate of public convenience shall be granted by order of the Commission, only if the Commission shall find or determine that the granting of such certificate is necessary or proper for the safety of the public." The commentators argue that this language creates a statutory duty for the Commission to affirmatively determine that any new limousine service proposed by an applicant would serve a particular public need.

These commentators distinguish the instant situation from the holding in *Seaboard*, in which the Commission was permitted to eliminate the requirements that transportation service applicants show that existing service was inadequate before obtaining a certificate of public convenience. Commentators assert that in *Seaboard*, the Commission sought to eliminate a self-established criterion while here, the Commission seeks to abandon a statutory mandate. They argue that only the legislature can change the burden of proof applicable to limousine service applicants.

Additionally, one commentator has appealed directly to the Independent Regulatory Review Commission (IRRC), arguing that the guidelines in § 41.14 constitute more than a mere statement of policy. This commentator asserts that the Commission uses these guidelines as the basis for all Commission decisions and rulings in motor carrier applications proceedings and that the proposed changes to this statement of policy are an abrogation of the Commission's performance of a statutory duty. Thus, this commentator requested IRRC to investigate the instant matter to determine if the Commission is violating any regulatory-based requirements. On September 21, 1998, IRRC declined this request, responding that it has no authority to review the substance or potential revision of a statement of policy.

Other legal commentators argue that statutory constraints also preclude the Commission from altering the requirement that new limousine service applicants can not endanger the operators of existing carriers to the extent that the grant of authority would be contrary to the public interest. Without reference to a particular statutory provision, they contend that the Commission must continue to consider this factor in limousine service application proceedings.

Statutory Provisions and Case Law

Section 1102 of the Public Utility Code requires a public utility to obtain approval from the Commission in the form of a certificate of public convenience prior to rendering service. Under the definitions in section 102, a "public utility" includes any entity transporting passengers as a common carrier. Section 1103(a) of the Public Utility Code provides that the Commission shall grant a certificate only if it determines "that the granting of such certificate is necessary or proper for the service, accommodation, convenience or safety of the public." While the Commission has traditionally considered whether an applicant has demonstrated public need for a particular proposed limousine service (in addition to the other evidentiary criteria listed in the Commission's policy statement in § 41.14), it is clear that the statute does not require any particular form of analysis or specific Commission determinations regarding public need for the proposed service or the impact on existing carriers.

Further, a review of applicable case law under section 1103(c) of the Public Utility Code reveals that although the appellate courts have endorsed the Commission's "need analysis," the courts have not found that the Commission must place this burden on applicants or undergo this traditional type of review in granting certificates. Rather, the courts have afforded the Commission substantial deference in deciding whether particular certificates should be granted. Specifically, the courts have frequently suggested that the Commission is empowered by the statute to grant certificates where it is satisfied that such action is necessary or proper for the accommodation, convenience and safety of the public. *Yellow Cab Co. of Pittsburgh v. Pa. P.U.C.*, 524 A.2d 1069 (1987).

Additionally, the courts have recognized that "absolute necessity" for a certificate is not a prerequisite to the granting of a certificate. Rather, a reasonable necessity is sufficient and the reviewing court does not sit as a super administrative board. *Borough of Bridgewater v. Pa. P.U.C.*, 124 A.2d 165 (1956). The courts have also held that the Commission is free to modify evidentiary burdens in determining whether a certificate should be granted. *Seaboard*.

Moreover, the courts have held that the propriety of permitting competition in any particular field is largely an administrative question to be decided by the Commission in the exercise of its discretion. *Waltman v. Pa. P.U.C.*, 596 A.2d 1221 (1991). In *Pa. P.U.C. v. Purolator Courier Corp.*, 355 A.2d 850 (1976), the Commonwealth Court emphasized that the amount of competition which will best serve the public interest is a matter within the sound discretion of the Commission.

Finally, with respect to certain telecommunications applications, we have concluded that applicants seeking to offer competitive local exchange carrier and competitive access provider services under section 1103(a) of the Public Utility Code need not demonstrate a particular public need for the proposed services in rural areas. Rather, public need for competitive services is presumed. *Application of Vanguard Telecom. Corp., d/b/a Cellular One*, Docket Nos. A-310621, F.0002 and A-310621, F.0003 (Order Entered August 23, 2000) (evidentiary criteria for market entry under Section 1103(a) modified to reflect pro-competitive policy) Slip op. At 18-19. *Application of Armstrong Communications, Inc.*, Docket Nos. A-310583, F.0002 (Order Entered March 4, 1999) (facilities-based CLEC need not demonstrate public need or inadequacy of existing service).

Our approach to these telecommunications applications, wherein the evidentiary criteria are modified and tailored to the present industry structure, is very similar to what we are doing in the transportation industry. In short, the introduction of competition would be responsive to a public need for more choices.

Resolution

In analyzing the statutory and case law, we are of the opinion that the statute allows us sufficient flexibility to modify the evidentiary criteria used to evaluate limousine applications under section 1103(a) of the Public Utility Code. We note that section 1103(a) of the Public Utility Code does not require us to make a finding of public need for a particular proposed service. Rather, the statutory language in the statute focuses upon the granting of a certificate on the basis that it is necessary or proper for the service, accommodation, convenience or safety of the public. Clearly this language affords us significant latitude to determine when the issuance of a certificate is necessary or proper.

In fact, the courts have recognized our discretion in determining the proper standards governing such an analysis. In the *Seaboard* case, for example, the court stated that the legislature "provided no definition of specifically what the criteria were to be in determining the propriety of granting a certificate, leaving the formulation of such criteria to the PUC." *Id.* at 502 A. 2d at 764-65. Further, the courts have deferred to the Commission discretion to determine whether competition should be promoted in a particular industry.

By eliminating the "public need" criterion from our review of individual applications, there is a potential for greater competition in the limousine industry. In the

Commission's judgment, these reduced entry standards should foster competition and thereby benefit the public interest. Through increased competition in the limousine industry, the public may have the opportunity to choose among more carriers, potentially resulting in offers of better services and lower prices. Therefore, the introduction of more competition into the limousine industry, along with the potential benefits to the public resulting from the entry of competitive carriers, would provide the presumption or foundation for a finding of "public need" for the issuance of additional certificates. Under these circumstances, individual applicants are not obligated to prove "public need" for each application.

As a result of our review of existing case law and the statute, we are satisfied that, within the parameters of the existing statutory language, we have the authority to modify the evidentiary criteria used to support a section 1103(a) of the Public Utility Code "necessary or proper" determination. The evidentiary criteria under section 1103(a) of the Public Utility Code were created by the Commission and therefore, can be subsequently changed by the Commission. In particular, we will eliminate the requirement that an individual applicant for limousine service demonstrate a public need for that particular service. By revising this policy statement, we will also, no longer consider the effect that competition will have on existing carriers.

Instead, the evidentiary criteria for granting an individual limousine operator's application for a certificate of public convenience filed after the effective date of this policy statement will focus on the fitness of the applicant. In particular, a limousine application wherein the carrier successfully demonstrates technical and financial ability to provide the proposed service will be deemed to be "necessary or proper for the service, accommodation or safety of the public" within the meaning of section 1103(a) of the Public Utility Code. Nevertheless, as mentioned previously, our regulatory oversight of existing safety and insurance requirements in the limousine industry are not altered by this policy statement regarding entry standards.

In sum, rather than requiring individual applicants to show a particular public need for the proposed service, we have concluded that, as a matter of general principle, a streamlined application process with reduced entry standards can satisfy the "necessary or proper" test and be consistent with the public interest. Specifically, the introduction of more competition into the limousine industry, along with potentially more carriers, provides the presumption or foundation for a finding of "public need" for the issuance of additional certificates.

We note that this policy change will have no effect on our review of applications for the taxicab service under the Philadelphia taxicab medallion program. This policy change will also have no effect on the Port Authority of Allegheny County's exclusive jurisdiction over transportation within Allegheny County.

Accordingly, under 66 Pa.C.S. §§ 501 and 1102, the Commonwealth Documents Law (45 P. S. § 1201 et. seq.), and regulations promulgated thereunder in 1 Pa. Code §§ 7.1—7.4, the Commission issues this policy statement as set forth in Annex A: *Therefore, It Is Ordered that:*

1. The Commission hereby adopts the policy statement set forth in Annex A.

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

3. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and the policy statement shall be effective upon publication.

JAMES J. MCNULTY,
Secretary

(*Editor's Note:* 52 Pa. Code is amended by amending a statement of policy in § 41.14 to read as set forth in Annex A. For a proposed statement of policy to the document, see 31 Pa.B. 2389 (May 5, 2001).)

Fiscal Note: Fiscal Note 57-197 remains valid for the final adoption of the subject regulation.

Statement of Vice Chairman Robert K. Bloom

Today, the Majority adopts a Final Policy Statement on the Evidentiary Criteria Used to Decide Motor Common Carrier Limousine Applications and revising the Policy Statement at 52 Pa. Code Section 41.14. While I support the desire to modify the evidentiary criteria used to evaluate limousine applications under 66 Pa.C.S. Section 1103(a); I do not concur in the Majority's conclusion that statute or regulation permits such a modification. I would also note that the Commission received 51 timely comments, all of which opposed the revisions.

Statement of Commissioner Terrance J. Fitzpatrick

Today the Commission is considering the Final Policy Statement on evidentiary criteria used to review applications to provide limousine service, and a Proposed Policy Statement on evidentiary criteria used to review all other motor common carrier applications. I wholeheartedly support the Law Bureau's recommendations that the Commission adopt the Final Policy Statement and the Proposed Policy Statement.

Both the Proposed and Final Policy Statements would eliminate two elements of the Commission's current policy—the requirement that an applicant prove a "public demand or need" for the service, and the provision that an application may be denied where it threatens the operations of existing common carriers. 52 Pa. Code § 41.14(a), (c). An applicant would still be required to demonstrate that it is technically and financially fit. 52 Pa. Code § 41.14(b).

In an era when we allow entry into the local telecommunications market and electricity supply markets upon a simple showing of technical and financial fitness, there is no justification for requiring an applicant for motor carrier authority to clear a higher threshold by demonstrating a public demand or need for the service. There is also no sound policy reason why the Commission should protect existing carriers from additional competition. These outdated requirements do not protect the public interest; they protect private interests by providing fuel for protests and litigation that can be used to discourage entry.

To the extent that the Commission's staff is freed from applying these outdated standards to motor carrier applications, the staff will be better able to focus on safety and the many other truly important issues to come before the Commission.

For these reasons, I support the Law Bureau's recommendations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 41. GENERAL ORDERS, POLICY STATEMENT AND GUIDELINES ON TRANSPORTATION UTILITIES

§ 41.14. Evidentiary criteria used to decide motor common carrier applications—statement of policy.

(a) An applicant seeking motor common carrier authority has a burden of demonstrating that approval of the application will serve a useful public purpose, responsive to a public demand or need.

(b) An applicant seeking motor common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service. In addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally.

(c) The Commission will grant motor common carrier authority commensurate with the demonstrated public need unless it is established that the entry of a new carrier into the field would endanger or impair the operations of existing common carriers to an extent that, on balance, the granting of authority would be contrary to the public interest.

(d) Subsections (a) and (c) do not apply to an applicant seeking authority to provide motor carrier of passenger service under §§ 29.331–29.335 (relating to limousine service).

[Pa.B. Doc. No. 01-783. Filed for public inspection May 4, 2001, 9:00 a.m.]

[52 PA. CODE CH. 41]

[L-00010152]

Evidentiary Criteria Used to Decide Motor Common Carrier Applications

The Pennsylvania Public Utility Commission (Commission) on March 22, 2001, adopted a proposed policy statement order establishing evidentiary criteria used to decide motor common carrier applications. The contact person is Rhonda Daviston, Law Bureau, (717) 787-6166.

Public Meeting held
March 22, 2001

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson, concurring in result; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick, statement follows.

Order

By the Commission:

Under section 1102 of the Public Utility Code (Code) 66 Pa.C.S. § 1102 (relating to enumeration of acts requiring certificate), a public utility must obtain a certificate of public convenience from the Commission before offering service within this Commonwealth. As defined by section 1102 of the Code, "public utility" includes common carriers that transport passengers by motor vehicle between points within this Commonwealth for compensation. See 66 Pa.C.S. § 102 (relating to definitions). The evidentiary

criteria governing applications for this type of authority are set forth in a Commission policy statement in § 41.14 (relating to general orders, policy statement and guidelines on transportation utilities).

As part of a continuing effort to ensure that our regulatory requirements are necessary and appropriate, we have considered whether the evidentiary criteria of § 41.14 should continue to be applied to our review of applications for motor common carrier authority. In view of the increasing competition developing in traditional utility markets, we are reexamining the scope of our regulation of motor carrier service providers.

Under § 41.14, an applicant must currently demonstrate that the proposed service will serve a public purpose responsive to a public demand or need. See 52 Pa. Code § 41.14(a). An applicant must also establish that it possesses the technical and financial ability to provide the proposed service. The Commission may deny this authority if the applicant "lacks a propensity to operate safely and legally." See 52 Pa. Code § 41.14(b). Finally, existing providers may show that the applicants proposed service would endanger or impair them to an extent that authorizing the proposed service would be contrary to the public interest. See 52 Pa. Code § 41.14(c).

After a thorough review of this Commission policy, we believe that the criteria should be changed to eliminate many of the restrictions now faced by an entity that seeks a certificate of public convenience to provide motor common carrier services. In this era of increasing competition, it is difficult to justify the continuation of burdensome entry restrictions which potential motor common carrier service providers must overcome. Thus the Commission proposes to alter § 41.14 to eliminate certain standards that govern our review of motor common carrier applications. Specifically, applicants would no longer be required to produce evidence of public need for the service. Further, the Commission would not consider the effect that a new carrier in the transportation industry would have on existing providers. This action is taken so that our review of all motor carrier applications is consistent with our review of limousine applications. Under our order adopted today at L-00980135, we have amended our policy statement at § 41.14 to eliminate the requirement for the applicant to demonstrate public need and to forego consideration of the impact of new entrants on existing providers.

We believe that easing the entry of carriers into the transportation industry should foster competition, and is therefore necessary and proper for the accommodation of the public. We will in no way relax our overview of safety and insurance requirements. Nor will we issue a certificate to a motor carrier applicant who fails to demonstrate technical and financial fitness to provide the proposed services. In particular, the remaining evidentiary criteria in the policy statement will continue to apply to all prospective limousine applications. That provision provides that :

An applicant seeking motor carrier authority has a burden of demonstrating that it possesses the technical and financial ability to provide the proposed service, and in addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally.

52 Pa. Code § 41.14(b).

The Commission has authority to change § 41.14 and has done so before. In 1983, the Commission adopted

§ 41.14 to eliminate the requirement that an applicant for motor common carrier authority show the inadequacy of the existing service. In subsequent litigation, the Commonwealth Court found that the Commission had the authority to make this change. *Seaboard Tank Lines v. Pa. P.U.C.*, 502 A.2d 762, (Pa. Cmwlth. 1985). In *Seaboard*, the court stated that the Commission's mandate to grant certificates of public convenience was broad, and that the Commission could formulate the criteria for the granting of such certificates. *Id.*

These proposed changes correspond with Federal intervention in the area of intrastate transportation. The Federal government had preempted the State regulation of property carriers (49 U.S.C.A. §§ 11501(h) and 4171(b)) and bus service (49 U.S.C.A. § 14501(a)) except for safety and insurance requirements. We reemphasize that we will not relax any Commission safety and insurance requirements for present or future motor carrier service providers.

We note with respect to certain telecommunications applications, that we have concluded that applicants seeking to offer competitive local exchange carrier and competitive access provider services under 66 Pa.C.S. § 1103(a) (relating to procedure to obtain certificates of public convenience) need not demonstrate a particular need for the proposed services in rural areas. Rather, public need for competitive services is presumed. *Application of Vanguard Telecom Corp., d/b/a Cellular One*, Docket Nos. A-310621, F.0002 and A-310621, F.0003 (Order Entered August 23, 2000) (evidentiary criteria for market entry under 66 Pa.C.S. § 1103(a) modified to reflect procompetitive policy) Slip op. at 18-19. *Application of Armstrong Communications, Inc.*, Docket Nos. A-310583, F.0002 (Order Entered March 4, 1999) (facilities-based CLEC need not demonstrate public need or inadequacy of existing service).

Our approach to these telecommunications applications, wherein the evidentiary criteria are modified and tailored to the present industry structure, is very similar to what we propose to do in the transportation industry. In short, we believe that the introduction of competition would be responsive to a public need for more choices.

Lastly, we note that this proposed policy change will have no effect on our review of applications for taxicab service under the Philadelphia taxicab medallion program. We also note that this proposed policy change will have no effect on the Port Authority of Allegheny County's exclusive jurisdiction over the transportation system within Allegheny County. The Commission welcomes comments on the proposed changes to § 41.14.

Accordingly, under 66 Pa.C.S. §§ 501 and 1102, the Commonwealth Documents Law (45 P.S. § 1201 et. seq.), and regulations promulgated thereunder in 1 Pa. Code §§ 7.1—7.4, the Commission issues this policy statement as set forth in Annex A: *Therefore*,

It Is Ordered that:

1. The proposed amendments to 52 Pa. Code Chapter 41, as set forth in Annex A, is issued for comment.
2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
3. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
4. Interested persons may submit an original and 15 copies of written comments to the Office of the Secretary,

Pennsylvania Public Utility Commission, P. O. Box, 3265, Harrisburg, PA 17105-3265, within 30 days from the date this order is published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

(*Editor's Note:* For a statement of policy relating to this document, see 31 Pa.B. 2385 (May 5, 2001).)

Fiscal Note: 57-220. No fiscal impact; (8) recommends adoption.

Statement of Commissioner Terrance J. Fitzpatrick

Today the Commission is considering the Final Policy Statement on evidentiary criteria used to review applications to provide limousine service, and a Proposed Policy Statement on evidentiary criteria used to review all other motor common carrier applications. I wholeheartedly support the Law Bureau's recommendations that the Commission adopt the Final Policy Statement and the Proposed Policy Statement.

Both the Proposed and Final Policy Statements would eliminate two elements of the Commission's current policy—the requirement that an applicant prove a “public demand or need” for the service, and the provision that an application may be denied where it threatens the operations of existing common carriers. 52 Pa. Code § 41.14(a) and (c). An applicant would still be required to demonstrate that it is technically and financially fit. 52 Pa. Code § 41.14(b).

In an era when we allow entry into the local telecommunications market and electricity supply markets upon a simple showing of technical and financial fitness, there is no justification for requiring an applicant for motor carrier authority to clear a higher threshold by demonstrating a public demand or need for the service. There is also no sound policy reason why the Commission should protect existing carriers from additional competition. These outdated requirements do not protect the public interest; they protect private interests by providing fuel for protests and litigation that can be used to discourage entry.

To the extent that the Commission's staff is freed from applying these outdated standards to motor carrier applications, the staff will be better able to focus on safety and the many other truly important issues to come before the Commission.

For these reasons, I support the Law Bureau's recommendations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 41. GENERAL ORDERS, POLICY STATEMENT AND GUIDELINES ON TRANSPORTATION UTILITIES

§ 41.14. Evidentiary criteria used to decide motor common carrier applications—statement of policy.

[(a) An applicant seeking motor common carrier authority has a burden of demonstrating that approval of the application will serve a useful public purpose, responsive to a public demand or need.

(b)] An applicant seeking motor common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed

service. In addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally.

[(c) The Commission will grant motor common carrier authority commensurate with the demonstrated public need unless it is established that the entry of a new carrier into the field would endanger or impair the operations of existing common carriers to an extent that, on balance, the granting

of authority would be contrary to the public interest.

(d) Subsections (a) and (c) do not apply to an applicant seeking authority to provide motor carrier of passenger service under §§ 29.331—29.335 (relating to limousine service).]

[Pa.B. Doc. No. 01-784. Filed for public inspection May 4, 2001, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 24, 2001.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
4-24-01	First Financial Savings Association Downingtown Chester County <i>To:</i> First Financial Bank Downingtown Chester County Represents a conversion from a State-chartered stock savings association to a State-chartered commercial banking institution.	Downingtown	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-23-01	First Star Savings Bank Bethlehem Northampton County Purchase of assets/assumption of liabilities of one branch of Main Street Bank, Reading, located at: 1430 Jacobsburg Road Wind Gap Plainfield Township Northampton County	Bethlehem	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-16-01	Abington Savings Bank Jenkintown Montgomery County	521 Stump Road North Wales Montgomery County	Opened
4-16-01	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	247 Wyoming Avenue Kingston Luzerne County	Opened
4-18-01	Stonebridge Bank Exton Chester County	624 Willowbrook Lane West Goshen Chester County	Approved
4-23-01	Greater Delaware Valley Savings Bank Broomall Delaware County	Shoppes at Brinton Lake Baltimore Pike & Brinton Lake Road Glen Mills Delaware County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
4-18-01	Community Trust Company Camp Hill Cumberland County	Amendment to Article 2 provides for the relocation of the principle place of Business <i>from</i> : 1013 Mumma Road, Suite 202, Lemoyne; <i>to</i> : 3907 Market Street, Camp Hill, both locations in Cumberland County, Pennsylvania.	Effective

SAVINGS INSTITUTIONS**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
4-23-01	East Stroudsburg Savings Association Stroudsburg Monroe County	1309 Blue Valley Dr. Pen Argyl Northampton County	Approved

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-785. Filed for public inspection May 4, 2001, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Approval of Little Nescopeck Creek Watershed Conservation Management Plan

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation has approved the Little Nescopeck Creek Watershed Conservation Management Plan (Plan) and is placing the Little Nescopeck Creek, the watershed and all tributaries covered in the Plan in Luzerne County, on the Pennsylvania Rivers Conservation Registry (Registry).

The Wildlands Conservancy submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the DCNR has determined that the Keystone Rivers Conservation Program requirements have been satisfied and places the following on the Registry:

1. The watershed area of Little Nescopeck Creek (Luzerne County) from the headwaters to its confluence with Nescopeck Creek—14 square miles.
2. All tributary streams within the Little Nescopeck Creek Watershed.

This action becomes effective today, May 5, 2001. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Keystone Rivers Conservation Program.

A copy of the Final Plan is available for review at:

Wildlands Conservancy
3701 Orchid Place
Emmaus, PA 18049
(610) 965-4397

and

Department of Conservation and Natural Resources
Rachel Carson State Office Building
400 Market Street, 6th floor
Harrisburg, PA 17101
(717) 787-2316

Maps and supporting data are on file at the Wildlands Conservancy.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 01-786. Filed for public inspection May 4, 2001, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

Under the Federal Clean Water Act and the Pennsylvania Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this

Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I below, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II below. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise below, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(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 received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments 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 comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability, who require an auxiliary aid service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay service at (800) 654-5984.

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0084506	Kitch, Inc. dba Starlite Camping Resort 1500 Furnace Hill Road Stevens, PA 17578	Lancaster County Clay Township	Dry swale to Middle Creek/7J	Yes
PA0035653	PA Dept. of Transportation Safety Rest Area 3 P. O. Box 3060 Harrisburg, PA 17105-3060	Fulton County Brush Creek Township	UNT to Brush Creek/13B	Yes
PA0087173	High Point Baptist Chapel P. O. Box 188 Geigertown, PA 19523	Berks County Robeson Township	Hay Creek/3C	Yes
PA0083801	Gateway Unlimited 871 Range End Road Dillsburg, PA 17019	York County Franklin Township	UNT North Branch Bermu- dian Creek/7F	Yes
PA0034886	Wolverine Tube-Small Tube Products Company, Inc. P. O. Box 1674 Altoona, PA 16603-1674	Blair County Allegheny Township	Beaverdam Branch Little Juniata River/11A	Yes
PA0042781	Mount Joy Wire Corporation 1000 East Main Street Mount Joy, PA 17552	Lancaster County Rapho Township	Little Chickies Creek/7G	Yes

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0013182	Albert A. Drobka Al Mar Acres MHP P. O. Box 256 State College, PA 16804- 0256	Centre County Harris Township	Unnamed tributary of Spring Creek 9C	Renewal Yes

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0111112	HH Knoebel Sons, Inc. R. R. 1, P. O. Box 317 Elysburg, PA 17824	Columbia County Franklin Township	South Branch of Roaring Creek 5E	Renewal Yes
PA0041327	Penn College of Technology 2245 Reach Road Williamsport, PA 17701-5587	Lycoming County Clinton Township	Unnamed tributary to Black Hole Creek 10C	Renewal
PA0032492	DCNR Bald Eagle State Park 149 Main Park Road Howard, PA 16841	Centre County Liberty Township	Bald Eagle Creek	Renewal
PA0113212	J. William Moore 300 Fairfield Road Lewisburg, PA 17837	Northumberland County West Chillisquaque Township	Unnamed tributary to W Br. Susquehanna River 10D	Renewal
PA0111759	Taylor Packing Company, Inc. P. O. Box 188 Wyalusing, PA 18853	Bradford County Wyalusing Township	Wyalusing Creek 4D	Amendment
PA0209287	Wanderland Trails, Inc. P. O. Box 2684 Collegeville, PA 19426	Tioga County Richmond Township	Tioga & Cowanesque Rivers 4A	Renewal

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0209996, Sewage. **The Salvation Army—Camp Allegheny**, 424 Third Avenue, Pittsburgh, PA 15219.

This facility is located in Wayne Township, **Lawrence County**.

Description of Proposed Activity: renewal of sewage discharge.

The receiving stream, Slippery Rock Creek, is in watershed 20C and classified for: cold water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.06 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-01 to 09-30) (10-01 to 4-30)		200/100 ml as a geometric average 100,000/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.17
Dissolved Oxygen		Minimum of 3.0 mg/l at all times.	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

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

No. PA0058327, Sewage, **FMC Corporation**, 200 East Randolph Drive, Chicago, IL 60056.

This application is for renewal of an NPDES permit to discharge treated process wastewater from a single residence sewage treatment plant in Plymouth Township, **Montgomery County**. This is a new discharge to an unnamed tributary of Plymouth Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.0004 gpd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	20	40
Total Residual Chlorine	Monitor/Report	
Coliform	200 colonies/100 ml as a geometric average	
pH	Within limits of 6.0—9.0 Standard Units at all times	

Other Conditions:

The EPA Waiver is in effect.

Effective disinfection.

The first downstream potable water intake is Queen Lane Intake.

No. PA0022411, Sewage, **Naval Air Station Joint Reserve Base**, P. O. Box 21, Willow Grove, PA 19090-5021.

This application is for Renewal of an NPDES permit to discharge Treated Sewage from the sewage treatment plant in Horsham Township, **Montgomery County**. This is an existing discharge to unnamed tributary to Park Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1.0 MGD, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
(5-1 to 10-31)	20	40
(11-1 to 4-30)	30	60
Suspended Solids		
Ammonia (as N)	1.5	3.0
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.5	19.0
Nitrate & Nitrate (as N)		
(7-1 to 10-31)	2.0	4.0
Phosphorus (as P)		
(4-1 to 10-31)	0.44	1.18
Total Residual Chlorine	200 colonies/100 ml as a geometric average	
Fecal Coliform	Minimum of 5.0 mg/l at all times	
Dissolved Oxygen	Within limits of 6.0—9.0 Standard Units at all times	
pH		

The EPA Waiver is in effect.

No. PA0034487, Industrial Waste, **Meenan Oil Company**, 113 Main Street, Tullytown, PA 19007.

This application is for renewal of an NPDES permit to discharge treated stormwater in Tullytown Borough, **Bucks County**. This is an existing discharge to the Delaware River and an unnamed tributary to the Delaware River.

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

The proposed effluent limits for stormwater for Outfalls 001 and 002 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable			
Petroleum Hydrocarbons			Monitor/Report
Diesel Range Organics			Monitor/Report
Gasoline Range Organics			Monitor/Report

Other Requirements:

1. DMR to DRBC
2. Product Contaminated Stormwater Runoff
3. Monitoring and Reporting
4. PPC Plan Requirements
5. Other Wastewaters
6. Definitions

The EPA Waiver is in effect.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

PA0062090, Industrial Waste, **Anemostat**, 888 North Keyser Avenue, Scranton, PA 18508.

This facility is located in the City of Scranton, **Lackawanna County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge noncontact cooling water.

The receiving stream, unnamed tributary to Keyser Creek, is in the State Water Plan watershed 5A—Lackawanna and is classified for: cold water fishery. The nearest downstream public water supply intake for Danville Borough Water Supply is located on the North Branch Susquehanna River is over 50 miles downstream miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.00525 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Oil and Grease			15.0	30.0
pH		6.0 to 9.0 standard units at all times		

PA0051632, Sewage, **City of Easton**, One South Third Street, Easton, PA 18042.

This proposed facility is located in City of Easton, **Northampton County**.

Description of Proposed Activity: Discharge of treated industrial wastewater from the City of Easton Water Treatment Plant.

The receiving stream, Delaware River, is in the State Water Plan watershed 1F and is classified for: warm water fishery. The nearest downstream public water supply intake for Keystone Water Company is located on Delaware River is 46 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0014 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
Total Suspended Solids		30.0	60.0
Total Aluminum		4.0	8.0
Total Iron		2.0	4.0
Total Manganese		1.0	2.0
Total Residual Chlorine		0.5	1.6
pH		6.0 to 9.0 standard units at all times.	

The proposed effluent limits for Outfall 002 based on a design flow of 0.400 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
Total Suspended Solids		30.0	60.0
Total Aluminum		4.0	8.0
Total Iron		2.0	4.0
Total Manganese		1.0	2.0
Total Residual Chlorine		0.5	1.6
pH		6.0 to 9.0 standard units at all times.	

