



Volume 29 (1999)

Pennsylvania Bulletin
Repository

5-22-1999

May 22, 1999 (Pages 2655-2752)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: https://digitalcommons.law.villanova.edu/pabulletin_1999

Recommended Citation

Pennsylvania Legislative Reference Bureau, "May 22, 1999 (Pages 2655-2752)" (1999). *Volume 29 (1999)*. 21.

https://digitalcommons.law.villanova.edu/pabulletin_1999/21

This May is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 29 (1999) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

PENNSYLVANIA BULLETIN

Volume 29

Number 21

Saturday, May 22, 1999 • Harrisburg, Pa.

Pages 2655—2752

Agencies in this issue:

The Courts

Department of Banking

Department of Education

Department of Environmental Protection

Department of General Services

Department of Health

Department of Labor and Industry

Department of Public Welfare

Department of Transportation

Environmental Hearing Board

Executive Board

Fish and Boat Commission

Independent Regulatory Review Commission

Insurance Department

Liquor Control Board

Milk Marketing Board

Pennsylvania Infrastructure Investment

Authority

Pennsylvania Public Utility Commission

Detailed list of contents appears inside.

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

No. 294, May 1999

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

Copyright © 1999 Commonwealth of Pennsylvania
ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

Contents

THE COURTS

CRIMINAL PROCEDURAL RULES

Location of proceedings before issuing authority..... 2664

JUDICIAL SYSTEM GENERAL PROVISIONS

Proposed amendment to the rule relating to permissible law-related activities of formerly admitted attorneys..... 2663

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Action on applications..... 2683
Maximum lawful rate of interest for residential mortgages for the month of June 1999 2683

DEPARTMENT OF EDUCATION

Notices

Availability of Adult Education Act Section 231 funds for workforce development services..... 2684

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices..... 2685
Drinking Water State Revolving Fund; Federal FY 1998 and 1998 project priority list 2738

DEPARTMENT OF GENERAL SERVICES

Notices

Contract awards..... 2751
Design professional selections 2724
State contracts information..... 2741

DEPARTMENT OF HEALTH

Proposed Rulemaking

Head injury program..... 2671

Notices

Cancer Control, Prevention and Research Advisory Board meeting..... 2725
Hearing Aid Advisory Council; meeting scheduled... 2725

DEPARTMENT OF LABOR AND INDUSTRY

Notices

Current Prevailing Wage Act debarments..... 2725

DEPARTMENT OF PUBLIC WELFARE

Notices

Expansion of the long term care capitated assistance program (LTCCAP); request for information..... 2726

DEPARTMENT OF TRANSPORTATION

Notices

Findings:
Fayette County..... 2726
Mercer County 2726
Retention of engineering firms..... 2726

ENVIRONMENTAL HEARING BOARD

Notices

Borough of Lewistown v. DEP; EHB doc. no. 99-098-L 2734

EXECUTIVE BOARD

Statements of Policy

Reorganization of the Department of Corrections... 2681

FISH AND BOAT COMMISSION

Proposed Rulemaking

Boat rental business 2678
Personal flotation devices 2680

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Actions taken by the Commission..... 2734

INSURANCE DEPARTMENT

Notices

Insurance coverages or risks eligible for export by Insurance Commissioner 2735
Rate filing:
Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield; filing no. 390-MMCG-5/99; community rated group major medical rate increase 2736
Capital Blue Cross and Pennsylvania Blue Shield; filing no. 99-Q; community-rated group major medical program..... 2736

LIQUOR CONTROL BOARD

Notices

Expiration of leases 2736

MILK MARKETING BOARD

Notices

Sunshine meeting dates for 1999-2000 2738

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Notices

Drinking Water State Revolving Fund; Federal FY 1998 and 1998 project priority list 2738

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rules and Regulations

Electric service 2667

Notices

Delegation of additional prosecutory authority to Office of Trial Staff; doc. no. M-00940593..... 2740
Poco-Spring Water Company—water service 2740

Now Available Online at <http://www.pabulletin.com>

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

List of Pa. Code Chapters Affected

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

1 Pa. Code (General Provisions)

Proposed Rulemaking

101	980
201	980
301	980
303	980
305	980
307	980
309	980
311	980
313	980
315	980

4 Pa. Code (Administration)

Adopted Rules

5	2570
6	2572
7	806

Proposed Rulemaking

120b	1719
120c	1721
120d	1717

Statements of Policy

9	207, 457, 574, 1230, 2034, 2302, 2681
---	---------------------------------------

7 Pa. Code (Agriculture)

Proposed Rulemaking

130c	1496
130d	1496

12 Pa. Code (Community and Economic Development)

Proposed Statements of Policy

31	1725
----	------

22 Pa. Code (Education)

Adopted Rules

3	399
4	399
5	399
6	399

25 Pa. Code (Environmental Protection)

Adopted Rules

109	2231
121	1879
129	1879, 1889
260	2367
260a (with correction)	2367, 2576
261	2367
261a	2367
262	2367
262a	2367
263	2367
263a	2367
264	2367
264a	2367
265	2367
265a	2367
266	2367
266a	2367
266b	2367
267	2367

268a	2367
269	2367
269a	2367
270	2367
270a	2367

Proposed Rulemaking

72	979
86	548
91	2145
92	455
93	455
95	455
97	2145
101	2145
121	1214, 1299
123	1214, 1319
129	1299
139	1299
145	1319
261	1975
266	1975
287	1975
298	1975
901	647
1021	1074, 1214, 1612

28 Pa. Code (Health and Safety)

Proposed Rulemaking

4	2671
18	820
911	332
912	332
1001	903
1003	903
1005	903
1007	903
1009	903
1011	903
1013	903
1015	903

31 Pa. Code (Insurance)

Adopted Rules

89	172
----	-----

Proposed Rulemaking

62	655
89	650

34 Pa. Code (Labor & Industry)

Adopted Rules

121	2649
-----	------

37 Pa. Code (Law)

Proposed Rulemaking

93	1513
95	1504

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

5	2294
15	2295
31	1392

36 1393, 1610
 41 2296

Proposed Rulemaking

11 1613
 21 2299
 23 2300
 25 1613
 27 1088
 31 1897
 33 1895
 35 565
 37 1897
 39 662, 2582
 40 1615
 41 2145
 42 1896
 47 1897

Statements of Policy

39 1617

51 Pa. Code (Public Officers)

Proposed Rulemaking

31 548
 33 548
 35 548
 37 548
 39 548
 41 548
 43 548
 45 548

52 Pa. Code (Public Utilities)

Adopted Rules

57 2667
 59 2667

Proposed Rulemaking

57 2025
 59 1515
 Unclassified 1895

Statements of Policy

69 2034, 2147, 2495

Proposed Statements of Policy

41 1617
 69 1617

55 Pa. Code (Public Welfare)

Adopted Rules

165 271
 168 271
 183 271
 3040 271

58 Pa. Code (Recreation)

Adopted Rules

53 1068
 61 819
 63 2298
 65 1069
 75 819
 93 1068
 109 1068
 111 1070
 133 1071
 139 2454, 2576
 141 2458
 143 (with correction) 2458, 2577

145 1071
 147 1071, 1072

Proposed Rulemaking

51 1224
 61 1085
 63 205, 822, 823, 1397
 65 823, 1224
 75 1087, 1515
 99 2680
 111 1224
 117 2678
 131 2578
 135 2578, 2581
 139 1225, 1397
 141 1398, 2580
 143 1398

61 Pa. Code (Revenue)

Statements of Policy

94 2037
 125 2037

64 Pa. Code (Securities)

Adopted Rules

202 (with correction) 202, 547
 206 (with correction) 202, 547
 302 (with correction) 202, 547
 606 (with correction) 202, 547
 609 (with correction) 202, 547
 610 (with correction) 202, 547

67 Pa. Code (Transportation)

Adopted Rules

175 2460, 2577

Proposed Rulemaking

173 1612
 175 1612

70 Pa. Code (Weights, Measures and Standard)

1 2460
 2 2460
 3 2460
 4 2460
 5 2460
 6 2460
 7 2460
 8 2460
 9 2460
 10 2460
 21 2460
 35 2460

Statement of Policy

39 2460

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

50 1709

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

71 2143
 82 809
 91 2021
 215 977

Proposed Rulemaking

83 2663

207 Pa. Code (Judicial Conduct)

Adopted Rules

5 1487
 21 645

210 Pa. Code (Appellate Procedure)

Adopted Rules

21 544
 35 544
 39 1487
 67 1360

Proposed Rulemaking

3 1709
 5 2441
 9 2441
 15 2441
 21 2441

225 Pa. Code (Rules of Evidence)

Adopted Rules

Unclassified 1712

Proposed Rulemaking

Article I 2262
 Article IV 2263
 Article VI 2262, 2264
 Article VIII 2265

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

100 2266
 200 449, 2266
 1000 2266
 1300 2266
 1500 2274
 1600 2274
 1650 2274
 1700 2274
 1910 (with correction) 16, 645
 2000 2274
 2020 2274
 2120 2274
 2200 2274
 2220 2274
 2250 2274
 2300 2274
 2320 2274
 2350 2274
 2970 1715
 2980 2274
 3000 2281

4000 1715, 2281
 Part II 327, 329, 1494

Proposed Rulemaking

200 15, 168, 169
 400 169
 1910 1487
 Part II 1709

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1100 2289

Proposed Rulemaking

1 1360
 2 1360
 3 1360
 4 1360
 5 1360
 6 1360
 7 1360
 8 1360
 9 1360
 10 1360
 11 1360
 20 1360, 2664
 30 1360
 50 1360, 1385
 100 1360, 2444
 200 1360, 2444
 300 1360, 2444
 1100 1360, 2444
 1400 1360
 1500 1360
 1600 1360
 1700 1360
 2000 1360
 4000 1360
 6000 1360, 2444
 9000 1360

249 Pa. Code (Philadelphia Rules)

Unclassified 544, 545

252 Pa. Code (Allegheny County Rules)

Unclassified 17, 1387

255 Pa. Code (Local Court Rules)

Unclassified 19, 24, 171, 330, 449, 453, 454, 809,
 977, 978, 1067, 1388, 1389, 1390,
 1495, 1853, 1873, 2143, 2575

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Proposed Amendment to the Rule Relating to Permissible Law-Related Activities of Formerly Admitted Attorneys

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania (Board) is considering recommending to the Supreme Court of Pennsylvania that it amend the Pennsylvania Rules of Disciplinary Enforcement, to read as set forth in Annex A, to specify what law-related activities may be engaged in by formerly admitted attorneys.

The Board has encountered numerous situations in which a lawyer who has been disbarred or suspended has been employed as a paralegal or law clerk during the period of disbarment or suspension. The Board believes that it is beneficial for persons who may seek reinstatement to be able to maintain their contact with the law because one of the requirements for reinstatement is that a formerly admitted attorney demonstrate competency and learning in law. At the same time, however, the Board is concerned that formerly admitted attorneys not engage in acts constituting the practice of law. In addition, the Board is concerned that formerly admitted attorneys not encounter clients and other parties under circumstances that could lead to the mistaken impression that the formerly admitted attorney is still admitted to practice. Proposed new Pa.R.D.E. 217(j) attempts to balance those concerns against the benefits of formerly admitted attorneys staying involved with the law.

Interested persons are invited to submit written comments regarding the proposed amendment to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before June 11, 1999.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Executive Director & Secretary

Annex A

TITLE 204. JUDICIARY SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 217. Formerly admitted attorneys.

* * * * *

(j) A formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the following requirements:

(1) All law-related activities of the formerly admitted attorney shall be conducted under the direct supervision of a member in good standing of the Bar of this Commonwealth who shall be responsible for ensuring that the formerly admitted attorney complies with the requirements of this subdivision (j). If the formerly admitted attorney is employed by a law firm, an attorney of the firm shall be designated by the firm as the supervising attorney for purposes of this subdivision.

(2) For purposes of this subdivision (j), the only law-related activities that may be conducted by a formerly admitted attorney are the following:

(i) legal work of a preparatory nature, such as legal research, assembly of data and other necessary information, and drafting of transactional documents, pleadings, briefs, and other similar documents;

(ii) direct communication with the client or third parties to the extent permitted by paragraph (3); and

(iii) accompanying a member in good standing of the Bar of this Commonwealth to a deposition or other discovery matter or to a meeting regarding a matter that is not currently in litigation, for the limited purpose of providing clerical assistance to the member in good standing who appears as the representative of the client.

(3) A formerly admitted attorney may have direct communication with a client or third party regarding a matter being handled by the attorney or firm for which the formerly admitted attorney works only if the communication is limited to ministerial matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages. The formerly admitted attorney shall clearly indicate in any such communication that he or she is a legal assistant and identify the supervising attorney.

(4) Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities:

(i) performing any law-related activity for a law firm or lawyer if the formerly admitted attorney was associated with that law firm or lawyer on or after the date on which the acts which resulted in the disbarment or suspension occurred, through and including the effective date of disbarment or suspension;

(ii) performing any law-related services from an office that is not staffed, on a full time basis, by a supervising attorney;

(iii) performing any law-related services for any client who in the past was represented by the formerly admitted attorney;

(iv) representing himself or herself as a lawyer or person of similar status;

(v) having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph (3);

(vi) rendering legal consultation or advice to a client;

(vii) appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body;

(viii) appearing as a representative of the client at a deposition or other discovery matter;

(ix) negotiating or transacting any matter for or on behalf of a client with third parties or having any contact with third parties regarding such a negotiation or transaction;

(x) receiving, disbursing or otherwise handling client funds.

(5) The supervising attorney and the formerly admitted attorney shall file with the Disciplinary Board a notice of employment, identifying the supervising attorney, certifying that the formerly admitted attorney has been employed and that the formerly admitted attorney's activities will be monitored for compliance with this subdivision (j). The supervising attorney and the formerly admitted attorney shall file a notice with the Disciplinary Board immediately upon the termination of the employment of the formerly admitted attorney.

(6) The supervising attorney shall be subject to disciplinary action for any failure by either the formerly admitted attorney or the supervising attorney to comply with the provisions of this subdivision (j).

Note: Subdivision (j) is addressed only to the special circumstance of formerly admitted attorneys engaging in law-related activities and should not be read more broadly to define the permissible activities that may be conducted by a paralegal, law clerk, investigator, etc. who is not a formerly admitted attorney. Subdivision (j) is also not intended to establish a standard for what constitutes the unauthorized practice of law. Finally, subdivision (j) is not intended to prohibit a formerly admitted attorney from performing services that are not unique to law offices, such as physical plant or equipment maintenance, courier or delivery services, catering, typing or transcription or other similar general office support activities.

[Pa.B. Doc. No. 99-815. Filed for public inspection May 21, 1999, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CH. 20]

Location of Proceedings Before Issuing Authority

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule of Criminal Procedure 22 (Location of Proceedings Before Issuing Authority). This amendment

would reorganize Rule 22 to clarify the locations from which an issuing authority may conduct business and hold hearings, and make other correlative changes and editorial corrections. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed Rule 22 amendment precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901 no later than Wednesday, June 23, 1999.

By The Criminal Procedural Rules Committee:

FRANCIS BARRY MACARTHY,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

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

Rule 22. Location of Proceedings Before Issuing Authority.

[a] (A) An issuing authority within the magisterial district for which [he] the issuing authority is elected or appointed shall have jurisdiction and authority at [any time other than during his established office hours] all times to receive complaints, issue warrants, hold preliminary arraignments, fix and take bail [and], issue commitments to jail [at his residence within the magisterial district, but all hearings and trials before such issuing authority shall be held publicly at his established office, or at another location, within or without the magisterial district, designated by the President Judge, unless an emergency exists or the number of persons lawfully assembled and entitled to be present is too great to be accommodated in such place, in which event the hearing or trial may be adjourned as quickly as may be, to a suitable place, within the magisterial district], and hold hearings and trials.

(1) Except as provided in paragraph (A)(2), all preliminary arraignments shall be held in the issuing authority's established office, a night court, or some other facility designated by the president judge, or the president judge's designee.

(2) Preliminary arraignments may be conducted using advanced communication technology pursuant to Rule 140. The preliminary arraignment in these cases may be conducted from any site designated by the president judge, or the president judge's designee.

(3) All hearings and trials before the issuing authority shall be held publicly at the issuing authority's established office, unless, for reasons of emergency, security, size, or some other justification, the

president judge, or the president judge's designee, directs that the hearing or trial be held in another more suitable location within the judicial district.

(4) The issuing authority may receive complaints, issue warrants, fix and take bail, and issue commitments to jail from any location within the judicial district.

[(b) The President Judge] (B) When local conditions require, the president judge shall [, where local conditions require,] establish procedures [whereby, in all or certain classes of cases,] for preliminary hearings in all cases, or in certain classes of cases, [may] to be held at a central place or places within the [Judicial] judicial [District] district at certain specified times. The procedures established shall provide either for the transfer of the case or the transfer of the issuing authority to the designated central place as the needs of justice and efficient administration require. [When the defendant or his counsel and the attorney for the Commonwealth agree, the preliminary hearing shall be held at the established office of the issuing authority who received the complaint.]

Official Note: Formerly Rule 156, paragraph [(a)] (A) adopted January 16, 1970, effective immediately; [Paragraph] paragraph [(a)] (A) amended and paragraph [(b)] (B) adopted November 22, 1971, effective immediately; renumbered as Rule 22 September 18, 1973, effective January 1, 1974; amended _____, 1999, effective _____, 1999.

Comment: The 1999 amendments to paragraph (A) divided the paragraph into subparagraphs to more clearly distinguish between the locations for the different types of proceedings and business that an issuing authority conducts.

See Rule 140 and Comment for the procedures governing the use of advanced communication technology in preliminary arraignments.

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

This rule allows the [President] president [Judge] judge of a [Judicial] judicial [District] district the discretion to determine what classes of cases require centralized preliminary hearings, and requires [him] the president judge, or the president judge's designee, to establish a schedule of central places to conduct such hearings and the hours [thereof] for the hearings at the central locations.