PA0061484-A1, Sewerage, **Corning, Inc.**, Benton Park—Photonics, Franklin Valley Road, Fleetville, PA 18420-0228.

This proposed facility is located in Benton, **Lackawanna County**.

Description of Proposed Activity: Amendment of NDPEs permit to discharge treated sewage into an unnamed tributary to S. Branch Tunkhannock Creek.

The receiving stream, unnamed tributary to South Branch Tunkhannock Creek is in watershed 4F and classified for: cold water fishery, aquatic life, water supply and recreation. The nearest downstream public water supply intake is Danville Water Supply located on Susquehanna River approximately 100 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .048 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	12.8		25.6
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		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.2		2.8

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Application No. PA 0088765, SIC Code 6515, Sewage, **Millbrook Manor Mobile Home Park**, 100 East Queen Street, Stevens, PA 17578.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Indian Run, in West Cocalico Creek, **Lancaster 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 the Lancaster Municipal Water Authority located in Lancaster City, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.02 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	7	14
(11-1 to 4-30)	21	42
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	26,000/100 ml as a geometric average	

Individuals 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.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

PA0228362, Sewerage, SIC Code 4952, **The Gateway Store and Restaurant**, 5198 Route 87 Highway, Williamsport, PA 17701.

This proposed facility is located in Plunketts Creek Township, **Lycoming County**.

Description of Proposed Activity: This proposed action is for the Issuance of an NPDES permit for the discharge of Treated Sewage Effluent

The receiving stream, Loyalsock Creek, is in the 10B—Loyalsock Creek Watershed and classified for CWF.

The proposed effluent limits for Outfall 001 based on a design flow of 0.002 MGD:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/l)</i> <i>Average Weekly</i>	<i>Maximum Daily</i>
CBOD ₅	10		
TSS	20		
Free Chlorine Residual		Monitor and Report	
Fecal Coliforms		200/100 mL as a Geometric Average	
pH		6 to 9 at All Times	

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0238520, Sewage. **Dr. Frank W. Preston Environmental Center/Camp Bucoco**, 150 Bucoco Lane, Slippery Rock, PA 16057.

This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Activity: a minor discharge of treated sewage

The receiving stream, an unnamed tributary to Slippery Rock Creek, is in watershed 20-C and classified for: cold water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.002 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	Monitor and Report		
CBOD ₅	25		30
Total Suspended Solids	30		60
Fecal Coliform			
(5-01 to 09-30)		200/100 ml as a geometric average	
(10-01 to 4-30)		31,700/100 ml as a geometric average	
Total Residual Chlorine	1.4		3.3
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

WATER QUALITY MANAGEMENT PERMITS CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

APPLICATIONS UNDER THE PENNSYLVANIA CLEAN STREAMS LAW

PART II PERMITS

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

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted above the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments 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.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

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

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

WQM Permit No. 2301406. Sewage. **Dave Clark**, P. O. Box 239, Concordville, PA 19331. Applicant is requesting approval for the construction and operation of a small flow treatment facility to serve Lot 8 of the Clark Property located in Concord Township, **Delaware County**.

WQM Permit No. 1501412. Sewage. **Birmingham Township**, 1040 West Street Road, West Chester, PA 19382. Applicant is requesting approval for the construction of a sewage pump station and forcemain to serve the Shoppes at Dilworthtown Crossing located in Birmingham and Thornbury Townships, **Chester County**.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

WQM Permit No. 1301402. Sewerage, **Weissport Municipal Authority**, 406 Shite Street, Lehighton, PA 18235.

This proposed facility is located in Weissport Borough, **Carbon County**.

Description of Proposed Action/Activity: The project consists of replacing the existing gravity sanitary sewer collection system with a low-pressure sewer system. The low-pressure collection system will include approximately 7,000 ft. of 2, 2½ and 3 inch low-pressure sewer main and approximately 125 individual grinder pumps. The existing pumps in the pumping station will be replaced together with the installation of a new metering vault. The pump station will serve approximately 450 residents of Weissport Borough and 2,275 residents of Franklin Township. The pump station modifications will not change existing or proposed pump station capacity.

Southcentral Region: Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 6771423 Transfer 2. Sewerage, **The York Water Company**, 130 East Market Street, Box 15089, York, PA 17405-7089.

This proposed facility is located in Chanceford Township, **York County**.

Description of Proposed Action/Activity: transfer of permit for Chanceford Manor Village Sewer Company from Chanceford Manor Village Sewer Company to the York Water Company.

WQM Permit No. 0601405. Sewerage, **North Heidelberg Sewer Company**, P. O. Box 477, Bernville, PA 19506.

This proposed facility is located in Jefferson Township, **Berks County**.

Description of Proposed Action/Activity: to construct the Jefferson Heights—Section 2 Pump Station.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No 0801202, Industrial Waste. **Taylor Packing Company, Inc.**, P. O. Box 188 Wyalusing PA 18853. Modifications of existing Industrial Wastewater Treatment facilities located at Wyalusing Township, **Bradford County**. Application received April 9, 2001 at the Northcentral Regional Office.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 1001405, Sewerage, **Preston Environmental Center**, Camp Bucoco, Moraine Trails Council, Boy Scouts of America, 830 Morton Avenue Extension, Butler, PA 16001.

This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the installation and operation of a small flow treatment facility to serve the proposed environmental center and several camp buildings.

WQM Permit No. 1001406, Sewerage, **Timberlee Valley Sanitary Co., Inc.**, 120 Brennan Lane, Evans City, PA 16033.

This proposed facility is located in Connoquenessing and Lancaster Townships, **Butler County**.

Description of Proposed Action/Activity: This project is for the expansion of an existing wastewater treatment facility to serve Timberlee Farms Plan of Lots and Timber Ridge Plan of Lots.

WQM Permit No. 6201404, Sewerage, **D & D Subdivision**, R. D. 1, Box 53 A, Pittsfield, PA 16340.

This proposed facility is located in Pine Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a small flow treatment facility to serve two homes.

WQM Permit No. 2501411, Sewerage, **Victor A. and Jennie M. Berti**, 2025 Market Street, Erie, PA 16510.

This proposed facility is located in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

WQM Permit No. 2001409, Sewerage, **Michael J. Filyo**, 6210 Broad Street, South Park, PA 15129.

This proposed facility is located in Fairfield Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

NPDES Stormwater Individual Permit

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into 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 conditions. These proposed determinations are tentative. Limitations

are provided as erosion and sediment control best management practices (BMPs) that restrict the rate and quantity of sediment discharged.

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional 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 relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate DEP Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office 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 sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

NPDES Permit PAS10 G465, Stormwater. **EIM Associates**, P. O. Box 1200, Exton, PA 19341 has applied to discharge stormwater associated with a construction activity located in East Vincent Township, **Chester County** to Stoney Run (HQ-TSF).

NPDES Permit PAS10 G466, Stormwater. **Orleans Corporation**, 3333 Street Road, Suite 101, Bensalem, PA 19020 has applied to discharge stormwater associated with a construction activity located in Edgmont Township, **Delaware County** to Broad Run/West Branch Brandywine Creek (EV/WWF, MF).

NPDES Permit PAS10 J013-R, Stormwater. **National Developers**, 1604 Walnut Street, Philadelphia, PA 19103 has applied to discharge stormwater associated with a construction activity located in Edgmont Township, **Delaware County** to Crum Creek (CWF).

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Pike County Conservation District: HC6, Box 6770, Hawley, PA 18428, (570) 226-8220.

NPDES
No.

PAS10V021-1

Applicant Name &
Address

Sunrise Venture, Inc.
Robert Ramagosa
3000 Sunrise Lake
Milford, PA 18337

County &
Municipality

Pike County
Dingman Township

Receiving
Water/Use

Rattlesnake Creek
HQ-CWF

SAFE DRINKING WATER

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

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

Permit No. 4601506, Public Water Supply.

Applicant	Superior Water Company, Inc. 2960 Skippack Pike Worcester, PA 19490
Township	New Hanover
Responsible Official	David J. Milan
Type of Facility	Public Water Supply System
Consulting Engineer	Superior Environmental Management Corporation P. O. Box 127 Worcester, PA 19490
Application Received Date	April 17, 2001
Description of Action	Construction of an in-ground 400,000-gallon cast-in-place storage tank.

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 6401501, Public Water Supply.

Applicant	Fox Ledge, Inc.
Township or Borough	Mt Pleasant Township, Wayne County
Responsible Official	Alfred Alessi, President
Type of Facility	Bottled Water
Consulting Engineer	Michael J. Propst P.E.
Application Received Date	April 12, 2001
Description of Action	The modification of an existing, permitted facility by the addition of a well source and a production line for 5-gallon containers.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 5301501, Public Water Supply.

Applicant	Galeton Borough Authority
Borough	Galeton Borough, Potter County

Responsible Official

George Bowen, Chairperson
Galeton Borough Authority
2 Sherman Street
Galeton, PA 16922

Type of Facility

Public Water Supply

Consulting Engineer

Larson Design Group, Inc.
P. O. Box 487
Williamsport, PA 17703-0487

Application Received Date

April 18, 2001

Description of Action

Construction of two new wells and transmission main for use with existing treatment facilities

HAZARDOUS SITES CLEAN-UP

Under the Act of October 18, 1988

Notice of a Change in the Administrative Record Notice of a Change in the Public Comment Period

Furlong Manufacturing Company Site Doylestown and Buckingham Townships, Bucks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is proposing an interim response at the Furlong Manufacturing Site.

This notice serves to change the date of the Public Hearing to June 6, 2001, and to extend the public comment period to July 6, 2001.

The Furlong Manufacturing Site is located at York Road and Rodgers Road in Doylestown and Buckingham Townships, Bucks County. The Site consists of the former facility of Furlong Manufacturing, Inc. (Furlong Manufacturing, or the Site), and contaminated soil and groundwater resulting from Furlong Manufacturing's operations at this facility.

The Department has determined the following: Furlong Manufacturing is no longer in business. The current tenant of the site, Furlong Lamp and Lighting, is a related company with different owners.

A further investigation of the Site by the DEP's Hazardous Sites Cleanup Program (HSCP) identified approximately 2,000 cubic yards of soil contaminated with volatile organic compounds (VOCs) in excess of Statewide cleanup standards promulgated under the Land Recycling and Environmental Remediation Standards Act, Act 2 of 1995. The standards exceeded are those based on potential impact on groundwater that is used as a supply of potable water. The HSCP investigation also identified a number of VOC-contaminated residential wells nearby, with the Furlong Manufacturing soil the only known source. DEP installed and sampled groundwater-monitoring wells on the Site. Analytical data indicates VOCs contaminate on-site groundwater at levels higher than nearby off-site wells. To date, five nearby private

water supply wells have exceeded Maximum Contaminant Levels (MCLs) established by EPA for public water supplies. DEP provided carbon filters previously, and continues to provide filter maintenance for all five private water supply wells. The only known environmental hazard associated with the site is based on exposure to groundwater contaminated with VOCs.

The Department is considering the following alternatives in response to on-site contaminated soil at Furlong Manufacturing:

Alternative 1, No Action: HSCA requires the Department to consider the alternative of taking no action. Under this alternative no action would be taken to prevent continued leaching of contaminants from soil into groundwater. Continued sampling of monitoring wells would be required. This alternative would do nothing to protect public health. Contaminated soil would remain, allowing further releases to groundwater. An aquifer currently used as a source of drinking water would be subject to continuing contamination with hazardous substances leaching from contaminated soil. No estimated cost is associated with Alternative 1, No Action.

Alternative 2, Excavation and Disposal of Contaminated Soil, Septic Tank and Waste: Accessible soils contaminated above Statewide Human Health Standards for Soil, established under Act 2 of 1995, would be excavated and disposed of off-site. The cleanup levels exceeded are those established for certain VOCs. Each of the standards exceeded was based on the potential of contaminated soil to leach contaminants into groundwater in a leachate concentration exceeding a health-based groundwater cleanup standard. The volume of soil to be removed is estimated to be 2,000 cubic yards. The septic tank and its contents are accessible for excavation and the Department anticipates no problem in disposing of the waste. This alternative would be protective of public health in that it would eliminate a source of continuing contamination of an aquifer currently used as a source of private drinking water. The estimated cost of Alternative 2 is \$175,000.

Alternative 3, Excavation and Disposal of Septic Tank and Waste, Treatment of Contaminated Soils by Soil Vapor Extraction: Soils contaminated above cleanup levels would be treated onsite vapor extraction. The cleanup levels exceeded are those established for certain VOCs. Each of the standards exceeded was based on the potential of contaminated soil to leach contaminants into groundwater in a leachate concentration exceeding a health-based groundwater cleanup standard. The volume of soil to be treated is estimated to be 2,000 cubic yards. The septic tank and its contents are accessible for excavation and the Department anticipates no problem in disposing of the waste. This alternative would be protective of public health in that it would eliminate a source of continuing contamination of an aquifer currently used as a source of drinking water. The estimated cost of alternative 3 is \$1,800,000.

The Department is proposing Alternative 2, as described above. Alternative 1 is not protective of public health or the environment, would require long-term monitoring of area groundwater, and would not meet State and Federal applicable or relevant and appropriate requirements (ARARs). Alternative 3 would protect public health and the environment, but would be much less cost effective than Alternative 2. The Department finds that Alternative 2 is a permanent, cost-effective response that is feasible and would meet ARARs.

The Administrative Record which contains the information that forms the basis for, and documents this proposed response action, is available for public review Monday through Friday from 8 a.m. to 4 p.m. at the DEP office at Lee Park, Suite 6010, 555 North Lane, Conshohocken PA 19428-2233. Written comments should be mailed or delivered to David Ewald, Project Officer, at the above address. To schedule a review of the Administrative Record at the DEP office, call David Ewald at (610) 832-6200 or John Gerdemann at (610) 832-6228.

An additional copy of the Administrative Record is available for public review at the Bucks County Library Center, located at 150 South Pine Street, Doylestown PA. The library's hours are 9 a.m. to 9 p.m., Monday through Thursday; 9 a.m. to 6 p.m. Friday; 9 a.m. to 5 p.m. Saturday; and 1 p.m. to 5 p.m. Sunday. Further details can be obtained by calling the library at (215) 348-9082.

The public will have an opportunity to present oral comments at a public hearing. The public hearing is scheduled for 7 p.m. on June 6, 2001 at the Doylestown Township Municipal Building, 425 Wells Road, Doylestown PA 18901, (215) 348-9915. Persons wishing to present oral comments may register on or before the date of the public hearing by contacting Deborah Fries, DEP Community Relations Coordinator at (610) 832-6020.

Persons with a disability who wish to attend the hearing scheduled for June 6, 2001, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Deborah Fries directly at (610) 832-6020 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

The Department is providing this Notice under sections 505(b) and 506(b) of HSCA. The date of publication of this Notice in the *Pennsylvania Bulletin* initiates the public comment period on the administrative record, as provided under that Act. The public comment period begins on Saturday, May 5, 2001, and ends on Friday, July 6, 2001.

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—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 or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the

cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection 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 Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Park Chase Apartments, City of Philadelphia, **Philadelphia County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Park Chase Associates, LP, 115 New St., Glenside, PA 19038, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX, polycyclic aromatic hydrocarbons and naphthalene. The applicant proposes to remediate the site to meet the Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on April 17, 2001.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Clifton Blume Property, Laureldale Borough, **Berks County**. Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343 (on behalf of Clifton Blume, 3001 Marion Street, Reading, PA 19605) has submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on April 13, 2001.

Dorothy Golden Property, Laureldale Borough, **Berks County**. Mulry & Cresswell Environmental, Inc.,

1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343 (on behalf of Dorothy Golden, 1511 Prince Street, Reading, PA 19605) has submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on April 13, 2001.

Marlene Kahn Property, Laureldale Borough, **Berks County**. Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343 (on behalf of Marlene Kahn 3008 Marion Street, Reading, PA 19605) has submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on April 13, 2001.

Linda Katzenmoyer Property, Laureldale Borough, **Berks County**. Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343 (on behalf of Linda Katzenmoyer, 3146 Montrose Avenue, Reading, PA 19605) has submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on April 13, 2001.

Walter Palmer Property, Laureldale Borough, **Berks County**. Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343 (on behalf of Walter Palmer, 3152 Montrose Avenue, Reading, PA 19605) has submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on April 13, 2001.

Robin Stein (formerly Rodney Tyson) Property, Laureldale Borough, **Berks County**. Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343 (on behalf of Robin Stein, 1513 Prince Street, Reading, PA 19605) has submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on April 13, 2001.

Donald Stibitz Property, Muhlenberg Township, **Berks County**. Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343 (on behalf of Donald Stibitz, 48 Seminary Avenue, Reading, PA 19605) has submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on April 13, 2001.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Greater Erie Ind. Dev. Corp. (GEIDC), for the former Currie Landfill site, West 16th St., Millcreek Township, **Erie County** and **Pat Pontoriero**, P.G. of Harding ESE, 70 North Bell Ave., Bldg 4, Pittsburgh, PA 1516 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, Lead, Heavy Metals, BTEX, PAHs and Solvents. The applicant pro-

poses to remediate the site to meet the Statewide Health and Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Erie Times News* on April 12, 2001.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1–6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

NSH Network, Inc. D.B.A. Resource Management Council Services, 3001 Expressway Drive North, Suite 300, Islandia, NY 11749. License No. **PA-HC 0197**. Received on April 23, 2001.

AIR QUALITY

Plan Approval and Operating Permit Applications

New Sources and Modifications

The Department of Environmental Protection (DEP) 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 DEP, 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 DEP has received applications for plan approvals and/or operating permits from the following facilities.

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

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the DEP Regional Office within 30 days of the date of this notice, and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the DEP providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with DEP 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 DEP schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified below. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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 through 143, the Federal Clean Air Act and regulations adopted under the Act.

OPERATING PERMITS

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code §§ 127.521 and 127.424, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirement and Title V Operating Permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management using the appropriate Regional Office telephone number noted below. For additional information, contact the appropriate Regional Office noted below.

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified below. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Kanu Patel, Facilities Permitting Chief, (717) 705-4702.

38-05011: Plain 'n Fancy Kitchens, Inc. (Oak Street, Route 501, Schaefferstown, PA 17088-0519) located in Heidelberg Township, **Lebanon County**. The facility's major sources of emissions include wood furniture coating booths, woodworking area and other sources that primarily emit VOCs.

PUBLIC HEARINGS

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen (NO_x) and Volatile Organic Compounds (VOC) and Notice of Public Hearing

Approval of Reasonably Available Control Technology (RACT) Plan for: Sunoco, Inc. (R&M) (Borough of Marcus Hook, Delaware County)

DEP has made a preliminary determination to approve a RACT plan as an amendment to the State Implementation Plan (SIP) for the above facility. The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for this facility to comply with current regulations.

This preliminary determination, if finally approved, will be incorporated into Plan Approval(s) and/or Operating Permit(s) for the facility and will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determination for this facility:

Sunoco, Inc. (R&M) (Operating Permit OP-23-0001)

Source	NO _x Emission Limit	Control Technique	RACT Implementation Schedule
No. 6 Boiler	0.25 lb/MMBtu	Low NO _x Burners	Within 240 days of Issuance
No. 7 Boiler	0.25 lb/MMBtu	SPUD Burners	Implemented

One public hearing will be held for the purpose of receiving comments on the proposed SIP revision. The hearing will be held at 2 p.m. on June 5, 2001 at the Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to DEP on the proposed SIP revision and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Lynda Rebarchak, DEP Community Relations Coordinator, at (610) 832-6219 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before June 5, 2001.

Individuals in need of accommodations as provided for in the Americans With Disabilities Act who would like to attend the hearing should contact Lynda Rebarchak at (610) 832-6219 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how DEP can meet their needs.

PLAN APPROVALS

Applications Received for Plan Approvals Under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0005O: Merck and Co. Inc. (Sumneytown Pike, North Wales, PA 19454) for installation of a 100 kW Emergency Generator in Upper Gwynedd Township, **Montgomery County**.

46-0108A: Highway Materials, Inc. (1126 Crusher Road, Perkiomenville, PA 18074) for modification of a dryer burner in Marlborough Township, **Montgomery County**.

46-0069B: Highway Materials, Inc. (500 Stenton Avenue, Plymouth Meeting, PA 19462) for modification of a dryer burner in Whitmarsh Township, **Montgomery County**.

15-0054A: Highway Materials, Inc. (680 Morehall Road, Malvern, PA 19355) for the modification of a Dryer Burner in East Whiteland Township, **Chester County**.

15-0039: Highway Materials, Inc. (Quarry Road, Downingtown, PA 19335) for modification of a dryer burner in East Caln Township, **Chester County**.

09-0141: Lower Bucks County Joint Municipal Authority (19 Kingwood Lane, Levittown, PA 19057) for installation of a packed tower air scrubber in Bristol Township, **Bucks County**.

09-0142: Qwest Communications Corporation (35 Runway Road, Levittown, PA 19057) for construction of four diesel emergency generators in Bristol Township, **Bucks County**.

09-0008: TAVO Packaging, Inc. (2 Canal Road, Fairless Hills, PA 19030) for construction of a flexographic printing press in Falls Township, **Bucks County**.

09-0124A: S.W.E.C., LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) for construction of a 550 MW combined-cycle electric power generation plant in the USX Industrial Park in Falls Township, **Bucks County**. The plant will include two combined-cycle combustion turbines, two respective heat recovery steam generators and a single steam turbine. The emissions from the plant will be controlled by selective catalytic reduction and a catalytic oxidizer. The sources and air pollution control devices are described in the Applicant's application of December 19, 1999, and subsequent submissions.

Based on the information provided by the Applicant and DEP's own analysis, this operation will emit 296 tons per year of nitrogen oxides, 110 tons per year of volatile organic compounds, 341 tons per year of carbon monoxide, 183 tons per year of particulate matter. These emissions will consume the following the Prevention of Significant Deterioration air quality increments available in the area of the maximum impact of the source:

Pollutant	Averaging Time	Maximum Modeled Impact µg/m ³
CO	1-hour	29.3
CO	8-hour	5.0
NO ₂	Annual	0.2
PM-10	24-hour	3.5
PM-10	Annual	0.3

In order to assure compliance with the applicable standards, DEP will place the following conditions on the plan approval:

General Requirements

A. This Plan Approval is issued to the owner and operator for the construction of a combined cycle electric generating plant with a nominal output of 550 mega-

watts. The plant includes the following sources and associated air pollution control devices:

i. Two GE 7FA combined cycle combustion turbines, each equipped with a heat recovery steam generator with duct burners, and one single steam turbine. The emissions are controlled by dry low NOx combustion, a selective catalytic reduction system, and an oxidation catalyst system.

ii. Cooling tower equipped with mist eliminators.

iii. One auxiliary boiler rated at 41 million Btu heat input per hour.

iv. One diesel fired emergency pump rated at 280 HP.

B. 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 authorized only to facilitate the start-up and shakedown 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 (a), 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 commencement of operation.

vi. The emission reduction credit (ERC) use and transfer are approved by the Department.

C. This approval to construct shall become invalid if:

i. Construction, as defined in 40 CFR 52.21(b)(8), has not commenced within 18 months from the issue date of this Plan Approval; or

ii. Construction is discontinued for a period of 18 months or more; or

iii. Construction is not complete within a reasonable time as defined in the Plan Approval Application.

D. The Department may grant extensions to the Plan Approval deadlines regarding commencement of construction and completion of construction. Requests for extension shall comply with the "Policy of PSD Construction Deadline and Plan Approval Extensions." The policy contains a provision that extension requests must be received by the Department prior to expiration and with

sufficient time to respond to the request prior to expiration (generally at least 4 months prior to expiration).

i. The extension request must include justification explaining why construction did not commence as scheduled. The request must include a revised schedule that shows when construction will be initiated. The schedule shall also show that construction will be continuous after construction is initiated.

ii. A responsible representative of the applicant must sign the extension request.

New Source Review (NSR) and Emission Reduction Credits (ERC) Requirements:

A. The owner and operator shall comply with all the requirements of 25 Pa. Code § 127.208—ERC Use and Transfer Requirements prior to the initial startup of any of the sources specified above.

B. The owner and operator shall provide ERC at a 1.3:1.0 ratio to offset the nitrogen oxides (NOx) emissions of 296 tons per year and volatile organic compounds (VOC) emissions of 110 tons per year. The required ERC are 384.8 tons of NOx and 143.0 tons of VOCs.

New Source Performance Standards Requirements:

The combustion turbines are subject to Subpart GG, the duct burners are subject to Subpart Da, and the auxiliary boiler is subject to Subpart Dc of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of the Subparts. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals, and other communications to both the EPA and the Department. The EPA copies shall be forwarded to: Director, Air Protection Division, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103.

Acid Rain Requirements:

A. Upon start-up, the facility is subject to the applicable requirements contained in 40 CFR Parts 72 through 78. In addition, the facility is subject to the applicable requirements contained in 25 Pa. Code § 127.531, regarding special conditions related to acid rain.

B. The owners and operators of each affected source and each affected unit at the source shall:

i. Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and,

ii. Have an Acid Rain permit.

NOx Allowance Requirements

i. The facility shall comply with the applicable regulations contained in 25 Pa. Code §§ 123.101 through 123.120.

A. The owner and operator shall establish a compliance account prior to the commencement of operations and shall be responsible to acquire any required NOx allowances from those available in the NATS (25 Pa. Code § 123.117(a)).

B. The owner and operator shall comply with chapter 145 of the Department's Rules and Regulations.

Operating Requirements:

A. Each unit and its associated air cleaning devices shall be installed, maintained and operated in accordance with manufacturers' specifications and good air pollution control practices.

B. The combustion turbines shall fire natural gas as primary fuel and No. 2 oil as secondary fuel. Only one combustion turbine shall be allowed to fire No. 2 fuel oil at any given time. The burning of No. 2 oil shall, in total, not exceed 720 hours per year in a 12-month rolling sum.

C. The duct burners and the auxiliary boiler shall fire natural gas only.

D. The auxiliary boiler shall not be operated at any time when the combustion turbine and/or the duct burner are in operation.

E. The operation of the fire pump shall not exceed 500 hours in a consecutive 12-month rolling sum. Equipment (a timer or equivalent) shall be provided on the fire pump so that at the request of the Department the total operating hours of the fire pump can be measured.

F. The dissolved/suspended solids in the cooling tower blow down water shall not exceed 1,000 ppm by weight.

G. The following condition applies to the start-up or shutdown of each combustion turbine:

1. A cold start-up shall be defined as an event that occurs after the combustion turbine has not been operating for at least 48 hours. A cold start-up shall not last longer than 5 hours after ignition.

2. A warm start-up shall be defined as an event that occurs after the combustion turbine has not been operating for 8 to 48 hours. A warm start-up shall not last longer than 3 hours after ignition.

3. A hot start-up shall be defined as an event that occurs after the combustion turbine has not been operating for less than 8 hours. A hot start-up shall not last longer than 1.5 hours after ignition.

4. The emissions from a start-up or shutdown shall be included in the 12-month rolling sum.

5. The short-term emission limitations contained below do not apply during start-up and shutdown of the combustion turbines.

6. A shut down commences with the termination of fuel injection into the combustion chambers.

H. The catalytic oxidizer shall be operated at all times when the combustion turbines and/or the duct burners are operating. A minimum catalytic bed temperature of 800°F shall be maintained to ensure that the carbon monoxide (CO) emission limitations specified below are met.

I. The selective catalytic reduction system shall be operated at all times when the combustion turbines and/or the duct burners are operating. A minimum catalytic bed temperature of 500°F shall be maintained to ensure that the nitrogen oxides (NOx) emission limitations specified below are met.

Emission Limitations

A. The emissions from each combustion turbine firing natural gas shall not exceed the limitations specified below:

<i>Pollutants</i>	<i>ppmvd@15%O₂* lb./MMBtu*</i>
Nitrogen Oxides (NOx)	3.0
Volatile Organic Compounds (VOC)**	0.002
Carbon Monoxide (CO)	3.0

<i>Pollutants</i>	<i>ppmvd@15%O₂* lb./MMBtu*</i>
Particulate Matter (PM and PM-10))	0.004
Sulfur Dioxide (SO ₂)	0.002
Ammonia Slip Concentration	10

* The emission limit, when firing natural gas, shall be calculated as a one-hour average.

** The VOC emissions shall be reported as methane.

A. VOC emissions shall not exceed 0.0072 lb/MMBtu as methane when the turbines firing No. 2 fuel oil.

B. NOx emissions shall not exceed 10 ppmvd at 15% O₂, when the turbines firing No. 2 fuel oil.

C. The emissions from the auxiliary boiler shall not exceed the limitations specified below:

<i>Pollutants</i>	<i>Emission Limits</i>
Nitrogen Oxides	0.035 lb/MMBtu
Volatile Organic Compounds (VOC)	0.003 lb/MMBtu
Carbon Monoxide (CO)	0.037 lb/MMBtu
Particulate Matters (PM)	0.010 lb/MMBtu
Sulfur Dioxide (SO ₂)	0.002 lb/MMBtu

A. The emissions from the fire pump shall not exceed the limitations specified below:

<i>Pollutants</i>	<i>Emission Limits</i>
Nitrogen Oxides	7.2 gm/brake horse power-hour
Volatile Organic Compounds (VOC)	0.47 gm/brake horse power
Carbon Monoxide (CO)	1.2 gm/brake horse power
Particulate Matters (PM)	0.22 gm/brake horse power
Sulfur Dioxide (SO ₂)	0.17 gm/brake horse power

A. The PM emissions from the cooling tower shall not exceed 1.4 pounds per hour and 6.2 tons per year as a 12-month rolling sum.

B. The combined emissions from the entire facility shall not exceed the limitations specified below:

<i>Pollutants</i>	<i>Facility Annual Emission Limits (TPY)*</i>
Nitrogen Oxides	296
Volatile Organic Compounds (VOC)	110
Carbon Monoxide (CO)	341
Particulate Matter (PM)	183
Sulfur Dioxide (SO ₂)	72
Sulfur Acid (H ₂ SO ₄) Mist	4

* The facility annual emission limits are a 12-month rolling sum calculated monthly. The facility annual emission limits include the emissions during startups and shutdowns.

Continuous Source Monitoring Requirements:

A. The combustion turbines shall be equipped with continuous monitoring systems to monitor and record nitrogen oxides (NOx) emissions, carbon monoxide (CO) emissions, oxygen (O₂) content in the flue gas, and the flue gas flow rate.

B. The continuous emission monitoring systems for NOx, CO, O₂, and the flue gas flow rate shall be approved by the Department and installed, calibrated, operated, and maintained in accordance with the requirements of

Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.

C. The continuous emission monitoring system for the parameters above must be approved by the Department. The continuous emission monitoring system shall be installed, operated and maintained in accordance with the requirements of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. Proposals containing the information as listed in Phase I section of the Department's Continuous Source Monitoring Manual for the continuous emission monitoring system must be submitted at least 180 days prior to the start-up of each combined cycle combustion turbine.

D. Testing as listed in the Phase II section of the Department's Continuous Source Monitoring Manual must be completed for the CEMs no later than 180 days after initial source start-up date and no later than 60 days after the source achieves normal process capacity.

E. The final report as listed in the Phase III section of the Department's Continuous Source Monitoring Manual must be submitted no later than 60 days after the completion of testing.

F. The continuous monitoring systems shall be installed, maintained and operated to achieve the following data availability requirements:

Monitored Pollutants or Parameters
NO_x, CO, O₂, Flue gas flow rate

Data =90% valid hours/calendar month
Availability =95% valid hours/calendar quarter

Valid Hour =75% valid readings (45 minutes/hour)

G. Equipment shall be installed, operated and maintained to continuously monitor and record the temperature of gases entering the catalytic oxidizer and the selective catalytic reduction system.

H. Equipment shall be installed, operated and maintained to continuously monitor and record the ammonia solution injection rate and the pH or ammonia concentration of the solution to the SCR system.

I. Equipment shall be installed, operated and maintained to continuously monitor and record the amount of natural gas and No. 2 fuel oil combusted in the combustion turbines and the duct burners.

Recordkeeping Requirements

A. The owner and operator shall maintain records on all air pollution control system performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment, which is subject to this Plan Approval.

B. The owner and operator shall maintain a copy of the manufacturer's specifications for the combustion turbines, the duct burners, cooling towers, and air cleaning devices onsite.

C. The owner and operator shall maintain a copy of the manufacturer's specifications for all CEMs that are required by this Plan Approval.

D. The owner and operator shall keep a record of all the stack tests that are required in this Plan Approval.

E. The owner and operator shall keep a monthly record of the fuel usage.

F. The owner and operator shall keep a record of the date of any malfunction, the time period of the malfunction, the cause of the malfunction and the action taken to correct the malfunction.

G. The owner and operator shall keep a record, on a monthly basis, of the facility's emissions in order to demonstrate compliance with the emission limits in Condition 8 of this Plan Approval.

H. The owner and operator shall keep all records that are required under 40 CFR Part 60 Subparts Da, Dc, and GG, and 40 CFR Parts 72 through 78.

I. The owner and operator shall keep a record of each startup and shutdown of the combustion turbines and/or duct burners.

J. The owner and operator shall keep a record of the results of the testing for cooling tower blow down water total dissolved and suspended solids.

K. The owner and operator shall, on a monthly basis, keep a record of the hours when No. 2 fuel oil is fired in the turbines.

Testing Requirements

L. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after the initial startup of the facility, the owner or operator shall conduct performance tests as per section 60.8 and Subparts GG and Db of 40 CFR Part 60 and Chapter 139 of the Rules and Regulations of the Department.

M. The perform test shall be conducted on the gas turbines and the duct burners for nitrogen oxides, carbon monoxide, volatile organic compounds, sulfur dioxide, ammonia slip concentration, and total particulate matter and PM₁₀.

N. During the stack test, the following parameters shall be measured and recorded:

- i. The catalytic oxidation bed temperature;
- ii. The ammonia solution flow rate in GPM and its pH.

D. At least 60 days prior to the test, the company shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

E. At least 30 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

F. Within 30 days after the source test, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.

54-399-032: Silberline Manufacturing Co., Inc. (Lincoln Drive, P. O. Box B, Tamaqua, PA 18252) for modification of an aluminum pigment manufacturing operation in Rush Township, **Schuylkill County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05088B: EJB Paving & Materials Co. (1119 Snyder Road, West Lawn, PA 19609-1100) for modification of a batch asphalt plant controlled by a fabric collector in Ontelaunee Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

21-03023B: Ames True Temper, Inc. (465 Railroad Avenue, Camp Hill, PA, 17011) for modifications to the existing wood dust collection system in Hampden Township, **Cumberland County**.

28-03001A: GS Electric (1051 Sheffler Drive, Chambersburg, PA 17201) for modification of the existing electric motor armature coating system in Chambersburg Borough, **Franklin County**.

34-05001A: Triangle Pacific Corp. (P. O. Box 146, Thompsontown, PA 17094) for installation of a spray paint booth in Delaware Township, **Juniata County**.

36-05008A: Tyson Foods, Inc. (403 South Custer Avenue, Lancaster, PA 17557) for construction of a vegetable oil fryer controlled by a scrubber in Earl Township, **Lancaster County**.

38-318-036A: American LaFrance Aerials (64 Cocalico Creek Road, Ephrata, PA 17522) for installation of a paint booth in West Lebanon Township, **Lebanon County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.

55-303-003A: Meckley's Limestone Products, Inc. (R. R. 1, Box 1682, Herndon, PA 17830) for modification of a batch asphalt plant and associated air cleaning device (a fabric collector) in Franklin Township, **Snyder County**. The modification is the use of reprocessed oil as fuel in the plant's aggregate dryer instead of virgin #2 fuel oil.

59-00004A: Ward Manufacturing, Inc. (P. O. Box 9, Blossburg, PA 16912-0009) for modification of various pieces of foundry equipment in Blossburg Borough, **Tioga County**. The respective modification is an increase in the allowable volatile organic compound emission limit for the respective equipment.

08-317-006A: Leprino Foods Co. (400 Leprino Avenue, Waverly, NY 14892-1384) for construction of a whey spray drying system and associated air cleaning devices (a venturi scrubber and two fabric collectors) in South Waverly Borough, **Bradford County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

26-00451B: Consol Docks, Inc. (1800 Washington Road, Pittsburgh, PA 15241) for operation of Coal Stockpiling at Alicia Dock in Luzerne Township, **Fayette County**.

56-00266B: Central City Synfuel, LLC (P. O. Box 137, Central City, PA 44481) for operation of Synfuel Manufacturing at Central City in Shade Township, **Somerset County**.

04-00226B: Wine Construction, Inc. (1000 Big Sewickley Creek Road, Sewickley, PA 15143) for operation of an Asphalt Batch Plant at Asphalt Batch Plant in Economy Borough, **Beaver County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

62-161A: ARC Steel, Inc. (1 Front Street, Irvine, PA 16329) for construction of a slag processing facility (capacity of approximately 42 tons/hour) on the property of National Forge Company in Brokenstraw Township, **Warren County**.

25-037A: Joseph McCormick Construction Co., Inc.—Wesleyville Asphalt Plant (1507 Wesley Avenue, Erie, PA 16510) to modify existing permit to burn alternative fuels: #2 or #4 Fuel Oil as an alternative to natural gas in Wesleyville, **Erie County**.

PLAN APPROVALS

Intent to Issue Plan Approvals Under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.

NOTICE OF INTENT TO ISSUE A PLAN APPROVAL AND AMEND A TITLE V OPERATING PERMIT

45-315-004: Rock-Tenn Co. (P. O. Box 770, Delaware Water Gap, PA 18327) for their plant located in Smithfield Township, **Monroe County**. The facility currently has a Title V Permit # 45-00002. This Plan Approval No. 45-315-004 will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Plan Approval No. 45-315-004 is for construction and operation of a polymer make-down system (chemical additive delivery system). This installation will result in increase in VOC emissions by 21.004 tons per year from the facility. The plan approval limits VOC emissions from this source to 21.004 tons per year on a 12-month rolling sum and 49.9 tons per year from the entire facility on a 12 month rolling sum. The company will use low VOC contain additives, which will minimize the VOC emissions from the source. The operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

35-318-081: MACTAC, Inc. (4560 Darrow Road, Stow, OH 44224) for installation and operation of a hot melt coater (509), curing ovens and a 8MMBTU hot oil boiler in Moosic Borough, **Lackawanna County**. The plan approval limits VOC emissions from the new hot melt coater to 15.0 tons per year on a 12-month rolling sum. This plan approval will be incorporated into Title V Operating Permit No. 35-00010 through an administrative amendment along with this revision at a later date. The operating permit will contain additional record keeping and operating restrictions designed to keep the source operating within all applicable air quality requirements. MACTAC, Inc. contains processes used in the manufacture of coated paper. As a result of emissions of Volatile Organic Compounds (VOCs), MACTAC is considered a major stationary source subject to the Title V Operating Permit requirements adopted in 25 Pa. Code 127, Subchapter G. The proposed revision of the Title V operating permit will incorporate applicable air quality requirements from the New Source Performance Standards (NSPS) for sources at the facility, and include DEP's revised VOC air quality regulations.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.

14-00001: Corning Asahi Video Products Co. (3500 East College Avenue, State College, PA 16801) for modification of two glass melt tanks and construction of two lehrs in College Township, **Centre County**. This is a

major facility for which Title V Operating Permit No. 14‑00001 has been issued.

The information provided by the applicant and the Department's own analysis indicates that the subject air contamination sources may potentially emit up to 48.0 tons per year of PM10 (particulate matter with an effective aerodynamic diameter of less than or equal to 10 microns), 2,042 tons per year of nitrogen oxides, 545 tons per year of carbon monoxide, 9.35 tons per year of lead/lead compounds and 11.4 tons per year of fluorides following modifications. These air contamination sources will also emit negligible amounts of sulfur oxides and volatile organic compounds. A preliminary review of the information submitted by the applicant indicates that the proposed modification and construction will meet all applicable air quality requirements, including the Prevention of Significant Deterioration of Air Quality (PSD) requirements specified in 40 CFR 52.21 and the requirements of Subpart CC of the Federal Standards of Performance for Glass Manufacturing Plants (NSPS) specified in 40 CFR 60.290 through 60.296. Based on this finding, the Department proposes to approve the application and issue a plan approval to modify the glass melt tanks and construct the lehrs. If the plan approval is issued and if the glass melt tanks, as well as the lehrs, are subsequently found to be in compliance with all applicable regulatory requirements and plan approval conditions, the plan approval will be incorporated into Operating Permit TVOP-14-00001 via administrative amendment in accordance with 25 Pa. Code § 127.450.

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

1. The glass melt tanks are to be modified and the lehrs are to be constructed in accordance with the application (as approved herein).

2. This plan approval is issued for the modification of Glass Melt Tank 221 and Glass Melt Tank 222. The subject modification will be comprised of the following:

- Physically reconfiguring Glass Melt Tank 221 into two glass melt tanks, to be designated as Glass Melt Tank 221 and Glass Melt Tank 224, in order to increase the overall production capacity. The combined air contaminant emissions from Glass Melt Tanks 221 and 224 shall be controlled by a model 4HW-530 United McGill electrostatic precipitator. Additionally, gas/oxygen combustion systems will be installed in both tanks.

- Physically enlarging Glass Melt Tank 222 in order to increase the production capacity. The air contaminant emissions from Glass Melt Tank 222 shall be controlled by a model 3HW‑205 United McGill electrostatic precipitator. Glass Melt Tank 222 shall also be equipped with a gas/oxygen combustion system.

This plan approval is also issued for the construction of two natural gas fired 5.0 million Btu per hour lehrs equipped with low NOx burners.

3. This plan approval shall become invalid if: (1) construction (as defined in 40 CFR 52.21(b)(8)) is not commenced within 18 months after the date of this approval; or, (2) if construction is discontinued for a period of 18 months or more; or, (3) construction is not completed within a reasonable period of time.

4. This plan approval also serves as a Prevention of Significant Deterioration (PSD) permit issued under the provisions of 40 CFR 52.21.

5. Under the best available control technology (BACT) provisions of the PSD requirements specified in 40 CFR 52.21, Glass Melt Tanks 221, 222 and 224 shall all be equipped with a natural gas/oxygen combustion system.

6. Under the BACT provisions of the PSD requirements specified in 40 CFR 52.21, neither particulate matter nor PM10 shall be emitted from the combined exhaust of Glass Melt Tanks 221 and 224 in excess of 0.009 grain per dry standard cubic foot, 4.6 pounds per hour and 23.1 tons in any 12 consecutive month period following modification, except as may be allowed under condition 11 herein.

7. Under the BACT provisions of the PSD requirements specified in 40 CFR 52.21, lead/lead compounds shall not be emitted from the combined exhaust of Glass Melt Tanks 221 and 224 in excess of 0.5 pound per hour following modification, except as may be allowed under condition 11 herein.

8. Under the BACT provisions of the PSD requirements specified in 40 CFR 52.21, neither particulate matter nor PM10 shall be emitted from the exhaust of Glass Melt Tank 222 in excess of 0.01 grain per dry standard cubic foot, 1.5 pounds per hour, and 7.0 tons in any 12 consecutive month period following modification, except as may be allowed under condition 11 herein.

9. Under the BACT provisions of the PSD requirements specified in 40 CFR 52.21, lead/lead compounds shall not be emitted from Glass Melt Tank 222 in excess of 1.1 pounds per hour following modification, except as may be allowed under condition 11 herein.

10. Under the provisions of the PSD requirements specified in 40 CFR 52.21, lead/lead compounds shall not be emitted from Glass Melt Tank 223 in excess of 0.3 pound per hour, except as may be allowed under condition 11 herein.

11. Under the provisions of the PSD requirements specified in 40 CFR 52.21, if it becomes necessary to take the electrostatic precipitator associated with Glass Melt Tanks 221/224 offline for maintenance purposes, Glass Melt Tanks 221 and 224 may continue to operate but their exhaust shall be directed to the electrostatic precipitator normally associated with Glass Melt Tank 223 which shall be used to control the air contaminant emissions from Glass Melt Tanks 221 and 224, as well as Glass Melt Tank 223, for the duration of the bypass/maintenance period. During any occurrence, neither the particulate matter nor the PM10 emissions from the Glass Melt Tank 223 electrostatic precipitator shall exceed 0.02 grain per dry standard cubic foot and 21.0 pounds per hour, and the lead/lead compound emissions shall not exceed 2.2 pounds per hour.

If it becomes necessary to take the electrostatic precipitator associated with Glass Melt Tank 222 offline for maintenance purposes, Glass Melt Tank 222 may continue to operate but its exhaust shall be directed to the electrostatic precipitator normally associated with Glass Melt Tank 223 which shall be used to control the air contaminant emissions from Glass Melt Tank 222, as well as Glass Melt Tank 223, for the duration of the bypass/maintenance period. During any occurrence, neither the particulate matter nor the PM10 emissions from the Glass Melt Tank 223 electrostatic precipitator shall exceed 0.02 grain per dry standard cubic foot and 13.5 pounds per hour, and the lead/lead compound emissions shall not exceed 3.5 pounds per hour.

If it becomes necessary to take the electrostatic precipitator associated with Glass Melt Tank 223 offline for

maintenance purposes, Glass Melt Tank 223 may continue to operate but its exhaust shall be directed to the electrostatic precipitator normally associated with Glass Melt Tanks 221/224 which shall be used to control the air contaminant emissions from Glass Melt Tank 223, as well as Glass Melt Tanks 221 and 224, for the duration of the bypass/maintenance period. During any occurrence, neither the particulate matter nor the PM10 emissions from the Glass Melt Tank 221/224 electrostatic precipitator shall exceed 0.02 grain per dry standard cubic foot and 21.0 pounds per hour, and the lead/lead compounds emissions shall not exceed 2.2 pounds per hour.

Unless the permittee is able to demonstrate, via stack testing, that the particulate matter, PM10 and lead/lead compound emissions from the exhaust of an electrostatic precipitator serving more than one glass melt tank during a precipitator bypass/maintenance episode are, for each air contaminant, in compliance with the most stringent emission limitations identified in conditions contained herein for the respective glass melt tanks, the exhaust of each of the respective four glass melt tanks shall be redirected to an alternate precipitator (that precipitator indicated above which is other than that normally used for the respective glass melt tank) for no more than 504 hours per calendar year nor shall there be a total of more than 504 hours per calendar quarter of electrostatic precipitator bypass/maintenance time for all glass melt tanks combined.

12. The permittee shall maintain comprehensive accurate records of the number of hours per month that each of the four glass melt tanks (Glass Melt Tanks 221/224, 222 and 223) is exhausted to an electrostatic precipitator other than the one to which it is normally exhausted as well as the identity of the precipitator to which it is being exhausted during each occurrence.

13. Under the BACT provisions of the PSD requirements specified in 40 CFR 52.21, neither particulate matter nor PM10 shall be emitted from the combined exhausts of Glass Melt Tanks 221, 222, 223 and 224 in excess of 48.0 tons in any 12 consecutive month period.

14. Under the BACT provisions of the PSD requirements specified in 40 CFR 52.21, the combined lead/lead compound emissions from Glass Melt Tanks 221, 222, 223 and 224 shall not exceed 9.35 tons in any 12 consecutive month period.

15. Under the BACT provisions of the PSD requirements specified in 40 CFR 52.21, the combined emission of CO from Glass Melt Tanks 221, 222, 223 and 224 shall not exceed 3 tons per day and 545 tons in any 12 consecutive month period.

16. Under the BACT provisions of the PSD requirements specified in 40 CFR 52.21, the combined emission of NOx from Glass Melt Tanks 221, 222, 223, and 224 shall not exceed 11.2 tons per day and 2,042 tons in any 12 consecutive month period.

17. Under the BACT provisions of the PSD requirements specified in 40 CFR 52.21, the combined emission of fluoride from Glass Melt Tanks 221, 222, 223, and 224 shall not exceed 62.5 pounds per day and 11.4 tons in any 12 consecutive month period.

18. Under the BACT provisions of the PSD requirements specified in 40 CFR 52.21, the glass melt tanks shall not be operated at fill rates in excess of the rates specified in the application and supplemental materials submitted for this plan approval. Additionally, the glass melt tanks shall not be used to produce any type of glass

other than that currently produced unless prior Department approval has been given.

19. There shall be no addition of arsenic or arsenic-bearing batch materials to Glass Melt Tanks 221, 222, 223 and 224. This prohibition does not include tramp amounts of arsenic that may be contained in common batch materials.

20. Under the BACT provisions of the PSD requirements specified in 40 CFR 52.21, as well as the best available technology (BAT) provisions of Sections 127.1 and 127.12 of Chapter 127 of Article III of the Rules and Regulations of the Department of Environmental Protection, the emission of NOx from each of the two natural gas fired lehrs identified in condition 2 herein shall not exceed 0.5 pound per hour and 2.2 tons in any 12 consecutive month period.

21. The permittee shall maintain comprehensive accurate records of tank fill rates, cullet ratio, fluoride-bearing batch material addition rates and lead/lead compound-bearing batch material addition rates for each glass melt tank as well as electrostatic precipitator secondary voltage and current for each tank's electrostatic precipitator. All records under this condition shall be retained on site for at least 5 years and be made available to the Department upon request.

22. The company shall maintain and operate continuous nitrogen oxides emission, carbon monoxide emission and exhaust gas flow monitoring systems on Glass Melt Tanks 221/224, 222, and 223 in accordance with all applicable requirements specified in Chapter 139 of Article III of the Rules and Regulations of the Department of Environmental Protection and the Department's *Continuous Source Monitoring Manual*.

23. All glass melt tanks shall continue to operate in compliance with the conditions contained in Operating Permit TVOP-14-00001, except as those conditions may be amended herein.

24. Within 180 days of startup following modification of each of the glass melt tanks, the respective glass melt tank shall be stack tested for particulate matter, PM10, lead/lead compounds and fluorides. This testing shall be performed while the respective glass melt tank is being operated at its maximum (modified) capacity while it is being ducted to the electrostatic precipitator normally used for the control of its air contaminant emissions. The company may, if it wishes, perform only particulate testing rather than particulate and PM10 testing provided it is willing to accept the results of the particulate testing as a PM10 emission value, as well as a particulate matter emission value.

25. In addition to the stack testing discussed above, stack testing shall also be performed to determine the particulate matter, PM10 and lead/lead compound emission rates during each of the three electrostatic precipitator bypass maintenance scenarios authorized under condition 11 herein. For each of these scenarios, the testing shall be performed no later than the first scheduled electrostatic precipitator bypass/maintenance episode that occurs following the modification of the tanks that would be ducted to the single electrostatic precipitator during the respective bypass/maintenance scenario. As appropriate, testing shall be accompanied by opacity data generated either by use of a certified continuous opacity monitoring system or by an observer certified to make EPA Method 9 opacity observations.

26. At least 60 days prior to the scheduled performance of testing required by condition 24 or 25 herein, the

permittee shall submit three copies of a pretest protocol to the Department for evaluation. The protocol shall contain a description of the proposed test procedures and the tank operating parameters to be monitored, as well as dimensioned sketches of the electrostatic precipitators and the outlet ducting showing the proposed locations of the sample ports.

27. The Department shall be given at least 10 days advance notice of the date and time upon which the testing required by condition 24 or 25 herein is to be performed so that Department personnel may make arrangements to be present. The Department is not obligated to accept the results of any testing performed without having been provided adequate advance notice of the test dates.

28. Within 60 days of performing the testing required by condition 24 or 25 herein, the permittee shall submit to the Department three copies of a test report which includes a copy of the test results and tank operating parameters, a description of the test procedures actually used for the performance of the testing, a copy of all raw data generated and a copy of all calculations.

29. The glass melting furnaces are subject to Subpart CC of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.290—60.296. The company shall comply with all applicable requirements of this Subpart as well as any other applicable Subpart of the Standards of Performance, including any recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department of Environmental Protection and the Environmental Protection Agency.

30. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided previously established conditions are met.

In accordance with Section 127.45 of Chapter 127 of Article III of the Rules and Regulations of the Department of Environmental Protection, the conditions listed in this plan approval do one or more of the following:

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

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

NOTICE OF INTENT TO ISSUE A PLAN APPROVAL AND AMEND A TITLE V OPERATING PERMIT

65-788K: Sony Electronics, Inc. (1001 Technology Drive, Mount Pleasant, PA 15666) for the increase in permitted emission limits from the Lacquer Filming Machine in East Huntingdon Township, **Westmoreland County**.

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

Special Conditions for Plan Approval PA-65-788K

3. This Plan Approval is for an increase in permitted emission limits from the Lacquer Filming Machine located at the Sony Technology Center—Pittsburgh, in East Huntingdon Township, Westmoreland County.

4. Emissions of VOC from the Lacquer Filming Machine shall be limited to 4.92 tons per year.

5. Emissions of VOC from the entire facility shall be limited to 49.0 tons per year.

6. Sony shall keep records to demonstrate compliance with the emission limits established in this approval. The records shall include the amount of filming lacquer used each month and the amount disposed of each month. These records shall be kept on site for a period of 2 years and be made available to the Department upon request.

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

a) 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.

b) Operation is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

c) This condition authorizes temporary operation of the source for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Owner/Operator under subpart (a), above.

d) 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.

e) The notice submitted by the Owner/Operator under subpart (a), 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.

65-00839A: Texas Eastern Transmission Corp.—Delmont Compressor Station (P. O. Box 1642, Houston, TX 77251-1642) for modification of a stationary gas turbine in Salem Township, **Westmoreland County**.

The proposed facility is subject to the applicable requirements of 25 Pa. Code, Chapter 127 (related to construction, modification, reactivation and operation of sources) and 40 CFR, Subpart GG (New Source Performance Standards for Stationary Gas Turbines). The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

1. The facility is to be constructed in accordance with the plans submitted with the application (as approved herein).

2. Upon completion of the construction of the facility, an operating permit must be obtained. Notify the Department when the installation is completed so that the facility can be inspected for issuance of an operating permit.

3. This Plan Approval is to allow the replacement of the existing Pratt & Whitney GG3 turbine with a Solar Mars 100 stationary gas turbine rated at 15,000 hp, equipped with SoLoNOx low NOx combustors at the Texas Eastern Delmont Compressor Station Located in Salem Township, Westmoreland County.

4. The source shall comply with the fugitive emission regulations [25 Pa. Code §§ 123.1 and 123.2].

5. Visible emissions from the source shall not equal or exceed 10% opacity at any time [25 Pa. Code § 127.1].

6. The Owner/Operator shall not permit the emission to the outdoor atmosphere of any malodorous air contaminants from any source, in a manner that the malodors are detectable outside the property of the Owner/Operator [25 Pa. Code § 123.31].

7. Emissions from the source to the atmosphere of these pollutants shall not exceed the following rates:

<i>Pollutant</i>	<i>Pounds Per Hour</i>	<i>Tons Per Year*</i>
NO _x (as NO ₂)	13.29	58.22
CO	16.18	70.89
NM VOC (as propane)	0.49	2.13
Formaldehyde	0.17	0.72

*Compliance with the yearly limit shall be based on a 12-month rolling total.

8. Particulate emissions shall not exceed 0.02 grain per dry standard cubic foot [25 Pa. Code § 127.1].

9. Visible emissions from the source shall not exceed 10% opacity [25 Pa. Code § 127.1].

10. As established in RACT Operating Permit #65-000-839, a minimum of one stack test in accordance with 25 Pa. Code Ch. 139 and the Department's source Testing Manual shall be performed during the 5 year Operating Permit to verify the emission rates for NO_x (as NO₂), CO and NM VOC (as propane). Testing shall be conducted while the engines are operating at full load and full speed during the ozone season (May 1 to September 30) [25 Pa. Code § 127.12b].

11. Compliance with the particulate emission rate above shall be demonstrated by stack testing in accordance with 25 Pa. Code Ch. 139 and the Department's Source Testing Manual [25 Pa. Code § 127.12b].

12. The Owner/Operator shall submit a pre-test protocol to the Department for approval at least 60 days prior to the performance of stack testing [25 Pa. Code § 127.12b].

13. Stack testing shall be performed within 60 days of achieving the maximum firing rate but no later than 180 days after the initial start up [25 Pa. Code § 127.12b].

14. The Owner/Operator shall submit a stack test report to the Department within 60 days of completion of the testing [25 Pa. Code § 127.12b].

15. The Owner/Operator shall also test the source at least once every 6 months to verify the rates of NO_x (as NO₂) and CO through either an EPA Method stack test or through the use of portable analyzers [25 Pa. Code § 127.12b].

16. In accordance with RACT Operating Permit #65-000-839, for those tests utilizing portable analyzers, the company shall submit a complete operating procedure including calibration, QA/QC and emission calculations to the Department at least 60 days prior to the test. The accuracy of the portable analyzer readings shall be verified

by operation and recording of readings during the EPA method stack test of Condition #10. Results from stack tests using portable analyzers shall be retained by the Owner/Operator at the test location and shall be provided to the Department annually with the emission statements.

The conversion from ppm to lbs/hr shall be determined using the following equations provided that:

(a) Readings are corrected to 3% oxygen (15.1% in excess air)

(b) Readings are determined volumetrically

Equation 1: (ppm NO_x)(0.001208)(mmbtu/hr) = lbs/hr NO_x

Equation 2: (ppm CO)(0.000735)(mmbtu/hr) = lbs/hr CO

17. The Owner/Operator shall notify the Department at least 2 weeks prior to any source testing so that an observer may be present at the time of testing [25 Pa. Code § 127.12b].

18. The source shall combust only natural gas with a sulfur content of 0.0036 weight percent or less [25 Pa. Code § 127.12b].

19. Total consumption of natural gas by this source shall not exceed 1,115,000,000 cubic feet for any consecutive 12-month period [25 Pa. Code § 127.12b].

20. The Owner/Operator shall maintain the following records for the source: operating hours, daily fuel consumption, daily operating pressures, daily operating temperatures, 12-month rolling fuel consumption and 12-month rolling emissions for each pollutant listed in Condition #7 [25 Pa. Code § 127.12b].

21. The facility is subject to New Source Performance Standards for Stationary Gas Turbines 40 CFR, Subpart GG.

22. The Owner/Operator shall monitor fuel sulfur content in accordance with the custom system-wide schedule and maintain the results on-site [40 CFR § 60.344(b)(2)].

23. The Owner/Operator shall comply with the applicable reporting requirements of 40 CFR 60.7 and 60.334(c).

24. All logs and required records shall be maintained on site for a minimum of 5 years and be made available to the Department upon request [25 Pa. Code § 127.12b].

25. 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 addresses listed below unless otherwise noted.

Director
Air Toxics and Radiation
US EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

PADEP
Air Quality Control
400 Waterfront Drive
Pittsburgh, PA 15222

26. If construction has not commenced within 18 months of issuance of this Plan Approval, or if there is more than an 18-month lapse in construction, a new Plan Approval application shall be submitted [25 Pa. Code § 127.13].

27. The Owner/Operator shall submit a revision to the Title V Operating Permit, TV-65-00839, to include this modification within 120 days of startup of the source [25 Pa. Code § 127.12b].