Ideally, this rule should minimize the inconvenience to defense counsel and the attorney for the Commonwealth by eliminating the necessity of travel at various unpredictable times to many different locations throughout the [Judicial] judicial [District] district for the purpose of attending preliminary hearings. [However, where it is convenient to hold the preliminary hearing in the magisterial district where the case arose, the rule allows the party to so stipulate.] Finally, this rule allows preliminary hearings for jailed defendants to be held at a location close to the place of detention.

* * * * *

Committee Explanatory Reports

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

REPORT

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

Location of Proceedings Before Issuing Authority

The Committee is proposing a number of changes to Rule 22 (Location of Proceedings Before Issuing Authority) that update and reorganize the rule, and clarify the locations from which an issuing authority may conduct business and hold hearings and trials.

The Committee undertook a review of the Rule 22 provisions after receiving several inquiries concerning the location of preliminary arraignments in general, and when the preliminary arraignments are conducted using advanced communication technology in particular. Some of the inquiries were triggered by a few newspaper articles reporting on the recent installation of new audio/video equipment in Cumberland County district justices' offices, and in some of their homes, for the purpose of conducting preliminary arraignments.

Looking at Rule 22(A), which provides that issuing authorities have "jurisdiction and authority at any time other than during his established office hours to receive complaints, issue warrants, *hold preliminary arraignments*, fix and take bail and issue commitments to jail *at his residence within the magisterial district . . .*"¹ (emphasis added), the members discussed the propriety of performing administrative functions or conducting other business in the issuing authorities' homes. Although the members recognized that there may be unusual or emergency circumstances when it might be necessary to conduct business from home, such as for the purpose of issuing a warrant, the consensus was that in most circumstances the issuing authorities should perform administrative functions and conduct business from their official business offices. In view of these considerations, the Committee reasoned that it did not want to prohibit the practice altogether, but that Rule 22 should not encourage it. We concluded, therefore, that Rule 22 should be amended to address these considerations. We also agreed that Rule 22(A) in its present form is confusing and should be revamped to present the various procedures covered by the rule in a more orderly fashion.

Discussion of Amendments

(1) Paragraph (A)

Present paragraph (A) would be amended to make it clear that an issuing authority has jurisdiction and authority at all times to perform the administrative functions listed and to hold hearings and trials. The remainder of the paragraph would be deleted, and the content of the deleted portion would be reorganized into subparagraphs.

Paragraph (A)(1) makes it clear that, unless the issuing authority is using advanced communication technology as provided in (A)(2), the issuing authority is to conduct preliminary arraignments at the issuing authority's established office, or an established night court, or some other judicial facility that may be designated by the president judge, or the president judge's designee.

¹ Rule 22 was adopted in 1974 at a time when there were still justices of the peace, and many of them had their offices in or attached to their homes. With the advent of the district justice system, fewer homes were utilized as offices. Today, all issuing authorities have official business offices.

Paragraph (A)(2) is new, and acknowledges that advanced communication technology may be used to conduct preliminary arraignments pursuant to Rule 140 (Preliminary Arraignment)². In these cases, the Committee agreed that, because of the expense of and other considerations related to the installation of the equipment that is needed to use advanced communication technology, the location of the preliminary arraignments conducted using advanced communication technology must be determined by the president judge, or the president judge's designee.

Paragraph (A)(3) establishes the locations for all other hearings and trials, and is taken from the second half of present paragraph (A). Ordinarily, all hearings and trials are to be conducted in the issuing authority's established office. The provision recognizes that there may be reasons to move the hearing or trial to a different location, such as when more security is needed, and in these cases, the president judge, or the president judge's designee, must direct that the hearing or trial be relocated to a more suitable location.

The Committee, in discussing the president judge's responsibility to designate locations for the various hearings, agreed that the president judge could designate another judge or other court official to make these determinations in his or her place. We, therefore, have added "the president judge's designee" in paragraphs (A)(1), (2), and (3). We are not making the same recommendation in paragraph (B) because we believe the establishment of central courts should remain with the president judge only.

Paragraph (A)(4) incorporates what was formerly the focus of the first part of paragraph (A), and permits the

² The Committee has recommended to the Supreme Court that Rule 140 be amended to specifically provide for the use of advanced communication technology to conduct preliminary arraignments. The Committee's proposal was published at 28 Pa.B. 3931 (August 15, 1998).

issuing authority to receive complaints, issue warrants, fix and take bail, and issue commitments to jail from any location within the judicial district. The Committee agreed that the issuing authority could determine the location of these purely administrative functions without the intervention of the president judge.

(2) Paragraph (B)

The wording of paragraph (B) would be tightened up. The only substantive change is the removal of the provision for the defendant and the Commonwealth to agree to have the preliminary hearing in the issuing authority's office. The Committee agreed that if the president judge has decided that it is important to set up a central location(s) as provided in paragraph (B), then the parties should not be able to circumvent that decision.

(3) Correlative and Editorial Changes

As we were working on Rule 22, the Committee agreed that the following correlative and editorial changes should be made.

(a) The Committee agreed that the reference to "magisterial district" in the last line of present paragraph (A) concerning the available sites for the relocation of hearings or trials should be changed to "judicial district" when the provision is moved to paragraph (A)(3) to provide the president judge, or the president judge's designee, wider latitude in selecting an appropriate relocation site.

(b) The rule has been made gender neutral in conformity with the other Criminal Rules.

(c) The capitalization within the rule has been corrected to align the rule with the other Criminal Rules.

[Pa.B. Doc. No. 99-816. Filed for public inspection May 21, 1999, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 57 AND 59]

[L-950108]

Electric Service

The Pennsylvania Public Utility Commission (Commission) on December 17, 1998, adopted a final rulemaking to eliminate obsolete regulations regarding electric service. The rulemaking has two distinct purposes. The first is to eliminate regulations which the Commission believes are burdensome to the electric utility industry. These regulations relate to record maintenance and sales promotion practices for gas and electric utilities. The second purpose is to revise the procedure to request exemption from the application of the undergrounding requirement for electric service in new residential developments.

Executive Summary

By order entered May 23, 1995, the Commission adopted the Advance Notice of Proposed Rulemaking to Review and Rescind All Obsolete and Excessive Regulations. After a 60-day comment period, the Commission adopted the above-captioned proposed rulemaking by order entered January 25, 1996, at L-950108, which establishes a 30-day comment period. An amended proposed rulemaking order was adopted October 3, 1996, which revised the procedure for requesting exemption from the undergrounding requirement for electric service in new residential developments, and established a 30-day comment period. At 27 Pa.B. 1162 (March 8, 1997), the Commission order was published in the *Pennsylvania Bulletin*. On December 17, 1998, the Commission adopted its final rulemaking order.

This final order eliminates and revises regulations related to the electric and gas industries which the Commission believes are excessive or obsolete, or both. Specifically, the rulemaking deletes § 57.13 (relating to records) which removes the burdensome requirements that records be kept at an office of the electric public utility within its service territory and be open to the Commission's inspection. Section 57.15 (relating to system frequency), that had been proposed to be eliminated, is retained and revised based on concerns about electric system reliability. Sections 57.61—57.67 and § 59.51 are deleted to remove burdensome paperwork requirements for electric and natural gas utilities in regard to sales promotion activities. Sections 57.85 and 57.86 (relating to underground construction, specification standards; and exceptions) are revised to simplify the procedure whereby developers may be granted an exemption from the requirement that electric service in new residential developments be located underground.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 20, 1997, the Commission submitted a copy of the final rulemaking, which was published as proposed at 27 Pa.B. 1162, to the Independent Regulatory Review Commission (IRRC) and the Chairperson of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment.

Under section 5(c) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of comments received, as well as other documentation. In preparing these final-form regulations, the Commission has considered the comments received from IRRC, the Committees and the public.

These final-form regulations were deemed approved by the House Committee on Consumer Affairs and were deemed approved by the Senate Committee on Consumer Protection and Professional Licensure. The final-form regulations were approved by IRRC on April 8, 1999, in accordance with section 5.1(e) of the Regulatory Review Act.

Public Meeting held
December 17, 1998

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

Final Rulemaking Order

By the Commission:

By Order entered May 23, 1995 at Docket No. L-950103, we issued an Advance Notice of Proposed Rulemaking To Review And Rescind All Obsolete And Excessive Rules And Regulations. The advance notice was published in the *Pennsylvania Bulletin* at 25 Pa.B. 2188 (June 3, 1995), and 60-day comment period set. We received comments from the Pennsylvania Electric Association and our own Bureaus of Law and CEEP which were specific to the electric industry and reflected the need to eliminate two sections and revise other sections contained in Chapter 57 (relating to electric service). Accordingly, on January 25, 1996, at Docket No. L-00950108, we entered an order initiating a proposed rulemaking to revise Chapter 57. On May 22, 1996, however, we withdrew the proposed rulemaking order from consideration by the Office of the Attorney General prior to publication to allow for Commission reconsideration of specific changes proposed to the regulations. Specifically, the Commission retained §§ 57.61—57.67 that had been proposed to be eliminated. An amended proposed rulemaking order was adopted October 3, 1996. In that order, the Commission established a 30-day comment period. On March 8, 1997, the Commission's order was published at 27 Pa. B. 1162.

In the amended proposed rulemaking order we proposed the following changes to our regulations:

- § 57.13. *Records.*

Deletion of this section to remove the burdensome requirement that records be kept at an office of the public utility within its service territory and open for Commission examination. New methods of electronic and optical data storage and transmission are available which eliminate the need to maintain hard copies of records on site.

- § 57.15. *System frequency.*

Eliminated as excessive and obsolete.

- §§ 57.61—57.67 and 59.51. *Sales Promotion Practices for Gas and Electric Utilities.*

Deletion of these regulations for both electric and gas industries. These regulations which require burdensome paperwork impose a market disadvantage on utilities as compared to new entrants and other nonregulated suppliers. Deletion of these regulations will permit gas and

electric utilities to be innovative without the burden of reporting their sales activities months in advance of their implementation.

• § 57.85. *Tariff filing.*

This section is unnecessary to the extent that it requires electric utilities to incorporate a Commission regulation on undergrounding requirements into their tariff rules. Another provision of this regulation states the obvious—that moneys received from an applicant for electrical service be credited to Contributions in Aid of Construction. The provision is surplusage that may be eliminated. Also, in subsection (c), the section was revised to identify the Bureau of Fixed Utility Services as the Commission bureau with which electrical utilities must file their undergrounding construction specification standards.

• § 57.86. *Exceptions to mandatory undergrounding of electrical service in new residential developments.*

Sections 57.81—57.88 require that electric service in new residential developments be placed underground. The existing procedure in § 57.86 for obtaining an exemption from this requirement was unnecessarily complicated, and inconsistent with other Commission procedures related to waiver of regulations. This section was revised to simplify the exemption process.

The instant order covers the same subject matter as the amended proposed rulemaking order, but with additional revisions to reflect the comments received. We believe that the revisions and deletions proposed will clarify, simplify and remove excessive and burdensome requirements from our electric service regulations.

Comments were filed by the Pennsylvania Gas Association (PGA), former State Representative William R. Lloyd Jr., National Fuel Gas Distribution Corporation (NFG), and Peoples Natural Gas Company (Peoples), and the IRRC. We will address only those regulations to which a comment was filed.

Discussion

Comments to §§ 57.61—57.67 and 59.51. Sales Promotion Practices for Gas and Electric Utilities.

Former State Representative Lloyd commented that sales practice promotion regulations should remain in place until the gas and electric industries have been fully deregulated. However, he also expressed the opinion that repeal of some of these provisions in a “deregulated” environment would appear to invite classic antitrust activities by permitting incumbent electric generators and gas suppliers to get an edge on competition by tie-ins.

In its comments, the PGA stated that the association had previously submitted the elimination of the sales promotion practices regulations for both the electric and natural gas industries, but now believes that the regulations should be retained for the electric industry. In so doing, the PGA commented that the regulations serve “a unique and constructive role” in the electric utility context in that they provide a “distinction between promotional and demand-side management (DSM) activities” so that one can evaluate “whether a claimed DSM activity falls within one of the promotional practices identified in § 57.63(a)(1)—(7) or constitutes an unapproved promotional allowance under § 57.64.”

Peoples commented that it supported the elimination of the sales promotional practices regulations. It stated that the competitive environments that utilities are in today with the unbundling of regulated services makes these

regulations additionally burdensome for utilities that must compete with unregulated companies whose promotional activities are not so restricted.

The NFG commented that it would be premature to remove restraints on the electric industry, and doing so would give an unfair advantage to electric utilities. The NFG claimed that the sales promotion practices regulations are intended to prevent grants and rebates that result in cost shifting to other electric or gas utility customers. The NFG stated that it will support the deletion of some reporting requirements but opposes the elimination of standards of conduct governing promotional practices affecting interfuel competition.

IRRC expressed no comment on our proposed deletion of these regulations.

In our amended proposed rulemaking order we stated that:

[The sales promotion practices] regulations were created at a time when there were fewer competitive forces acting upon Pennsylvania gas and electric utilities. These rules which require burdensome paperwork impose a market disadvantage on utilities as compared to new entrants and other nonregulated suppliers. Deletion of these regulations will permit gas and electric utilities to be innovative without the burden of reporting their sales activities months in advance of their implementation.

Order entered October 3, 1996, p. 3.

We have not changed our position on the elimination of these regulations. Since the enactment of the Electricity Generation Customer Choice and Competition Act (Electric Competition Act) on December 3, 1998, retail electric generation competition is a reality in this Commonwealth. The marketplace, and not the Commission, now controls the price that consumers pay for electric generation. In this climate, the continued imposition on the electric industry of the sales promotion practices regulations not only is unnecessarily burdensome, but also would tend to stifle competition and innovation in marketing, a result that would be inconsistent with the Electric Competition Act. We therefore see no justification for retaining these regulations.

As to the specific comments, we reject the NFG's notion that the elimination of these regulations will allow the offering by the electric utilities of grants and rebates to attract select customers to the detriment of other electric or gas utility customers because of cost shifting. Since the amount that consumers pay for electric generation is regulated by the marketplace, sales promotions designed to attract new customers will be a cost of doing business, and as such, will be absorbed by the supplier or passed along to consumers in the price charged for electric generation. Thus, a supplier must exercise good business sense in extending these offers, or run the risk of financial ruination, or of pricing its generation out of the market.

Additionally, Codes of Conduct established in the electric utility restructuring cases¹ prohibit cross-subsidizations between an electric utility and its supplier affiliates. This prohibition protects customers receiving “provider of last resort” generation service, under 66

¹ Allegheny Power Co., PUC Docket No. R-0097398I; Duquesne Light Co., PUC Docket No. R-00974104; Pennsylvania Power & Light Co., PUC Docket No. R-00973954; Metropolitan Edison Co., PUC Docket No. R-00974008; Pennsylvania Electric Co., PUC Docket No. R-00974009; UGI, Inc., PUC Docket No. R-00973975; Wellsboro Electric Co. PUC Docket No. R-00974046; Citizens Electric Co. PUC Docket No. R-00974047; Pennsylvania Power Co. PUC Docket No. R-00974149; and Pike County Light & Power Co. PUC Docket No. R-00974150.

Pa.C.S. § 2807(e), and transmission and distribution services from the electric utility (now called electric distribution company). Thus, the functioning of a competitive generation market in conjunction with the competitive safeguards imposed on each electric utility provide sufficient protection from cost shifting among customers and thus, eliminate the need for these regulations.

As to the PGA's contention that the retention of the definition of "DSM activities" in the regulation would be useful in helping to distinguish between approved and prohibited activities, the Commission notes again that the cost of electric generation is controlled by the marketplace, and not the Commission. Thus such a distinction is no longer useful in the context of the Commission's regulatory activities. For this reason, we reject this comment.

Finally, the Commission notes that a number of the 90 electric generation suppliers licensed to provide generation service in this Commonwealth are affiliates of Pennsylvania and non-Pennsylvania natural gas utilities and pipeline companies. This convergence of the electric and natural gas industries mandates the simultaneous elimination of these regulations for both industries to ensure fairness to all customers, and market participants. We thus reject comments that call for the retention of these regulations in whole, or in part for the electric and natural gas industries.

Comments to § 57.86. Exceptions to mandatory undergrounding of electrical service in new residential developments.

In his comments, former State Representative Lloyd was concerned that language would be removed from § 57.86 (b) that places a time limit on Commission action on a petition for exemption. In light of this comment, the Commission will retain the 180-day time limit within which a petition for exemption from undergrounding must be processed. IRRC also expressed concern about eliminating this provision, and recommended its retention, but recommended that the time period should not apply in those cases where additional information requested from the petitioner has not been supplied within the 180-day time frame. Appropriate language has been added to § 57.68(b) to retain this requirement.

IRRC agreed with the deletions proposed by the Commission but suggested further revisions to §§ 57.85 and 57.86: In regard to § 57.85, IRRC suggests (1) updating the term "public utility," and (2) establishing a time frame in which undergrounding specification standards for constructions and revisions should be made with the Commission (such as, within 10, 20 or 30 days of the EDC adopting standards or revisions thereto.) IRRC also proposed that the following language revisions be made to § 57.85:

"... file their undergrounding [construction,] specification standards and revisions for construction with the Commission Bureau of Fixed Utility Services."

We believe that IRRC's recommendation to establish a time period in which new or revised construction standards must be filed with the Commission has merit and have amended § 57.85 accordingly. We decline to accept IRRC's recommendation to update the term "public utility" to "electric distribution company" at this time. In our amended proposed rulemaking, we did not revise all the sections of Subchapter H (relating to underground electrical service in new residential developments), and making the change only in sections involved in this rulemaking will create discrepancies in language and create unneces-

sary confusion. We recognize the necessity of updating terminology to comport with the realities of the electric industry delivery system and will do so in a future housekeeping rulemaking that will revise language throughout 52 Pa. Code (relating to public utilities).