28. This Plan Approval authorizes the temporary operation of the source covered by this Plan Approval provided the following conditions are met [25 Pa. Code § 127.12b]:

(a) 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 days prior to the completion of construction. This notice should state when construction will be completed and when the Operator expects to commence operation.

(b) Operation is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(c) This condition authorizes temporary operation of the source for a period of 180 days from the commencement of operation, provided the Department receives notice from the Owner/Operator under subpart (a) above.

(d) 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 the 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.

(e) The notice submitted by the Owner/Operator under subpart (a), above, prior to the expiration of this Plan Approval shall modify the Plan Approval expiration date. The new Plan Approval date shall be 180 days from the date of the notice.

MINING ACTIVITY APPLICATIONS

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 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 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 below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. 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 that 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.

Coal Applications Received

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

17960106. Bell Resources, Inc. (R. R. 2, Box 281, Curwensville, PA 16833), transfer of an existing bituminous surface mine permit from Cloe Mining Company, Inc. The permit is located in Penn and Pike Townships, **Clearfield County** and affects 124.8 acres. Receiving stream—unnamed tributary to Passmore Run, unnamed tributary to Kratzer Run, Porter Run. Application received April 5, 2001.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.

03970103. Marquise Mining Corporation (3889 Menoher Boulevard, Johnstown, PA 15905). Application received to revise the permit for a land use change from forestland to cropland at a bituminous surface mining site located in Kiskiminetas Township, **Armstrong County**, affecting 184 acres. Receiving streams: unnamed tributary to Sulphur Run, unnamed tributary to Long Run. Application received: April 13, 2001.

63010101. Kerry Coal Company (R. D. 2, Box 2139, Wampum, PA 16157). Application received for commencement, operation and reclamation of a bituminous surface mine located in Hanover Township, **Washington County** affecting 78.6 acres. Receiving streams: unnamed tributaries to Kings Creek to Ohio River. Application received: April 12, 2001.

63980103. Joseph Rostosky Coal Company (2578 Country Lane, Monongahela, PA 15063). Revision application received for an additional 2.7 acres on an existing bituminous surface mine located in California Borough,

Washington County affecting 24.4 acres. Receiving streams: Pike Run to Monongahela River. Revision application received: April 19, 2001.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

56960106. Permit Renewal for reclamation only, **Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650), for continued restoration of a bituminous surface and auger mine in Lincoln Township, **Somerset County**, affecting 351.6 acres, receiving stream North Branch Quemahoning Creek and Horner Run. Application received April 16, 2001.

56980103. Permit Revision, **Godin Brothers, Inc.** (136 Godin Drive, Boswell, PA 15531), the permit application includes a request for three stream variances. The first stream variance is requested for unnamed tributary B to include mining and the construction of a collection ditch within 100 feet but no closer than 25 feet of unnamed tributary B. This variance area begins at the confluence with unnamed tributary A and continues upstream for a distance of 2,900 feet. The second stream variance includes mining and sediment pond and ditch installation within 100 feet but no closer than 25 feet of unnamed tributary A. This variance area begins at the confluence with unnamed tributary B and continues for a distance of 3,000 feet to the confluence with unnamed tributary C to include mining and the construction of a collection ditch within 100 feet but no closer than 25 feet of unnamed tributary C. The third variance area is along unnamed tributary C to include mining and the construction of a collection ditch within 100 feet, but no closer than 25 feet of unnamed tributary C. This variance area begins at the confluence with unnamed tributary A and continues upstream for a distance of 1,350 feet in Lincoln & Jenner Townships, **Somerset County**, affecting 143.3 acres, receiving stream unnamed tributaries to Quemahoning Creek. Application received April 19, 2001.

Noncoal Applications Received

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

10010305. Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation, and restoration of a sand and gravel operation in Worth Township, **Butler County** affecting 104.6 acres. Receiving streams: unnamed tributary to Hogue Run. Application to include a landuse change from cropland to undeveloped water impoundment and unmanaged wildlife habitat on lands of Elton P. Scheidemantle and Wayne A. and Kathryn J. Pizor. Application received April 12, 2001.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301–303, 306 and 307 of the FWPCA 33 U.S.C.A. §§ 1311–1313, 1316 and 1317 as well as relevant State requirements. Initial requests for 401 Water Quality 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 Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions

or objections within 30 days of the date of this notice as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day 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.

Applications Received Under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27) and Section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS & ENCROACHMENTS

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

E15-665. R.E.I. Inc., 935 West Miner Street, West Chester, PA 19382, East Bradford Township, **Chester County**, ACOE Philadelphia District.

To fill in a 2.2-acre off-stream man-made pond which is located adjacent to Black Horse Run (TSF, MF) within the West End Swim and Tennis Club. The site is located approximately 500 feet northeast of the intersection of Birmingham Road and Miner Street (Unionville, PA Quadrangle N: 12.1 inches; West: 0.6 inch).

E15-666. Tredyffrin Township Municipal Authority, 1100 DuPortail Road, Berwyn, PA 19312, Tredyffrin Township, **Chester County**, ACOE Philadelphia District.

To install and maintain the following three sanitary sewer crossings associated with the Tredyffrin Township Church Road Sewer Extension and Pump Station Project:

1. An 8-inch sanitary sewer force main across Cedar Hollow Run (EV) and to install and maintain a watertight manhole in this area
2. A sanitary sewer force main by attaching it to an existing bridge deck carrying Church Road across Valley Creek (EV)
3. A sanitary sewer force main by method of directional drilling across Little Valley Creek (EV)

The new force main extends along Church Road beginning southeast of the crossing of PA Route 202 (Malvern, PA Quadrangle N: 9.65 inches; W: 0.85 inch) and ending just south of its intersection with Yellow Springs Road (Malvern, PA Quadrangle N: 12.85 inches; W: 2.85 inches).

E15-667. The Hankin Group, P. O. Box 562, Exton, PA 19341, Uwchland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a 12-feet by 4-feet open bottom culvert across 0.22 acre of wetland (PEM) located along an unnamed tributary to Shamona Creek (HQ, TSF-MF) to facilitate access to a proposed development within Eagleview Corporate Center. The site is located approximately 900 feet southwest of the intersection of Pottstown Pike (S. R. 0100) and Eagleview Boulevard, (Downingtown, PA USGS Quadrangle N: 11.5 inches; W: 7.0 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E05-292. Margaret Koenig, Bedford County Commissioners, 211 South Juniata Street, Bedford, PA 15522 in West St. Clair, **Bedford County**, ACOE Baltimore District.

To remove the existing timber deck of Bedford County Bridge 11, clean and paint the existing steel beams and construct a new fiber reinforced polymer deck for the bridge over Dunning Creek (WWF) at a point at T-565 (Alum Bank, PA Quadrangle N: 5.0 inches; W: 16.5 inches).

E31-171. Thomas Murphy, Spruce Creek Rod & Gun Club, 616 Berkshire Drive, Pittsburgh, PA 15215 in Franklin Township, **Huntingdon County**, ACOE Baltimore District.

To maintain existing bank stabilization and in stream habitat structures and to construct and maintain initial phases of a watershed wide stream restoration project in and along a 4.6 mile reach of Spruce Creek (HQ-CWF). The project purpose is to stabilize severely eroded banks, improve water quality and improve fisheries habitat. The watershed project will implement a natural stream channel design approach and construction activities will include rock dams, tip deflectors, pinned logs, jack dams, mud sills, mid-channel boulders, riprap protection and outlet structures, ford crossing, bank cover cribs, stone cattle access, minor gravel bar removal and maintenance dredging of existing pond. The first two restoration sites of this multi-phase project are located near the upstream limit of the site (Franklinville, PA Quadrangle N: 9.9 inches; W: 5.5 inches) and near the downstream end of the site (Franklinville, PA Quadrangle N: 5.5 inches; W: 10.1 inches).

E34-100. Chester Strausser, R. R. 1 Box 146, Liverpool, PA 17045 in Susquehanna Township, **Juniata County**, ACOE Baltimore District.

To remove a 30-feet by 40-feet gravel bar and to stabilize and restore approximately 300 feet of stream bank with used heavy equipment tires along the channel of West Branch of Mahontango Creek (WWF) at a point approximately 14,800 feet upstream of Route 104 (Richfield, PA Quadrangle N: 2.5 inches; W: 0.5 inch).

E36-705. Gary Trostle, Hammer Creek Watershed Association, 21 Buch Mill Road, Lititz, PA 17543 in Warwick and Ephrata Townships, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a stream restoration project by means of constructing five rock cross vanes at the channel of Hammer Creek (TSF) and associated grading along the floodway located immediately downstream of Carpenter Road bridge (T-931) which continues downstream for about 800 feet (Lititz, PA Quadrangle N: 10.35 inches; W: 1.55 inches and N: 9.9 inches; W: 1.5 inches).

E36-706. Kenneth Kuhns, PPL Utilities, GENN-4, 2 North 9th Street, Allentown, PA 18101 in Brecknock and Caernarvon Townships, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a ford crossing across the channel of Black Creek (HQ-WWF) located about 1,500 feet east from the intersection of PA 625 and T-823 (Terre Hill, PA Quadrangle N: 8.25 inches; W: 0.5 inch).

E67-697. Mark Burkhead, PennDOT 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Penn Township and Hanover Borough, **York County**, ACOE Baltimore District.

To remove two existing structures, construct and maintain a 12-feet wide by 2.83-feet high reinforced concrete box culvert in Gitts Run, and an 8-feet wide by 2.5-feet high reinforced concrete box culvert in an unnamed tributary to Gitts Run located on SR 3072, Segment 0020, Offset 0011 (Moulstown Road) and SR 3072, Segment 0020, Offset 0640. The replacement of the culverts will impact a deminimis area of wetlands equal to 0.002 acre. The improvement project begins at SR 0194 (Broadway Street to T-344 (Youngs Road) (Hanover, PA Quadrangle N: 14.75 inches; W: 12.1 inches and N: 14.9; W: 11.9 respectively).

E36-707. James Baney, 389 Pine Grove Road, Nottingham, PA 19362 in Colerain and Little Britain Townships, **Lancaster County**, PA (Kirkwood, PA Quadrangle N: 16.8 inches; W: 15.2 inches), ACOE Baltimore District.

To construct and maintain initial phases of a watershed wide stream restoration project along the West Branch of Octoraro Creek (HQ-CWF; MF). The project's purpose is to improve sediment transport, create additional floodplain wetlands, establish riparian buffers and improve aquatic habitat. The watershed projects will implement a natural stream channel design approach and construction activities will include channel restoration, in-stream rock veins, cross rock veins and floodway grading. The first restoration site of this multi-phase project is located approximately 2,000-feet downstream of Puseyville Road (SR 2010).

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E03-397. Lincroft, Inc., 207 Iron Bridge Road, Freeport, PA 16229. South Buffalo Township, **Armstrong County**, ACOE Pittsburgh District.

To construct and maintain a dual 8-inch pipe gravity intake structure, gabion basket headwall, concrete man-hole pump station, and bottom excavation of stream to develop a 10 x 20 x 4 cubic feet hole in Buffalo Creek (TSF) located approximately 1.5 miles west of the intersection of SR 28 and Furnace Run Road for the purpose of irrigation of a proposed Golf Course (Freeport, PA Quadrangle N: 20.8 inches; W: 6.67 inches).

E65-775. Keith A. Whipkey, Chairperson, Ligonier Township, 18 Old Lincoln Highway West, Ligonier, PA 15658. Ligonier Township, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 32-feet long arch pipe culvert having a span of 10.7 feet and an underclearance of 6.9 feet in an unnamed tributary to Loyalhanna Creek (CWF). Also to construct and maintain rock riprap at the culvert's inlet and outlet. The project is located on T-950 (Old Lincoln Highway East) at a point approximately 100 feet east of

East Main Street Extension (Ligonier, PA Quadrangle N: 20.65 inches; W: 14.7 inches).

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E24-217, Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Mosquito Creek Crossing and Water Treatment Structure, in Benezette Township, **Elk County**, ACOE Pittsburgh District (The Knobs, PA Quadrangle N: 20.5 inches; W: 4.34 inches).

To remove a dual 24.0-inch diameter CMP crossing and to construct and maintain a gabion and rock fill combined ford stream crossing to maintain access to Pennsylvania Game Commission land located approximately 0.2 mile north of the Elk County and Clearfield County line on Ardell Dam Road.

E43-294, Lake Latonka Property Owners Association. Lake Latonka Footbridge, in Coolspring Township, **Mercer County**, ACOE Pittsburgh District (Jackson Center, PA Quadrangle N: 3.25 inches; W: 8.25 inches).

To construct and maintain a footbridge with a 50-foot span, 6-foot width, and 6-foot clearance to provide a shorter and safer route for foot and bike traffic across Coolspring Creek (CWF) located approximately 600 feet south of Lake Latonka Dam.

ENVIRONMENTAL ASSESSMENTS

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

EA02-008SW. U.S. Army Corps of Engineers, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. Borough of Plum, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a streambank rehabilitation and protection project along a 140 feet section of Little Plum Creek (WWF). The left bank will be stabilized with an approximately 8 feet high, precast concrete retaining wall. The opposite bank will be regraded, and stabilized with a turf reinforcement mat. The streambed will be regraded to a uniform width of 16 feet between the two banks. The project site is located along the parking lot of borough's municipal complex, on New Texas Road (New Kensington West, PA Quadrangle N: 0.6 inch; W: 1.97 inches).

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

EA10-015NW, Aquascape Wetland and Environmental Services, 114 Deer Road, Boyers, PA 16020. SR 81 Restoration Project, in Washington Township, **Butler County**, ACOE Pittsburgh District (Hilliards, PA Quadrangle N: 18 inches; W: 14.75 inches).

To fill approximately 1 acre of severely degraded wetland for the reclamation of approximately 2,000 cubic yards of gob/coal refuse and the construction of a passive treatment system consisting of an Anoxic Limestone Drain (1,300 tons AASHTO #1 limestone), a Settling Pond (0.22 acre), and a Treatment Wetland (0.44 acre) for the remediation of abandoned mine drainage that currently impacts surrounding wetlands and Slippery Rock Creek (CWF) to the north. The project is located in State Game Lands No. 95 approximately 0.4 mile southwest of Higgins Corner.

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D40-047EA, Bear Creek Association, P. O. Box 184, Bear Creek, PA 18602. Bear Creek Township, **Luzerne County**, ACOE Philadelphia District.

Project proposes to replace the existing, timber crib Bear Creek Lake Dam with a roller-compacted concrete (RCC)/fill dam covered with timber facing to maintain the original historical appearance of the dam. The project will directly and indirectly impact approximately 1.8 acres of the reservoir and stream as a result of fill materials placed to construct the dam and temporary de-watering during construction. The project will not change normal pool elevation. The existing dam is located approximately 100 feet upstream from the State Route 115 bridge across Bear Creek (HQ-CWF) (Wilkes-Barre East, PA Quadrangle N: 9.80 inches; W: 0.85 inch).

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval. The actions are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permits.

Persons aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of 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 of 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.

I. Municipal and Industrial Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1— 691.1001).

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

NPDES Permit No. PA0058297. Sewage. **Casimir and Suzanne Wolanin**, 1210 Darby Road, Havertown, PA 19083. Is authorized to discharge from a facility located in Newtown Township, **Delaware County** to an unnamed tributary to Lewis Run.

NPDES Permit No. PA0058190. Sewage. **Mark and Brenda Phelan**, 191 Hill Road, Green Lane, PA 18054. Is authorized to discharge from a facility located in Salford Township, **Montgomery County** to an unnamed tributary to Unamin Creek-Perkiomen Watershed.

WQM Permit No. 2301405. Sewerage. **Casimir and Suzanne Wolanin**, 1210 Darby Road, Havertown, PA 19083. Applicant is granted approval for the construction and operation of a single residence sewage treatment plant located in Newtown Township, **Delaware County**.

WQM Permit No. 1500422. Sewage. **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 193358. Applicant is granted approval for the construction and operation of a sewer collection system, pump station forcemain, lagoon wastewater treatment plant and sprayfield to serve the Marshallton area and proposed Tattersall development located in West Bradford Township, **Chester County**.

WQM Permit No. 4600435. Sewage. **Mark and Brenda Phelan**, 191 Hill Road, Green Lane, PA 18054. Applicant is granted approval for the construction and operation of a 400 gpd single residential STP located in Salford Township, **Montgomery County**.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

NPDES Permit No. PA-0062839, Sewage, **Lake Adventure Community Association**, 5000 Lake Adventure Drive, Milford, PA 18337.

This proposed facility is located in Dingman Township, **Pike County**.

Description of Proposed Action/Activity: to discharge from a facility to an unnamed tributary to Birchy Creek.

NPDES Permit No. PA-0044709, Sewage, **B'nai Brith Perlman Camp**, 47 Pacific Avenue, Franklin Square, NY 11010-2911.

This proposed facility is located in Buckingham Township, **Wayne County**.

Description of Proposed Action/Activity: renewal of NPDES Permit.

NPDES Permit No. PA-0036382, Sewage, **Camp Morasha, Inc.**, 1318 Avenue J, Brooklyn, NY 11230.

This proposed facility is located in Buckingham Township, **Wayne County**.

Description of Proposed Action/Activity: renewal of NPDES Permit.

NPDES Permit No. PA-0060313, Sewage, **Clean Treatment Sewage Company**, 118 Armstrong Road, Suite 2, Pittston, PA 18640-9628.

This proposed facility is located in Delaware Township, **Pike County**.

Description of Proposed Action/Activity: renewal of NPDES Permit.

NPDES Permit No. PA-0032140, Sewage, **Commonwealth of Pennsylvania, Bureau of State Parks (Lackawanna State Park)**, P. O. Box 8851, Harrisburg, PA 17105.

This proposed facility is located in Benton Township, **Lackawanna County**.

Description of Proposed Action/Activity: to discharge from a facility to South Branch Tunkhannock Creek.

NPDES Permit No. PA-0045985, Sewage, **Mountain-top Area Joint Sanitary Authority**, R. R. 4, Morio Drive, Mountaintop, PA 18707.

This proposed facility is located in Dorrance Township, **Luzerne County**.

Description of Proposed Action/Activity: to discharge from a facility to Big Wapwallopen Creek.

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

NPDES Permit No. PA0086487, Industrial Waste, **PPG Industries, Inc.**, (Works No. 6), 400 Park Drive, Carlisle, PA 17013.

This proposed facility is located in South Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to a drainage ditch to Yellow Breeches Creek in Watershed 7-E.

NPDES Permit No. PA0083704, Industrial Waste, **Shippensburg Borough Authority**, Water Filtration Plant, 111 North Fayette Street, Shippensburg, PA 17257-0129.

This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to Trout Run in Watershed 7-B.

NPDES Permit No. PA0086754, Industrial Waste, **East Penn Manufacturing Company, Inc.**, Deka Road, Lyon Station, PA 19536.

This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving waters named Sacony Creek in Watershed 3-B.

NPDES Permit No. PA0081582, Sewage, **Possum Valley Municipal Authority**, P. O. Box 420, Bendersville, PA 17306-0420.

This proposed facility is located in Menallen Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Opossum Creek in Watershed 7-F.

NPDES Permit No. PA0088609, Sewage, **Broad Top Township**, Municipal Loop, P. O. Box 57, Defiance, PA 16633-0057.

This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Raystown Branch Juniata River in Watershed 11-D.

NPDES Permit No. PA0088251, Sewage, **Upper Bern Township**, Upper Bern Sewage Treatment Plant, P. O. Box 185, Shartlesville, PA 19554.

This proposed facility is located in Upper Bern Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving waters named Tulpehocken Creek in Watershed 3-C.

NPDES Permit No. PA0088731, CAFO, **Mark Wagner**, Longacre Farm, 6397 High Street, East Petersburg, PA 17520.

This proposed facility is located in Fannett Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 577-AEU swine farm.

NPDES Permit No. PA0088544, CAFO, **Randall B. and Karen L. Huntsman**, R. D. 2, Box 161, Martinsburg, PA 16662-9112.

This proposed facility is located in North Woodbury Township, **Blair County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 678-AEU dairy farm.

WQM Permit No. 3801402, Sewerage, **South Londonderry Township Municipal Authority**, 20 West Market Street, P. O. Box 3, Campbelltown, PA 17010-0003.

This proposed facility is located in South Londonderry Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for construction/operation of a Pump Station.

WQM Permit No. 0500409, Sewerage, **Broad Top Township**, Municipal Loop, P. O. Box 57, Defiance, PA 16633-0057.

This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization for construction/operation of Sewage Treatment Facilities.

WQM Permit No. 0600408, Sewerage, **Upper Bern Township**, P. O. Box 185, Shartlesville, PA 19554.

This proposed facility is located in Upper Bern Township, **Berks County**.

Description of Proposed Action/Activity: Authorization for construction/operation of Sewage Treatment Facilities and Sewers and Appurtenances.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

NPDES Permit No. 5901401, Sewerage, **Richard Hummer**, 571 Stauffer Church Rd., Palmyra, PA 17078.

This proposed facility is located in Charleston Township, **Tioga County**.

Description of Proposed Action/Activity: Is authorized to discharge treated effluent to receiving waters named Little Marsh Creek.

NPDES Permit No. 1700407, Sewerage, **Huston Township Sewer Authority**, P. O. Box 121, Penfield, PA 15849.

This proposed facility is located in Huston Township, **Clearfield County**.

Description of Proposed Action/Activity: Construct and operate a new sewage treatment plant. Screening, Bio-Wheel Reactor, Sedimentation, Disinfection, Aerobic Digestion, Sludge Storage.

NPDES Permit No. 1401403, Sewerage, **The Pennsylvania State University**, Physical Plant Building, University Park, PA 16802.

This proposed facility is located in State College Borough, **Centre County**.

Description of Proposed Action/Activity: New sewer line extends from South of Bryce Jordan Center to SW of the University Drive/College Ave., interchange. Provide new pumps for E Campus Steam plant and Porter Road pump Stations. New sewer line will alleviate surcharging of manhole where opposing flows from College Ave., and University Drive meet at the intersection of College Avenue and the SW ramp of University Drive and provide additionally capacity for expansion of Beaver Stadium.

The pumps at the E Campus steam plant and Porter Road pump station need replacement as well as the force main that flow between the pump stations.

WQM Permit No. 1991401, Sewerage, **Hemlock Municipal Sewer Cooperative**, P. O. Box 243, Bloomsburg PA 17815.

This proposed facility is located in Montour Township, **Columbia County**.

Description of Proposed Action/Activity: Hydraulic re-rating of the maximum monthly design flow of the Hemlock MSC wastewater treatment plant. Chapter 94 requirement.

WQM Permit No. 4901402, Sewerage, **West Chillisquaque Township Municipal Authority**, P. O. Box 168, Montandon, PA 17850-0168.

This proposed facility is located in West Chillisquaque Township, **Northumberland County**.

Description of Proposed Action/Activity: Construction of collection sewers and pump station. Eliminate malfunctioning on-lot systems at Countryside Manor and Clymer MHP and the abandonment of a private treatment plant at Astro Village MHP.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PAS228302, Industrial Waste, **Industrial Timber and Land Company**, Endeavor Lumber Division, P. O. Box 67, Endeavor, PA 16322.

This proposed facility is located in Hickory Township, **Forest County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to East Hickory Creek and to an unnamed tributary to East Hickory Creek.

NPDES Permit No. PA0220817, Industrial Waste, **TA Operating Corporation, d/b/a Travel Centers of America**, 24601 Center Ridge Road, Suite 200, Westlake, OH 44145-5634.

This proposed facility is located in Barkeyville Borough, **Venango County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the East Branch of Wolf Creek.

NPDES Permit No. PA0005762, Industrial Waste, **Electrallowy, a G. O. Carlson, Inc., Company**, 175 Main Street, Oil City, PA 16301.

This proposed facility is located in Oil City, **Venango County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Allegheny River.

NPDES Permit No. PA0238457, Sewage, **Sue A. Brown and Amy J. Wagner**, R. R. 1 Box 480, New Wilmington, PA 16142.

This proposed facility is located in Wilmington Township, **Lawrence County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to unnamed tributary to Little Neshannock Creek.

WQM Permit No. 3700405, Sewerage, **Sue A. Brown and Amy J. Wagner**, R. R. 1 Box 480, New Wilmington, PA 16142.

This proposed facility is located in Wilmington Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

WQM Permit No. 2501408, Sewerage, **Steven R. Sawin**, 10145 Kidder Road, Cranesville, PA 16410.

This proposed facility is located in Cranesville Borough, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q184	Anthony W. Danner & Walter F. Frisch 5664 Railroad Rd. Germansville, PA 18053	Lehigh	Heidelberg Township	Unnamed tributary to Jordan Creek HQ-CWF
PAS10V035	Michael Berardi, Sr. Vice President Better Homes & Properties, Inc. R. R. 5, Box 5199 East Stroudsburg, PA 18301	Pike	Milford Township	Sawkill Creek EV

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage Under (1) General NPDES Permits to Discharge Wastewater into the Waters of the 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 Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

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 permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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 Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
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 (CSO)
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-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under 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). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Whitpain Township Montgomery County	PAR10-T703	ACTS, Inc. 375 Morris Rd. P. O. Box 90 West Point, PA 19486	Wissahickon Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
West Norriton Township Montgomery County	PAR10-T723	Vincent Piazza 1100 Ridge Pike Conshohocken, PA 19428	Schuylkill River (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Lower Salford Township Montgomery County	PAR10-T668	WB Homes, Inc. 538 East Main Street Lansdale, PA 19446	West Branch Skeppack Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Skippack Township Montgomery County	PAR10-T502-1	Philomeno & Salamone 450 South Gravers Road Plymouth Meeting, PA	Perkiomen Creek (WF, M)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Bethel Township Berks County	PAR10C354	Art Wilkens 1480 S. Highway 183 Stockton, KS 67669	UNT Little Swatara Creek	Berks County Conser- vation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Antis Township Blair County	PAR100719	N. Blair County Rec. Comm. 302 St. Thomas Street Gallitzin, PA 16641	Little Juniata River (WWF)	Blair County Conser- vation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Upper Allen Township Cumberland County	PAR10H257	The McNaughton Co. 4400 Deer Path Road Harrisburg, PA 17110	Yellow Breeches Creek (CWF)	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
North Codorus Township York County	PAR10Y511	Cornerstone Dev. Group, Inc. P. O. Box 179 Felton, PA 17322	UNT West Branch Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Springettsbury Township Hellam Township York County	PAR10Y519	Abel Construction Company, Inc. P. O. Box 476 Mountville, PA 17554	UNT Kreutz Creek (WWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
West Manchester Township York County	PAR10Y528	Orchard Hill Real Estate 450 Spangler Road New Oxford, PA 17350	UNT to Little Conewago Creek (TSF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
West Manchester Township York County	PAR10Y506	Home Depot USA, Inc. 3096 Hamilton Blvd South Plainfield, NJ 07080	Willis Run (WWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Spring Garden Township York County	PAR10Y525	Regents Glen Building and Development LLC 1190 Regents Glen Blvd. York, PA 17403	Codorus Creek (CWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAR10Y504	Timothy F. Pasch 2645 Carnegie Road York, PA 17402	UNT to Kreutz Creek	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

Southwest Region: Regional Water Management Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Allegheny County Leetsdale Borough	PAR10A203-2	Leetsdale Industrial Corporation 100 Leetsdale Ind. Drive Leetsdale, PA 15056	Ohio River/WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Richland Township	PAR10A490	Glenmoor Associates, LLC 1120 Perry Highway P. O. Box 11067 Pittsburgh, PA 15237	Crouse Run/CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Bethel Park Borough	PAR10A495	Allegheny County Dept. of Public Works 501 County Office Bldg. 542 Forbes Avenue Pittsburgh, PA 15219-2904	Peters Creek/TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County City of Pittsburgh	PAR10A496	Brayman Construction Company 100 John Roeblong Way Saxonburg, PA 16056	Saw Mill Run/WWF	Allegheny County Conservation District (412) 241-7645

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Westmoreland County Rostraver Township	PAR10X246	Pete Magerko 1001 Lafayette Drive Farmington, PA 15437	Pollock Run/WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County South Huntingdon Township	PAR10X253	Westmoreland County Industrial Development Courthouse Square Suite 601 Greensburg, PA 15644	UNT to Youghiogheny River/ WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Upper Burrell Township	PAR10X255	Bernard Dickum 470 Old Frankstown Road Monroeville, PA 15146	UNT to Pucketa Creek/TSF	Westmoreland County Conservation District (724) 837-5271

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Warminster Township Bucks County	PAR110030	Alfa Laval Separation, Inc. 955 Mearns Road Warminster, PA 18974	Little Neshaminy Creek	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
New Garden Township Chester County	PAR800014	P. E. KRAMME, Inc. P. O. Box 937 Monroeville, NJ 08343- 0937	Trout Run	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
City of Philadelphia Philadelphia County	PAR900017	Soil Remediation of Philadelphia, Inc. 3201 South 61st Street Philadelphia, PA 19153- 3592	Schuylkill River	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Cranesville Borough Erie County	PAG048725	Steven R. Sawin 10145 Kidder Road Cranesville, PA 16410	Unnamed tributary to East Branch Conneaut Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942
Limestone Township Warren County	PAG048391	Daniel J. Adamovich R. R. 1, Box 24 AB Tidioute, PA 16351	Unnamed tributary to Waid Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Harborcreek Township Erie County	PAG048379	Richard C. Kelley 445 Bartlett Road Harborcreek, PA 16421	Unnamed tributary to Lake Erie	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-8 (SSN)</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Windsor Township Lower Windsor Township York County	PAG083505	Springettsbury Township 1501 Mount Zion Road York, PA 17402	Rexroth II Farm Windsor and Lower Windsor Townships York County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
<i>General Permit Type—PAG-10</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lehigh County Whitehall Township	PAG102202	Gulf Oil Limited Partnership 90 Everett Avenue Chelsea, MA 02150-2337	Unnamed tributary to Lehigh River	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711

SAFE DRINKING WATER

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

Southeast Region: Water Supply Management Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit No. 5101501, Public Water Supply.

Applicant	Philadelphia Water Department 1101 Market Street Philadelphia, PA 19107 City of Philadelphia
County	Philadelphia
Type of Facility	Public Water Supply System
Consulting Engineer	Hazen and Sawyer, Suite 500 Philadelphia, PA 19107
Permit to Construct Issued	April 17, 2001

Permit No. 2300504, Public Water Supply.

Applicant	Philadelphia Suburban Water Company 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Township	Tinicum
County	Delaware
Type of Facility	Public Water Supply System
Consulting Engineer	CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	April 17, 2001

Permit No. 4601503, Minor Amendment. Public Water Supply.

Applicant	Superior Water Company 2960 Skippack Pike Worcester, PA 19490
Township	New Hanover
County	Montgomery

Type of Facility Public Water Supply System
 Consulting Engineer Superior Environmental Management Corp.
 P. O. Box 127
 Worcester, PA 19490

Permit to Construct Issued April 17, 2001

Permit No. 0901505, Minor Amendment. Public Water Supply.

Applicant **Doylestown Borough Water Department**
 57 West Court Street
 Doylestown, PA 18901

Borough Doylestown

County **Bucks**

Type of Facility Public Water Supply system

Consulting Engineer CKS Engineers, Inc.
 88 South Main Street
 Doylestown, PA 18901

Permit to Operate Issued April 17, 2001

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 1297501, Public Water Supply.

Applicant **Driftwood Borough**
 P. O. Box 235
 Driftwood, PA 15832

Borough Driftwood Borough

County **Cameron**

Type of Facility Public Water Supply

Consulting Engineer Gwin, Dobson, & Foreman, Inc.
 3121 Fairway Drive
 Altoona, PA 16602

Permit to Operate Issued April 17, 2001

SEWAGE FACILITIES ACT PLAN APPROVAL

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

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cumru Township	1775 Welsh Rd. Mohnnton, PA 19540	Berks County

Plan Description: The approved plan provides for a proposed low-pressure sewer line and individual grinder pumps to serve 10 new residential lots and approximately 20 existing homes along Vermont Rd. between the proposed subdivision and Old Lancaster Pike. The proposed sewer line will connect to an existing sewer line in Gouglersville, Cumru Township with treatment to occur at the City Of Reading Sewage Treatment Plant. The plan revision DEP number is C1-06928-PMC. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Public Notice of Proposed Consent Orders and Agreements Central Chemical Site Butler Township, Butler County

Under Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), notice is hereby provided that the Pennsylvania Department of Environmental Protection (Department) has agreed to a Consent Order and Agreement with Central Chemical Corporation (Corporation) concerning the Corporation's liability for the Central Chemical Site (the Site). The Site is located on approximately 9 acres along U. S. Route 422 in Butler Township, Butler County.

In the past, hazardous substances were disposed at the Site, and these substances have contaminated the environment at the Site. The Department estimates that it will cost \$132,000 to conduct the further investigation at the Site, and \$185,000 to demolish and properly dispose of the buildings there. A realistic estimate of the cost for the clean up of the Site cannot be made until the further investigation has been completed.

As the owner and operator of the Site during the time of the release and threatened release of hazardous substances, the Corporation is a "responsible person" as defined under Section 103 of HSCA. Based upon the Corporation's available assets and their certification con-

cerning their financial condition, the Department has determined that the Corporation cannot pay for all or any substantial portion of the investigation and clean up of the Site. Accordingly, to resolve this matter without litigation, the Department and the Corporation have agreed to enter into an inability to pay settlement whereby the Corporation has donated the Site to CDC Environmental, Inc. (CDC) free and clear of liens. The Department obtained a report by a licensed real estate appraiser that the fair market value of the Site in a clean condition is \$62,000.

The Department and CDC have entered into a Consent Order and Agreement whereby CDC will investigate the Site, and will conduct any necessary clean up of the Site, either by itself or with the Department. Approximately 3 acres of the Site will also be preserved as forestland for the public benefit in perpetuity. Upon completion of the clean up of the Site, CDC can then redevelop the non-forested areas within the Site for commercial and/or industrial uses to create jobs for public benefit.

The specific terms of the settlements with the Corporation and CDC are set forth in their respective Consent Orders and Agreements with the Department. The Department will receive and consider comments relating to the two Agreements for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent to the Consent Orders and Agreements if the comments concerning these Agreements disclose facts or considerations that indicate that the Agreements are inappropriate, improper, or not in the public interest.

After the public comment period, the Department's settlement with the Corporation and the CDC shall be effective upon the date that the Department notifies the Corporation and CDC, in writing, that their respective Consent Orders and Agreements are final and effective in their present form, and that the Department has filed a response to significant written comments to the Agreements, or that no comments were received.

Both Consent Orders and Agreements are available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA 16335. Comments may be submitted, in writing, to Anthony Talak, Project Manager, at the address above. Further information may be obtained by contacting Anthony Talak at (814) 332-6648. TDD users may contact the Department through the PA Relay Service at (800) 645-5984.

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 where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure fac-

tors, a description of the remediation performed, and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection 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:

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Caparo Steel Company AOC-2, City of Farrell, Mercer County. Paul Wojciak of Environmental Management Associates, 10925 Perry Highway, Wexford, PA on behalf of Caparo Steel has submitted a Final report concerning remediation of Soil contaminated with Lead and Heavy Metals. 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).

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act. 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 refuse 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 of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. 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 of Environmental Protection 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 received the following final reports:

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Nelson Albert Property, Taylor Township, **Centre County**. Blazosky Associates, Inc., on behalf of Nelson Albert, Box 1, Beckwith Drive, Tyrone, PA 16686 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 12, 2001.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Arco Chemical Company, Beaver Valley Plant, Potter Township, **Beaver County**. ARCO Chemical Company, 3801 West Chester Pike, Newtown Square, PA 19073 and Beazer East, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219, have withdrawn Final Reports for the Over the Hill Tank Farm Area and Central Plant/Styrene II Area submitted to the Department on January 5, 2001. The Department published the denials of the referenced Final Reports in the PA Bulletin on April 14, 2001, and rescinded these denials on April 23, 2001 based on these withdrawals.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit reinstated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 100346. David Brown, P.E., FR&S Inc., 727 Red Lane Road, Birdsboro, PA 19508, Exeter Township, **Berks County**. Permit modification reinstatement for the operation of the Eastside Borrow Area of Pioneer Crossing Landfill. The permit was reinstated by the Southcentral Regional Office on April 19, 2001.

Persons interested in reviewing the general permit may contact Keith Kerns, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

General plan approval and operating permit usage authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter

127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.

48-310-041GP: Haines and Kibblehouse, Inc. (ABE Materials Division, P. O. Box 196, Skippack, PA 19474) for construction and operation of a portable stone crushing plant and associated air cleaning device at 5137 Lower Mud Run Road in Lower Mount Bethel Township, **Northampton County**.

48-310-042GP: Keystone Cement Co. (P. O. Box A, Bath, PA 18014) for construction and operation of a portable stone crushing plant and associated air cleaning device in East Allen Township, **Northampton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

30-00140: Greene Energy LLC (1800 Washington Road, Pittsburgh, PA 15241) on April 16, 2001, for construction and operation of one Compressor Engine at Compressor Station #9 in Gilmore Township, **Greene County**.

30-00139: Greene Energy LLC (1800 Washington Road, Pittsburgh, PA 15241) on April 16, 2001, for construction and operation of one Compressor Engine at Compressor Station #8 in Gilmore Township, **Greene County**.

30-00138: Greene Energy LLC (1800 Washington Road, Pittsburgh, PA 15241) on April 16, 2001, for construction and operation of one Compressor Engine at Compressor Station #4 in Gilmore Township, **Greene County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

62-00017: United Refining Co. (Bradley and Dobson Street, Warren, PA 16365) on April 30, 2001, for installation of an internal floating roof on Tank 430 in Warren, **Warren County**.

Operating permit administrative amendments issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 (relating to administrative operating permit amendments).

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

07-05015: Altoona Hospital (620 Howard Avenue, Altoona, PA 16601) on April 12, 2001, for a Synthetic Minor Operating Permit—Revision 1 in the City of Altoona, **Blair County**.

Operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0197: Hershey Foods Corp. (2452 Quakertown Road, Pennsburg, PA 18073) on April 20, 2001 for opera-

tion of a Corn Starch Deduster, Starch Dryer in Upper Hanover Township, **Montgomery County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

24-00012: Carbide Graphite Group, Inc. (800 Theresia Street, St. Marys, PA 15857) issued a Title V Operating Permit on April 16, 2001, for their facility St. Marys, **Elk County**.

Plan approvals issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.

13-313-033: AMETEK/Westchester Plastics (P. O. Box 9, Mountain Avenue, Nesquehoning, PA 18240) on April 16, 2001, for construction of an extrusion line and associated air cleaning device in Nesquehoning Borough, **Carbon County**.

54-310-027A: Wheelabrator Culm Services, Inc. (500 Morea Road, Frackville, PA 17934) on April 18, 2001, for construction of a coal crushing operation with associated air cleaning device in Mahanoy Township, **Schuylkill County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

21-05064A: Atlas Roofing Corp. (802 Highway 19 North, Suite 190, Meridian, MS 39307) on April 18, 2001, for modification of the insulated foam board manufacturing operation by converting to a different blowing agent (that is, pentane) in Camp Hill Borough, **Cumberland County**.

36-05115: MGS, Inc. (178 Muddy Creek Church Road, Denver, PA 17517) on April 19, 2001, for construction of a surface coating and curing system in East Cocalico Township, **Lancaster County**.

67-03100: Iris Energy, LLC (100 Nyala Farm, Westport, CT 06880) on April 16, 2001, for construction of a syn-fuel processing facility controlled by wet suppression located in East Manchester Township, **York County**. This source is subject to 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

65-00938A: Amerikohl Mining, Inc. (P. O. Box 427, Acme, PA 15601) on April 16, 2001, for operation of a Portable Coal Crusher at Short Surface Mine in Derry Township, **Westmoreland County**.

32-040B: Reliant Energy Mid-Atlantic Power Holdings, LLC (1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907) on April 23, 2001, for operation of a Repowering Project at Seward Station in East Wheatfield Township, **Indiana County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

24-106A: Allegheny Color Corp. (Gillis Avenue, Ridgway, PA 15853) on April 9, 2001, for operation of three ball mills in Ridgway, **Elk County**.

Plan Approvals Extensions Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.13 (relating to extensions).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-313-147: Cabot Corp. (County Line Road, Boyertown, PA 19512) on April 18, 2001, for operation of a Refrigerated Condenser in Douglass Township, **Montgomery County**.

46-313-057E: Republic Environmental Systems, Inc. (2869 Sandstone Drive, Hatfield, PA 19440) on April 18, 2001, for operation of a Hazardous Waste TSD in Hatfield Township, **Montgomery County**.

15-0014C: Saint Gobain Performance Plastics Corp. (57 Morehall Road, Malvern, PA 19355) on April 19, 2001, for operation of a Air Cleaning Control Device in East Whiteland Township, **Chester County**.

09-0013: Wheelabrator Falls, Inc. (1201 New Ford Mill Road, Morrisville, PA 19067) on April 19, 2001, for operation of a Municipal Waste Incinerator in Falls Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

44-05014: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on April 10, 2001, to authorize temporary operation of a drum mix asphalt plant controlled by a fabric collector, covered under this Plan Approval until August 8, 2001, in Armagh Township, **Mifflin County**. This source is subject to 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels and 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.

41-303-008: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on April 19, 2001, to extend the authorization to operate a drum mix asphalt plant and associated air cleaning device (a fabric collector) on a temporary basis until August 17, 2001, in Loyalsock Township, **Lycoming County**.

41-0007A: Coastal Aluminum Rolling Mills, Inc. (2475 Trenton Avenue, Williamsport, PA 17701) on April 19, 2001, to extend the authorization to operate a cold aluminum rolling mill (# 3 Mill) and associated air cleaning devices (a filter system and a thermal oxidizer) on a temporary basis until August 17, 2001, as well as to extend the deadline for the performance of volatile organic compound stack testing and a volatile organic compound capture efficiency determination until December 20, 2001, in the City of Williamsport, **Lycoming County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

10-313-028B: Indspec Chemical Corp. (133 Main Street, P. O. Box 307, Petrolia, PA 16050) on April 30,

2001, for a resorcinol flaker/bagging and packaging system in Petrolia, **Butler County**.

10-399-018: Resolite, A United Dominion Co. (Route 19 North, Box 338, Zelienople, PA 16063) on April 30, 2001, for a fiberglass pultrusion process in Jackson Township, **Butler County**.

25-066D: AKW, L. P. (1015 East 12th Street, Suite 200, Erie, PA 16503) on April 30, 2001, for ton forging presses in Erie, **Erie County**.

25-648B: Welch Foods, Inc. (South Lake Street, 10915 Ackerman, North East, PA 16428) on April 30, 2001, for a boiler in North East, **Erie County**.

33-125A: Energy Resources, Inc. (Route 219, P. O. Box 259, Brockway, PA 15824) on March 31, 2001, for a coal processing crusher/screener in Snyder Township, **Jefferson County**.

43-310C: Duferco Farrell Corp. (15 Roemer Boulevard, Farrell, PA 16121) on April 30, 2001, for a No. 4 Tandem Mill in Farrell, **Mercer County**.

43-310D: Duferco Farrell Corp. (15 Roemer Boulevard, Farrell, PA 16121) on April 30, 2001, for a No. 7 Pickle Line in Farrell, **Mercer County**.

61-004B: Electralloy, A GO Carlson, Inc. Co. (175 Main Street, P. O. Box 381, Oil City, PA 16301) on March 30, 2001, for a granular metal process in Oil City, **Venango County**.

Plan Approval Minor Modification Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.

19-304-006D: Benton Foundry, Inc. (R. R. 2, Box 110, Benton, PA 17814-9550) on April 12, 2001, to extend the deadline for the performance of particulate stack testing on three iron foundry equipment fabric collectors to July 2, 2001, in Sugarloaf Township, **Columbia County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application 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).

Coal Permits Issued

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

40733203T. UGI Development Company, (P. O. Box 224, 390 Route 11, Hunlock Creek, PA 18621), transfer of an existing coal refuse reprocessing operation in Hanover Township, **Luzerne County** affecting 38.8 acres, receiving stream—none. Transfer issued April 17, 2001.

40733203R3. UGI Development Company, (P. O. Box 224, 390 Route 11, Hunlock Creek, PA 18621), renewal of an existing coal refuse reprocessing operation in Hanover Township, **Luzerne County** affecting 38.8 acres, receiving stream—none. Renewal issued April 17, 2001.

49921301C. Chestnut Coal, (R. R. 3 Box 142B, Sunbury, PA 17801), correction to an existing anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 5.0 acres, receiving stream—unnamed tributary to Zerbe Run. Correction issued April 17, 2001.

54683045T. Blaschak Coal Corp., (P. O. Box 12, Mahanoy City, PA 17948), transfer of an existing anthracite surface mine operation in Butler, Union and West Mahanoy Townships, **Schuylkill County** affecting 743.0 acres, receiving stream—none. Transfer issued April 17, 2001.

40823205R3. HUD, Inc., t/a Emerald Anthracite II, (P. O. Box 27, 200 East Front Street, Nanticoke, PA 18634-0027), renewal of an existing coal refuse reprocessing operation in Hanover Township, **Luzerne County** affecting 239.2 acres, receiving stream—none. Renewal issued April 18, 2001.

54851319R3. K & C Coal Company, (540 East Centre Street, Ashland, PA 17921), renewal of an existing anthracite underground mine operation in Porter Township, **Schuylkill County** affecting 7.94 acres, receiving stream—East Branch Rausch Creek. Renewal issued April 19, 2001.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

41940101. Fisher Mining Company (40 Choate Circle, Montoursville, PA 17753), major permit revision to an existing bituminous surface mine permit to apply biosolids (stabilized sewage sludge) to enhance vegetation. The permit is located in Pine and McHenry Townships, **Lycoming County** and affects 616 acres. Receiving stream—Buckeye Run, Otter Run, Little Pine Creek, Pine Creek, West Branch Susquehanna River, Chesapeake Bay. Application received June 16, 2000. Permit issued April 6, 2001.

17000905. Shud's Coal Hounds, Inc. (R. R. 1, Box 301, Houtzdale, PA 16651), commencement, operation and restoration of an Incidental Coal Extraction permit in Bigler Township, **Clearfield County** affecting 5.7 acres. Receiving stream—unnamed stream to Upper Morgan Run. Application received September 28, 2000. Permit issued April 17, 2001.

17900104. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous surface mine permit in Brady Township, **Clearfield County** affecting 537.6 acres. Receiving stream—Beech Run to Laurel Branch Run, Laurel Branch Run and Buck Run to Laurel Branch Run; Laurel Branch Run to East Branch Mahoning Creek; East Branch Mahoning Creek to Mahoning Creek; Mahoning Creek to the Allegheny River; Allegheny River to the Ohio River. Application received January 24, 2001. Permit issued April 17, 2001.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.

26960101. Patterson Coal Company (20 Elizabeth Drive, Smithfield, PA 15478). Permit renewed issued for continued operation and reclamation of a bituminous surface mine located in Georges Township, **Fayette County**, affecting 48 acres. Receiving streams: unnamed tributary to York Run. Application received: January 3, 2001. Renewal issued: April 17, 2001.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

11970106. Permit Revision, Laurel Land Development, Inc. (P. O. Box 629, Carrolltown, PA 15722), to permit additional Lower Kittanning Coal within the existing permit in Jackson Township, **Cambria County**, affecting 73.5 acres, receiving stream unnamed tributary to South Branch of Blacklick Creek; unnamed tributaries to Hinckston Run; and Bracken Run. Application received January 29, 2001. Issued April 16, 2001.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

43910102. Ambrosia Coal & Construction Co. (R. D. 1, Box 422, Edinburgh, PA 16116). Renewal of an existing bituminous strip and auger operation in Mill Creek Township, **Mercer County** affecting 350.0 acres. Receiving streams: Three unnamed tributaries to Little Sandy Creek. Application received: February 14, 2001. Permit Issued: April 11, 2001.

10803018. Western Hickory Coal Co., Inc. (R. R. 2, Box 2139, Wampum, PA 16157). Renewal of an existing bituminous strip and auger operation in Venango Township, **Butler County** affecting 509.9 acres. This renewal is issued for reclamation only. Receiving streams: Three unnamed tributaries of Seaton Creek and two unnamed tributaries to Little Scrubgrass Creek and Little Scrubgrass Creek. Application received: December 21, 2000. Permit Issued: April 11, 2001.

Noncoal Permits Issued

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

58010804. Charles H. Cook (R. D. 1, Box 1857, Brackney, PA 18812), commencement, operation and restoration of a small bluestone quarry operation in Silver Lake Township, **Susquehanna County**, affecting 1.0 acre, receiving stream—tributary to Choconut Creek. Permit issued April 20, 2001.

28000804. Randy Walls Excavating (1308 Shields Road, St. Thomas, PA 17252), commencement, operation and restoration of a small shale quarry operation in St. Thomas Township, **Franklin County**, affecting 1.5 acres, receiving stream—unnamed tributary to Back Creek. Permit issued April 20, 2001.

8073SM4A2C4. Reading Materials, Inc., (P. O. Box 79, Skippack, PA 19474-0079), correction to an existing quarry operation and renewal of NPDES Permit #PA0594849 in Lower Pottsgrove Township, **Montgomery County** affecting 52.93 acres, receiving stream—Sanatogo Creek. Correction/Renewal issued April 18, 2001.

7373SM3C4. Lehigh Asphalt Paving & Construction Co., (P. O. Box 549, Tamaqua, PA 18282), renewal of NPDES Permit #PA0593206 in East Penn Township, **Carbon County**, receiving stream—unnamed tributary to Lizard Creek. Renewal issued April 18, 2001.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

08000810. Dana Gardner (R. R. 1, Box 586-A, Warren Center, PA 18851), commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Warren Township, **Bradford County** affecting 2.0 acres. Receiving stream—unnamed tributaries to Wappasening Creek and Pendleton Creek. Application received December 1, 2000. Permit issued April 12, 2001.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

32010801. Alverda Enterprises, Inc. (P. O. Box 87, Alverda, PA 15710), commencement, operation and restoration of a small noncoal (industrial minerals) operation in Pine Township, **Indiana County**, affecting 7.9 acres, receiving stream unnamed tributaries to Yellow Creek and Dutch Run. Application received February 1, 2001. Issued April 17, 2001.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

61012801. Louis M. Heath, Jr. (R. R. 1, Box 221, Cooperstown, PA 16317). Commencement, operation and restoration of a small noncoal sandstone operation in Oakland Township, **Venango County** affecting 5.0 acres. Receiving streams: None. Application received: January 29, 2001. Permit Issued: April 6, 2001.

61992804. McKissick Trucking (P. O. Box 62, Venus, PA 16364). Commencement, operation and restoration of a small noncoal shale operation in Pinegrove Township, **Venango County** affecting 2.0 acres. Receiving streams: Prairie Run. Application received: December 16, 1999. Permit Issued: April 16, 2001.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of 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 of 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 for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1—691.702) 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: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certifications:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-657. West Bradford Township, 1385 Campus Drive, Downingtown, PA 19335. West Bradford Township, **Chester County**, ACOE Philadelphia District.

To install and maintain six sanitary sewer force mains, by method of directional drilling, across Broad Run (EV/MF), unnamed tributaries to Broad Run (EV/MF), and an unnamed tributary to the West Branch of Brandywine Creek (WWF/MF) for the construction of the Strasburg Corridor Wastewater Facilities to accommodate the Village of Marshallton and the proposed Tattersall Development, located (Unionville, PA Quadrangle N: 12.9 inches; W: 10.95 inches).

E15-659. PennDOT District 6-0, 7000 Geerdes Road, King of Prussia, PA 19406-1525. West Caln Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities associated with the bridge replacement and roadway improvements for Cedar Knoll Road:

1. To remove an existing two-span steel I-beam bridge and to construct and maintain, to its left, a single span pretressed concrete I-beam bridge across West Branch of Brandywine Creek (TSF, MF) and to construct and maintain associated stormwater facilities. The proposed structure will have a clear span of 92.0 feet and an under clearance of 13.0 feet. This work also includes placement and maintenance of associated riprap scour protection at both abutments.

The site is located approximately 1,600 feet west of the intersection of Cedar Knoll Road (S. R. 4005, Section 34S) and Hibernia Road (Wagontown, PA USGS Quadrangle N: 5.9 inches; W: 11.7 inches).

E46-882. County of Montgomery Department of Roads and Bridges, P. O. Box 311, Norristown, PA 19404-0311. Horsham Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the bridge replacement and roadway improvements for Cedar Hill Road:

1. To remove an existing simple span steel truss bridge and to construct and maintain, in its place, a single span pretressed concrete spread box beam bridge across Park Creek (WWF-MF), and to place and maintain associated riprap scour protection at both abutments. The proposed structure will have a clear span of 62.32-feet and an underclearance of 9.6-feet. The amount of wetland impact is considered a de minimis impact and wetland mitigation is not required.

The applicant also proposes to construct and maintain a temporary cofferdam associated with the diversion of stream flow through the project area. The site is located approximately 2,800 feet northeast of the intersection of Cedar Hill Road and Strong Lane (Ambler, PA USGS Quadrangle N: 16.1 inches; W: 10.2 inches).

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E39-395. Borough of Emmaus, 28 South Fourth Street, Emmaus, PA 18049. Borough of Emmaus, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a twin 48-inch SLCPP stormwater outfall structure along a tributary to Leibert Creek. The project is located on the north side of Broad Street, approximately 250 feet east of the intersection of Broad Street and Tenth Street (Allentown West, PA Quadrangle N: 5.1 inches; W: 0.3 inch).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E07-334. Logan Township, 800 39th Street, Altoona, PA 16601 in Antis Township, **Blair County**, ACOE Baltimore District.

To construct and maintain additions and improvements to the existing Greenwood Sewage Treatment Plant and to construct a 24-inch outfall pipe in the floodway of Little Juniata River TSF) at a point approximately 2,000 feet upstream of SR 4018 (Bellwood, PA Quadrangle N: 13.5 inches; W: 14.1 inches).

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1315. Millvale Borough, 501 Lincoln Avenue, Millvale, PA 15209. City of Pittsburgh, Millvale Borough and Shaler Township, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a paved access ramp and a sheet pile wall and rip rap in front of an existing sunken barge to provide a canoe/kayak landing area, a floating dock with access ramps, and a gazebo with a sheet pile wall on the river side as part of a river trail located along the right bank of the Allegheny River (WWF). The project begins at River Mile 2.9 and ends at River Mile 3.9 (Pittsburgh East, PA Quadrangle, the project begins at N: 17.1 inches; W: 13.8 inches and ends at N: 19.4 inches; W: 12.1 inches).

E02-1330. Allegheny County Sanitary Authority, 3300 Preble Avenue, Pittsburgh, PA 15233-1092. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a 141 feet diameter final clarifier with its associated appurtenances and approximately 470 feet of sheet pile wall and bank slope protection along the right bank of the Ohio River (WWF). The project is located within the existing Allegheny County Sanitary Wastewater Treatment Plant at the end of Preble Avenue (Pittsburgh West, PA Quadrangle N: 19.2 inches; W: 6.6 inches).

E26-269. Fay-Penn Economic Development Council, 2 West Main Street, Suite 407, P. O. Box 2101, Uniontown, PA 15401-1701. North Union Township, **Fayette County**, ACOE Pittsburgh District.

To construct and maintain a 112-feet long, 8-feet by 6.5-feet box culvert (invert of the structure depressed 1 foot) and eight 18-inch diameter HDPE pipes under the proposed road A in an unnamed tributary to Redstone Creek (WWF). Also, to construct and maintain baffles inside the culvert to facilitate fish passage and rock

riprap at the structure's inlet and outlet. The project impacts 0.28 acre of wetlands, which will be replaced by constructing 0.28 acre of wetlands on site. The project is part of the development of Fayette Technology Park and

is located approximately 250 feet downstream of the S. R. 119 culvert (Uniontown, PA Quadrangle N: 11.5 inches; W: 6.6 inches) in North Union Township, Fayette County).

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
01-24-001	Robert H. Fetter General Chemical Corporation 90 East Halsey Road Parsippany, NJ 07054	Elk	Johnsonburg Borough	2 ASTs storing- Aluminum Sul- fate	24,000 gallons each

BUREAU OF DEEP MINE SAFETY APPROVAL OF REQUEST FOR VARIANCE

The Department of Environmental Protection, Bureau of Deep Mine Safety (BDMS), has approved DLR Mining, Inc.'s request for a variance from the requirements of Section 242(c) of the Pennsylvania Bituminous Coal Mine Act at the Nolo Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

Summary of the Request: DLR Mining, Inc. requested a variance from Section 242(c) of the Pennsylvania Bituminous Coal Mine Act to allow for the common ventilation of the belt conveyor entry with other entries at the Nolo Mine. The proposal accords protection to persons and property substantially equal to or greater than the requirements of Section 242(c).

The basis for the Bureau's approval is summarized in the following conclusion:

1. Nolo's plan provides early warning fire detection by the use of the Pyott-Boone Carbon Monoxide (CO) Mine Wide Monitoring System. The system will notify the affected mining sections with an audible and visual alarm. The system will then also alarm at the computer control station located on the surface. An outside employee will then also notify the affected areas via the mine communication system.

2. Nolo's plan provides a separate, isolated intake escapeway that will be maintained at a higher ventilation pressure than the belt and common entries.

3. Nolo's plan provides for the belt and common entries to serve as an alternate intake escapeway.

4. There are significant health and safety benefits associated with allowing entries in common with the belt entry. Repair and maintenance work in the belt entry is afforded safer access. Improved visual safety inspections are facilitated by open crosscuts.

This approval is limited to a variance from the requirements in Section 242(c) requiring that the belt entry is isolated from other entries. All other terms and requirements of Section 242(c) shall remain in effect. Continued

authorization for operation under the approval is contingent upon compliance with the measures described in the approved plan.

SPECIAL NOTICES

NOTICE OF PERMIT TRANSFERS FOR FACILITIES

The Department of Environmental Protection has approved the transfer of all permits, licenses and approvals for the following facilities. The transfer will become effective upon completion of the transaction between Citizens Utilities Water Company and Pennsylvania-Water Company. All of the listed permits, licenses and approvals previously issued to Citizens Utilities Water Company of Pennsylvania, or its predecessors in interest, have been approved for transfer to Pennsylvania-American Water Company. In the case of the water allocation permits, a succession to water rights was also included. A complete listing of the permits, licenses and approvals approved for transfer and the water rights succession by facility appears below. This list is also available on the web at www.dep.state.pa.us (choose hot topics). Questions should be directed to Karen Bassett, Assistant Regional Director for the South Central Region at (717) 705-4703.