For § 57.86, IRRC recommended that the reference to "tariff rule" be deleted and replaced with the term "construction standards." IRRC also recommended that if any notices related to the exception petition filings or the Commission determinations thereon are published in the *Pennsylvania Bulletin*, § 57.86 should reference that as appropriate.

The Commission has adopted the language change recommended by IRRC. As petitions for exception from undergrounding and Commission orders on those petitions are not published in the *Pennsylvania Bulletin*, it is unnecessary to adopt IRRC's latter recommendation in regard to this section.

IRRC noted that § 57.86(b) has been amended to require that a copy of the exception petition be mailed to all appropriate local government authorities and to all other affected persons and utilities, but comments that there is no reference as to the entity responsible to make this mailing. IRRC recommended that § 57.86(b) be revised to identify the party responsible for the mailing and to require that the mailing be done at the same time as it is filed with the Commission.

The Commission adopts IRRC's recommendations and has amended subsection (b) consistent with these recommendations.

Finally IRRC recommended that subsection (c) be clarified to be consistent, making the appropriate substitution for the term "applicant." IRRC also recommended that the Commission regulations cross reference procedural rules that would be applicable to exemption petitions.

Section 57.86 allows a person other than an applicant for electric service to file a petition for exception to undergrounding the utility facilities. The applicant for electric service is defined in § 57.81 as "the developer of the recorded plot plan." As the developer of the property is entitled to change plans and install the electric facilities underground even if an exception was granted by the Commission, the use of the term "applicant for electric service" in subsection (c), as amended in this rulemaking, is proper. Therefore, we will not make IRRC's suggested change.

As to IRRC's suggestion to cross reference procedural rules relating to petitions, we have revised § 57.86(a) to reference § 5.41 (relating to petitions generally). Although additional procedural regulations relating to the verification and filing of the petition may also be applicable, we do not believe that it is necessary to cross reference them all in this regulation.

Accordingly, under sections 501, 504—506, 1301 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501, and the Commonwealth Documents Law (45 P.S. § 1201 et seq.), and the regulations promulgated thereunder, we shall revise our amended proposed rulemaking order to accomplish the objectives described in the body of this order; *Therefore*,

It Is Ordered that:

1. The regulations of the Commission, 52 Pa. Code Chapter 57, are amended by deleting §§ 57.13, 57.61—57.67 and 59.51 and by amending §§ 57.85 and 57.86 to read as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

3. The Secretary shall submit a copy of this order, together with Annex A, to the Governor's Budget office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for formal review by the designated standing committees of both houses of the General Assembly, and for formal review and approval by IRRC.

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

6. A copy of this order be served upon on the Office of Consumer Advocate, the Office of Small Business Advocate and all persons who submitted comments in the rulemaking proceeding.

7. The final-form regulations adopted in this order are effective upon publication in the *Pennsylvania Bulletin*.

8. The contact person is Assistant Counsel Patricia Krise Burket (717) 787-3464. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri Del Biondo, Regulatory Coordinator, Law Bureau at (717) 772-4597.

JAMES J. MCNULTY,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 2195 (April 24, 1999).)

Fiscal Note: Fiscal Note 57-163 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 57. ELECTRIC SERVICE

Subchapter B. SERVICE AND FACILITIES

§ 57.13. (Reserved).

§ 57.15. System frequency.

(a) *Standard frequency.* An electric distribution company supplying alternating current service shall adopt and file with the Commission a standard frequency or frequencies for its system, the suitability of which may at any time be determined by the Commission.

(b) *Allowable variation.* An electric distribution company shall maintain the system frequency within 3% of the standard frequency adopted. Momentary variations of frequency of more than 3%, which are clearly not due to lack of proper equipment or reasonable care on the part of the electric distribution company will not be considered as violations of this section.

(c) *Records.* An electric distribution company shall continuously monitor and record system frequency variations. The records shall be provided to the Commission on request.

Subchapter F. (Reserved)

§§ 57.61—57.67. (Reserved).

Subchapter H. UNDERGROUND ELECTRICAL SERVICE IN NEW RESIDENTIAL DEVELOPMENTS

§ 57.85. Underground construction, specification standards.

Public utilities furnishing electric service to the public shall file their underground construction, specification standards and revisions thereto with the Commission's Bureau of Fixed Utility Services. These standards shall be filed within 20 working days from their date of adoption or revision.

§ 57.86. Exceptions.

(a) *Request for exception.*

(1) Whenever a public utility or an affected person believes that the application of the requirements in § 57.83 (relating to applicants for electric service) works an undue hardship, involves a physical impossibility, or is otherwise inappropriate, the utility or persons may request an exception from the underground requirements by providing the Commission with the following:

(i) A copy of the recorded plot plan of the development for which the exception is sought.

(ii) A petition setting forth:

(A) The name of the applicant.

(B) The location and the size of the development involved.

(C) The names of the electric utility and telephone utility which will provide service to the development.

(D) The date on which the construction began or will begin; whether the development is a new development or one phase in a development to be completed in several phases; and whether facilities in the area surrounding the development have been installed underground or overhead.

(2) The petition shall comply with the Commission regulations governing petitions in § 5.41 (relating to petitions generally).

(b) *Additional requirement of petitioner.* At the same time that the petition is filed with the Commission, a copy of the petition shall be mailed to the appropriate local government authorities, and to other affected persons and utilities by the person requesting the exception. The Commission will issue a decision on the petition within 180 days of the date of its filing, if sufficient data upon which the exception can be granted has been provided in the petition.

(c) *Grant of exception.* If an exception request initiated by an applicant for electric service is granted, and the applicant thereafter desires underground electric service, this subchapter applies as if no exception has been granted.

CHAPTER 59. GAS SERVICE

§ 59.51. (Reserved).

[Pa.B. Doc. No. 99-817. Filed for public inspection May 21, 1999, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 4]

Head Injury Program

The Department of Health (Department) proposes to amend Part I (relating to general health) by adding Chapter 4 (relating to head injury program). Proposed Chapter 4 would set forth the rules and regulations governing the administration of the Head Injury Program (HIP), and describe the types of services available under the program. The regulations being proposed would also define the eligibility criteria that must be met by applicants for services and the scope of services available to eligible applicants. In addition, the proposed regulations would provide for an appeal mechanism which may be utilized by an applicant or client of HIP. The proposed chapter is to read as set forth in Annex A.

A. Purpose of the Proposed Regulations

1. Statutory Background

In 1985, the General Assembly passed legislation which created a Statewide emergency medical services system. This legislation known as the Emergency Medical Services Act (act) (35 P. S. §§ 6921—6938), provided for an Emergency Medical Services Operating Fund to be funded by a \$10 fine to be levied on all moving traffic violations. The act further directed that 25% of the fund be allocated to a Catastrophic Medical and Rehabilitation Fund (Fund) for victims of trauma injuries to purchase medical, rehabilitative and attendant care services when all alternative financial resources were exhausted. The Department developed a program for victims of head trauma based on this Legislative directive, and labeled the program the "Head Injury Program."

In 1988, the General Assembly amended the act by the act of October 21, 1988 (P. L. 1055, No. 121). This amendment modified the type of traffic violations for which a \$10 fine would be assessed and authorized the Department to prioritize, by regulation, the distribution of funds by classification of traumatic injury.

2. Interim Guidelines

Following the enactment of the act, the Department recognized that the size of the Fund would be insufficient to meet the needs of all victims of trauma in this Commonwealth. The Department, persuaded by Legislative debate, traumatic brain injury victims and advocacy organizations, decided to restrict access to the Fund solely to victims of traumatic head injury. It used the Fund to pay only for services which were directly related to the needs of persons due to traumatic head injury. On March 5, 1988, the Department formally announced how it intended to administer the Fund by distributing interim policies it had developed.

The interim policies announced that the Department intended to administer the Fund to pay for services provided to victims of traumatic head injury, and described the manner in which it intended HIP to operate. These policies, however, were not intended to preclude development of a program through further analysis based on actual experiences the Department and agencies in other states encountered in allocating limited resources to serve people who have sustained traumatic injuries. To this end, the Department began plans to replace the interim policies with program regulations.

The Department appointed a Citizens Advisory Committee (Committee) to review the interim policies and advise the Department on the development of program regulations. This Committee was composed of consumers of services associated with traumatic injuries, and representatives from the rehabilitation field. The proposed regulations are a product of the Committee's recommendations to the Department, the Department's experience in administering the Fund and the Department's assessment of what program services best serve the Legislative intent consistent with current fiscal constraints.

B. Summary of the Proposed Regulations

The proposed regulations adopt some of the limitations and restrictions that had been incorporated in the interim guidelines, such as restricting eligibility to individuals who sustained traumatic brain injuries on or after July 3, 1985, the effective date of the act. A brief description of the proposals follows.

Section 4.1. Scope and purpose.

This proposed section would describe the chapter's scope and purpose.

Section 4.2. Definitions.

This proposed section would define key phrases that would appear in the regulations, such as "alternative financial resources," "exhausted" and "traumatic brain injury."

Section 4.3. HIP services and objectives.

This proposed section, along with § 4.1 (relating to scope and purpose), would broadly explain the manner in which HIP is to be run and it would clarify how and for whom the program is to operate.

Section 4.4. Eligibility for services.

This proposed section would set forth eligibility criteria for applicants to HIP, as well as criteria for specific HIP services. HIP eligibility criteria for an applicant would be as follows: (1) sustained a traumatic brain injury on or after July 3, 1985; (2) have been a resident in this Commonwealth for 90 days at the time of the injury and at the time of application to HIP and have the intent to maintain a permanent home in this Commonwealth for the indefinite future; (3) have exhausted all alternative financial resources to pay for services covered by HIP; and (4) have reached 21 years of age.

It is proposed that the Fund be used to pay only for services to individuals who are 21 years of age and older, as individuals under 21 years of age are currently eligible to receive coverage for appropriate services from Medical Assistance and the Department of Education.

In addition to these criteria, specific conditions and impairments are listed in the proposed regulations which would exclude an otherwise-eligible applicant because those conditions would impede an individual's participation in or benefiting from services HIP provides. The proposed regulations provide that the Department would deem a client ineligible if that client lacks the potential to benefit and to live more independently as a result of the services sought. This determination would be based upon the recommendation of the client's case manager and other neuropsychological evaluations. The Department has exercised its discretion under section 14(e) of the act (35 P. S. § 6934) by developing a program which attempts to prioritize funds for those persons who have the ability

to progress in rehabilitation. It is the Department's position that the limited moneys available to it through the Fund should be used to rehabilitate as many individuals as possible given its limited resources, rather than to maintain a static number of persons with traumatic head injuries past the point where progress in rehabilitation can be made by those persons.

This proposed section would also exclude from HIP an applicant who fails to complete an assignment agreement with the Department, assigning the Department rights of future or expected monetary awards, accruing to the applicant due to the applicant's traumatic brain injury, to cover the cost of HIP services provided. This language would permit the Department to recoup any improperly spent funds, and to obtain some reimbursement for funds spent on clients who might have initially had no alternative resources, but who have become eligible for those resources during the course of services. Recouping these moneys will enable the Department to stretch further the moneys available to it for this program and to provide services to more eligible persons.

Section 4.5. Payment for services.

This proposed section would state that the Department will give written authorization to both the client and provider as to the specific HIP services for which a client is eligible and the maximum funding available to the client for those services. This proposed section would also provide a list of conditions which may trigger termination from HIP. For instance, HIP will pay for services until a client: (1) exhausts the maximum funds available to the client during a benefit year; (2) reaches the maximum duration for HIP services; (3) gains access to alternative financial resources; or (4) undergoes a change affecting the client's clinical condition which affects eligibility or execution of a service plan. Again, the provisions will enable the Department to prioritize need, and to provide services to more individuals.

This proposed section would also make clear that the Department has the right to choose subrogation to obtain payments owed a client. This ability will enable the Department to utilize existing funds for the benefit of more clients.

Section 4.6. Duration of funding.

This proposed section would set forth strict time limitations for HIP funding. No client would receive more than 1 benefit year of rehabilitation. A benefit year would be defined as 12 consecutive months beginning on the date that HIP services are initially purchased for the client. Case management services would be limited to 18 consecutive months. These durational limits would represent a significant departure from past HIP practices. The 1988 policies under which HIP was instituted had no durational limits. Subsequent policies made known to applicants, clients and providers included durational limits of 2 years for rehabilitation services and a maximum of 3 years for case management (also referred to as case coordination). The Department, however, believes that the limitations in these proposed regulations are appropriate based upon the numbers of persons potentially eligible for HIP services during a time when those services are of maximum benefit. The Department also believes that these limitations will protect the fiscal integrity of the Fund and HIP's ability to provide services for as many eligible individuals as possible, during the window of opportunity, for maximum benefit to those individuals.

Data pertaining to treatment of victims of head trauma reflect that the average client completes a postacute

traumatic brain injury rehabilitation program in 1 to 3 years. Thus, the 1-year funding limit is established to coincide with the needs of both existing and new clients while operating within budgetary limitations. This time restriction should ensure that moneys will be available from the Fund so new victims of head trauma will be afforded an opportunity to receive services from which they may benefit.

The proposed regulations also provide that the Department will give prior notification to all clients of HIP of the date that their funding for HIP services will terminate.

Section 4.7. Services eligible for payment.

This proposed section would describe the specific services covered by the categories of services in § 4.3 (relating to HIP services and objectives) and as those categories are defined in § 4.2 (relating to definitions). This proposed section would also emphasize case management as an important service to be provided immediately upon a determination of eligibility for HIP. Case management requirements would emphasize, but not be limited to, the development of a rehabilitation service plan for each eligible client.

Rehabilitation services are designed to be part of the continuum of treatment with the goal of transitioning an individual to independent living in the individual's home or community; transitioning an individual to meaningful activity or vocational training; and transitioning an individual to appropriate living and service arrangements once the client has met the goals established in the rehabilitation service plan.

The case manager is required to have certain qualifications under this proposed section: a minimum of 2 years of experience in traumatic head injury case management; at least a bachelor's degree in nursing, education, social work, psychology or a rehabilitation field; and a knowledge of services and facilities available in the geographic area of practice.

Section 4.8. Rehabilitation service plan.

This proposed section would describe the development of a rehabilitation service plan required for each client, and prescribe the elements which must be part of that plan. A rehabilitation service plan is a document that identifies the specific goals for the client's rehabilitation and the expected time frames for the achievement of each goal. The rehabilitation service plan is of vital importance in charting the client's progress in meeting goals.

Section 4.9. Peer review.

This proposed section would describe the establishment of a peer review committee to conduct a review of services and rehabilitation plans for HIP clients. The members of the HIP Peer Review Committee would be appointed to serve 3-year terms. Members could not serve consecutive terms. The HIP Peer Review Committee would review cases on a quarterly basis and, within 30 days of its review, provide recommendations for all ongoing services. Members of the Committee who would have a conflict of interest if they would participate in the review of a particular case would not be permitted to participate in that review. The Department would notify the Committee of all actions taken on the recommendations of the Committee.

Section 4.10. Appeal procedures.

This proposed section would contain a two-tiered appeal mechanism which protects the interests of both applicants

and clients. The first level would consist of an internal administrative review of certain HIP office decisions. The second would involve a formal hearing procedure for appeals of administrative reviews.

An applicant or client may first appeal HIP office decisions relating to eligibility for HIP services by notifying the Division of Special Health Care Programs (Division) that the client is seeking an appeal with the Department. The Division would conduct the administrative review, and a review of the averments and supporting documentation provided by the applicant or client to refute the determination.

The Division's decision would constitute HIP's final determination, but not necessarily the final decision of the Department. An individual could appeal the Division's final determination to the agency head by seeking a formal administrative hearing. The hearing would be conducted in accordance with 1 Pa. Code Chapters 33 and 35 (relating to documentary filings; and formal proceedings), except where those rules are inconsistent with the regulations. This second mechanism would be available only for appeals of decisions pertaining to eligibility for services.

If a hearing is sought, the agency head would designate an impartial hearing officer to preside at a hearing and to render a decision based exclusively upon the hearing record. The applicant or client or his representative would be required to appear at the hearing unless the hearing officer finds he has good cause not to attend. Failure to do so would result in dismissal of the appeal by the Department with prejudice. Once a decision is made, a participant in the hearing could file a brief with the agency head, in which the participant takes exception to the hearing officer's findings or conclusions. If no brief on exceptions is filed within the time allowed, the hearing officer's decision would become final. When briefs are filed, the agency head would be required to consider the brief on exceptions, review the record along with the hearing officer's decision, and accept or reject that decision. The agency head would be required to issue an adjudication and order.

The Department believes that this procedure offers applicants and clients ample and appropriate opportunities to challenge HIP decisions in which the individuals may have a protected interest. At the same time, this process will not unduly hinder the functioning of HIP.

C. Affected Persons

The proposed regulations will affect individuals who are enrolled or seek enrollment in HIP who: (1) sustained a traumatic brain injury on or after July 3, 1985; (2) have been a resident in this Commonwealth for 90 days (both at the time of the injury and the time of application to HIP), and have the intent to maintain a permanent home in this Commonwealth for the indefinite future; (3) have exhausted all alternative financial resources to pay for services covered by HIP; and (4) have reached the age of 21. They will also affect service providers caring for the individuals.

D. Fiscal Impact

1. Commonwealth

Implementation of the proposed regulations will entail administrative costs associated with contract development, data analysis, fiscal monitoring and other program activities. HIP does currently have similar administrative costs from current program operations. These proposed regulations are intended to channel the bulk of

nonadministrative funding into services for clients who are able to make progress as a result of those services.

2. Political Subdivisions.

There should be no cost to political subdivisions.