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 Administrative Agency Law), to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the 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 of the Board at (717) 787-3483. This paragraph does not, in and of its self, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Notice of Succession to Water Rights

Permit WA-149C; All Withdrawals; Home Water District; Chester and Montgomery Counties

Permit WA-149D; Subsidiary Allocation-Phoenixville; Home Water District; Chester County

Permit WA-174A; All Withdrawals; Blue Mountain Water District; Northampton and Monroe Counties

Permit WA06-1101; Subsidiary Allocation—RAWA; Glen Alsace Water District; Berks County

Water Supply Permits

3060069; All Facilities; Penn Water District; Berks County

3060088; All Facilities—Exeter Township; Glen Alsace Water District; Berks County

0698506-T1; Construction Permit—Golden Oaks Water System; Berks County

3060023; All Facilities—Douglassville; Glen Alsace Water District; Berks County

565W27-T1; All Facilities Except Well 2A; Lake Heritage Water District; Adams County

0184501-T1; Well 2A; Lake Heritage Water District; Adams County

3480055; All Facilities; Blue Mountain Water District; Northampton and Monroe Counties

1150166; All Facilities; Home Water District; Chester and Montgomery Counties

1150170; Merlin Hills—Well EP-1, Pump Station & Dist. System; Home Water District; Chester County

1150206; Phoenixville—Contiguous System; Home Water District; Chester County

Dam Permits

D45-144; Ross Common Reservoir; Blue Mountain Water District; Monroe County

D45-7; Stony Garden Reservoir; Blue Mountain Water District; Monroe County

NPDES Permit

0051616; Schuylkill River; Home Water District; Chester County

105 General Permits

BDWW-GP-4 Water Obstruction & Encroachment Permit Intake & Outfall Structures General Permit

BDWW-GP-5 Water Obstruction & Encroachment Permit Utility Line Stream Crossings General Permit

BDWW-GP-7 Water Obstruction & Encroachment Permit Minor Road Crossings General Permit

Penn Water District, Home Water District, Merlin Hills Water System, Phoenixville Water System, Glen Alsace District, Douglassville District, Blue Mountain District, and Lake Heritage District; Monroe, Northampton, Berks, Adams, Montgomery and Chester Counties.

[Pa.B. Doc. No. 01-787. Filed for public inspection May 4, 2001, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's website (www.dep.state.pa.us) at the public participation center.

The "March 2001 Inventory" heading is the governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its nonregulatory documents, as necessary, throughout 2001.

Ordering Paper Copies Of DEP Technical Guidance

DEP encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes To Technical Guidance Documents

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Draft Technical Guidance- Substantive Revision

DEP ID: 013-2000-001 Title: Policy for Implementing the DEP Money-Back Guarantee Program Description: The DEP Money-Back Guarantee Program established a uniform process for the implementation of Executive Order 1995-5, which set processing times for DEP to review permits. The revisions of this revised draft include the following:

1. Bureau of Waste Management & Land Recycling regulation changes prompted revisions to 'Alternative Projects Processing Times' information on page 4.

2. Bureau of Waste Management & Land Recycling regulation changes prompted revisions to related items on Attachment A.

3. With the establishment of the Office of Information Technology, the process and approval to be excluded from the Money-Back program is now under the responsible authority of the Chief Information Officer. See revisions to 'Application Tracking' on Pages 5&6, as well as Attach. D.

4. Other minor changes in formatting and sentence structure.

Anticipated Effective Date: June 16, 2001 Comment Period Ends: June 5, 2001

Contact: Patricia Hammaker at (717) 772-4784, or e-mail at Phammaker@state.pa.us.

DAVID E. HESS,
Acting Secretary

[Pa.B. Doc. No. 01-788. Filed for public inspection May 4, 2001, 9:00 a.m.]

Coastal Zone Management Program; Minor Changes

The Department of Environmental Protection (Department) has received a favorable decision from the Federal

Office of Ocean and Coastal Resource Management (OCRM) concerning its proposal to make several minor changes to Pennsylvania's Coastal Zone Management (CZM) Program, as announced at 31 Pa.B. 886 (February 10, 2001). The Department determined these revisions to be routine program changes (RPC) and requested concurrence from OCRM. An RPC is defined in 15 CFR 923.84 as a minor action taken by a state to further detail the implementation of its Federally approved CZM Program.

Pennsylvania received the requested concurrence on March 15, 2001, for the following CZM Program changes:

- amendments to and renumbering of State regulations currently networked into the CZM Program's enforceable policies,
- minor boundary changes in Delaware County and
- the addition of five geographic areas of particular concern.

As of this notification date, the Federal consistency aspects of the Federal CZM Act of 1972, as amended, shall apply to these aforementioned changes.

For further information, contact Larry Toth of the CZM Program at (717) 772-5622, or by e-mail at latoth@state.pa.us.

DAVID E. HESS,
Acting Secretary

[Pa.B. Doc. No. 01-789. Filed for public inspection May 4, 2001, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Request for Proposals; Construction Manager

The Department of General Services is seeking interested firms to submit sealed proposals for consideration for the following project:

DGS 407-66.OA—Construction Management, New Convocation Center, Indiana University of PA, Indiana, Indiana County, PA. A brief description of the project is as follows: Professional Construction Manager Consultant Services for a variety of disciplines for the New Convocation Center at the Indiana University of PA.

RFP PRICE—\$50.00 (Includes 6% PA Sales Tax) per RFP. Checks must be made payable to the Commonwealth of Pennsylvania. This price is nonrefundable. Requests for the RFP should be mailed to the Department of General Services, Bureau of Professional Selections and Administrative Services, Room 107, Headquarters Building, 18th & Herr Streets, Harrisburg, PA 17125. Contact Bidders Services at (717) 787-3923 or www.dgs.state.pa.us for the names of those who have secured the RFP.

PRE-PROPOSAL CONFERENCE—A preproposal conference is scheduled to be held on Wednesday, May 9, 2001, at 10 a.m. at the Indiana University of PA, Robert Shaw Building, Engineering & Construction Office, Conference Room 1. Contact the Indiana University of PA Site Administrator, Robert Marx at (724) 357-2289 and the DGS Construction Coordinator, Martin Barkey at (412) 820-0215 at the Western PA Regional Office.

All questions regarding the RFP or to clarify matters concerning the RFP must be submitted in writing to the

issuing office by no later than 5 p.m., Wednesday, May 14, 2001. Only firms requesting the RFP will receive a copy of all submitted questions and answers.

All proposals are due Friday, May 25, 2001, no later than 2 p.m., in Room 107, Headquarters Building, 18th & Herr Streets, Harrisburg, PA 17125. Responses received after this due date and time will be returned unopened.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 01-790. Filed for public inspection May 4, 2001, 9:00 a.m.]

Request for Proposals; Project No. DGS 570-27; Construction of a New Close Security State Correctional Institution; Luzerne Township, Fayette County, PA

P. J. Dick Incorporated will receive written proposals for final commissioning services for the State Correctional Institution Fayette, which is currently under construction. The facility is located approximately 50 miles from the city of Pittsburgh, PA and approximately 10 miles from the city of Brownsville, PA.

Separate and sealed proposals will be received by the Construction Manager (CM), P. J. Dick Incorporated, 1020 Lebanon Road, West Mifflin, PA 15122, until 2 p.m., on Thursday, May 24, 2001. Proposals will be opened privately and reviewed by the CM. At the CM's option, one or more of the proposers may be required to make an oral presentation at the offices of the CM. The presentation will be within 10 calendar days of the date established for receipt of written proposals.

Copies of the request for proposals may be obtained at the office of P. J. Dick Incorporated, 1020 Lebanon Road, West Mifflin, PA 15122, upon written request on or after April 30, 2001.

A preproposal conference will be held in the office of P. J. Dick Incorporated on Thursday, May 10, 2001, at 10 a.m.

Proposals shall be submitted in the form described in the request for proposal and must include responses to all items as described therein in order to be considered.

For purposes of clarification the following information is provided:

<i>Owner of Project:</i>	Commonwealth of Pennsylvania Department of General Services
<i>Construction Manager:</i>	P.J. Dick Incorporated (412-462-9300)
<i>Design Professional:</i>	L. Robert Kimball & Associates

The CM reserves the right to accept or reject any or all proposals.

Work under this aforementioned contract is subject to the requirements of the Pennsylvania Prevailing Wage Act.

P. J. Dick Incorporated is an Equal Opportunity Employer and does not discriminate against any applicant for employment, any independent contractor or any other

person because of race, color, religion, creed, ancestry, national origin, age or sex.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 01-791. Filed for public inspection May 4, 2001, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Bucktail Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Bucktail Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from: Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aide, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-792. Filed for public inspection May 4, 2001, 9:00 a.m.]

Application of Community Hospital of Lancaster for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Community Hospital of Lancaster has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requested exemption from the following standard contained in this publication: 7.10.H, which requires two medical air outlets in the cardiac catheterization lab.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from: Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare

Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-793. Filed for public inspection May 4, 2001, 9:00 a.m.]

Application of HealthSouth Rehabilitation Hospital for Special Services for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that HealthSouth Rehabilitation Hospital for Special Services has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from: Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aide, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-794. Filed for public inspection May 4, 2001, 9:00 a.m.]

Application of HealthSouth Rehabilitation Hospital of York for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department)

hereby gives notice that HealthSouth Rehabilitation Hospital of York has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.1, relating to outpatient facilities.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from: Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-795. Filed for public inspection May 4, 2001, 9:00 a.m.]

Application of Lancaster General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Lancaster General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.2.A6, which states that each patient shall have within his or her room a separate wardrobe, locker or closet suitable for hanging full-length garments and for storing personal effects.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from: Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-796. Filed for public inspection May 4, 2001, 9:00 a.m.]

Application of Mercy Hospital of Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Mercy Hospital of Philadelphia has requested an exception to the requirements of 28 Pa. Code § 51.3 (relating to notification).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from: Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aide, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-797. Filed for public inspection May 4, 2001, 9:00 a.m.]

Application of Monongahela Valley Hospital, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Monongahela Valley Hospital, Inc. has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from: Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aide, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-798. Filed for public inspection May 4, 2001, 9:00 a.m.]

Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Friday, May 18, 2001, at 10 a.m., in Room 802A Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who desire to attend the meeting and require an auxiliary aid service or other accommodation to do so, contact Joseph May at (717) 772-5298, for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-799. Filed for public inspection May 4, 2001, 9:00 a.m.]

Required Ambulance and Rotorcraft Equipment and Supplies

Under 28 Pa. Code §§ 1005.10 (c) and 1007.7 (c) (relating to licensure and general operating standards; and licensure and general operating requirements), the following equipment and supplies shall be carried and readily available in working order for use on basic and advanced life support ambulances, which also includes air (rotorcraft) ambulances.

A. Ground and Air Ambulance Requirements

Ground Ambulances: Basic Life Support/ALS Mobile Care Unit /ALS Squad Unit

The ambulance must:

1. Meet the requirements of current Federal Specifications KKK 1822 in effect at the time of its manufacture regarding design type, floor plan, general configuration and exterior markings. (Does not apply to an ALS squad unit.)

2. Meet the Pennsylvania Vehicle Code requirements, especially 67 Pa. Code Chapter 173 (relating to flashing or revolving lights on emergency and authorized vehicles).

3. Have the following sizes and numbers of "Stars of Life" affixed to its exterior:

- a. 3" on the front (2)
- b. 12" on the rear (2)
- c. 16" on the sides (2)—one on each side of the vehicle.

Note: An ALS squad unit is required to have only 3" sizes, but it must have the required number, that is, six.

4. Have the words "Emergency Medical Services," in lettering at least 3" or larger on both exterior sides of the vehicle.

5. The name of the ambulance service or its fictitious name in letters at least 3" in size on both the right and left exterior sides of the vehicle. Service name must be the dominant lettering.

6. Be equipped with an audible warning device that is electronically operated.

7. Have red flashing or revolving exterior emergency lighting visible 360 degrees around the vehicle. Two white lights are permissible. If a light bar assembly is present, there can be no more than two flashing/revolving white lights in the assembly or one single flashing white light on the front of the ambulance box. The vehicle is permitted to have two amber lights other than the turn signal indicators. Lighting must be in conformance with the Pennsylvania Vehicle Code, especially 67 Pa. Code Chapter 173.

8. Have overhead interior lighting that illuminates the entire top surface of the patient litter, stair well lighting and courtesy lights that must illuminate the EMS personnel's controls. (Does not apply to an ALS squad unit.)

9. Have a dual battery system. (Does not apply to an ALS squad unit.)

10. Have one fully charged fire extinguisher, rated at least 2 A: 10 B: C, easily accessible from the outside of the vehicle. The fire extinguisher must be intact with safety seal and have been inspected within the previous 12 calendar months, and have the appropriate and completed inspection tag attached.

11. Have a power supply to generate sufficient current to operate all accessories without excessive demand to the generating system.

12. Have a floor that is flat, reasonably unencumbered, free of equipment in the walk through areas, nonskid and well maintained. (Does not apply to an ALS squad unit.)

13. Have minimum interior dimensions of 60" from floor to ceiling. (Does not apply to an ALS squad unit.)

14. Have an installed patient partition to separate the patient area from the driver area. (Does not apply to an ALS squad unit.)

15. Have storage cabinets with sliding doors or with latches to ensure against opening during vehicle movement. (Does not apply to an ALS squad unit.) Bulky items such as portable radios and AEDs must be secured to prevent them from becoming projectiles. Equipment on an ALS squad unit must be in cabinets or secured down with straps.

16. Have two IV hangers mounted flush with the ceiling. (Does not apply to an ALS squad unit.)

17. Have a litter for transporting a patient and at least three patient restraint straps in good operating condition secured to the litter. (Does not apply to an ALS squad unit.)

18. Have doors that function properly with door seals that are in good condition; that is, not cracked, broken or missing pieces.

19. Have a "No Smoking" sign in both the driver and the patient compartment. On an ALS squad unit only one sign in the driver's compartment is required.

20. Have operational heating, cooling and ventilation equipment.

21. Have a current vehicle inspection validation issued by the state where the vehicle is registered.

22. Have operational radio equipment for communication with a public safety answering point (PSAP) and hospitals in the ambulance service's emergency service areas. A cellular phone may be used as a backup means of communication.

23. Have an installed, on-board oxygen system with the following (Does not apply to an ALS squad unit):

a. At least 122 cubic feet supply of oxygen in a cylinder that is secured to provide maximum safety for patients and personnel. The securing brackets must be mounted to the vehicle frame. Services may use a liquid oxygen system that provides the same volume.

b. The cylinder must have more than 500 psi (500 liters of oxygen) of pressure at all times.

c. The unit must be equipped with a reducing valve (from 2,000 psi to 50 psi line pressure).

d. The unit must be equipped with 1 flow meter with a range of 0—25 lpm delivery.

e. The unit must be equipped with a nonbreakable humidifier and, if attached, must not have water in it when not in use.

24. Have an installed, on-board suctioning system with the following components and/or capabilities (Does not apply to an ALS squad unit):

a. It is fitted with a large bore, nonkinking tubing with a lumen of at least 7mm.

b. It has power enough to provide within 4 seconds a vacuum of over 300 mm/Hg or 11.8 inches of water when the tube is clamped.

c. It is controllable for use on children and intubated patients. The vacuum gauge, when attached to the tubing, must be adjustable to the amount of vacuum to ensure that the unit can maintain vacuum levels without requiring continuous increase in control.

d. It is equipped with a lateral opening between the suction tube and the suction source.

e. The tubing must be able to reach airways of patients regardless of the patient's position in the ambulance and must be able to reach the head and foot of the litter.

25. Must show proof of current motor vehicle insurance.

Air (Rotorcraft) Ambulance Requirements

The following will apply to all air ambulances. The air ambulance must have:

1. The name of the air ambulance service or its registered fictitious name prominently displayed on its exterior.

2. Exterior lighting that illuminates the tail rotor and includes a controllable searchlight able to rotate 180 degrees.

3. An "Air Worthiness Certificate" from the FAA.

4. A patient litter capable of carrying one adult in the supine position and capable of being secured according to FAA requirements.

5. Have an FAA Form 337 with items #1(which identifies the aircraft), #2 (which identifies the aircraft owner) and #7 (which shows that the aircraft is approved to "return to service") completed and signed by the appropriate FAA official.

6. Climate controls for maintaining an ambient cabin temperature of between 65—85 degrees during flight.

7. Sufficient interior lighting to allow for close observation of patients.

8. A pilot partition to prevent patient interference with flight controls.

9. A barrier or an FAA approved mechanism for securing a patient's chest, pelvis, legs, wrist and ankles.

10. A 110-volt electrical outlet for each patient transported and a backup power supply.

11. Two-way radio communications for the pilot to be able to communicate with hospitals, PSAPs and ground ambulances.

12. At least three headsets to allow for voice communication among the crew when the aircraft is operating and noise levels prevent normal conversation.

13. One fully charged fire extinguisher rated at least 2 A: 10 B: C. The fire extinguisher must be intact with safety seal and have been inspected within the previous 12 calendar months and have the appropriate inspection tag attached.

14. Installed, on-board suctioning equipment that meets the same requirements as a transporting ground ambulance. (See requirement 24 under Ground Ambulances.)

15. An on-board oxygen system with the following:

a. A cylinder with a capacity of 1,200 liters.

b. The cylinder must have at least 1,650 psi at time of inspection.

c. If a liquid oxygen system is used, manufacturer documentation must be provided that the system has at least a 1,200-liter capacity and that at least a 1-hour oxygen delivery capacity at 25 lpm is available.

B. Required Equipment and Supplies

Approved equipment and supplies shall be carried and readily available in working order for use on both ground and air ambulances. Some patients and crewmembers of an ambulance service may have allergies to latex. Latex free supplies are recommended, where possible. The following equipment and supplies must be carried on each ground and air ambulance, as indicated:

<i>Equipment/Supplies</i>	<i>Ambulance Type</i>			
	<i>BLS</i>	<i>ALS Mobile Care</i>	<i>ALS Squad</i>	<i>Air</i>
1. Rechargeable Portable Electric Suction Unit with wide-bore tubing. Must achieve 300 mm/Hg or 11.8" in 4 sec.	X	X	X	X
2. Suction catheters, pharyngeal: Rigid (2) Flexible: 6 and 8 (1 each) 10 or 12 (2) 14 or 16 (2) Total of 6 (Must be sterile) Size is FR for each	X	X	X	X
3. Airways: Nasopharyngeal (5 different sizes) Oropharyngeal (6 different sizes)	X	X	X	X
4. Sphygmomanometer: Child, Adult and Thigh (large) (1 each) Interchangeable gauges are permitted	X	X	X	X
5. Stethoscope (1)	X	X	X	X
6. Stethoscope Doppler (1)				X
7. Penlight (1)	X	X	X	X
8. Portable Oxygen Unit (1): Cylinder capacity of at least 300 liters/D Size/500 psi Yoke Cylinder with a minimum total pressure of 500 psi Non sparking wrench/tank opening device Gauge/flow meter not gravity dependent and can deliver 0—25 liter per minute Full spare cylinder with a 300 liter capacity Cylinders must be secured in the vehicle	X	X	X	X
9. Oxygen Delivery Devices: Nasal Cannulae—adult/pediatric 1 each High concentration mask capable of providing 80% or greater concentration adult, pediatric, infant—1 each Pocket mask with one way valve and oxygen port (1)	X	X	X	X
10. Adhesive Tape (4 rolls assorted) 1 roll must be hypoallergenic	X	X	X	X
11. Dressings: Multi Trauma (10"x 30") (4) Occlusive (3"x 4") (4) Sterile Gauze Pads (3"x3") (25) Soft self-adhering (6 rolls)	X	X	X	X
12. Bandage Shears (1)	X	X	X	X
13. Immobilization Devices: Lateral cervical spine device (1) Long spine board (1) Short spine board (1) Rigid/Semi rigid neck immobilizer S, M, L, pediatric (1 each) Multi-size are permitted and will suffice for the S, M & L (3)	X	X	X	X (Short board not required)

<i>Equipment/Supplies</i>	<i>Ambulance Type</i>			
	<i>BLS</i>	<i>ALS Mobile Care</i>	<i>ALS Squad</i>	<i>Air</i>
14. Bag-Valve-Mask Devices: Hand operated adult (1) Hand operated pediatric (450— 700cc) (1) Must be capable of 100% oxygen delivery	X	X	X	X
15. Pediatric Equipment Sizing Tape/Chart	X	X	X	X
16. Straps—9' (5) (may substitute spider straps or speed clips for 3 straps)	X	X	X	X
17. Folding Litter/Collapsible Device (1)	X	X	X	X
18. Splinting Devices: Lower extremity mechanical traction splint adult and pediatric (1 each or combination) Padded board splints: 4.5', 3', 15"—(2 each)	X	X		
19. Sterile Water/Normal Saline (2 liters)	X	X	X	X
20. Sterile Burn Sheet (4'X4') (2)	X	X	X	
21. Cold Packs, Chemical (4)	X	X	X	X
22. Heat Packs, Chemical (4)	X	X	X	X
23. Triangular Bandages (8)	X	X	X	
24. Sterile OB Kits (2)	X	X	X	X (Only 1 required)
25. Separate Bulb Syringe (1) Sterile	X	X	X	X
26. Sterile Thermal Blanket (Silver Swaddler) (1), or 1 roll of sterile aluminum foil	X	X	X	X
27. Blankets (2)—cloth	X	X	X	X
28. Sheets (4)	X	X		X
29. Pillowcases (2)	X	X		
30. Pillow (1)	X	X		
31. Towels (4)	X	X		
32. Disposable Tissues (1 box)	X	X		
33. Emesis Container (1)	X	X		
34. Urinal (1)	X	X		
35. Bed Pan (1)	X	X		
36. Disposable Paper Drinking Cups (3oz) (4)	X	X		
37. State Approved Triage Tags (25)	X	X	X	
38. Hand-lights (6 volts) (2)	X	X	X	X
39. Hazard Warning Device (3)	X	X	X	
40. Emergency Jump Kit (1)	X	X	X	X
41. Survival Bag (1)				X
42. Emergency Response Guidebook (1) (current edition)	X	X	X	
43. Thermometer oral—(glass, electronic or tympanic)	X	X	X	X
44. Sharps Receptacle (1)—Secured	X	X	X	X
45. Instant Glucose (40% dextrose-d- glucose gel) 45 grams	X	X	X	
46. Activated Charcoal—50 grams	X	X	X	

<i>Equipment/Supplies</i>	<i>Ambulance Type</i>			
	<i>BLS</i>	<i>ALS Mobile Care</i>	<i>ALS Squad</i>	<i>Air</i>
47. Access Equipment: Large Screwdriver, Phillips and slotted (1 each) Pliers (1 each) (slip joint, lineman's needle nose, arc joint and locking) Hand-held Sledgehammer (3 lbs) (1) Impact metal Cutting Tool (1) Short pry-bar (1)—12" Cold Chisel (7" X 3/4") (1) Hacksaw w/2 extra blades (1) Adjustable Wrench—10" (1) Center Punch (1) Gloves (leather) (2 pairs) Hard-Hat (2)	X	X	X	
48. Flight Helmet (1 per crewmember)				X
49. Personal Protection Equipment: Eye protection, clear, disposable (1 per crew member) Face Mask, disposable (1 per crew member) Gown/coat (1 per crew member) Surgical Caps/Foot Coverings disposable (1 set per crewmember) Double Barrier gloves (1 set per crew member) Container (1 per vehicle) or disposable red bags (3 per vehicle) Infection Control Plan	X	X	X	X
50. Sponges, Alcohol, Prep (10)		X	X	X
51. Endotracheal Tubes Sizes/Quantities: 2.5 mm or 3.0 mm (2 uncuffed) 3.5 mm or 4.0 mm (2 uncuffed) 4.5 mm or 5.0 mm (2) 5.5 mm or 6.0 mm (2) 6.5 mm or 7.0 mm (2) 7.5 mm or 8.0 mm (2) 8.5 mm or 9.0 mm (2) Must be sterile and individually wrapped		X	X	X
52. Endotracheal Tube Placement Validation Device (1) to verify correct placement-per regional protocol * * This item will be required August 1, 2001.		X*	X*	X*

<i>Equipment/Supplies</i>	<i>Ambulance Type</i>			
	<i>BLS</i>	<i>ALS Mobile Care</i>	<i>ALS Squad</i>	<i>Air</i>
53. Laryngoscope handle with batteries and spare batteries and bulbs and the following blades: Straight Curved #1 (S) #3 #2 (M) #4 #3 (L) (1 each of the blades)		X	X	X
54. Meconium Aspirator (1)		X	X	X
55. Lubrication (2cc or larger tubes) sterile (2)	X	X	X	X
56. Forceps, Magill (adult/ pediatric 1 each)		X	X	X
57. IV Fluid Therapy Supplies: Catheters (over the needle—IV): 14,16,18, 20, 22 (4 each) and 24 gauge (2), Total of 22 individually wrapped and sterile. Micro drops (50—60 drops/ml) (2) Macro drops (10—20 drops/ml) (2) IV Fluids—total 2250 milliliters: such as—5% dextrose, 0.9% Sodium Chloride, Lactated Ringers Tourniquets for IV Use (2) Intraosseus needles 14—18 gauge (2)		X	X	X
58. Medication and Supplies: Emergency Drugs—(per regional protocols and within state rules & regulations and within expiration date) Hypodermic needles: 16—18 gauge (4) 20—22 gauge (4) 23—25 gauge (4) Total of 12 and each must be individually wrapped and sterile. Syringes—per regional protocol		X	X	X
59. Defibrillator/Monitor: (DC electric powered, 20—360 Joules, portable, battery-operated, paper readout) ECG cables with 3 lead capability and pediatric and adult paddles with pacing capabilities or separate stand-alone pacer		X	X	X

<i>Equipment/Supplies</i>	<i>Ambulance Type</i>			
	<i>BLS</i>	<i>ALS Mobile Care</i>	<i>ALS Squad</i>	<i>Air</i>
60. Defibrillator/Monitor Supplies: Paddle pads (4) or electric gel (2 tubes), electrodes, ECG, adult and pediatric sizes (6 each)		X	X	X
61. Automated External Defibrillator (for authorized BLS services)	X			
62. Stylette, Malleable-pediatric (2)/adult Must be sterile.		X	X	X
63. Cricothyrotomy set (surgical or needle) Must be sterile.				X
64. Phlebotomy equipment		X	X	
65. Flutter valve (1) Must be sterile.				X

All equipment must be clean and functional and no supply item may be carried beyond any expiration date assigned to it.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape or Braille) should contact Robert H. Gaumer, Department of Health, Emergency Medical Services Office, Room 1032, Health and Welfare Building, Harrisburg, PA, 17120, (717) 787-8740. Persons with a speech or hearing impairment may telephone V/TT: (717) 783-6154 or use the Pennsylvania AT & T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-800. Filed for public inspection May 4, 2001, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Federal Child Care and Development Fund Block Grant Plan; Public Hearing

The Department of Public Welfare, Office of Children, Youth and Families, Bureau of Child Day Care Services will be holding a public hearing on the proposed Federal Child Care and Development Fund Block Grant (CCDFBG) Plan for the period October 1, 2001, through September 30, 2003 (Federal Fiscal Years 2002-2003). The hearing will be held on May 30, 2001, from 12 p.m. to 4:30 p.m. in the auditorium of the State Museum of Pennsylvania located at 3rd and North Streets, Harrisburg, PA. The purpose of the public hearing is to gather comments on the proposed CCDFBG plan from the general public. Based upon comments received, the Commonwealth will consider necessary revisions to the proposed plan and develop a final plan to send to the Federal government.

Individuals who would like to review and comment on the proposed plan or who would like to register to testify at the public hearing should contact: Bureau of Child Day Care Services, 1401 North 7th Street, Harrisburg, PA 17102, or call (717) 787-8691.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another

alternative format, should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 01-801. Filed for public inspection May 4, 2001, 9:00 a.m.]

Income Limits for the Categorically Needy Nonmoney Payment Medicaid Program

The Department of Public Welfare (Department) increased the income limits described in 55 Pa. Code § 181.1(f)(1), (2) and (4) effective January 1, 2001.

The regulations at § 181.1(f)(1), (2) and (4) establish that the income limits for the Categorically Needy Nonmoney Payment (NMP) Medicaid Program for aged, blind and disabled persons are based on the Federal benefit rate payable under Title XVI of the Social Security Act (42 U.S.C.A. §§ 1381—1383c). Effective January 1, 2001, the Federal benefit rate was increased due to the Federal cost-of-living increase.

As required under § 181.1(f), the Department revised the income limits for the NMP Medicaid Program for aged, blind and disabled persons effective January 1, 2001. Those limits are set forth in Appendices A, B and D, which are recommended for codification in 55 Pa. Code Chapter 181. Appendix A is the Federal benefit rate plus the State supplement payable under Title XVI. Appendix B is 300% of the Federal benefit rate payable under Title XVI. Appendix D is the Federal benefit rate payable

under Title XVI. Item 1 of Appendix D is 1/2 of the Federal benefit rate for one person. Item 2 of Appendix D is 1/2 of the Federal benefit rate for two persons.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-281;

(1) General Fund;

	<i>Inpatient</i>	<i>Outpatient</i>	<i>Capitation</i>
(2) Implement- ing Year 2000-01 is	\$17,000	\$11,000	\$53,000

(3) 1st Succeed- ing Year 2001-02 is	\$50,000	\$32,000	\$103,000
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2nd Succeed- ing Year 2002-03 is	\$50,000	\$32,000	\$102,000
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3rd Succeed- ing Year 2003-04 is	\$50,000	\$32,000	\$102,000
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4th Succeed- ing Year 2004-05 is	\$50,000	\$32,000	\$102,000
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5th Succeed- ing Year 2005-06 is	\$50,000	\$32,000	\$102,000
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	<i>Inpatient</i>	<i>Outpatient</i>	<i>Capitation</i>
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(4) 1999-00 Pro- gram—	\$392,526,000	\$622,669,000	\$1,384,763,000
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1998-99 Pro- gram—	\$453,594,000	\$695,935,000	\$1,026,075,000
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1997-98 Pro- gram—	\$428,079,000	\$662,740,000	\$959,266,000
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(7) MA—Outpatient, MA—Inpatient and MA—Capitation; (8) recommends adoption.