3. Private Sector:

HIP requires that providers of residential rehabilitation services are accredited by an appropriate National accrediting body as approved by the Department. Providers of outpatient, day or home and community-based services must be accredited by an appropriate National accrediting body as approved by the Department.

4. General Public

That portion of the general public suffering from traumatic head injuries, and their families, will be affected by the adoption of these proposed regulations. The restructuring of priorities under these proposed regulations will undoubtedly remove funds from some clients currently receiving moneys but who are not making rehabilitative progress with services provided with those moneys. These individuals will be required to find other funding sources for maintenance. The limited funds available for HIP necessitate some realignment of funding, and section 14(e) of the act provides the Department with the discretion to make that realignment.

E. Paperwork Requirements

The Department will require providers to submit periodic patient status reports.

Persons seeking to apply to HIP for themselves or others will be required to complete an application and to provide verifying documentation.

F. Effectiveness/Sunset Date

The proposed regulations will become effective upon publication of final-form regulations in the *Pennsylvania Bulletin*. No sunset date has been assigned. The regulations will be evaluated on an ongoing basis by the Department.

G. Statutory Authority

Under section 14(e) of the act, the Department is expressly authorized to promulgate regulations prioritizing distribution of moneys in the Fund by classification of traumatic injury.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a), on April 27, 1999, the Department submitted a copy of these proposed regulations, 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. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "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 regulations, it will notify the Department by July 8, 1999. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

I. Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Elaine M. Terrell, M.P.H., Director, Head Injury Program, Division of Special Health Care Programs, Room 724, Health and Welfare Building, Harrisburg, PA 17120, (717) 772-4959, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Persons with a disability who wish to submit comments, suggestions or objections regarding the proposed regulations may do so by using V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT]. Persons who require an alternative format of this document may contact Elaine Terrell so that necessary arrangements may be made.

ROBERT S. ZIMMERMAN, Jr.,
Acting Secretary

Fiscal Note: 10-129. (1) Emergency Medical Operating Services Fund; (2) Implementing Year 1998-99 is \$34,000; (3) 1st Succeeding Year 1999-00 is Unknown; 2nd Succeeding Year 2000-01 is Unknown; 3rd Succeeding Year 2001-02 is Unknown; 4th Succeeding Year 2002-03 is Unknown; 5th Succeeding Year 2003-04 is Unknown; (4) 1997-98 \$4.000 million; 1996-97 \$3.364 million; 1995-96 \$4.197 million; (7) Catastrophic Medical and Rehabilitation; (8) recommends adoption. Sufficient funds are available in this program's budget to cover the increased administrative cost of these regulations. Future year costs are unknown because they are dependent on the number of appeals that come before the Department.

Annex A

TITLE 28. HEALTH AND SAFETY

PART I. GENERAL HEALTH

CHAPTER 4. HEAD INJURY PROGRAM

Sec.	
4.1.	Scope and purpose.
4.2.	Definitions.
4.3.	HIP services and objectives.
4.4.	Eligibility for services.
4.5.	Payment for services.
4.6.	Duration of funding.
4.7.	Services eligible for payment.
4.8.	Rehabilitation service plan.
4.9.	Peer review.
4.10.	Appeal procedures.

§ 4.1. Scope and purpose.

This chapter establishes standards for the Department to administer the Fund to provide rehabilitation services, facilitated through case management, to persons who incur a traumatic brain injury.

§ 4.2. Definitions.

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

Agency head—The Secretary or a deputy secretary designated by the Secretary.

Alternative financial resources—

(i) Income (including income from assets and public benefits).

(ii) Court awards and insurance settlements.

(iii) Funding from other State or Federal programs including Medicaid, Medicare, Social Security Disability

Insurance (Title II), Supplemental Security Income (Title XVI), veterans' benefits and workers' compensation insurance.

(iv) Other funds or services which are available to the applicant or client by virtue of experiencing a traumatic brain injury.

Applicant—An individual for whom an application for enrollment in HIP is submitted to the Department.

Case management—The planning, coordination and securing of services determined by the Department to be necessary to assist the client in obtaining required services.

Case manager—The individual approved and assigned by HIP to provide case management for a client.

Client—An individual enrolled in HIP.

Day services—Nonresidential services intended to improve the cognitive, behavioral or functional abilities of the client through therapeutic intervention and supervised activities which are provided at a facility on an outpatient basis.

Department—The Department of Health of the Commonwealth.

Division—The organizational unit, within the Department, having responsibility for the administration of the HIP.

Eligibility—Determination by the Department that the applicant or client may receive services.

Exhausted—The point at which alternative financial resources for a HIP funded service required by an applicant or a client have been applied for and been denied or fully utilized.

Fund—The Catastrophic Medical and Rehabilitation Fund.

HIP—Head Injury Program—The traumatic brain injury program of the Department.

HIP Peer Review Committee—A committee, composed of professionals and organizations offering rehabilitation services in this Commonwealth to persons with traumatic brain injury, whose members are appointed by the Department to review rehabilitation plans and services offered to clients and to recommend actions to improve services.

HIP services—Rehabilitation services, facilitated through case management, for which the Department authorizes payment through HIP.

Home facilitation—A formal rehabilitation program which provides a community reentry specialist in the client's home to continue therapy learned by the client and to assist the client in the practice of techniques and strategies for living independently.

Peer review—A review of services and rehabilitation service plans for clients conducted by the HIP Peer Review Committee for the purpose of advising the Department on best practices to be followed in offering services to clients.

Provider—An individual, organization or facility delivering services to clients pursuant to contractual agreement with the Department.

Rehabilitation—Providing to a client who has progressed to a postacute phase of traumatic brain injury, in a coordinated manner, services deemed appropriate to the needs of the client to improve health, welfare and the

realization of the client's maximum physical, social, psychological and vocational potential for useful and productive activity:

(i) These services include case management, neuropsychological evaluation, physical therapy, occupational therapy, speech or language therapy, behavior management and psychological services which may include cognitive remediation.

(ii) These services shall be provided or their provision shall be supervised by a physician or other appropriate health professional who contracts with the Department to provide these services.

Rehabilitation service plan—The written plan, developed by the rehabilitation provider in collaboration with the client and the case manager, which outlines specific goals to be achieved and expected time frames for achievement of each goal. The primary focus of goals shall be progression toward a higher level of functioning to enable transfer of the client to a less restrictive environment.

Secretary—The Secretary of the Department.

Subrogation—The Department's right to seek reimbursement for payments made on behalf of a client from an insurer which may offer coverage to the client or from the proceeds of litigation arising out of the injury which qualified the individual for enrollment in HIP.

Traumatic brain injury—An insult to the brain, not of a degenerative or congenital nature, caused by an external physical force that may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning or in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

§ 4.3. HIP services and objectives.

(a) The Department will administer the Fund through HIP.

(b) The Department will use the Fund to pay for HIP services to assist clients in meeting the goals established in their rehabilitation service plans.

(c) Subject to the availability of moneys from the Fund, and restrictions in §§ 4.5 and 4.6 (relating to payment for services; and duration of funding), the Department will use the Fund to pay for clients' HIP services which would not otherwise be available to clients with traumatic brain injury who have exhausted alternative financial resources.

(d) Services designated by the Department to be funded through HIP are limited to postacute traumatic brain injury rehabilitation services.

§ 4.4. Eligibility for services.

(a) *Conditions*. Except as otherwise set forth in this section, the Department will deem an applicant eligible for HIP services only if the following are satisfied:

(1) The applicant sustained a traumatic brain injury on or after July 3, 1985.

(2) The applicant has been a resident in this Commonwealth for 90 consecutive days at both the time of injury and the time of application to HIP, and demonstrates the intent to maintain a permanent home in this Commonwealth for the indefinite future.

(3) The applicant exhausted all alternative financial resources to pay for services covered by HIP as determined in accordance with HIP financial eligibility criteria.

(4) The applicant is 21 years of age or older.

(b) *Eligibility*. The Department will deem an applicant eligible for HIP services only if it determines based upon the case manager's recommendation and other neuropsychological evaluations as deemed appropriate by the Department, that the applicant has the potential to benefit from the services and to live more independently as a result of the services.

(c) *Ineligibility due to impairment*. The Department will deem an applicant ineligible for HIP services if the applicant's impairment is the result of one or more of the following conditions:

(1) Cognitive or motor dysfunction related to congenital or hereditary birth defects.

(2) Putative birth trauma or asphyxia neonatorum (hypoxic-ischemic-encephalopathy).

(3) Hypoxic encephalopathy unrelated to traumatic brain injury.

(4) Significant preexisting psychiatric, organic or degenerative brain disorders.

(5) Cerebral vascular accidents.

(6) Spinal cord injuries in the absence of traumatic brain injury.

(d) *Ineligibility due to symptoms*.

(1) The Department will deem an applicant ineligible for HIP services if the applicant's condition manifests one or more of the following symptoms:

(i) Comatose conditions which preclude participation in HIP services.

(ii) Symptoms of suicidal behavior, homicidal behavior, potentially harmful aggression or other behaviors which preclude an individual from participating in HIP services.

(2) An applicant may reapply to HIP at any time the applicant's condition, which makes the applicant ineligible for HIP services, changes, and a new eligibility determination will be made.

(e) *Assignment agreement*. The Department will deem an applicant ineligible if the applicant or legal guardian fails to complete an assignment agreement with the Department which, conditioned upon the applicant's enrollment in HIP, would assign to the Department rights of future or expected court awards, insurance settlements or other proceeds, which are determined by the Department to have accrued to the applicant as a result or by virtue of the applicant's traumatic brain injury, up to the amount expended by the Department for HIP services on behalf of that individual at the time the award is made.

(f) *Notification of eligibility*. The Department will notify an applicant, in writing, of eligibility for HIP services within 30 days from the date of receipt of a complete application.

§ 4.5. Payment for services.

(a) The Department will give written authorization, to the client and to the provider, as to HIP services for which the client is eligible and the maximum available funding and time limits for those services.

(b) The Department will authorize payment for HIP services for clients based on funding availability. Appli-

cants for whom moneys are not available will be placed on a waiting list maintained by HIP so they may be notified when funding becomes available, at which time they may reapply.

(c) The Department will not provide funding through HIP to pay for services to address conditions existing prior to the traumatic brain injury.

(d) The Department will not provide funding through HIP to pay for services available through other publicly funded programs.

(e) The Department will coordinate HIP with other public and private programs, to assist clients to access benefits for which they may be eligible.

(f) The Department will continue to pay for HIP services for a client until one of the following occurs:

(1) The client has reached the goals established in the client's rehabilitation service plan.

(2) The maximum funds available for allocation to the client are exhausted.

(3) The maximum duration for services has been reached in accordance with § 4.6 (relating to duration of funding).

(4) Alternative financial resources or other services become available.

(5) The client's condition deteriorates so that the client is ineligible under § 4.4(b) (relating to eligibility for services), or it is no longer feasible to implement a rehabilitation service plan for the client under § 4.8 (relating to rehabilitation service plan).

(g) The Department may seek reimbursement for payments it makes on behalf of a client from an insurer which may provide coverage to the client or from the proceeds of litigation arising out of the injury which led to eligibility for enrollment in HIP.

§ 4.6. Duration of funding.

(a) The Department will conduct evaluations to determine an applicant's initial eligibility and a client's continuing enrollment in HIP.

(b) The Department will provide funding for rehabilitation services for no more than 12 consecutive months.

(c) The Department will provide funding for case management services for no more than 18 consecutive months (during 12 months of rehabilitation and 6 months of transition out of rehabilitation) from the beginning date of the client's enrollment in HIP.

(d) The Department will notify an applicant of these maximum time limits when it accepts the applicant as a client.

§ 4.7. Services eligible for payment.

The Department will pay for the following services for clients:

(1) *Assessments.* Assessments shall include neuropsychological and functional evaluations as deemed necessary by the Department for determining eligibility for rehabilitation services.

(2) *Rehabilitation service plan.* Development of a rehabilitation service plan for each client as provided for in § 4.8 (relating to rehabilitation service plan).

(3) *Case management services.* HIP will approve the assignment of each client to a case manager who has a minimum of 2 years experience in traumatic brain injury

case management. Case management services include the following activities by the case manager:

(i) Collaborating with the rehabilitation provider, the client and the client's family in the development of the rehabilitation service plan.

(ii) Assisting the client in gaining full access to all services from which the client may benefit and for which the client may be eligible.

(iii) Monitoring the client's progress with respect to the rehabilitation service plan and making modifications as needed.

(iv) Providing up to 6 months of follow-up case management upon a client's completion of rehabilitation.

(4) *Rehabilitation services.* Residential rehabilitation services shall be provided by licensed facilities accredited by an appropriate National accrediting body as approved by the Department. Outpatient, day and home-based rehabilitation services shall be provided by facilities or providers accredited by an appropriate National accrediting body as approved by the Department. Examples of these services include the following:

(i) Helping a client develop behaviors that enable the client to take responsibility for the client's own actions.

(ii) Facilitating a client's successful community integration.

(iii) Assisting the client to accomplish functional outcomes at home and in the community.

(iv) Teaching the client skills to live independently.

(v) Supervising a client living in a home setting through the following:

(A) Home facilitation.

(B) Cognitive remediation.

(C) Life-skills coaching.

(vi) Assisting the client in maintaining independence.

(vii) Providing transitional living services to assist the client with community reentry skills.

§ 4.8. Rehabilitation service plan.

(a) The rehabilitation provider, the case manager, the client and, as appropriate, the client's parent, guardian or representative, shall jointly develop a rehabilitation service plan using forms and procedures provided by HIP. The rehabilitation provider shall submit the rehabilitation service plan to HIP for approval within 30 days after the date the client is enrolled in HIP.

(b) The rehabilitation service plan shall state the specific goals to be achieved and expected time frames for achievement of each goal. The primary focus of goals shall be progression toward a higher level of functioning to enable transfer of the client to a less restrictive environment. The service plan shall also specify the following:

(1) Services determined necessary to attain the agreed-upon goals.

(2) Beginning and ending dates of each service.

(3) The terms and conditions for service delivery.

(4) The specific responsibilities of the client, case manager and service provider relative to implementation of each service.

(5) The extent of financial responsibility of the client, HIP and any third party.

(c) The service plan shall include a procedure and schedule for quarterly review and evaluation of progress towards the specified goals.

(d) Modifications to the service plan shall be made concurrent and consistent with the scheduled evaluation of progress towards the specified goals.

§ 4.9. Peer review.

(a) *Purpose.* The Department will appoint a HIP Peer Review Committee to conduct a review of services and rehabilitation service plans for HIP clients. The HIP Peer Review Committee shall advise the Department on best practices to be followed in offering services to clients.

(b) *Procedures.*

(1) Members of the HIP Peer Review Committee shall be appointed to serve terms of 3 years. Members may not serve consecutive terms.

(2) The HIP Peer Review Committee shall review client progress on a quarterly basis.

(3) Within 30 days after it completes its review, the HIP Peer Review Committee shall provide, in writing, recommendations to the Department for all ongoing services.

(4) A member of the HIP Peer Review Committee may not participate in a review conducted by the Committee which presents a conflict of interest for that member. Examples of conflicts are participating in a review conducted by the Committee for one of the following:

(i) A service provided to a client of that member or that member's employer.

(ii) A person who is in the immediate family of the member.

(5) The Department will notify the HIP Peer Review Committee of any actions taken on the recommendations of the Committee.

§ 4.10. Appeal procedures.

(a) *Administrative review.*

(1) An applicant who is dissatisfied with a HIP eligibility determination may file a request for an administrative review.

(2) The applicant or client shall file a request for an administrative review with the Division within 30 calendar days after the mailing date of the determination. The request shall state the following:

(i) Why the applicant or client disagrees with the HIP determination.

(ii) The relief that the applicant or client seeks. The request shall include specific averments of fact and supporting documentation establishing that the applicant or client has cause for review. The Division will not consider requests which do not include specific averments of fact and supporting documentation.

(3) The Division will review the request for an administrative review and may reconsider HIP's determination. The Division will provide written notice to the applicant or client as to the outcome of the administrative review.

(b) *Administrative hearing.*

(1) The Division will advise the applicant or client of the right to appeal an adverse decision relating to eligibility for HIP services.

(2) The applicant or client may file the appeal with the agency head within 15 days of the mailing of that decision.

(3) If an appeal is filed an administrative hearing will be scheduled. The agency head shall designate an impartial hearing officer to preside at the administrative hearing. The hearing officer shall conduct the administrative hearing in accordance with applicable provisions of 1 Pa. Code Chapter 35, Subchapter E (relating to presiding officers).

(4) Within 10 days of the receipt of the appeal, the Division will forward to the hearing officer the file containing the eligibility determination for that applicant or client. The hearing officer shall, within 5 days of receiving the file from the Division, notify the applicant or client of the following:

(i) The time and place for the hearing.

(ii) The applicant's or client's right to:

(A) Appear in person at the hearing.

(B) Represent himself, or be represented at the hearing by an attorney, relative, friend or another person of the applicant's or client's choice.

(C) Present oral and documentary evidence, witnesses and arguments to support his position.

(D) Request a subpoena from the hearing officer for the production of evidence or appearance of witnesses at the hearing.

(E) Be provided, upon request, with the names of witnesses who will be present at the hearing.

(F) Refute testimony or other evidence, and confront and question adverse witnesses.

(G) Examine prior to and during the hearing, documents and records which are or will be presented to support the Division's decision.

(5) If the applicant or client, or that individual's representative, fails to appear at the scheduled hearing without good cause, as determined by the hearing officer, the appeal shall be dismissed with prejudice.

(6) An applicant or client may withdraw the appeal at any time before a decision is made by the hearing officer. This withdrawal shall be in writing and directed to the hearing officer.

(7) The hearing officer may order an independent medical assessment or professional evaluation of the applicant or client performed by a HIP service provider at HIP's expense.

(8) Following the receipt of evidence and testimony, or in lieu thereof, a stipulation of facts, the hearing officer shall afford the parties the opportunity to submit a written brief.