[Pa.B. Doc. No. 01-802. Filed for public inspection May 4, 2001, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, April 19, 2001, and took the following actions:

Regulations Approved:

Board of Claims #105-4: Amendments to Rules of Procedure (amends the rules of practice before the Board).

Environmental Quality Board #7-342: Waste Oil (amends 25 Pa. Code Chapters 260a, 261a, 266a, and 270a and adds Chapter 298).

Department of Labor & Industry #12-54: Workers' Compensation Health and Safety (amends Chapters 123 and 125, and adds Chapter 129 in Title 34 Pa. Code).

APPROVAL ORDER

Commissioners Voting: John R. McGinley, Jr., Chairperson, by proxy; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
April 19, 2001

Board of Claims—Amendments to Rules of Procedure; Regulation No. 105-4

On March 22, 2001, the Independent Regulatory Review Commission (Commission) received this regulation from the Board of Claims (Board). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation amends the Rules of Procedure of practice before the Board. The rulemaking reduces the number of copies of a claim which must be filed to four, repeals the rule pertaining to the time period for filing and adds a provision that no post-hearing motions may be filed.

We have determined this regulation is consistent with the statutory authority of the Board of Claims (72 P. S. § 4651-10) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson, by proxy; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
April 19, 2001

Environmental Quality Board—Waste Oil; Regulation No. 7-342

On March 22, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board. This rulemaking amends 25 Pa. Code Chapters 260a, 261a, 266a and 270a and adds Chapter 298. The proposed regulation was published in the April 10, 1999 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on March 23, 2001.

The regulation consolidates the requirements for recycling waste oil into one chapter. It also substantially incorporates the Federal requirements in 40 CFR Part 279 for managing used oil.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (35 P. S. §§ 691.5(b), 691.402 and 6018.105(a) and 58 P. S. §§ 471—480) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson, by proxy; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
April 19, 2001

Department of Labor and Industry—Workers' Compensation Health and Safety; Regulation No. 12-54

On June 4, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking amends Chapters 123 and 125, and adds Chapter 129 in 34 Pa. Code. The proposed regulation was published in the June 19, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 12, 2000, but was withdrawn prior to Commission action. A revised final-form regulation was submitted to the Commission on March 8, 2001. This revised final-form regulation was simultaneously withdrawn prior to action and resubmitted on March 23, 2001.

This final rulemaking implements the health and safety provisions of the Workers' Compensation Act, as amended by Act 44 of 1993 and Act 57 of 1996. The proposed regulation is intended to reduce the frequency and severity of accidents and illnesses resulting from the workplace. Approximately 600 carriers that write workers' compensation in this Commonwealth, 1,100 individual self-insured employers and 20 group self-insurance funds will be affected.

We have determined this regulation is consistent with the statutory authority of the Department (77 P.S. §§ 710, 991, 1038.1 and 1038.2) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-803. Filed for public inspection May 4, 2001, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
11-186	Insurance Department Discounting Workers' Compensation Loss Reserves	04-19-01

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
11-197	Insurance Department Discounting Medical Malpractice Loss Reserves	04-19-01
57-214	Pennsylvania Public Utility Commission Universal Service Fund	04-19-01

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-447	Department of Public Welfare Safeguarding Information; Application Process; Redetermining Eligibility; Special MA Eligibility Provisions; General Eligibility Provisions; Age	04/25/01
14-448	Department of Public Welfare Restitution; Appeal and Fair Hearing Administrative Disqualification Hearings; Food Stamp Discretionary Provisions	04/25/01
14-449	Department of Public Welfare Resource Provisions for Categorically Needy NMP-MA and MNO-MA	04/25/01
14-461	Department of Public Welfare Medical Assistance Income	04/25/01

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-804. Filed for public inspection May 4, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT

Pennsylvania 2000 Private Passenger Automobile Act 6 Data Call

Each year, the Insurance Department (Department) conducts routine Data Calls to companies licensed to write motor vehicle insurance in this Commonwealth. Data Calls are used to monitor the auto insurance marketplace and to collect data for statutory reports. On May 1, 2001, the Department forwarded Data Calls to be completed by companies who are licensed to write private passenger automobile insurance in this Commonwealth. Only a cover letter will be received via the United States Postal Service. The 2000 Data Call letter, instructions and data formats are available on the Department's website and can be accessed at www.insurance.state.pa.us under the "What's New" section.

Companies with Commonwealth private passenger automobile direct written premium in 2000 are required to complete Parts 1 and 2. Data for more than one insurance company may not be combined into a single Part 1 and a single Part 2. These parts should be submitted to the Department by September 17, 2001.

Insurance companies with no Commonwealth private passenger automobile direct written premium in 2000 are required to complete only Part 2. This should be submitted to the Department by September 17, 2001.

Consistent with previous years, the Department will protect the proprietary interest of all companies with

regards to the handling of the data that is submitted. See the instructions for additional information regarding the completion of the individual parts.

Submissions and inquires should be directed to Clinton Wright, Insurance Department, Office of Rate and Policy Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail: clwright@state.pa.us or (717) 783-0651.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-805. Filed for public inspection May 4, 2001, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in the Insurance Department's Regional Office in Philadelphia, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Lysa Jenkins; file no. 01-280-00975; American Independent Insurance Company; doc. no. PH01-04-009; June 7, 2001, at 2:30 p.m.

Appeal of Heath and Patricia Fillmyer; file no. 01-280-00876; Newark Insurance Company; doc. no. PH01-04-010; July 12, 2001, at 12:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the 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 may be 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. 01-806. Filed for public inspection May 4, 2001, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Lackawanna County, Wine & Spirits Shoppe #3516, 233 Northern Boulevard, Clarks Summit, PA 18411-9304.

Lease Expiration Date: February 28, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 12,000 net useable square feet of new or existing retail commercial space within Clarks Summit, Clarks Green or South Abington Township.

Proposals due: May 18, 2001 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110

Contact: Charles D. Mooney, (717) 657-4228

Philadelphia County, Wine & Spirits Shoppe #5140, 3000 Richmond Street, Philadelphia, PA 19134-5807.

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 Aramingo Avenue, North of Westmoreland Street and South of Adams Avenue, Philadelphia.

Proposals due: May 25, 2001 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113

Contact: Robert Jolly, (215) 482-9672

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 01-807. Filed for public inspection May 4, 2001, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (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 29, 2001, as set forth at 52 Pa. Code § 3.381 (relating to applications for the transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00110198, Folder 1, Am-A Mid-County Transportation Service, Inc. (P. O. Box 1488, Lansdale, Montgomery County, PA 19446), a corporation of the Commonwealth of Pennsylvania. This application seeks the right to transport persons in paratransit service between points in the boroughs of Hatfield, Lansdale, Souderton, Telford, Ambler and North Wales, and the townships of Upper Gwynedd, Lower Gwynedd, Whitpain, Montgomery, Worcester, Towamencin, Lower Salford, Hatfield, Franconia and Skippack, all located in Montgomery County: *Which is to be in lieu of its common carrier authority at A-00110198 which reads as follows: persons in paratransit service, between points in the boroughs of Hatfield, Lansdale, Souderton and Telford and the townships of Hatfield, Upper Gwynedd, Montgomery and Towamencin, Montgomery County.*

Notice of Motor Carrier Applications—Persons in Limousine Service

The following applications for authority to transport persons in limousine service between points in Pennsylvania have been filed with the Pennsylvania Public Utility Commission. The applications will be considered without hearing in the absence of substantive protests limited to the issue of applicant fitness. Protests to these applications are due on or before May 29, 2001.

A-00114384, F. 2 Herbert L. Joseph, II
t/d/b/a Jeunne Noire Enterprises of PA
423 Parkwood Road
Pittsburgh, PA 15210

A-00116758, F. 2 Diamond Coach, Inc.
169 North Main Street
New Hope, PA 18938
Attorney: John J. Gallagher
1760 Market Street, Suite 1100
Philadelphia, PA 19103

A-00117720, Folder 2 Overland Transit, Inc.
1643 Marguret Street
Philadelphia, PA 19124

A-00117747 Allegheny Metro Limousine Services, Inc.
P. O. Box 9091
Pittsburgh, PA 15224

A-00117748 Harper Transportation, Inc.
2728 Espy Avenue
Pittsburgh, PA 15216

A-00117749 Elmwood Limo, Inc.
6024 Elmwood Street
Philadelphia, PA 19142
Attorney: John J. Gallagher
1760 Market Street
Suite 1100
Philadelphia, PA 19103

A-00117753 Atlantic Limousine Service, Inc.
250 Beverly Boulevard, #E-107
Upper Darby, PA 19082
Attorney: Michael Wolinsky
The Jefferson Building
1015 Chestnut Street, Suite 702
Philadelphia, PA 19107

A-00117754 Chareani, Inc.
42 Victor Drive
Uniontown PA 15401
Attorney: James E. Budzak
1223 Long Run Road
White Oak, PA 15131

A-00117755 Ruth Diane Sitlinger
t/d/b/a Twilight Limousine Service
P. O. Box 459
Gratz, PA 17030

A-00117756 Joseph A. Miller
t/d/b/a Gateway Limousine Service
4215 Main Street
Pittsburgh, PA 15224

A-00117758 MM Transportation, LLC
t/d/b/a Yellow Limo
1405 Pike Street
Philadelphia, PA 19140
Attorney: Jason Greshes
1207 Chestnut Street
Fifth Floor
Philadelphia, PA 19107

A-00117764 Unlimited Limo by George, Inc.
3569 Bristol Pike
Building #1, Suite 102
Bensalem, PA 19020
Attorney: John J. Gallagher
1760 Market Street
Suite 1100
Philadelphia, PA 19103

Service of Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. J. C. Smith Transport, Ltd.; Doc. No. A-00105621C0002

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows that:

1. J. C. Smith Transport, Ltd., respondent, maintains its principal place of business at 1334 Easton Road, P. O. Box 672, Warrington, Bucks County, Pennsylvania 18976.

2. Respondent was issued a certificate of public convenience by this Commission on May 14, 1985, at Docket No. A-00105621.

3. As of February 1999, respondent had a prior assessment balance due of \$246. On June 14, 1999, respondent's

account was credited the amount of \$246. A revised assessment was issued for \$192.

4. On September 28, 1999, respondent was sent an initial 1999-2000 assessment of \$198. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$390.

5. Respondent has outstanding assessments of \$390. Furthermore, respondent does not have current evidence of insurance on file with this Commission.

6. Respondent failed to file objections to the assessments, pursuant to 66 Pa.C.S.A. § 510(c).

7. Respondent, by failing to pay the assessments, violated 66 Pa.C.S.A. § 510(c).

8. Respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission cancel the certificate of public convenience issued to respondent, direct the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, notify the Pennsylvania Department of Revenue that respondent's certificate of public convenience have been revoked and notify respondent's insurance carrier that respondent's certificate of public convenience has been revoked.

Respectfully submitted,

George T. Mahan, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

George T. Mahan, Director

Notice

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing the penalty set forth in the complaint.

C. You may elect not to contest this complaint by paying your outstanding assessments and by providing

current evidence of insurance within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Audits, Attention Steve Reed
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request the Commission to enter an order imposing the penalty set forth in the complaint.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-808. Filed for public inspection May 4, 2001, 9:00 a.m.]

Telecommunications

A-310104F0002. Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and ATX Licensing, Inc. f/k/a ATX Communications Services Ltd. Joint petition of Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and ATX Licensing, Inc. f/k/a ATX Telecommunications Services Ltd. for approval of amendment no. 1 to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and ATX Licensing, Inc. f/k/a ATX Telecommunications Services Ltd. filed on April 24, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to 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 Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and ATX Licensing, Inc. f/k/a ATX Telecommunications Services Ltd. 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. 01-809. Filed for public inspection May 4, 2001, 9:00 a.m.]

Wastewater Service Without Hearing

A-230088 and A-230395 F2000. Ligonier Mountain Land Company t/a Ligonier Highlands Water and Sewer Company. Application of Ligonier Mountain Land Company t/a Ligonier Highlands Water and Sewer Company, for approval to offer, render, furnish or supply wastewater service to the public in a portion of Jenner Township, Somerset County, and for Ridge Line Development Company to abandon wastewater service in a portion of Jenner Township, Somerset 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 21, 2001, under 52 Pa. Code (relating to public utilities).

Applicant: Ligonier Mountain Land Company t/a Ligonier Highlands Water & Sewer Company Ridge Line Development Company

Through: Patricia Naugle, 305 Highland Drive, Boswell, PA 15532.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-810. Filed for public inspection May 4, 2001, 9:00 a.m.]

Water Service Without Hearing

A-212370 F0062 and A-210025F2000. Philadelphia Suburban Water Company. Application of Philadelphia Suburban Water Company for approval of 1) the acquisition, by purchase, of the water system assets of Tafton Water Company, Inc., by Philadelphia Suburban Water Company, 2) the right of Philadelphia Suburban Water Company to furnish water service to the public in a described area of Palmyra Township, Pike County, and 3) the abandonment of water service by Tafton Water 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 21, 2001, under 52 Pa. Code (relating to public utilities).

Applicant: Philadelphia Suburban Water Company Tafton Water Company

Through and By Counsel: Mark J. Kropilak, Esquire, 762 Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-811. Filed for public inspection May 4, 2001, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

June 7, 2001	Oram H. Tonge (Health Care Option)	1 p.m.
June 20, 2001	Yvonne Jerich-Paich (Purchase of Service)	9:30 a.m.
	Mildred M. Friel (Change of Employment Status)	1 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Marilyn Fuller-Smith, Assistant Executive Director, at (717) 720-4700 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 01-812. Filed for public inspection May 4, 2001, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

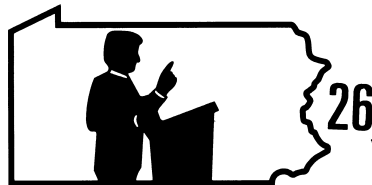
PA Department of Community and Economic Development

374 Forum Building

Harrisburg, PA 17120

800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

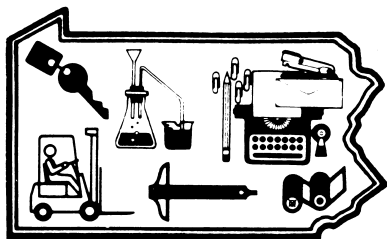
GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room G13 Finance Building
Harrisburg, PA 17120
717-787-2990
1-800-252-4700

BARBARA HAFER,
State Treasurer



Commodities

1544070 Microwave Accelerated Reaction System and Accessories.

Department: Health
Location: Lionville, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

6350-01 Security System Services. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Security System Services, 6350-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-01 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the deadline). A quarter is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

6350-03 Surveillance & Security Equipment & Supplies. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Surveillance & Security Equipment & Supplies, 6350-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-03 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the deadline). A quarter is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

5850-01 Microcomputer, LAN Hardware & Peripherals. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Hardware & Peripherals, 5850-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5850-01 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the deadline). A quarter is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

E6706 Pulaski tool (axe) must meet U.S. Forest Service Specs. 5100-355 and/or Canadian Forest Service Specifications FFES HT-1 as published by the CCFM/FFEWG95. 4lb. head constructed from carbon or alloy tool steel. Handle must be constructed of clear, straight grain hickory 36" in length. Wildfire Wire Fire Broom, as manufactured by M. Dobron & Sons, Inc., or approved equal.

Department: Conservation and Natural Resources
Location: Forest Fire Protection Warehouse, Halifax, PA
Duration: One time purchase
Contact: Pamela Stouffer, (717) 783-0760

38-6306-01 Supply unlined, solid tone, cabin curtains for 10 cabins.

Department: Conservation and Natural Resources
Location: Gifford Pinchot State Park, 2200 Rosstown Rd., Lewisberry, PA 17339
Duration: One time delivery
Contact: Jesse Taylor, (717) 432-5011

2001-18-CAFS Compressed Air Foam System capable of producing 35 GPM water and 35 CFM or air simultaneously to produce up to 250 GPM of finished Class A foam.

Department: Conservation and Natural Resources
Location: DCNR Bureau of Forestry, 141 Gordon Nagle Trail, P. O. Box 99, Cressona, PA 17929
Contact: Donald P. Oaks or Lisa LaSalle, (570) 385-7800

3899 Dental Instruments and supplies to be used by our Dental Clinic at SCI- Muncy.

Department: Corrections
Location: State Correctional Institution at Muncy, Route 405, P. O. Box 180, Muncy, PA 17756
Duration: 90 days
Contact: Cindy Lyons, (570) 546-3171, ext. 373

1564350 Canvas Garden Gloves with Logo. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1563110 SGS Software Optitex 8.0 or approved equal.

Department: Corrections
Location: Various, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

2393 To install approximately 1,220 total square yards of specified 18" X 18" carpet tile, to be bid separately for rooms on three floors of Vista Dome, Building 12, Harrisburg State Hospital.

Department: Public Welfare
Location: Vista Dome, Building 12, Harrisburg State Hospital, Cameron & Maclay Streets, Harrisburg, PA 17106
Contact: Jack W. Heinze, (717) 772-7435

2392 Furnish approximately 1,220 total square yards of specified 18" X 18" carpet tile, to be bid separately for three floors of Vista Dome, Building 12, Harrisburg State Hospital.

Department: Public Welfare
Location: Vista Dome, Building 12, Harrisburg State Hospital, Cameron & Maclay Streets, Harrisburg, PA 17106
Contact: Jack W. Heinze, (717) 772-7435

5810-03 Microcomputer & Local Area Network (LAN) Software. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Software, 5810-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5810-03 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the deadline). A quarter is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

FL 260127 456 cases, paper, thermal, for IBM Model 4610-T14 printer. Used with IBM Model 4694 Cash Register, 50 rolls/case.

Department: Liquor Control Board
Location: 3525 North Sixth Street, Harrisburg, PA 17110-1425
Duration: One Time
Contact: (717) 787-1893

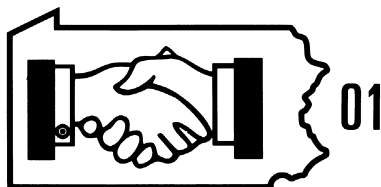
LBLA-9054 Frozen Juices. Fax request for bid package to (570) 372-5675.

Department: Public Welfare
Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870
Duration: July, August, September, 2001
Contact: Arletta K. Ney, Purch. Agt., (570) 372-5670

1543210 Furnish and Install 2- 14' x 28' Modular Office Sections. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Public Welfare
Location: Loysville, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

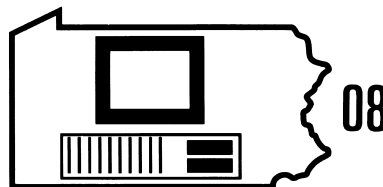
SERVICES



Advertising

006-01 This RFP provides interested vendors in marketing communications with information and guidelines for preparing and submitting a proposal for a marketing communications program for the PA Securities Commission.

Department: Securities Commission
Location: 1010 N. Seventh Street, 2nd Floor, Harrisburg, PA 17102
Duration: 12 months with Commission option to extend contract for up to two additional periods of 12 months each.
Contact: Simon J. Dengel, (717) 783-4242



Computer Related Services

SBC #2001-06 The State System of Higher Education, Office of the Chancellor, is soliciting bids from Microsoft Large Account Resellers for the Microsoft Campus Agreement software-licensing program. Interested vendors should submit bids to provide these services as described in Service/Bid Contract #2001-06 by May 11, 2001; 10:00 a.m. To obtain a copy of the bid package contact Linda Venneri at lvenneri@sshechan.edu or go to: <http://www.sshechan.edu/Procurement/bids.htm>.

Department: State System of Higher Education
Location: Harrisburg, PA
Duration: 1 year period; with 3 one-year renewal periods
Contact: Linda Venneri, (717) 720-4135



Child Care Services

2007 Cheyney University intends to make available space for the operation of a child care facility. The space can accommodate up to 40 preschool children between the ages of 0 and 8 years of age. Contact the Office of Contracts to secure a bid packet. A site visit is slated May 16, 2001 at 10:00 a.m. Sealed bids are due in the Office of Contracts June 4, 2001 at 10:30 a.m.

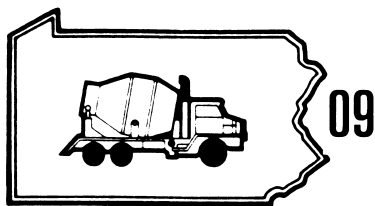
Department: State System of Higher Education
Location: Cheyney University of PA, Cheyney and Creek Roads, Cheyney, PA 19319
Duration: One year with renewal options.
Contact: Antonia Williams, (610) 399-2360

SU-00-17 Shippensburg University is seeking vendors interested in submitting bids for Unlimited two year license 2-30 MHZ SUN Quantity (900) nine hundred-UPU Licenses for the Universal Data Servers Program-Oracle Database Standard Edition, for a Perpetual license term, License type is Universal Power Unit. Please fax your request to be added to the bidders list to Pam King at (717) 477-4004; all requests must be in writing. All responsible bidders are invited to participate including MBE/WBE firms.

Department: Education
Location: Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257
Duration: 2 year license with 1 year updates
Contact: Pamela A. King, (717) 477-1121

ADV118 Indiana University of Pennsylvania is seeking authorized vendors to respond to a Request for Quotation to provide on-site full service maintenance for Digital computer equipment located on IUP's main campus in Indiana, PA 15701. Requests for copies of the bid package should be made in writing referencing ADV118, and directed to the attention of Barbara Cerovich, Contracts Administrator, IUP, Robert Shaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax No. (724) 357-2670; e-mail Cerovich@grove.iup.edu. Requests for bid packages will be accepted until May 11, 2001. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Three Years
Contact: Barbara Cerovich, (724) 357-2301



Construction & Construction Maintenance

DGS A 970-151 PROJECT TITLE: Roof Replacement. BRIEF DESCRIPTION: Install new roof shingles, gutters and downspouts. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: WEDNESDAY, May 16, 2001 at 2:00 p.m.

Department: General Services
Location: PA National Guard Armory, Bellefonte, Centre County, PA
Duration: 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-313-857.1 All General Construction work to replace eight (8) sewage lift stations at Shawnee State Park in Bedford County. Work includes cast-in-place and precast concrete; filters, pumps, valves and piping, carpentry and roofing. NOTE: Requests for Bid Documents may be made ON or AFTER May 7, 2001.

Department: Conservation and Natural Resources
Location: Napier and Juniata Townships
Duration: 240 Days
Contact: Construction Management Section, (717) 787-5055

FDC-313-857.4 All Electrical Work associated with the replacement of eight (8) sewage lift stations at Shawnee State Park in Bedford County. NOTE: Requests for Bid Documents may be made ON or AFTER May 7, 2001.

Department: Conservation and Natural Resources
Location: Napier and Juniata Townships
Duration: 240 Days
Contact: Construction Management Section, (717) 787-5055

FDC-209-933.4 All Electrical Work associated with the renovations of two (2) comfort stations at McConnells Mill State Park in Lawrence County. Work includes panelboards, circuit breakers, wiring, interior lighting and a solar energy system. NOTE: Requests for Bid Documents may be made ON or AFTER May 9, 2001.

Department: Conservation and Natural Resources
Location: Slippery Rock Township
Duration: 150 Days
Contact: Construction Management Section, (717) 787-5055

DGS A 518-7 PROJECT TITLE: ADA Renovations to Elevator Nos. 1, 2 & 3. BRIEF DESCRIPTION: Upgrade existing elevators for ADA compliance. Including lowering hall stations, car stations and handrails in hall and cars. Install sensors and smoke detectors at locations as required by codes, etc. and tie into existing fire alarm system. Provide new signage, etc. as required to meet ADA. ESTIMATED RANGE: Under \$100,000.00. General and Electrical Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: WEDNESDAY, May 23, 2001 at 11:00 a.m.

Department: General Services
Location: Altoona Center, Altoona, Blair County, PA
Duration: 90 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

DGS A 218-6 PROJECT TITLE: Repairs to Drainage and Macadam. BRIEF DESCRIPTION: Enlargement of parking lot, repairs to storm water inlets, replacement of concrete curbs and milling/application of new wearing course to parking lot. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. Paving Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: WEDNESDAY, May 23, 2001 at 11:00 a.m.

Department: General Services
Location: PA State Police Headquarters, Erie, Erie County, PA
Duration: 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

10872005 Paving of roads, parking areas and service entrances to Danville State Hospital.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: Anticipated to begin July 1, 2001—November 30, 2001
Contact: Doris Cavallini, (570) 271-4578

DGS 407-66.0A PROJECT TITLE: New Convocation Center. BRIEF DESCRIPTION: Professional Construction Manager Consultant Services for a variety of disciplines for the New Convocation Center at the Indiana University of PA. RFP Price: \$50.00 per set. (Includes PA Sales Tax) per RFP. Checks must be made payable to the COMMONWEALTH OF PA. This price is non-refundable. Contact the office listed below to arrange for delivery of documents. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. DATE FOR RECEIVING RFP: FRIDAY, MAY 25, 2001 AT 2:00 p.m. A Pre-Proposal Conference is scheduled to be held on Wednesday, May 9, 2001 at 10:00 a.m. at the Indiana University of PA, Robert Shaw Building, Engineering & Construction Office, Conference Room #1. Contact the Indiana University of PA Site Administrator, Robert Marx at (724) 357-2289 & the DGS Construction Coordinator, Martin Barkey at (412) 820-0215 at the Western PA Regional Office. All Questions regarding the RFP or to clarify matters concerning the RFP must be submitted in writing to the issuing office by no later than 5:00 p.m. Wednesday, May 14, 2001. Only firms requesting the RFP will receive a copy of all submitted questions and answers.

Department: General Services
Location: Indiana University of PA, Indiana, Indiana County, PA
Duration: Proposals must remain firm for 120 calendar days following receipt of proposals and must so state.
Contact: Contract and Bidding Unit, (717) 787-6556

DGS A 552-78 PROJECT TITLE: Replace Roof on Northside Building #2. BRIEF DESCRIPTION: Remove existing shingle roof and replace with new fiberglass asphalt shingles. ESTIMATED RANGE: Under \$100,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: WEDNESDAY, May 23, 2001 at 11:00 a.m.

Department: General Services
Location: Polk Center, Polk, Venango County, PA
Duration: 90 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-209-933.1 All General Construction work associated with the renovations of two (2) comfort stations at McConnells Mill State Park in Lawrence County. Work includes clearing, excavation, E&S measures, reinforced concrete, masonry work, carpentry, roofing, doors and windows, painting, bath accessories/fixtures, plumbing and ventilators. NOTE: Requests for Bid Documents may be made ON or AFTER May 9, 2001.

Department: Conservation and Natural Resources
Location: Slippery Rock Township
Duration: 150 Days
Contact: Construction Management Section, (717) 787-5055

DGS A 970-134 PROJECT TITLE: Exterior Door and Gate Repair. BRIEF DESCRIPTION: The historic repair/restoration of three (3) monumental gate systems, the historic repair/restoration of three (3) monumental double door systems and the replacement of six (6) double insulated hollow metal man doors/frames. The contractor will be required to have the skills necessary for the restoration of historic materials for National Register of Historic Places sites. ESTIMATED RANGE: Under \$100,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: WEDNESDAY, May 23, 2001 at 11:00 a.m. A Contractors Qualification Form is included in the bid package and must be completed and submitted prior to award. The contractor must demonstrate the qualifications and experience of key full-time personnel, gained within the last ten (10) years, involving carpentry, wrought iron and painting.

Department: General Services
Location: Hunt Armory, Pittsburgh, Allegheny County, PA
Duration: 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-425-943.1 All work necessary for a sanitary sewer line extension for the park office at Tyler State Park in Bucks County. Work includes E&S measures, 75 V.F. of manholes, 9 manhole frames and covers (one is water tight), 1,700 L.F. of 6 inch PVC pipe. NOTE: Requests for Bid Documents may be made ON or AFTER May 9, 2001.

Department: Conservation and Natural Resources
Location: Newton Township
Duration: 90 Days
Contact: Construction Management Section, (717) 787-5055

DGS A 515-68 PROJECT TITLE: Roof Replacement of Building #27. BRIEF DESCRIPTION: The project consists of 3 base bids for work on Building #27 - Rainbow Home. Base Bid #1 specifies the installation of a new fiberglass based asphalt shingle roofing system and the installation of a new aluminum flashing/gutter/downspout system on the Main Bldg., North Wing & South Wing. Base Bid #2 specifies the installation of a new fiberglass based asphalt shingle roofing system & the installation of a new aluminum flashing/gutter/downspout system on the Main Bldg. & South Wing. Base Bid #3 specifies the repair of the existing slate shingle roof & the installation of a new aluminum flashing/gutter/downspout system on the Main Bldg., North Wing & South Wing. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: WEDNESDAY, May 23, 2001 at 1:00 p.m.

Department: General Services

Location: Wernersville State Hospital, Wernersville, Berks County, PA

Duration: 90 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE

Contact: Contract and Bidding Unit, (717) 787-6556

DGS A 581-54 PROJECT TITLE: Repair Steps and Landing - Administration Building. BRIEF DESCRIPTION: The removal of the existing entrance plaza, steps and monumental stairway from the Administration Building Main Entrance and the installation of a new plaza and monumental stairway. The project will include several base bids. There is a separate electrical contract for lighting. ESTIMATED RANGE: Under \$100,000.00. General and Electrical Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: WEDNESDAY, May 23, 2001 at 1:00 p.m.

Department: General Services

Location: White Haven Center, White Haven, Luzerne County, PA

Duration: 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE

Contact: Contract and Bidding Unit, (717) 787-6556

DGS A 970-137 PROJECT TITLE: Roof Replacement. BRIEF DESCRIPTION: Remove existing built-up roofing system down to existing metal deck and install a new thermoplastic membrane roofing system with tapered insulation. ESTIMATED RANGE: \$90,000.00 to \$120,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: WEDNESDAY, May 23, 2001 at 11:00 a.m.

Department: General Services

Location: PA National Guard Armory, Greensburg, Westmoreland County, PA

Duration: 90 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE

Contact: Contract and Bidding Unit, (717) 787-6556

DGS 6797-71 PROJECT TITLE: Food Service Equipment. The Sports & Exhibition Authority (Owner) will receive sealed bids for trade packages as identified below for Additions and Renovations to the David L. Lawrence Convention Center (the Project). The Architect for the Project is Rafael Vinoly Architects, P.C., The Construction Manager is Turner Construction Company, P.J. Dick Incorporated and ATIS, Inc., a joint venture. APPROXIMATE VALUE: \$1,000,000.00 to \$2,500,000.00. Bid Packages can be examined and Bids will be received by Owner at the field office of the Construction Manager located at 951 Penn Avenue, Pittsburgh, PA 15222. Bid Date: THURSDAY, May 17, 2001 at 2:00 p.m. Inquiries regarding the bidding should be made to the Construction Manager at its field office located at 951 Penn Avenue, Pittsburgh, PA 15222, Attn: Ralph Shipe, (412) 227-2010, FAX: (412) 227-2015. Bid Packages may be obtained through Accu-Copy, (412) 281-0799. Determination of Responsibility. Bids will be awarded to bidders determined to be "responsible" by the Owner based upon criteria applicable to the particular Bid Package. Bidders must complete and submit a Determination of Responsibility (DOR) with the bid. A Non-Mandatory Pre-Bid meeting will be held Thursday, May 3, 2001 at 2:00 p.m. at TPA Construction Office, 951 Penn Ave. (basement level), Pittsburgh, PA. Contact: Ralph Shipe, (412) 227-2010. All recipients of the Bid Packages are invited and urged to attend this Pre-Bid Meeting.

Department: General Services

Location: 951 Penn Ave. (basement level), Pittsburgh, Allegheny County, PA

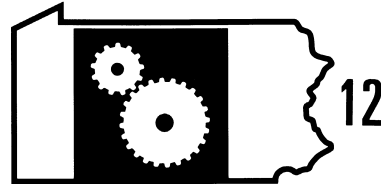
Contact: Ralph Shipe, (412) 227-2010

PGC-2707 This project shall consist of furnishing all materials, equipment and labor necessary to construct a building addition, and to construct a new bathroom as shown on the project drawing. Said project is located at our Northeast Regional Office, located at the intersection of Routes 415 & 118, Dallas, PA, Luzerne County. The principal items of work and estimated quantities are listed in the bid package, available through the Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 787-6594.

Department: Game Commission

Location: Pennsylvania Game Commission, P.O. Box 220, Intersection of Routes 415 & 118, Dallas, PA 18612-0220

Contact: Diane Shultz or Linda Beaver, (717) 787-6594



Drafting and Design Services

SP-11741001 Provide all labor, materials, equipment and transportation to provide graphic services to the Department of Public Welfare, including: artistic drawings; sketches, charts, posters and illustrations; composition of text and type setting; preparation of mechanicals including paste ups; making PNT prints; mounting of charts, posters, etc., on form core; preparation of materials and making 35 mm slides; lamination of materials and shooting negatives. Complete details and specifications may be obtained by contacting the Procurement Office through facsimile at (717) 787-3560.

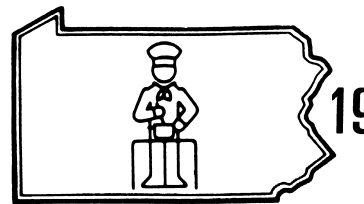
Department: Public Welfare

Location: Division of Management Services, 2nd. Floor, Bertolino Building,

P. O. Box 2675, Harrisburg, PA 17105-2675

Duration: Estimated 07/01/01 to 06/30/04 with two one year renewals

Contact: Barry Malone, (717) 705-3917



Food

H-4-01 Meat & Meat Products. NOTE: Vendors requesting a bid, please fax your name, address, phone number and bid number. We will then forward the bid package to your attention. Thank you. Fax (570) 443-4177.

Department: Public Welfare

Location: White Haven Center, R. R. 2, Box 2195, White Haven, PA 18661

Duration: July 1, 2001 to September 30, 2001

Contact: Sandra A. Repak, P.A., (570) 443-4232

H-5-01 Miscellaneous Frozen Foods. NOTE: Vendors requesting a bid, please fax your name, address, phone number and bid number. We will then forward the bid package to your attention. Thank you. Fax # (570) 443-4177.

Department: Public Welfare

Location: White Haven Center, R. R. 2, Box 2195, White Haven, PA 18661

Duration: July 1, 2001 to September 30, 2001

Contact: Sandra A. Repak, P.A., (570) 443-4232

LBLA-9059 Bread, Rolls and Related Products. Fax request for bid package to (570) 372-5675.

Department: Public Welfare

Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870

Duration: July through December, 2001

Contact: Arletta K. Ney, Purch. Agt., (570) 372-5670

LBLA-9055 Miscellaneous Frozen Foods. Fax request for bid to (570) 372-5675.

Department: Public Welfare

Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870

Duration: July through September, 2001

Contact: Arletta K. Ney, Purch. Agt., (570) 372-5670

5291 Bread and bread products to be delivered several times per week.

Department: Public Welfare

Location: Dietary Receiving, Torrance State Hospital, S.R. 1014, Torrance, PA 15779

Duration: July through December, 2001

Contact: Nancy E. Byers, (724) 459-4677

145-01 Beverages, various items for delivery July, 2001 through Sept. 2001. For additional specifications and information request bid packet #145-01.

Department: Public Welfare

Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401

Duration: July 2001—Sept. 2001

Contact: Sue Brown, Purchasing Agent, (610) 313-1026

LBLA-9056 Meat and Meat Products. Fax request for bid to (570) 372-5675.

Department: Public Welfare

Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870

Duration: July through September, 2001

Contact: Arletta K. Ney, Purch. Agt., (570) 372-5670

144-01 Dairy Products, various items for delivery July 2001 through Sept. 2001. For additional specifications and information request bid packet #144-01.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2001—Sept. 2001
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

143-01 Fresh Fruit & Vegetables, various items for delivery July 2001 through Sept. 2001. For additional specifications and information request bid packet #143-01.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2001—Sept. 2001
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

142-01 Frozen Fruit & Vegetables, various items for delivery July 2001 through Sept. 2001. For additional specifications and information request bid packet #142-01.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2001—Sept. 2001
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

141-01 Bread, Rolls, Etc., various items for delivery July 2001 through Sept. 2001. For detailed specifications and information request bid packet #141-01.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2001—Sept. 2001
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

140-01 Fresh Baked Goods, various items for delivery July, 2001 through Sept. 2001. For detailed specifications and information request bid packet #140-01.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2001—Sept. 2001
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

139-01 Miscellaneous Frozen Foods, various items for delivery July 2001 through Sept. 2001. For detailed specifications and information request bid packet #139-01.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2001—Sept. 2001
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

138-01 Meat & Meat Products, various items for delivery July 2001 through Sept. 2001. For more specifications and information request bid proposal inq. #138-01.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2001—Sept. 2001
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

137-01 Poultry & Poultry Products, various items for delivery July 2001 through Sept. 2001. For more specifications and information request bid packet #137-01.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 2001—Sept. 2001
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

LBLA-9057 Frozen Fruits and Vegetables. Fax request for bid to (570) 372-5675.

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: July through September, 2001
Contact: Arletta K. Ney, Purch. Agt., (570) 372-5670

5293 Frozen juice, 4 oz. cups, asst. flavors; to be delivered weekly.

Department: Public Welfare
Location: Dietary Receiving, Torrance State Hospital, S.R. 1014, Torrance, PA 15779
Duration: July through December, 2001
Contact: Nancy E. Byers, (724) 459-4677

5292 Fresh baked pastries to be delivered weekly.

Department: Public Welfare
Location: Dietary Receiving, Torrance State Hospital, S.R. 1014, Torrance, PA 1579
Duration: July through December, 2001
Contact: Nancy E. Byers, (724) 459-4677

5294 Meat & meat products; to be delivered once per month.

Department: Public Welfare
Location: Dietary Receiving, Torrance State Hospital, S.R. 1014, Torrance, PA 15779
Duration: July through September, 2001
Contact: Nancy E. Byers, (724) 459-4677

LBLA-9058 Poultry and Fish Products. Fax request for bid package to (570) 372-5675.

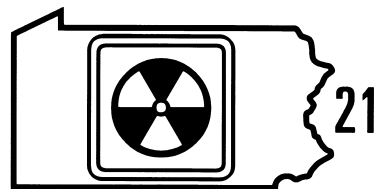
Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: July through September, 2001
Contact: Arletta K. Ney, Purch. Agt., (570) 372-5670

5296 Miscellaneous frozen foods to be delivered once per month.

Department: Public Welfare
Location: Dietary Receiving, Torrance State Hospital, S.R. 1014, Torrance, PA 15779
Duration: July through September, 2001
Contact: Nancy E. Byers, (724) 459-4677

5295 Poultry and poultry products; to be delivered once per month.

Department: Public Welfare
Location: Dietary Receiving, Torrance State Hospital, S.R. 1014, Torrance, PA 15779
Duration: July through September, 2001
Contact: Nancy E. Byers, (724) 459-4677



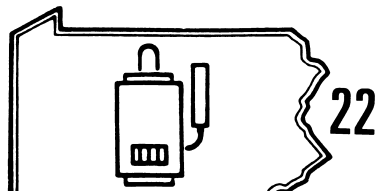
Hazardous Material Services

SP704400 Pick up and properly dispose of infectious waste generated at the Bureau of Laboratories according to all applicable laws and regulations of the Commonwealth of Pennsylvania. This waste includes sharps (needles, syringes, culture tubes, glass slides) and other infectious waste (animal tissue, gloves, gowns, masks, animal bedding). Immediately after use, these items are placed in leak-proof, puncture resistant sealed containers or red hazard bags (for non-sharp items) by the Bureau which will place these containers in shipping/transport containers supplied by the successful bidder. Collections will be weekly. Bidder must be licensed by the PA Department of Environmental Protection.

Department: Health
Location: Bureau of Laboratories, 110 Pickering Way, Lionville, PA 19353
Duration: Five (5) Years
Contact: T. McConaghy/D. Middleman, (610) 280-3463

HSCP 03-016-201.1 Soil Remediation Project, F. E. Cooper Site involves approximately 250 ton oversize debris (non-hazardous) and 250 ton oversize debris (hazardous); 25,000 c.y. soil excavation/backfilling; 37,500 ton thermal desorption soil treatment (with condensation of offgases); 125 post-excavation samplings; 6,000 c.y. oversize rock cleaning; 1,500 ton R-5 rock lining; 500 ton FS- filter stone lining; surface water diversion; and revegetation of 7.5 acres. This project issues May 4, 2001; payment in the amount of \$15.00 must be received before bid documents will be sent. There is a mandatory pre-bid conference on May 22, 2001.

Department: Environmental Protection
Location: Broad Top Township, Bedford County
Duration: 420 calendar days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994



HVAC Services

M-CP-00-017 The contractor shall provide technical repair and maintenance services for one (1) International 400 HP gas/oil fired hot water boiler, for two (2) International 1075 HP gas/oil fixed hot water boilers, and two (2) Kewanee H35-200 3-pass scotch classic III gas/oil fired steam boilers and a Kemco thermefficient- 100 heater with a maxon model 400 Ovenpak gas burner. The contractor must be able to repair and supply parts for a Kewanee Classic 2000 oxygen trim boiler command system.

Department: Corrections
Location: Utility Plant located at The State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: Anticipated three (3) year contract beginning July 1, 2001 and ending June 30, 2004
Contact: Nancy A. Lasko, Purchasing Agent 2, (570) 644-7890 x 142

HUN357 Charging Hoses, pocket testers, clean flux, freon monitor, compressor condensing unit, meters, multistesters, valves, minifolt, coil, detector, recovery units, electronic gauges, heat kits, etc.

Department: Corrections
Location: State Correctional Institutional at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112
Duration: 04/18/01—04/18/02
Contact: Phyllis C. Sheffield, PA1, (814) 643-2400, X303

HUN358 Charging hoses, testers, flux, monitor, condensing units, meters, multistesters, valves, minifolt, coil, detector, recovery units, gauges, heat kits, etc.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112
Duration: 04/18/01 to 04/18/02
Contact: Phyllis C. Sheffield, PA1, (814) 643-2400, X303

Contract I.D. # 060845 Sealing and Boarding vacant buildings. SR 2029-S99 09000045 Bucks County, PA Falls Township.

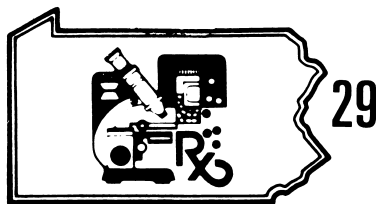
Department: Transportation
Location: Falls Township, Bucks County, PA
Duration: Open
Contact: Richard E. Howard, (610) 205-6508



Janitorial Services

SP386311003 Janitorial services required to clean ten (10) modern family cabins (7 - two bedroom and 3 - three bedroom) and main park office (2 floors) at Prince Gallitzin State Park.

Department: Conservation and Natural Resources
Location: Prince Gallitzin State Park, 966 Marina Road, Patton, PA 16668-6317
Duration: July 1, 2001 to June 30, 2002 and renewable up to four additional annual terms with final termination date of June 30, 2006.
Contact: Barry Wolfe, (814) 674-1000



Medical Services

10776006 Allentown State Hospital is in the process of soliciting bids for OB/GYN Physician. The Physician will have a clinic at the Allentown State Hospital with the minimum of at least once a month services. Services to include consultations, routine pelvic exams and pap smears. Further information can be obtained by contacting the Purchasing Department at (610) 740-3425.

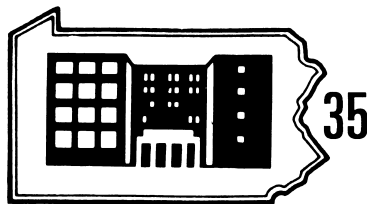
Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: 7/1/01 to 6/30/05
Contact: Robert Mitchell, (610) 740-3425

B0000393 Millersville University is soliciting qualified bidders who can provide Health Services with Advil and Advil Cold & Sinus (packed two per package) during the period 8/1/01—7/31/02. University will place monthly orders throughout the contract period. Interested bidders must fax their requests to be placed on a bidders list to Anna Stauffer (FAX: (717) 871-2000) no later than 2:00 p.m., Friday, May 11, 2001. Please refer to Bid #B0000393 when submitting request. The University encourages responses from small and disadvantaged, minority and woman-owned firms.

Department: State System of Higher Education
Location: Millersville University, Millersville PA 17551
Duration: 8/1/01—7/31/02
Contact: Anna Stauffer, (717) 872-3041

SP 2500012 The PA Board of Probation & Parole (PBPP) is soliciting bids for physicians/medical providers to perform parole agent applicant examinations. The role of the examining physician is to evaluate the individual's health status, determine the etiology of any disease or condition, and make a decision about the individual's suitability for employment from a medical viewpoint based on both the physician's evaluation and medical guidelines established for the PBPP. The services shall be provided in three (3) regions of the State - Eastern Region, Central Region and Western Region. Vendors may submit bids for one or all regions.

Department: Probation and Parole Board
Location: Three (3) Regions of the State of Pennsylvania - Eastern Region, Central Region & Western Region
Duration: The term of the contract shall be for one (1) year with the option to renew the contract for an additional two (2) years at one (1) year intervals.
Contact: Michelle Flynn, (717) 787-8879



Real Estate Services

93221 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA 25,154 sq. ft. of office space with 80 parking spaces, within one (1) mile driving distance of a major intersection or interchange along the following section of roadway: PA 363 from the intersection with Egypt Road to the intersection with US 422; US 422 to the intersection with US 202; US 202 to the intersection with I-76; I-76 to the West Conshohocken exit; I-476 from the intersection with I-76 to the intersection with I-276, Norristown, Montgomery County. The Office of Attorney General, Criminal Law Division will occupy the space. Downtown locations will be considered. For more information on Solicitation #93221 which is due on June 4, 2001, visit www.dgs.state.pa.us or call (717) 787-4394.

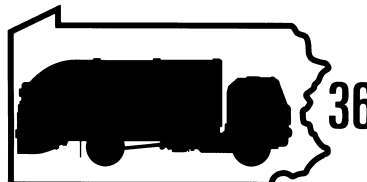
Department: Attorney General
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mrs. Cynthia T. Lentz, (717) 787-0952

93220 STATE-OWNED REAL ESTATE FOR SALE NORRISTOWN NATIONAL GUARD ARMORY The Department of General Services will accept bids for the purchase of a 0.55-acre parcel of the Norristown Armory property located on 1100 Harding Blvd., Norristown Borough, Montgomery County. Bids are due June 1, 2001. Interested parties wishing to receive a copy of solicitation #93220 can either download a complete solicitation for proposal package which is available on the Department of General Services website at www.dgs.state.pa.us/realstate/re.htm or call (717) 787-5546.

Department: General Services
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mr. Dave Bacher, (717) 787-5546

93223 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA 5,850 sq. ft. of office space with 19 parking spaces (in areas where street or public parking is not available, an additional 4 parking spaces are required), within the corporate city limits of Wilkes-Barre and those parts of Kingston Borough and Plains Township that are located within 1.5 miles of the public square in Wilkes-Barre, Luzerne County. The Department of Public Welfare, Wilkes-Barre Area Offices of Income Maintenance/Medical Assistance Programs/Legal Counsel will occupy the space. Downtown locations will be considered. For more information on Solicitation #93223 which is due on June 11, 2001 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: Public Welfare
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mrs. Cynthia T. Lentz, (717) 787-0952



Sanitation

SP704500 Mechanical Maintenance Services: shall involve furnishing of materials and labor to perform the upkeep of 38,397 square feet of building premises consisting of approximately 70% clinical laboratories and 30% office areas. All building systems (excluding the HVAC System), general building maintenance and equipment-fixed assets are included. Equipment-fixed asset maintenance repair shall be performed upon an "of possible" basis. Work shall include but not be limited to electric, plumbing, carpentry and painting.

Department: Health
Location: Bureau of Laboratories, 110 Pickering Way, Lionville, PA 19353
Duration: Five Years: from July 1, 2001 through June 30, 2006
Contact: T. McConaghy/D. Middleman, (610) 280-3464

SP704300 Rubbish Removal services as follows: provide two metal containers with covers for temporary storage of non recyclable rubbish which must each hold a minimum of four cubic yards of rubbish and be emptied Tuesdays and Fridays of each week of the contract; also provide one four cubic yard "Recycling Container" with cover which will be picked up weekly.

Department: Health
Location: Bureau of Laboratories, 110 Pickering Way, Lionville, PA 19353
Duration: Five (5) Years
Contact: T. McConaghy/D. Middleman, (610) 280-3464



Security Services

SP - 10006001 Provide security guard services at the Berks County Assistance Office, 625 Cherry Street, Reading, PA 19602. Contractor to provide one (1) security guard to work from 7:30 a.m. to 5:30 p.m. - Monday through Friday except on State holidays. Complete details and specifications may be obtained by contacting the Procurement office or faxing your request to (717) 787-3560.

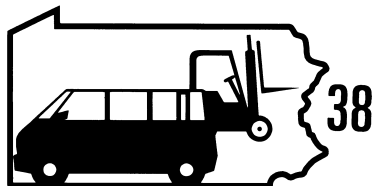
Department: Public Welfare
Location: Department of Public Welfare, Berks County Assistance Office, 625 Cherry Street, Reading, PA 19602
Duration: July 1, 2001 through June 30, 2006
Contact: Rose Wadlinger, (717) 783-3767

1113500004 Vendor to provide to the State Correctional Inst. Graterford maintenance services and repairs (including parts) to the Thorn Automated Fire Alarm System located throughout the Institution.

Department: Corrections
Location: State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: 1 Year
Contact: Kelly Richardson, (610) 489-4151

SP704200 Provide Security Guards/Security Services consisting of providing one uniformed, unarmed security guard to work for each of the two shifts from 4:00 p.m. to 12:00 Midnight and 12:00 Midnight to 7:30 a.m., seven (7) days a week with additional shifts of 7:30 a.m. to 4:00 p.m. on weekends and holidays. The duties include, but are not limited to the following: conduct hourly clock rounds, carry out escort duties, inspect all employee ID cards when employees enter the building during non-working hours, answer phones, direct calls and/or take messages, conduct outside parking lot tours, maintain visitors log and complete the "Security Officer Daily Log" which must be turned in the next business day to the Bureau's Administrative Officer.

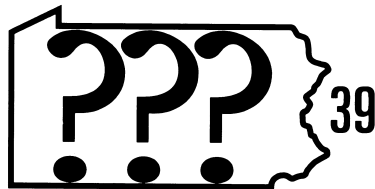
Department: Health
Location: Bureau of Laboratories, 110 Pickering Way, Lionville, PA 19353
Duration: Two (2) Years
Contact: T. McConaghy/D. Middleman, (610) 284-3464



Vehicle, Heavy Equipment and Powered Machinery Services

APR# 513603 Vendor to supply services for repairs and maintenance on five (5) forklifts and two (2) hand jacks and two (2) electric jacks for the Commodity Distribution Center for the fiscal year July 1, 2001 and ending June 30, 2002. Vendor will indicate hourly rate for labor and cost for parts. Vendor must supply an insurance certificate at the time of bid. A 90 day warranty on all labor performed during this contract is required. Warranty on parts as governed by manufacturer's warranty policy is required for this contract period.

Department: General Services
Location: Bureau of Supplies & Surplus Operations, 2221 Forster Street, Harrisburg, PA 17105
Duration: July 1, 2001 to June 30, 2002
Contact: Mr. Ralph Rode, (717) 787-6148 ext. 3210



Miscellaneous

ADV 114 Indiana University of Pennsylvania is seeking qualified vendors to respond to a Request for Quotation to provide Online Computer Library Center services (OCLC), OCLC Support Services, library database subscriptions and Dialog services. Requests for copies of the bid package should be made in writing referencing ADV 114, and directed to the attention of Barbara Cerovich, Contracts Administrator, IUP, Robert Shaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax No. (724) 357-2670; e-mail Cerovich@grove.iup.edu. Requests for bid packages will be accepted until May 11, 2001. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Five (5) year contract
Contact: Barbara Cerovich, (724) 357-2301

HUN 349 Supplemental Chaplaincy Services to assist the Institution Protestant Chaplain within the Institution. (avg. 10 hours/week) Details and specifications for duties and qualifications are on file in the Purchasing Department of the requesting Agency.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654
Duration: 7-1-01 to 6-30-04
Contact: Robert Jessell, Pur Agt, (814) 643-2400 x 304

3881190011A This is a Re-Advertisement. Contractor to supply and install two 8 foot wire woven deer fences on State Forest Lands, Greene Township, Pike County, PA. Total of approximately 8,758 L.F.

Department: Conservation and Natural Resources
Location: DCNR—Bureau of Forestry, Pike County, PA
Duration: Completion by December 30, 2001
Contact: Tim Ladner, (570) 895-4000

SP704100 Recertification of (18) Negative Pressure Biological Safety Cabinets (BSC), (3) Laminar Flow Hoods and a BacTec Hood. The awarded vendor will decontaminate the cabinets and hoods before recertification. The Bureau will supply pre-filters and HEPA filters which will be replaced yearly on the BSCs and as needed in the Laminar Flow Hoods. Recertification will consist of pre-filter and HEPA filter replacement and certification of filter integrity and air flow by standard methods. Each and every safety cabinet and hood must be certified once each year. RECERTIFICATION MUST BE PERFORMED IN THE EVENING AFTER WORKING HOURS (4:30 p.m.). Contract will affix recertification label/document to each cabinet and hood after recertification.

Department: Health
Location: Bureau of Laboratories, 110 Pickering Way, Lionville, PA 19355
Duration: Five (5) Years: July 1, 2001 through June 30, 2006.
Contact: T. McConaghy/D. Middleman, (610) 280-3232

RFP #PBPP-25-00-04, Reissued This is a reissuance of RFP #PBPP-25-00-04. The PA Board of Probation & Parole (PBPP) is soliciting proposals to provide outpatient drug and alcohol treatment services to State technical parole violators who are returning to parole after six (6) months of intensive treatment in a State correctional institution, and approximately six (6) months of outpatient treatment in a Department of Corrections Community Corrections Center. These services are to be provided immediately upon release from the Community Corrections Center in a community based setting for outpatient care. The project is designed to provide drug and alcohol and other services for violators who are selected by the PBPP and will be assigned to outpatient substance abuse treatment for up to six (6) months. There shall be four (4) geographic districts of the Central Region. Vendors may submit proposals for one or all districts.

Department: Probation and Parole Board
Location: Central Region of Pennsylvania—(4) Districts: Allentown, Harrisburg, Scranton and Williamsport
Duration: Minimum of one (1) year to a maximum of three (3) years.
Contact: Michelle Flynn, (717) 787-8879

92546 Convert the existing Comcast cable television feed distributed throughout the building at 333 Market Street, Harrisburg, PA, to the joint Comcast/Commonwealth of PA broadband cable system.

Department: General Services
Location: Commonwealth Media Services, 333 Market Street, 2nd Floor, Harrisburg, PA 17126-0333
Duration: Upon notification
Contact: Bill Strockbine, (717) 705-7306

RFP No. 08-01 The Department of Public Welfare will be issuing a Request for Proposal to obtain a vendor proposal for application development, enhancement, maintenance, and user support services for the Pennsylvania Child Support Enforcement System (PACES). PACES is a Statewide computer application to support the Commonwealth's Title IV-D Child Support Program which includes a mainframe located at the Harrisburg State Hospital, a wide area network to all sixty-seven (67) Pennsylvania County Domestic Relations Sections, and the Project Site located at 30 North Third Street - Harrisburg, PA. This RFP does not include the operation of the mainframe. For complete details and specifications, fax your request to (717) 787-3560.

Department: Public Welfare
Location: Harrisburg, PA
Duration: January 1, 2002—December 31, 2007
Contact: Rose Wadlinger, (717) 783-3767

2520-1 The Department of Environmental Protection is issuing a Request for Proposal for a Business Consultant to provide assistance in the evaluation of a Recycling Market Center. Proposals are due by 4 p.m., July 6, 2001. For further information and copies of the Request for Proposal, contact Diana Welker, Bureau of Land Recycling and Waste Management, 14th Floor—Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: Two years from the date of the executed Agreement
Contact: Diana Welker, (717) 787-7382

10776007 Allentown State Hospital is in the process of soliciting bids for Window Washing. This will involve the washing of both inside and outside and the cleaning of screens where needed. For further information contact the Purchasing Department of the Allentown State Hospital (610) 740-3425.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: 7/1/01 to 6/30/05
Contact: Robert Mitchell, (610) 740-3425

04-C-01 The Department of Labor and Industry is seeking a qualified contractor to develop/provide administration, testing, grading and reporting of the exams and to maintain records of Lead Certification examinations; which include job analysis, test specifications, form generation, security, validating procedures and material printing. Call or fax your request to (717) 787-0688

Department: Labor and Industry
Location: Statewide
Duration: This will be a one year contract with four (4) one (1) year renewal options
Contact: C. Thomas/B. Fenton, (717) 787-2877/787-2560

SP10201001 This service is to provide various Walk Off Mats for 10 geographic locations in Allegheny Assistance Offices. These Walk Off Mats come in various sizes and consist of 13 deliveries per year (10 geographic locations). Complete details and specifications may be obtained by either contacting the Procurement Office or faxing your request to (717) 787-3560.

Department: Public Welfare
Location: 10 Locations within Pittsburgh Area.
Duration: July 1, 2001 through June 30, 2005 with a one year option to renew.
Contact: Geary Kauffman, (717) 783-5675

RFP 06-01 Contractor to provide management, administrative and operational services at the Danville Center for Adolescent Females (DCAF), Cresson Secure Treatment Unit (SMSTU). The DCAF program is designed to serve adjudicated delinquent females between the ages of 12 and 20 who can be serious offenders, extremely aggressive, runaway risks who most often have serious emotional problems. The CSTU and SMSTU programs are designed to serve adjudicated delinquent males between the ages of 14 and 20 who may have been removed from other State facilities for disruptive behavior or have been committed directly from court. These residents are serious and habitual offenders, extremely aggressive, runaway risks who may also have serious emotional problems. Interested contractors may obtain copies of the REQUEST FOR PROPOSAL by e-mailing to the following: eblandy@state.pa.us; or faxing your request to the following: (717) 787-3560. Include your business address, telephone number, and contact person in your email or fax request. Make sure that you verify that Ed Blandy has received your request.

Department: Public Welfare
Location: Danville State Hospital, Danville, PA 17821; Cresson Secure Treatment Unit, Cresson, PA 16630; South Mountain Secure Treatment Unit at South Mountain Restoration Center, South Mountain, PA 17261
Duration: Initial Contract period: July 1, 2002 through June 30, 2003 Contract Renewals may extend period for four additional years.
Contact: Ed Blandy, Purchase Agent, (717) 772-4883

[Pa.B. Doc. No. 01-813. Filed for public inspection May 4, 2001, 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