(9) The hearing officer shall, in writing, by certified mail, notify the applicant or client, or representative of that person, of the hearing officer's decision within 45 days after the record is closed.

(c) *Hearing decisions.*

(1) The hearing officer shall render a decision based exclusively on the hearing record. This decision shall be considered a proposed report as defined in 1 Pa. Code §§ 35.202—35.207

(2) The hearing officer shall submit the hearing record, which shall include a verbatim transcript or recording of testimony, exhibits submitted during the hearing and

papers and requests filed in the proceedings, to the agency head along with the hearing officer's report.

(3) A party to the administrative hearing may appeal the proposed report, within 30 days after being served with it, by filing a brief on exceptions with the agency head. Unless a party files a brief on exceptions within the time allowed, the hearing officer's decision shall become final. If a brief on exceptions is filed, the agency head will review the hearing officer's decision and the record and the agency head will issue an adjudication and order.

(4) The rules in 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) apply to appeal procedures under this chapter except when inconsistent with this chapter.

[Pa.B. Doc. No. 99-818. Filed for public inspection May 21, 1999, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 117]

Boat Rental Business

The Fish and Boat Commission (Commission) proposes to amend Chapter 117 (relating to boat rental businesses). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to livery operators.

A. Effective Date

The proposed amendments, if approved on final rulemaking, will go into effect on January 1, 2000, or upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*, whichever occurs later.

B. Contact Person

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

C. Statutory Authority

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

D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations relating to boat rental businesses. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. Prior to consideration by the Commission, the Commission's Boating Advisory Board reviewed the proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing these changes.

E. Summary of Proposal

At its July 1998 meeting, the Commission adopted a regulation that requires operators of personal watercraft to obtain and carry a Boating Safety Education Certifi-

cate when operating their craft. The regulation also authorized and directed staff to prepare guidelines that would provide for the issuance of temporary certificates to operators of rental boats and purchasers of new boats.

Currently, the Commission's regulations require rental businesses to keep records, provide equipment and make a safety presentation prior to a rental. To properly manage the issuance of temporary certificates by liveries, the Commission must identify these businesses and provide an enforceable mechanism to provide terms and conditions for the operators of the liveries. The code authorizes the Commission to promulgate special provisions applicable to operators of boat liveries, and the Commission proposes to exercise this authority by requiring that most active liveries receive an annual livery operator's permit.

The Commission proposes to amend Chapter 117 by replacing it in its entirety to read as set forth in Annex A.

F. Paperwork

The proposed amendments will slightly increase paperwork in that boat liveries will be required to apply for, and the Commission will provide, annual livery operator's permits. The recordkeeping requirements for boat liveries have not changed.

G. Fiscal Impact

The proposed amendments will have a slight fiscal impact on the Commonwealth in that the Commission will incur relatively modest costs associated with printing the livery operator's permits as well as posters and other written educational materials. There are currently only about 100 boat liveries in this Commonwealth. The Commission estimates that its annual printing/postage costs will be less than \$1,000. Educational materials to be supplied to the liveries will cost the Commission an additional \$1,000 per year. The proposed amendments also will have a minimal fiscal impact on the private sector in that livery operators will incur modest costs in applying for the permits. There is, however, no permit fee. The proposed amendments will impose no new costs on political subdivisions or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

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

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 117. BOAT RENTAL BUSINESSES

(Editor's Note: As part of this proposal, the Commission is proposing to delete the existing text of 58 Pa. Code §§ 117.1—117.5, pages 117-1—117-3, serial numbers (251609)—(251611) and replace it with the following sections.)

- Sec.
- § 117.1. Definitions.
- § 117.2. Special provisions applicable to livery operators.
- § 117.3. Inspections.
- § 117.4. Responsibilities.
- § 117.5. Personal watercraft liveries.
- § 117.6. Prohibited acts.
- § 117.7. Administrative actions.

§ 117.1. Definitions.

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

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

Boat rental business—A boat livery.

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

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

Rental boat—A vessel propelled by oars, paddles, sail or power, rented or leased in this Commonwealth. The term includes canoes, kayaks, inflatable boats, rowboats, sailboats, personal watercraft and other motorboats.

§ 117.2. Special provisions applicable to livery operators.

(a) A boat livery that owns or controls two or more rental boats or that undertakes five or more boat rental transactions for a single rental boat in any 12-month period is required to obtain an annual livery operator's permit from the Commission.

(b) An application for a livery operator's permit shall be made on the forms provided by the Commission. The boat livery shall complete the application and provide the requested information. Information on the application shall include the following:

- (1) The name and address of the boat livery.
- (2) The name of the manager or contact person and a daytime telephone number.
- (3) The hours of rental operation.
- (4) The number and type of boats available for rent.
- (5) The body of water, if applicable.

(c) An application shall be received by the Commission at least 45 days prior to the date on which the applicant plans to commence boat livery operations for the year for which the application is submitted. Applications shall be sent to:

Pennsylvania Fish & Boat Commission
 Bureau of Boating and Education
 Post Office Box 67000
 Harrisburg, Pennsylvania 17106-7000

(d) An application for an annual livery operator's permit shall be accompanied by proof that the boat livery is covered by general public liability insurance for both operators of the rental boats and third parties. The minimum amount for the insurance coverage is \$250,000 per episode.

(e) A livery operator's permit shall be posted at a prominent location at the main base of rental operation.

(f) A livery operator's permit shall expire at the end of the calendar year for which it is issued.

§ 117.3. Inspections.

(a) A livery operator shall permit inspection of equipment, facilities and documentation required by this section at any time during normal working hours by a waterways conservation officer or other officer authorized to enforce the code. A livery operator shall retain documentation required by this section for the current and preceding year. The Commission, by notification in writing, may require a livery operator to retain records that are the subject of an unresolved investigation until the conclusion or resolution of the investigation.

(b) A livery operator shall correct deficiencies cited by a waterways conservation officer or other officer authorized to enforce the code within 2 weeks of notification. If the deficiency involves equipment, the equipment may not be used until the deficiency is corrected.

(c) A livery operator shall inspect rental boats on a regular basis, at least annually, and shall maintain rental boats in good repair. A livery operator may not rent or use a rental boat that is not in good repair and serviceable condition. A livery operator shall maintain inspection and maintenance records for all rental boats. The records shall be available for inspection by a waterways conservation officer or other officer authorized to enforce the code.

§ 117.4. Responsibilities.

(a) A livery operator may not permit a rental boat to depart from the boat rental business without the following equipment:

(1) United States Coast Guard approved, wearable personal flotation devices (PFDs) as required by § 97.1 (relating to personal flotation devices). The PFDs shall be of the appropriate size and design for the individual using the device and the type of boating activity.

(2) A sound producing device as required by § 97.3 (relating to sound producing devices).

(3) A fire extinguisher when required by § 97.2 (relating to fire extinguishers).

(4) Lights when required by § 95.3 (relating to lights for boats).

(5) Other equipment required by the code.

(b) A livery operator shall review the laws and regulations governing safe operation of rental boats with persons renting the boats. Persons who produce a boating safety education certificate issued or approved by the Commission under § 91.6 (relating to certificates) are exempt from review. A livery operator also shall provide instruction regarding the safe operation of rental boats to persons renting the boats. The Executive Director or a designee will provide guidance to livery operators on the preparation and presentation of regulation summaries

and instruction based on the type of rental boat, type of water and conditions of rental.

(c) A livery operator shall rent rental boats using a written agreement, specifying the name and address of the lessee, persons in the lessee's party, date and time of departure and expected date and time of return, number of PFDs issued by the boat rental business, identification of the rental boats and additional safety equipment onboard. A livery operator shall preserve this record for the current and preceding year.

(d) A livery operator shall display on all rental boats the name of the boat rental business or the legend RENTAL and the permit number above the waterline for purposes of identification. The designations shall be of at least 3 inch block letters and be of a color contrasting to that of the rental boat.

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

(f) A livery operator shall display on all rental boats a capacity plate as required by Chapter 99 (relating to capacity plates). A livery operator may not rent or use a rental boat in excess of its capacity as set forth by the manufacturer for the total number of passengers, total weight or horsepower recommendations.

(g) A livery operator shall submit a boating accident report for all reportable accidents involving one or more of the rental boats in accordance with Chapter 101 (relating to boating accidents).

§ 117.5. Personal watercraft liveries.

(a) A livery operator that rents personal watercraft shall verify that renters of personal watercraft comply with the applicable requirements in § 109.3 (relating to personal watercraft) and the guidelines on providing education and training issued by the Executive Director. A livery operator that rents personal watercraft also shall verify that renters of personal watercraft either possess a permanent boating safety education certificate or have obtained a temporary boating safety education certificate from the personal watercraft livery.

(b) In applying for a livery operator's permit for a personal watercraft livery, the applicant shall, in addition to providing the information required by § 117.2 (relating to special provisions applicable to livery operators), describe the measures to be taken to oversee the operation of rented personal watercraft by persons who possess only a temporary boating safety education certificate. The measures may include:

(1) Designation of specified area of operation for rented personal watercraft, which operating area shall be marked by buoys or other reasonably prominent features. If the applicant proposes to create a specified operating area for rented personal watercraft, the application shall include a map or chart indicating the proposed location of the designated area.

(2) Provision of qualified observers to directly observe the operation of rented personal watercraft. No more than seven personal watercraft may be under the observation of any observer at any one time. Qualified observers shall be at least 16 years of age and have at least 10 hours of experience operating personal watercraft. In addition, no person may act as an observer under this paragraph who has not successfully completed the requirements for a permanent boating safety education certificate. The certificate shall be in their possession when performing duties under this paragraph.

§ 117.6. Prohibited acts.

(a) It is unlawful for a livery operator required to have a livery operator's permit under § 117.2 (relating to special provisions applicable to livery operators) to rent or offer to rent any boat without a current and valid livery operator's permit or to fail to comply with this chapter.

(b) It is unlawful for a livery operator to fail to comply with the terms and conditions in the livery operator's permit.

(c) It is unlawful for a livery operator to fail to comply with the boat rental inspection requirements in § 117.3 (relating to inspections).

(d) It is unlawful for a livery operator to fail to comply with the responsibilities in § 117.4 (relating to responsibilities).

(e) It is unlawful for a personal watercraft livery operator to fail to comply with § 117.5 (relating to personal watercraft liveries).

§ 117.7. Administrative actions.

(a) *Appeal.* A person aggrieved by the action of the Commission's staff in granting, denying, imposing conditions on or suspending or revoking a livery operator's permit may appeal to the Commission within 30 days after the staff action. The 30-day administrative appeal period is an exception to 1 Pa. Code § 35.20 (relating to appeals from actions of staff).

(b) *Suspension and revocation.* The Commission may suspend or revoke a livery operator's permit of a livery operator who is convicted of or acknowledges guilt for a violation of the code or this title.

(c) *Denial of livery operator's permit.* The Commission may deny an application for a livery operator's permit when the applicant has, within 2 years prior to the application, been convicted of or acknowledged guilt for a violation of the code or this title or when the applicant has not provided full or complete information in support of the application.

[Pa.B. Doc. No. 99-819. Filed for public inspection May 21, 1999, 9:00 a.m.]

[58 PA. CODE CH. 97]

Personal Flotation Devices

A notice of proposed rulemaking was published at 28 Pa. B. 5131 (October 10, 1998), containing an amendment to 58 Pa. Code § 97.4 (relating to personal flotation devices). Specifically, the Fish and Boat Commission (Commission) proposed amending this section to provide that between October 1 and the Friday before Memorial Day, all persons shall wear a Type I, II, III or V Coast Guard approved PFD when onboard any canoe or kayak or any other boat less than 16 feet in length when the boat is being operated and not affixed or made fast to the shore.

Notice is hereby given that at its meeting on May 3, 1999, the Commission voted not to adopt this amendment.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 99-820. Filed for public inspection May 21, 1999, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Corrections

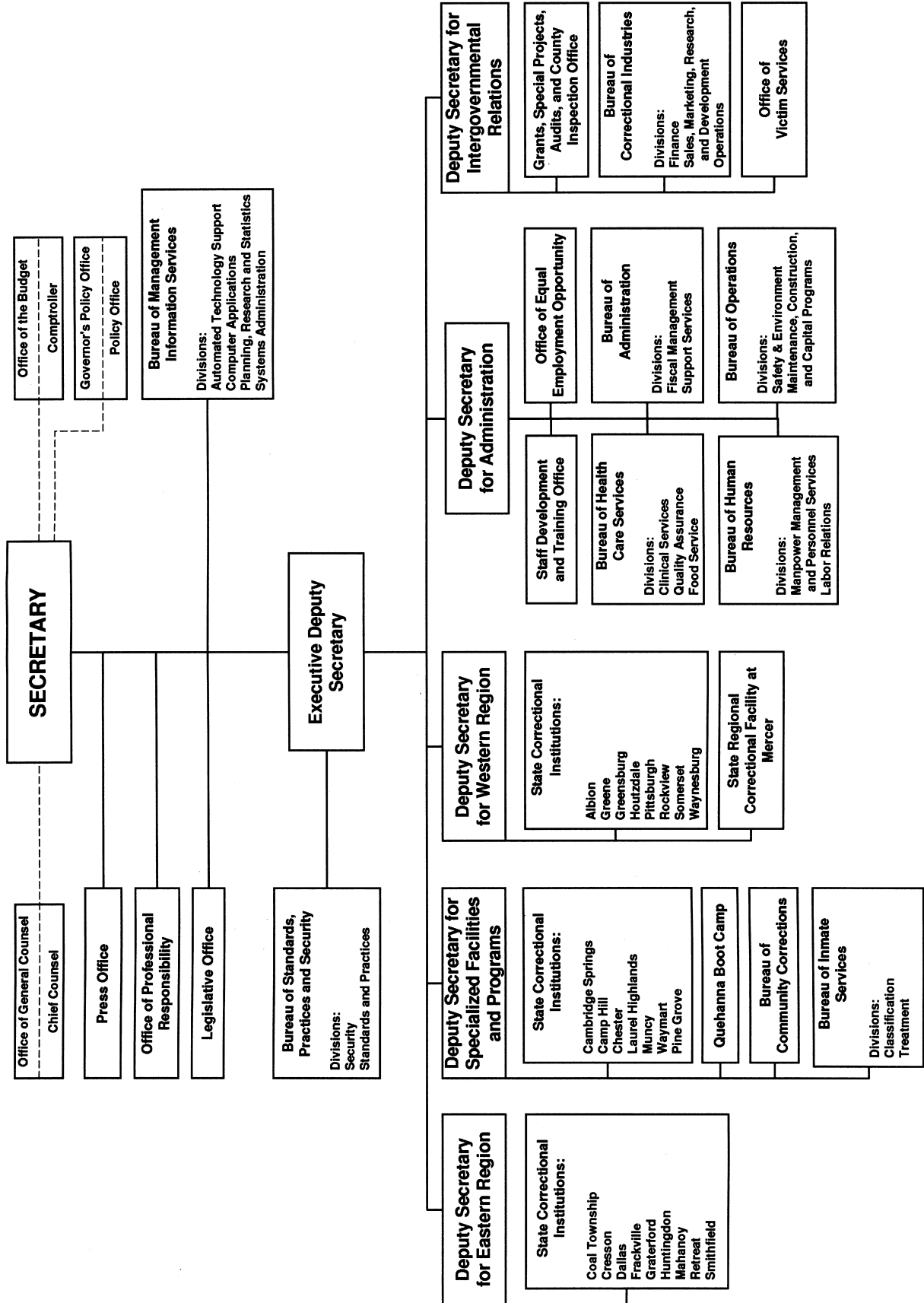
The Executive Board approved a reorganization of the Department of Corrections effective May 10, 1999.

The organization chart at 29 Pa.B. 2682 (May 22, 1999) 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. 99-821. Filed for public inspection May 21, 1999, 9:00 a.m.]

DEPARTMENT OF CORRECTIONS



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 May 11, 1999.

BANKING INSTITUTIONS

New Charters

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-10-99	Northern State Bank Towanda Bradford County	304 Main Street Towanda Bradford County	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-5-99	Great Valley Savings Bank Reading Berks County	2000 Cambridge Avenue Wyomissing Berks County	Filed
5-8-99	Jersey Shore State Bank Jersey Shore Lycoming County	Route 64 Zion Walker Township Centre County	Opened
5-10-99	Prime Bank Philadelphia Philadelphia County	1430 Walnut Street Philadelphia Philadelphia County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-30-99	S&T Bank Indiana Indiana County	Route 28 and Carrier Street Summerville Jefferson County	Effective
5-5-99	Patriot Bank Pottstown Montgomery County	500 Main Street Royersford Montgomery County	Effective

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 99-822. Filed for public inspection May 21, 1999, 9:00 a.m.]

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

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

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary

Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as pub-

lished by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 5.77 to which was added 2.50 percentage points for a total of 8.27 that by law is rounded off to the nearest quarter at 8 1/4%.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 99-823. Filed for public inspection May 21, 1999, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of Adult Education Act Section 231 Funds for Workforce Development Services

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

1. Assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency.
2. Assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children.
3. Assist adults in the completion of a secondary school education.

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

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

The Federal share of a grant will be 75% of the total cost of the program. The applicant must provide 25% match of the total cost of the program. The local match may be in kind. Other Federal funds may not be used for the local match. The Department has made available a maximum of \$500,000 for each year of the grant.

Application due date: June 22, 1999.

Application Procedures and Program Guidelines will be mailed to interested applicants as requested after May 1, 1999. The application packet is available from: Chief, Special Programs Division, Bureau of Adult Basic and Literacy Education, Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333.

Purpose: The Commonwealth will replicate and adopt for Pennsylvania use, the Virginia Workforce Investment Network (VA WIN) program. The VA WIN program is currently administered by James Madison University through a grant from the Virginia Education Department to meet employe development needs in the Commonwealth of Virginia. (VA WIN may be accessed at <[\[cep.jmu.edu/workforce\]\(http://cep.jmu.edu/workforce\)>\). The Pennsylvania Workforce Investment Network \(PA WIN\) project is designed to enable the incumbent workforce of this Commonwealth to be more effective, productive, competitive and self reliant through the development of onsite basic skills educational programs in workplaces across the State or through small business consortia. PA WIN will assist adult education providers in developing expertise to build a private sector enterprise that provides high quality basic skills programs as an employer/worker service. PA WIN shall establish a centralized support system for workplace education services providing quality basic skills training as a service to employers and workers. To achieve that purpose, PA WIN will:](http://</p>
</div>
<div data-bbox=)

1. Provide trained program developers—brokers—to assist employers in identifying workers' basic skills needs, link employers to adult education basic skills providers and assist both employers and providers in designing high quality basic skills programs to meet the identified needs.
2. Inform business, industry and government of the essential skills (basic skills) education services available, the impact of basic skills to the productivity of the workforce and the need for basic skills of the workers.
3. Provide professional development opportunities to adult educators to enhance their ability to work effectively with employers and workers in planning and providing customized basic skills programs that meet employer and worker needs.
4. Link PA WIN programs with the Commonwealth's system of workforce development, including links with Team Pennsylvania regions, Team Pennsylvania/CareerLink, local Workforce Investment Boards and other basic skill programs for incumbent workers such as the Guaranteed Basic Skills program, to integrate basic skills services with the continuum of workforce development services.

Background: The Department of Education, Bureau of Adult Basic and Literacy Education (ABLE), has supported the educational needs of incumbent workers and employers through grants to local education providers over the past 10 years. These education programs offered have not kept pace with the demand due to funding limitations and real cuts to programs such as the National Workplace Literacy Grant. Basic skills educational programs sponsored by the Bureau provide workers in this Commonwealth with the skills necessary to enable them to compete in an ever widening and demanding global economy. However, there is increased awareness in the business community of a widening gap between workers' skills and skills needed for today's workforce. Workers also realize the need to upgrade their skills to retain employment and to move along a career ladder. Employers and workers have continued to request site-specific, educational programs; however, local agencies have not been able to keep up with the demand. This project will establish a systematic Statewide approach to meeting employer and worker needs for workplace basic skill training.

Project Goals: The goals of the PA WIN project are to establish innovative services to address the literacy and basic skills need of employers and workers in the workforce through:

1. *Marketing:* serving the entire Commonwealth through a marketing effort. This effort will address

multiple audiences to include business, industry and government, practitioners (administrators and instructors) and workers. The marketing effort will address the advantage of workplace basic skills programs and the services available. It will coordinate with and financially support the marketing plan as planned and developed by a marketing workgroup established through the project.

2. *Training:* in consultation with the ABLE Professional Development System, providing workforce development skills and training to the adult education system, assessing the training needs of the adult education providers (administrators and instructors), using and adapting current resource materials to develop and implement professional development training for adult education providers, evaluating and reviewing training activities.

3. *Brokering:* supporting a broker system that links businesses interested in starting a workplace education program with the local adult education providers. As a result of this brokering in the first year of operation, 1,600 workers will be served in a minimum of 40 workplace education programs. The programs should be geographically diverse within the designated Team Pennsylvania/CareerLink regions.

4. *Curriculum Development:* providing training and support systems that enable adult education practitioners to customize workplace services to meet the unique needs of each workplace and worker.

5. *Service Linkage:* Developing program linkages along the continuum of workforce development initiatives through the Team Pennsylvania/CareerLink system.

Objectives: The Bureau will fund a lead agency to provide a centralized support system for worker development services. The lead agency will:

1. Develop and implement a model for a market driven learning network based upon the VA WIN model among incumbent workers, employers and workplace education providers.

2. Identify and certify a minimum of 40 workplace program brokers from among adult education workplace

providers and other workforce development professionals in a minimum of five Team Pennsylvania regions during Year One of the Project.

3. Train the brokers to match adult education and literacy providers with employers needing incumbent worker basic and literacy education services in those regions and serve a minimum of 1,600 students.

4. Assist employers in analyzing basic skill needs of their workers.

5. Support employers and education providers in program design.

6. Train adult education and literacy administrators and instructors and other workforce development professionals to respond to individual employer and worker needs.

7. Provide curriculum development support to enable adult educators to customize teaching and learning that responds to worker and employer needs.

8. Establish links within the Team Pennsylvania regions and CareerLink system to integrate basic skill instruction into the continuum of workforce development services such as linking with apprenticeship programs, community colleges and other State initiatives.

9. Identify and train adult education provider agencies not currently providing workplace education programs in their geographic areas in the components of the workplace education system in the second half of Year One thereby expanding the PA WIN system.

10. In Year Two, continue activities of Year One and expand PA WIN capabilities into all Team Pennsylvania/CareerLink regions to include the identification and training of an additional 40 adult education providers to serve 2,000 students in those regions in PA WIN activities.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-824. Filed for public inspection May 21, 1999, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the

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

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

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

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

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

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

PA 0026689. Sewage, **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994.

This application is for renewal of an NPDES permit to discharge treated sewage from the Northeast Water Pollution Control Plant in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to the Delaware River, Zone 3.

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 210 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	30	45	60
BOD ₅ (Percent Removal)	86		
CBOD ₂₀	72,500 lbs/day		
Suspended Solids	30	45	60
Suspended Solids Percent Removal	85		
Chlorodibromomethane	monitor/report		
Dichlorobromomethane	monitor/report		
Fecal Coliform	200 colonies/100 ml as a geometric average		
pH	within limits of 6.0—9.0 standard units at all times		
Total Residual Chlorine (Years 1 and 2)	1.0		2.0
(Years 3, 4 and 5)	0.3		1.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dichlorobromomethane	monitor/report	monitor/report	
Ammonia as N	monitor/report	monitor/report	
Total Kjeldahl Nitrogen	monitor/report	monitor/report	
Nitrite as N	monitor/report	monitor/report	
Nitrate as N	monitor/report	monitor/report	
Whole Effluent Toxicity Ceriodaphnia Dubia		monitor/report (TUc)	
Whole Effluent Toxicity Fathead Minnow		monitor/report (TUc)	
1,2 Dichloroethane	monitor/report	monitor/report	
Tetrachloroethylene	monitor/report	monitor/report	
Trichloroethylene	monitor/report	monitor/report	
Total Copper	monitor/report	monitor/report	
Total Lead	monitor/report	monitor/report	
Total Zinc	monitor/report	monitor/report	
Total Antimony	monitor/report	monitor/report	
Total Phenols	monitor/report	monitor/report	
Iron (Total)	monitor/report	monitor/report	
(Dissolved)	monitor/report	monitor/report	
Chloroform	monitor/report	monitor/report	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
beta BHC	monitor/report	monitor/report	
gamma BHC	monitor/report	monitor/report	
4,4 DDD	monitor/report	monitor/report	
Heptachlor	monitor/report	monitor/report	

PA 0026662. Sewage, **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994.

This application is for renewal of an NPDES permit to discharge treated sewage from the Southeast Water Pollution Control Plant in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to the Delaware River, Zone 3.

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 112 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	30	45	60
BOD ₅ (Percent Removal)	86		
CBOD ₂₀	33,600 lbs/day		
Suspended Solids	30	45	60
Suspended Solids Percent Removal	85		
Fecal Coliform	200 colonies/100 ml as a geometric average within limits of 6.0—9.0 standard units at all times		
pH			
Total Residual Chlorine (Years 1 and 2)	1.0		2.0
(Years 3, 4 and 5)	0.2		0.7
Chloroform	monitor/report		
Chlorodibromomethane	monitor/report		
Dichlorobromomethane	monitor/report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
1,2 Dichloroethane	monitor/report		
1,1,1,2, Tetrachloroethane	monitor/report		
Tetrachloroethylene	monitor/report		
Trichloroethylene	monitor/report		
Ammonia as N	monitor/report	monitor/report	
Total Kjeldahl Nitrogen	monitor/report	monitor/report	
Nitrite as N	monitor/report	monitor/report	
Nitrate as N	monitor/report	monitor/report	
Whole Effluent Toxicity Ceriodaphnia Dubia		monitor/report (TUC)	
Whole Effluent Toxicity Fathead Minnow		monitor/report (TUC)	
Total Antimony	monitor/report		
Total Copper	monitor/report		
Total Lead	monitor/report		
Total Zinc	monitor/report		
Total Silver	monitor/report		
Total Phenols	monitor/report		
Total Cobalt	monitor/report		
Total Iron	monitor/report		
Bis (2 Ethylhexyl) Phthalate	monitor/report		
gamma BHC	monitor/report		
4,4 DDD	monitor/report		

PA 0026671. Sewage, **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994.

This application is for renewal of an NPDES permit to discharge treated sewage from the Southwest Water Pollution Control Plant in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to the Delaware River, Zone 3.

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

NOTICES

The proposed effluent limits for Outfall 001, based on an average flow of 200 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	30	45	60
BOD ₅ (Percent Removal)	89.25		
CBOD ₂₀	37,020 lbs/day		
Suspended Solids	30	45	60
Suspended Solids Percent Removal	85		
Fecal Coliform	200 colonies/100 ml as a geometric average		
pH	within limits of 6.0—9.0 standard units at all times		
Total Residual Chlorine (Years 1 and 2)	1.0		2.0
(Years 3, 4 and 5)	0.2		0.7
Chloroform	monitor/report		
1,2 Dichloethane	monitor/report		
<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Tetrachloroethylene	monitor/report		
Trichloroethylene	monitor/report		
Ammonia as N		monitor/report	
Total Kjeldahl Nitrogen	monitor/report	monitor/report	
Nitrite as N	monitor/report	monitor/report	
Nitrate as N	monitor/report	monitor/report	
Whole Effluent Toxicity Ceriodaphnia Dubia		monitor/report (TUc)	
Whole Effluent Toxicity Fathead Minnow		monitor/report (TUc)	
Total Antimony	monitor/report		
Total Copper	monitor/report		
Total Lead	monitor/report		
Total Zinc	monitor/report		
Total Silver	monitor/report		
Free Cyanide	monitor/report		
Total Phenols	monitor/report		
Dissolved Iron	monitor/report		
gamma BHC	monitor/report		
4,4 DDD	monitor/report		

PA 0051268. Sewage, **Commonwealth of PA/Washington Crossing Historic Park**, P. O. Box 103, Washington Crossing, PA 18977.

This application is for renewal of an NPDES permit to discharge treated sewage from sewage treatment plant in Upper Makefield Township, **Bucks County**. This is an existing discharge to 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 Outfall 001, based on an average flow of 36,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	25	50
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Total Residual Chlorine (0—2 years)	1.5	2.0
(3—5 years)	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0050172. Industrial waste. **Consolidated Rail Corporation**, 2001 Market Street, Philadelphia, PA 19101-1406.

This application is for renewal of an NPDES permit to discharge treated stormwater from an abandoned rail yard in Falls Township, **Bucks County**. This is an existing discharge to Rock Run.

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 0.01 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
PCB 1254	0.00017	0.00034	0.00043
Suspended Solids	30	60	75
Oil and Grease	15		30
Total Phenols	0.045	0.09	0.112
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

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

PA 0082244. Industrial waste, SIC: 4581, **Susquehanna Area Regional Airport Authority**, 135 York Drive, Suite 100, Middletown, PA 17057.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Susquehanna River, in Lower Swatara Township, **Dauphin County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Columbia Borough located in 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 0.063 mgd are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids (mg/l)	30	XXX	60
Total Dissolved Solids (mg/l)	XXX	XXX	monitor and report
Trichloroethylene (µg/l)	XXX	XXX	monitor and report
Tetrachloroethylene (µg/l)	XXX	XXX	monitor and report

The proposed effluent limits for Outfall 002 for a design flow of 0.450 mgd are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature	XXX	XXX	monitor and report
Total Suspended Solids (mg/l)	XXX	XXX	monitor and report
Total Dissolved Solids (mg/l)	XXX	XXX	monitor and report
Trichloroethylene (µg/l)	XXX	XXX	monitor and report
Tetrachloroethylene (µg/l)	XXX	XXX	monitor and report
pH	XXX	XXX	monitor and report

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

The EPA waiver is in effect.

PA 0008435. Industrial waste, SIC: 4911, **PP&L, Inc. (Holtwood Hydroelectric Station)**, Two North Ninth Street, Allentown, PA 18101.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Susquehanna River, in Martic Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Conowingo Dam located in Maryland. The discharge expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for an intermittent flow are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids		monitor	
Oil and Grease	15	XXX	30
pH		6—9	

The proposed effluent limits for Outfalls 002 and 003 for an intermittent flow are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitor	

The proposed effluent limits for Outfall 001 for a design flow of 0.204 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	100	XXX
Oil and Grease	15	20	30
pH		6—9	

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

The EPA waiver is in effect.

PA 0088099. Industrial waste, SIC: 5171, **Columbia Petroleum Corporation**, Box 278, Richland, PA 17087.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to an unnamed tributary of Little Chickies Creek, in Mount Joy Township, **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 Mount Joy Borough Authority located in Mount Joy Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for stormwater:

<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	

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

The EPA waiver is in effect.

PA 0088021. Sewage, SIC: 4952, **Dennis Christman (Christman Lake)**, 102 South Shore Drive, Lenhartsville, PA 19534-9177.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary of Maiden Creek, in Windsor Township, **Berks 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 City of Reading located on Lake Ontelaunee. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0785 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N	20	40
Total Residual Chlorine	0.47	1.5
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0—9.0 inclusive	
Fecal Coliforms	200/100 ml as a geometric average	
(5-1 to 9-30)	5,200/100 ml as a geometric average	
(10-1 to 4-30)		

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

The EPA waiver is in effect.

PA 0032883. Sewage, SIC: 4952, **Borough of Duncansville**, P. O. Box 308, Duncansville, PA 16635.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Blair Gap Run, in Allegheny Township, **Blair County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 1.217 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	XXX	50
Total Suspended Solids	30	45	XXX	60
NH ₃ -N				
(5-1 to 10-31)	3.5	XXX	XXX	7.0
(11-1 to 4-30)	9.0	XXX	XXX	18
Total Phosphorus	XXX	XXX	monitor and report	XXX
Total Residual Chlorine	0.3	XXX	XXX	1.0
Total Nitrogen	XXX	XXX	monitor and report	XXX
Total Copper				
(Interim)	monitor and report	XXX	XXX	XXX
(Final)	0.030	XXX	XXX	0.075
Total Zinc				
(Interim)	monitor and report	XXX	XXX	XXX
(Final)	0.114	XXX	XXX	0.285
Dissolved Oxygen		minimum of 5.0 at all times		
pH		from 6.0—9.0 inclusive		
Fecal Coliforms				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		3,400/100 ml as a geometric average		

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

The EPA waiver is not in effect.

PA 0043052. Sewage, SIC: 4952, **Municipal Authority of the Township of Spring**, 2800 Shillington Road, Cornwall Terrace, Sinking Spring, PA 19608.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Cacoosing Creek in Spring Township, **Berks County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream potable water supply intake considered during the evaluation was the Pottstown Municipal Authority intake located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.28 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.5	XXX	7.0
(11-1 to 4-30)	10.5	XXX	21
Total Residual Chlorine			
(Interim)	0.6	XXX	1.48
(Final)	0.45	XXX	1.48
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0—9.0 inclusive	
Fecal Coliforms			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		6,000/100 ml as a geometric average	

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

The EPA waiver is not in effect.

Northcentral Region: Environmental Program Manager; Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3666.

PA 0100161. Industrial waste, SIC: 3493, **Triangle Auto Springs Co., Inc.**, P. O. Box 425, Dubois, PA 15801.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to Pentz Run in Sandy Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is located at Hawthorne, PA.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0273 mgd, are:

Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
TSS	31	60		7.1	13.6
Oil and Grease	15		30	3.4	
Temperature		report			
Total Toxic Organics TTO		2.13			0.48
Total Iron		report			
Total Nickel		report			
Total Zinc		report			
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

PA 011830. Industrial waste, SIC: 3670, **Emporium Specialty Co., Inc.**, P. O. Box 65, Austin, PA 16720.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to Freeman Run in Austin Borough, **Potter County**.

The receiving stream is classified for the following uses: high quality cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0041 mgd, are:

Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
TSS	31	60	90		
Total Cadmium	0.26	0.69	0.78		
Total Chromium	1.65	3.29	4.12		
Total Copper	2.07	3.38	6.21		
Total Lead	0.43	.69	1.29		
Total Nickel	2.38	3.98	7.14		
Total Silver	0.24	0.43	0.72		
Total Zinc	0.65	1.2	1.95		
Total Toxic Organics (TTO)		2.13			
Oil and Grease	15	30	30		
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

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

PA 0000272. Industrial waste, SIC: 4941, **Pennsylvania-American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033.

This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Aldrich Plant in Union Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Pennsylvania-American Water Company, located at 410 Cooke Lane, Pittsburgh, PA 15234, 20.9 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.595 mgd. (Interim Limits)

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Suspended Solids			30	60	75
Total Residual Chlorine				monitor and report	
Aluminum			4.0	8.0	10
Iron			2.0	4.0	5.0

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Manganese			1.0	2.0	2.5
Zinc			0.5	1.0	1.3
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge, design flow of 0.595 mgd (Final Limits)

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Suspended Solids			30	60	75
Total Residual Chlorine			0.5		1.0
Aluminum			4.0	8.0	10
Iron			2.0	4.0	5.0
Manganese			1.0	2.0	2.5
Zinc			0.5	1.0	1.3
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0031488. Sewage, **Yough School District**, 99 Lowber Road, Herminie, PA 15637.

This application is for renewal of an NPDES permit to discharge treated sewage from the Yough Senior High School sewage treatment plant in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Sewickley Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport MWA.

Outfall 001: existing discharge, design flow of 0.013 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	50,000/100 ml as a geometric mean			
(10-1 to 4-30)				
Total Residual Chlorine	monitor and report			
(1st month—36th month)	1.4			
(37th month—expiration)	3.3			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0046116. Sewage, **Pressley Ridge School**, 305 Pressley Ridge Road, Ohiopyle, PA 15470.

This application is for renewal of an NPDES permit to discharge treated sewage from the Pressley Ridge School STP in Henry Clay Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Beaver Creek, which are classified as a high quality cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the North Fayette Municipal Authority.

Outfall 001: existing discharge, design flow of .0045 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen	200/100 ml as a geometric mean			
(5-1 to 10-31)	2,000/100 ml as a geometric mean			
(11-1 to 4-30)				
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)				

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 1.1			2.7
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0091260. Sewage. **Clifford B. Wareham**, 87 Kinterstation Road, Barnesboro, PA 15714.

This application is for renewal of an NPDES permit to discharge treated sewage from the County Meadows MHP STP in Pine Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Carney Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of .011 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	12.0			24.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report .53			1.2
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0092886. Sewage, **Southeastern Greene School District**, R. D. 1, Box 110/B, Greensboro, PA 15338.

This application is for renewal of an NPDES permit to discharge treated sewage from Mapleton High School Sewage Treatment Plant in Monongahela Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Whiteley Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Masontown Borough Water Works located on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.007 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.8			5.6
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			
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 0.08			0.18
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0205311. Sewage, **St. Paul's Highfield Lutheran Church**, R. D. 1, Box 134A, Vandergrift, PA 15690.

This application is for renewal of an NPDES permit to discharge treated sewage from St. Paul's Lutheran Church STP in Parks Township, **Armstrong County**.

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

Outfall 001: existing discharge, design flow of 0.0009 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0218138. Sewage, **Armstrong County Industrial Development Authority**, 402 Market Street, Kittanning, PA 16201.

This application is for issuance of an NPDES permit to discharge treated sewage from the Armstrong County Industrial Development Authority STP in North Buffalo Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Nicholson Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority, Freeport Plant, on the Allegheny River.

Outfall 001: new discharge, initial Phase I design flow of 0.400 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	6.0	9.0		12.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Outfall 001: new discharge, final Phase II design flow of 0.8207 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	4.0	6.0		8.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0029726. Sewage. **Jamestown Municipal Authority**, P. O. Box 188, Jamestown, PA 16134.

This application is to hydraulically rerate the NPDES permit to discharge treated sewage to the Shenango River in Jamestown Borough, **Mercer County**. This is a minor discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Greenville Municipal Authority intake on the Shenango River located at Greenville, approximately 7 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.26 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	20		40
Total Phosphorus (as P)	1		2
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 48,300/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.6
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0005860. Industrial waste, SIC: 2022, **Farmers Dairy Foods, Inc.**, R. R. 1, Box 111B, S. R. 0208, New Wilmington, PA 16142.

This application is for renewal of an NPDES permit, to discharge treated IW, domestic sewage and stormwater to the Shenango River and an unnamed tributary to Buchanan Run in Wilmington Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Western PA Water Company—New Castle District on the Shenango River located at New Castle, approximately 6 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.5 mgd, are:

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
BOD ₅	XX	XX	98
TSS	XX	XX	147
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 5,600/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.6
pH		6.0—9.0 at all times	

XX—monitor and report on monthly DMRs.

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

Outfall No. 002

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			XX
Chemical Oxygen Demand			XX
Oil and Grease			XX
pH			XX
Total Suspended Solids			XX
Total Kjeldahl Nitrogen			XX
Total Phosphorus			XX
Fecal Coliform			XX
Dissolved Iron			XX

XX—monitor and report on monthly DMRs. If more than one event occurs in a month, the monthly average of all samples analyzed shall be reported.

The EPA waiver is in effect.

PA 0036650—Amendment No. 1. Sewage. City of Titusville, 107 North Franklin Street, Titusville, PA 16354.

This application is for an amendment of a Part I NPDES permit to discharge treated sewage to the Oil Creek and Church Run in the City of Titusville, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 60 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 4.0 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	6		12
(11-1 to 4-30)	18		36
Copper	.011		.022
Zinc	.075		.15
Fecal Coliform			
(5-1 to 9-30)		200/100 ml	
(10-1 to 4-30)		6,900/100 ml	
Total Residual Chlorine			
(Interim)		monitor and report	
(Final)	0.4		1.1
pH		6.0—9.0 at all times	

The EPA waiver is not in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA-0033529	The Pennsylvania State University Penn State Wilkes-Barre Physical Plant Building University Park, PA 16802	Luzerne Lehman Twp.	Harveys Creek	TRC
PA-0060763	American Landmark Management Corp. P. O. Box 837 Marshalls Creek, PA 18335	Monroe Middle Smithfield Twp.	Bushkill Creek	TRC

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

**Applications under the Pennsylvania Clean
Streams Law**

(Part II Permits)

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

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

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

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

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

WQM Permit No. 4699414. Sewage. **River Park Office Associates**, 555 North Lane, Suite 6101, Conshohocken, PA 19428. This project is for the construction and operation of a sewage treatment plant, pump station and forcemain and gravity sewer line to serve River Park multitenant office complex located in Whitmarsh Township, **Montgomery County**.

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

A. 6799402. Sewage, submitted by **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319, in Newberry Township, **York County** to construct a pump station, force main and sanitary sewer to serve Grandview Acres and surrounding area was received in the Southcentral Region on April 29, 1999.

A. 0572401 99-1. Sewage, submitted by **Municipal Authority of the Borough of Bedford**, 244 West Penn Street, Bedford, PA 15522, in Bedford Borough, **Bedford County** to replace the existing effluent line was received in the Southcentral Region on May 3, 1999.

A. 2299402. Sewage, submitted by **Elizabeth Area Authority**, 14 South Market Street, Elizabethville, PA 17023, in Elizabethville Borough, **Dauphin County** to upgrade and expand an existing treatment plant was received in the Southcentral Region on May 4, 1999.

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

A. 567S002-A1. Sewerage. **Hastings Area Sewer Authority**, P. O. Box 559, 207-1 Fifth Avenue, Hastings, PA 16646. Application for the modification and the operation of sewers and appurtenances, pump stations, a sewage treatment plant and outfall and headwall to serve Hastings Area Sewer Authority Sewage Treatment Plant located in Elder Township, **Cambria County**.

INDIVIDUAL PERMITS

(PAS)

NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharge.

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day 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 Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department's Regional Office indicated above the application.

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

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

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

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

NPDES Permit PAS101320. Stormwater. **Holy Protection Monastery Land Development**, c/o Athino Voutea, 378 Laurytown Road, Weatherly, PA 18255-4732, has applied to discharge stormwater from a construction activity located in Weatherly Borough, **Carbon County**, to Lehigh River.

NPDES Permit PAS101321. Stormwater. **Kovatch Enterprises, Inc.**, c/o John J. Kovatch, Jr., One Industrial Complex, Nesquehoning, PA 18240, has applied to discharge stormwater from a construction activity located in Nesquehoning Borough, **Carbon County**, to Nesquehoning Creek.

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

NPDES Permit PAS10Q173. Stormwater. **Lucent Technologies Optoelectronics**, Bruce George, 9999 Hamilton Blvd., Rm. 1A-004, Breinigsville, PA 18031-9359, has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

NPDES Permit PAS10Q174. Stormwater. **R. D. Management**, Richard Burdoff, 810 7th Avenue, 28th Floor, New York, NY 10019, has applied to discharge stormwater from a construction activity located in the City of Allentown, **Lehigh County**, to Little Lehigh Creek.

Public Hearing Notice

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

NPDES Permit for Discharge of Stormwater from Construction Activities

Permittee Name and Address: Henry Lubsen, President, Oakleaf Properties, Inc., 824 Eighth Avenue, Bethlehem, PA 18018.

The Department of Environmental Protection (Department) will hold a public hearing on an Individual National Pollutant Discharge Elimination System (NPDES) permit application no. PAS10U104 submitted by Oakleaf Properties, Inc. The application is for discharges of stormwater from construction activities to Cooks Creek, an exceptional value (EV) watershed. The construction is related to the proposed Oakview Estates residential development in Lower Saucon Township, Northampton County.

The hearing has been scheduled for July 1, 1999, at 7 p.m. in the Department's Bethlehem District Office, 4530 Bath Pike, in Bethlehem.

The Department is in the final review stages of the proposal and has received a recommendation for approval from the Northampton County Conservation District.

The public hearing will be held only if significant public interest exists. If the Department does not receive any comments regarding the proposal during the 30-day com-

ment period, it will be understood that there is no significant interest and the public hearing will be cancelled.

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent to Kate Crowley, Department of Environmental Protection, Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. The Department will accept notices up to the day of the hearing.

The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. Written copies of oral testimony are requested. Relinquishing of time will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire, however, individuals who preregister to testify will be given priority. If time permits, individuals can provide additional testimony beyond their allotted 10 minutes if all other individuals have presented their testimony.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Richard Shudak at (570) 826-2060 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

Those unable to attend the hearing can submit written testimony or comment to the Department until July 8, 1999.

The NPDES permit application is available for review at the Department's regional office, 2 Public Square in Wilkes-Barre. Appointments for scheduling a review can be made by calling the Department's regional Records Management Section at (570) 826-2511. The permit application is also available for review at the Northampton County Conservation District in Nazareth, PA.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known 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 as proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site.

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

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

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

PECO Energy Company—Former Germantown Service Facility, City of Philadelphia, **Philadelphia County**. Blake N. Moyer, Jr., National Environmental Technologies Corp., 2840 W. Clymer Ave., P. O. Box 204, Telford, PA 18969, has submitted a Notice of Intent to Remediate site soils contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Germantown Courier* on April 21, 1999.

Globe Industrial, Inc. Facility (Former), City of Philadelphia, **Philadelphia County**. Gloria G. Hunsberger, Powell Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380, has submitted a Notice of Intent to Remediate site soils contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on April 13, 1999.

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Conewago Equities, LP, Hanover Township, **Lehigh County**. Scott R. Campbell, P.G. and Project Geologist, American Resource Consultants, Inc., P. O. Box 1809, Doylestown, PA 18901, has submitted a Notice of Intent

to Remediate (on behalf of his client, Conewago Equities, LP, 660 Edgegrove Road, Hanover, PA 17331) concerning the remediation of site soils suspected to be contaminated with lead and other metals, solvents and polycyclic aromatic hydrocarbons (PAHs), and groundwater suspected to be contaminated with as-yet undetermined substances. The applicant proposes to remediate the site to meet the Statewide human health standard. A summary of the Notice of Intent to Remediate was expected to be published in Allentown's *The Morning Call* on May 5, 1999.

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

Potter County Redevelopment Authority—Southern Site, Coudersport Borough, **Potter County**. Moody and Associates, Inc., on behalf of their client Potter County Redevelopment Authority, 8 East 7th Street, P. O. Box 312, Coudersport, PA 16915, has submitted a Notice of Intent to Remediate soil contaminated with heavy metals, solvents and PAHs, and groundwater contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the Special Industrial Area criteria. A summary of the Notice of Intent to Remediate was reported to have been published in the *Potter Leader—Enterprise* on March 24, 1999.

Potter County Redevelopment Authority—Northern Site, Coudersport Borough, **Potter County**. Moody and Associates, Inc., on behalf of their client Potter County Redevelopment Authority, 8 East 7th Street, P. O. Box 312, Coudersport, PA 16915, has submitted a Notice of Intent to Remediate soil contaminated with solvents and groundwater contaminated with lead, heavy metals and solvents. The applicant proposes to remediate the site to meet the Special Industrial Area criteria. A summary of the Notice of Intent to Remediate was reported to have been published in the *Potter Leader—Enterprise* on March 24, 1999.

Linear Dynamics, Inc.—Pennsdale Facility, Muncy Township, **Lycoming County**. Converse Consultants, on behalf of their client Linear Dynamics, Inc., a Division of LaFarge Roadmarking Co., 400 Lanidex Plaza, Parsippany, NJ 07054, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with solvents. The applicant proposes to remediate the soil to meet the site-specific standard and the groundwater to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun Gazette* during the week of March 22, 1999.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

A. 101669. PF Environmental Inc., 1135 Butler Avenue, New Castle, PA 16101. Imperial Processing Site, 1135 Butler Avenue, New Castle, PA 16101. Application

for a municipal waste processing facility in **Allegheny County**, Findlay Township was received in the Regional Office on April 30, 1999.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

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

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

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

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

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

OPERATING PERMITS

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

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

48-309-099: Federal White Cement Co. (75 West 21st Street, Northampton, PA 18067), for operation of cement silos 89 through 93 in Northampton Borough, **Northampton County**.

54-313-078: Air Products and Chemical Co. (P. O. Box 351, Tamaqua, PA 18252), for operation of a TBA/TBP operation in Rush Township, **Schuylkill County**.

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

01-309-008B: Dal-Tile Corp. (411 North Fourth Street, Gettysburg, PA 17325), for operation of tile presses controlled by a baghouse in Straban Township, **Adams County**.

01-03011: Dal-Tile Corp. (411 North Fourth Street, Gettysburg, PA 17325), for operation of tile presses controlled by a baghouse in Bendersville Borough, **Adams County**.

06-302-171A: Premium Beverage Packers, Inc. (1055 Cross Roads Boulevard, Reading, PA 19605), for two boilers controlled by low-NOx burners in Muhlenberg Township, **Berks County**. The boilers are subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for New Stationary Sources.

Notice of Intent to Issue Title V Operating Permits

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

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

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

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

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

06-05085: New Morgan Landfill Co., Inc. (P. O. Box 128, Mineview Road, Morgantown, PA 19543), for a municipal solid waste landfill in New Morgan Borough, **Berks County**. The operation primarily emits volatile organic compounds (VOC), carbon monoxide (CO), sulfur dioxide (SO₂) and nitrogen dioxide (NO₂).

21-05023: The Quaker Oats Co. (P. O. Box 3040, Shiremanstown, PA 17011), in Hampden Township, **Cumberland County**. The facility produces breakfast cereal and primarily emits particulate matter (PM₁₀).

44-05001: Standard Steel (500 North Walnut Street, Burnham, PA 17009), in Burnham Borough, **Mifflin County**. The facility's major sources of emissions include

three electric arc furnaces and other furnaces, three boilers and other sources which primarily emit nitrogen oxides (NOx).

PLAN APPROVALS

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

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

35-302-110: PEI Power Corp. (170 Power Blvd., P. O. Box 157, Archbald, PA 18403), for construction of a natural gas/landfill gas fired boiler in Archbald Borough, **Lackawanna County**.

35-306-004: PEI Power Corp. (170 Power Blvd., P. O. Box 157, Archbald, PA 18403), for modification of the existing natural gas/landfill gas fired boiler in Archbald Borough, **Lackawanna County**.

40-320-009: Berwick Industries, Inc. (Bomboy Lane and Ninth Street, P. O. Box 428, Berwick, PA 18603), for construction of a printing operation in Salem Township, **Luzerne County**.

48-328-003: Pennsylvania Power & Light Co. (Two North Ninth Street, Allentown, PA 18101), for reactivation of four combustion turbines at the Martins Creek Facility in Lower Mt. Bethel Township, **Northampton County**.

48-399-044: Elementis Pigments, Inc. (1525 Wood Avenue, Easton, PA 18042), for construction of a pneumatic conveying system in Easton, **Northampton County**.

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

06-3071A: Wolfe Dye & Bleach Works, Inc. (25 Ridge Road, Shoemakersville, PA 19555-8916), for installation of a fabric dryer in Perry Township, **Berks County**.

21-5041A: ADM Milling Company (P. O. Box 3100, Shiremanstown, PA 17011-3100), for modification of a truck grain receiving station in Camp Hill Borough, **Cumberland County**.

38-05009A: Elk Corp. of America (Wellington Centre, 14643 Dallas Parkway, Suite 1000, Dallas, TX 75240), for construction of an asphalt shingle manufacturing facility in Jackson Township, **Lebanon County**.

67-05005A: PP&L, Inc. (Two North Ninth Street, Allentown, PA 18101), for installation of a flue gas conditioning system on Unit No. 2 at the Brunner Island electric generating station in East Manchester Township, **York County**.

67-05024B: Lehigh Portland Cement Co. (200 Hokes Mill Road, York, PA 17404), for installation of a fabric filter to replace an existing unit which controls emissions from a raw materials conveying system in West Manchester Township, **York County**.

67-318-125: Govesan Mfg., Inc. (32 North Duke Street, York, PA 17401), for construction of a powder coating manufacturing facility in the City of York, **York County**.

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

OP-53-0003D: CNG Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222), for construction of four 3,200 horsepower natural gas-fired reciprocating internal combustion engines, a 536 horsepower natural gas-fired emergency generator and a 3.0 million BTU per hour natural gas-fired boiler at the Greenlick Compressor Station in Stewardson Township, **Potter County**. These engines, and the like are subject to the Department's New Source Review Regulations.

19-304-006C: Benton Foundry, Inc. (R. R. 2, Box 110, Benton, PA 17814-9550), for construction of a foundry sand mullor, fluid bed sand cooler, bucket elevator and rotary metal screen in Sugarloaf Township, **Columbia County**.

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

PA-37-051B: Reactive Metals & Alloys Corp. (Route 168, P. O. Box 366, West Pittsburg, PA 16160), for construction of a magnesium grinding system in West Pittsburg, **Lawrence County**.

PA-10-021D: INDSPEC Chemical Corp. (133 Main Street, P. O. Box 307, Petrolia, PA 16050), for modification of the scrubber controlling the Copeland Reactor to decrease particulate emissions and control opacity in Petrolia Borough, **Butler County**.

10-313-028B: INDSPEC Chemical Corp. (133 Main Street, P. O. Box 307, Petrolia, PA 16050), for minor modification of Plan Approval 10-313-028A to increase production and modify the equipment manufacturer in Petrolia Borough, **Butler County**.

62-312-029A: United Refining Co. (Bradley and Dobson Streets, P. O. Box 780, Warren, PA 16365), for installation of a cooler to control the vapor pressure of the raw gasoline stream entering Tank 432 in the City of Warren, **Warren County**.

43-308-008A: Cobra Metal, Inc. (3rd and Brentwood Avenue, Greenville, PA 16125), for minor modification of Plan Approval 43-308-008 to increase production and hours of operation in Greenville, **Mercer County**.

Notice of Intent to Approve Plan Approval Application No. PA-04-446B

Notice is given, under 25 Pa. Code § 127.44(a)(4), that the Department of Environmental Protection (Department) intends to issue a Plan Approval to AES Beaver Valley Partners, Inc. for the installation of low NOx burners on Units 2, 3 and 4 at the plant located in Monaca, PA as described in its application received on April 14, 1999.

Based on the information provided by the applicant and on the Department's analysis of that information, these installations will result in emission reductions of approximately 592 tons of NOx each year.

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

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

Special Conditions for Plan Approval PA-04-446B

3. This Plan Approval is for the installation of low NOx burners and Over Fire Air on Units No. 2, 3 and 4 at the AES-Beaver Valley facility located in Monaca Borough, Beaver County.

4. NOx emissions from each Unit (Unit No. 2, 3 and 4) shall be limited to .7 lb/MMBtu based on a 30-day rolling average.

5. Yearly NOx emissions for each Unit (Unit No. 2, 3 and 4) shall be limited to 1,686 tons in any consecutive 12-month period.

6. The applicant shall perform stack testing on Units No. 2, 3 and 4 no later than 90 days after completing the installation of the low-NOx burner system to determine the emission rate of carbon monoxide (CO) and particulate matter (as PM-10).

7. Stack testing shall be performed in accordance with 25 Pa. Code Chapter 139 regulations and the Department's Source Testing Manual.

8. Two copies of a pretest protocol shall be submitted to the Department for review at least 60 days prior to the performance of the stack test.

9. The Department shall be notified at least 2 weeks prior to the stack test of the date and time of the test so that an observer may be present.

10. Two copies of the stack test results shall be supplied to the Department for review within 60 days of completion of the testing.

11. The NOx emission rate from Units No. 2, 3 and 4 shall be determined based on emission data obtained from a certified CEM installed, maintained and operated in accordance with 25 Pa. Code Chapters 123 and 139.

12. 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 the operator expects to commence operation.

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

c) 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.

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.

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

- Name, address and telephone number of the person submitting the comments.

- Identification of the proposed Plan Approval (specify the Plan Approval number).

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

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

Notice of Intent to Issue a Plan Approval and Amend a Title V Operating Permit

Notice is given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue a plan approval to Ellwood Quality Steels Company (EQS), 700 Moravia Street, New Castle, PA 16101, for their plant located in New Castle, Lawrence County. The facility currently has a Title V Permit No. 37-00264. This plan approval 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. PA-37-0264B is for modification of the No. 19 Furnace. The modification will remove the existing burners and replace them with modern low NOx technology. This modification will result in a reduction of approximately 10 TPY of NOx emissions. The facility shall be required to install and maintain the low NOx burners in accordance with the manufacturer's specifications, and consistent with good air pollution control practices. The facility will also limit the natural gas consumption from furnaces No. 17, 18, 19 and 20 to not exceed 590,358 MCF of natural gas (based on a 12-month rolling total). The NOx facility-wide emissions shall not exceed 85 tons per year (based on a 12-month rolling total). Also, the facility shall install and maintain fuel meters for the furnaces, the boiler, the two ladle preheaters, the EAF preheater, the scrap torch, the gas cutter and the miscellaneous heaters. The facility shall maintain a rolling total of the hours of operation, natural gas consumption and facility production by adding the monthly totals to the 11 previous months. In the event that EQS uses the NOx emission decreases from the modification of the Number 19 furnace within the next 5

years, the facility shall perform NOx emission testing consistent with the sampling and testing procedures of 25 Pa. Code Chapter 139.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The Department will consider written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed permit (Permit No. PA-37-0264B); and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines the notification is sufficient. Written comments or requests for a public hearing should be directed to Matt Williams, Air Pollution Control Engineer, DEP, Bureau of Air Quality, 230 Chestnut Street, Meadville, PA 16335.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Matt Williams, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a plan approval has not undergone the above public notice process the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for State only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

**Notice of Intent to Issue Plan Approval No. 99038
Kvaerner Philadelphia Shipyard, Inc.**

Notice is given that the City of Philadelphia, Department of Public Health, Air Management Services (AMS) proposes to issue a Plan Approval (No. 99038) for the Kvaerner Philadelphia Shipyard Inc. (Kvaerner), located at Bridge and Porter Avenues, Philadelphia, PA 19112. This Plan Approval authorizes the construction of the air contaminant sources in the shipyard and the determination of its Lowest Achievable Emission Rate (LAER).

Source Description:

- a. Panel Shop (6 baghouses, 16 warm air furnaces; and 1 3.0 MMBTU/hr boiler)
- b. Fabrication Shop (6 bag houses, 17 warm air furnaces; and 1 3.0 MMBTU/hr boiler)
- c. Grand Block Shop (4 baghouses used to control particulate matter emissions from automatic and hand welding operations)
- d. Paint Shop/Dock Shop and Dry Dock (painting operations, abrasive blasting, 8 baghouses and 1 12.5 MMBTU/hr boiler)

AMS has determined that:

1. Lowest Achievable Emission Rates (LAER) for volatile organic compounds (VOC) and oxide of nitrogen (NOx) are as follows:

<i>Coating Category</i>	<i>LAER VOC Emission Limit (gm/liter)</i>
General use	340
Specialty:	
Air flask	340
Antenna	340
Antifoulant	400
Heat resistant	420
Extreme high gloss	420
High-gloss	340
High-temperature	500
Inorganic zinc high-build	340
Military exterior	340
Mist	610
Navigational aids	340
Nonskid	340
Nuclear	420
Organic zinc	340
Pretreatment wash primer	420
Repair and maint. of thermoplastics	340
Rubber camouflage	340
Sealant for thermal spray aluminum	610
Special marking	420
Specialty interior	340
Tack coat	610
Undersea weapons systems	340
Weld-through precon. Primer	650

b. On a 24-hour basis, the VOC emissions are limited to 420 grams of VOC (minus water and exempt compounds) after adjustment to a standard solvent density of 7.36 pounds per gallon and on a solid basis.

c. Low vapor pressure solvent for surface cleaning and surface preparation.

d. Use of an airless spray gun with 70% transfer efficiency.

e. Emission rates from each boiler are limited to:

<i>Pollutant</i>	<i>Limitation</i>
Carbon monoxide (CO)	400 ppmvd @ 3% O2
Nitrogen oxides (NOx)	30 ppmvd @ 3% O2
Particulate matter (PM)	0.10 pound per million BTU of heat input

2. Total emissions from Kvaerner:

<i>Pollutant</i>	<i>Limitation (per 12-month rolling period)</i>
Carbon monoxide (CO)	7.8 tons
Hazardous air pollutants (HAPs)	50.4 tons
Nitrogen oxides (NOx)	38.5 tons

<i>Pollutant</i>	<i>Limitation (per 12-month rolling period)</i>
Particulate matter (PM)/PM10	89.0 tons
Sulfur dioxide (SO ₂)	0.2 tons
Volatile organic compounds (VOC)	154.0 tons

3. VOC and NOx emissions from Kvaerner shall be offset with emission reduction credits (ERCs) at the ratio of 1.3 to 1.

4. Kvaerner shall secure certified NOx ERCs that are suitable to offset emissions from NOx-emitting sources at the shipyard and identified in a Federally enforceable permit condition for the ERC-generating source. The certified NOx ERCs shall be transferred by the Department of Environmental Protection to Kvaerner prior to commencement of operation of the proposed new shipyard.

5. Kvaerner has to construct the above sources at the former Philadelphia Naval Shipyard because of the yard's unique existing dry docks. Furthermore, the benefits of the proposed construction and control techniques of the above sources outweigh its environmental and social cost.

Copies of the application, and other pertinent documents are available for public inspection at AMS, Room 218, 321 University Avenue, Philadelphia, PA 19104-4543, during normal business hours.

Persons wishing to review these documents or request a hearing should contact Brenda Bonner at (215) 685-7572.

The comment period on this notice ends on June 22, 1999. Comments must be postmarked by the last day of the comment period and sent directly to AMS. A public hearing will be held only if AMS receives a written request before June 11, 1999. The public hearing, if requested, will be held at 7 p.m. on June 15, 1999, at the Kvaerner Philadelphia Shipyard Cafeteria located at 7th and Porter Avenue, Philadelphia Naval Business Center, Philadelphia, PA 19112.

**REASONABLY AVAILABLE CONTROL
TECHNOLOGY
(RACT)**

Public Hearing

Resolite, A United Dominion Co.

Butler County

Notice is given that the Department of Environmental Protection (Department) will conduct a public hearing on June 21, 1999, beginning at 1 p.m. in the Air Quality Conference Room of the Department's Regional Office Building located at 230 Chestnut Street, Meadville, PA 16335-3407.

The hearing is for the Department to accept testimony concerning its decision to approve, with conditions, Reasonably Available Control Technology (RACT) plan by Resolite, A United Dominion Co., Box 338, Route 19 North, Zelenople, PA to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) from various air contamination sources. The final RACT proposal will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan. This facility is located in Butler County.

The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facility and will be submitted to the EPA as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary VOC RACT determination for Resolite, A United Dominion Company:

1. For the fiberglass reinforced plastic (FRP) lamination operation:

a) The VOC content of the resin shall not exceed 36% by weight in any 12 consecutive month period.

b) The resin throughput shall not exceed 5,000,000 pounds in any 12 consecutive month period.

c) VOC emissions from the continuous lamination and hand lay-up process shall not exceed 45 ton in any 12 consecutive month period.

d) A report indicating the resin mixture usage, resin mixture VOC content and solvent usage shall be submitted to the Department on a quarterly basis. The report shall include the previous 12 months.

e) The source shall be operated and maintained in accordance with the manufacturer's specifications. The source shall also be operated and maintained in accordance with good air pollution control practices.

2. For the fiberglass pultrusion process:

a) Total resin mixture shall not exceed 3,250,000 pounds in any 12 consecutive month period.

b) VOC content of the resin mixture shall not exceed 36% by weight in any 12 consecutive month period. The following formula shall be used in determining compliance with this condition:

$$\frac{(w_1 * s_1) + (w_2 * s_2) + \dots + (w_x * s_x)}{w_1 + w_2 + \dots + w_x}$$

where w_x = weight of resin mixture used in pounds

s_x = % VOC content of resin mixture by weight

c) VOC emissions shall not exceed 23.4 tons in any 12 consecutive month period.

d) A report indicating the resin mixture usage, resin mixture VOC content and solvent usage shall be submitted to the Department on a quarterly basis. The report shall include the previous 12 months.

e) The source shall be operated and maintained in accordance with the manufacturer's specifications. The source shall also be operated and maintained in accordance with good air pollution control practices.

3. Facility VOC emissions shall not exceed 72.9 ton in any 12 consecutive month period.

4. This RACT approval applies to the emission of NOx and VOC pollutants only. Emission of other pollutants, including criteria pollutants, shall be governed by the existing Plan Approvals, Operating Permits, and applicable requirements and other rules and regulations of the Department which are incorporated herein by reference and made part of this permit.

For the above facility, a public hearing will be held for the purpose of receiving comments on the above proposed Plan Approvals and/or Operating Permits and the proposed SIP revisions. The public hearing is scheduled on Monday, June 21, 1999, 1 p.m.—3 p.m., at the Air Quality Conference Room, DEP Regional Conference Room, 230 Chestnut Street, Meadville, PA 16335-3407.

Persons wishing to present testimony at the hearing should contact Lori McNabb, Air Pollution Control Engineer, DEP, 270 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lori McNabb, (814) 332-6940, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to the previously noted contact person. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional office (Air Quality). Appointments for scheduling a review must be made by calling the Department contact person noted previously.

Notice of Intent to Issue an Operating Permit and Amend a Title V Operating Permit

Notice is given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue a RACT Operating Permit to Erie Forge & Steel, Inc., 1341 West 16th Street, Erie, PA 16512, for their plant located in Erie, Erie County. The facility currently has a Title V Permit No. 25-00924. This operating permit 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.

RACT Operating Permit No. OP 25-924 is being issued as required by 25 Pa. Code §§ 129.91—129.95. The operating permit will require presumptive RACT limitations, as defined in 25 Pa. Code §§ 129.93(b) and 129.93(c), for identified combustion sources at the Erie facility. The operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed permit (Permit No. OP 25-924); and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines the notification is sufficient. Written comments or requests for a public hearing should be directed to Robert Huston, Air Pollution Control Engineer, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Robert Huston or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

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

permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

Coal Applications Received

11890101. Permit Renewal for reclamation only, **Paul F. Becker Coal Company** (1593 Old Rt. 22, Duncansville, PA 16634), for continued restoration of a bituminous strip mine in Susquehanna Township and Spangler Borough, **Cambria County**, affecting 53.0 acres, receiving stream unnamed tributary to Fox Run. Application received May 3, 1999.

11793025. Permit Renewal for reclamation only, **E. P. Bender Coal Company** (South Main Street, P. O. Box 565—566, Carrolltown, PA 15722), for continued restoration of bituminous strip mine in Dean Township, **Cambria County**, affecting 400.0 acres, receiving stream unnamed tributary of Brubaker Run. Application received May 4, 1999.

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

63980102. **Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225). Application received to revise permit to allow for mining activities within 100 feet of S. R. 4067 at an existing bituminous surface mining site located in Robinson Township, **Washington County**, affecting 55 acres. Receiving streams: unnamed tributaries to North Branch Robinson Run, North Branch Robinson Run, to Robinson Run, to Ohio River. Application received: May 5, 1999.

03940108R. **Rosebud Mining Co.** (R. R. 9, Box 379A, Kittanning, PA 16201). Renewal application received for continued reclamation of a bituminous surface mine located in Kiskiminetas Township, **Armstrong County**, affecting 206.0 acres. Receiving streams: two unnamed tributaries to Crooked Creek. Renewal application received: May 4, 1999.

63940101R. **Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225). Renewal application received for continued reclamation of a bituminous surface mine located in Robinson Township, **Washington County**, affecting 160.4 acres. Receiving streams: unnamed tributary to Robinson Run, Robinson Run to Chartiers Run, Chartiers Run to Ohio River. Renewal application received: May 6, 1999.

65950107. **Ralph Smith & Sons, Inc.** (R. R. 1, Box 184C, Derry, PA 15627). Revision received for a land use change from forestland to pastureland on an existing bituminous surface mine located in Bell and Loyalhanna Townships, **Westmoreland County**. Receiving streams: unnamed tributaries of Wolford Run. Revision application received: May 7, 1999.

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

17990108. **Warquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine permit in Girard Township, **Clearfield County** affecting 75.7 acres. Receiving streams: unnamed tributary no. 1 and unnamed tributary no. 2 to Bald Hill Run to the West Branch of the Susquehanna River. Application received April 29, 1999.

17990109. **Moravian Run Reclamation Co., Inc.** (605 Sheridan Drive, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine-auger permit in Beccaria Township, **Clearfield County** affecting 95 acres. Receiving streams: unnamed streams to Muddy Run and Muddy Run. Application received May 4, 1999.

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

Noncoal Applications Received

7473SM2AC3. **Hercules Cement Company** (P. O. Box 69, 501 Center Street, Stockertown, PA 18083), renewal of NPDES Permit No. PA0118460 in Upper Nazareth Township, **Northampton County**, receiving stream—Bushkill and Schoeneck Creeks. Application received April 30, 1999.

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

Large Industrial Mineral Permit Applications Received

1479301. **Graybec Lime, Inc.** (P. O. Box 448, Bellefonte, PA 16823), revision to an existing industrial minerals surface mine permit for a modification to NPDES discharge limits, Spring Township, **Centre County**. Application received April 30, 1999.

1479401. **Graybec Lime, Inc.** (P. O. Box 448, Bellefonte, PA 16823), revision to an existing industrial minerals surface mine permit for a modification to NPDES discharge limits, Spring Township, **Centre County**. Application received April 30, 1999.

14980301. **Graybec Lime, Inc.** (P. O. Box 448, Bellefonte, PA 16823), revision to an existing industrial minerals surface mine permit for modification to NPDES discharge limits, Spring Township, **Centre County**. Application received April 30, 1999.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

30 days of the date of this notice as well as any questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should 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), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

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

E09-786. Encroachment. **New Britain Township**, 207 Park Avenue, Chalfont, PA 18914-2103. To remove a dilapidated single span reinforced concrete bridge which spans over an unnamed tributary to the North Branch of Neshaminy Creek (TSF) and to install and maintain, in its place, an 18-foot by 6-foot reinforced concrete box culvert. The skew angle will also be modified from 80 degrees to 90 degrees. This work is associated with the Upper Stump Road Bridge Replacement Project located approximately 50 feet northeast from the intersection with Limekiln Pike (S. R. 0152) and Upper Stump Road (T-409) (Doylestown, PA USGS Quadrangle N: 11.35 inches; W: 13.60 inches) in New Britain Township, **Bucks County**.

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

E40-522. Encroachment. **Anthony and Patricia DeCinti**, 492 South Grant Street, Wilkes-Barre, PA 18702-5730. To construct and maintain a pile-supported dock and cottage in Harveys Lake (HW-CWF). The proposed structure extends approximately 46 feet from the shoreline, and has a width of approximately 30 feet. The project is located at Pole No. 112 (Noxen, PA Quadrangle N: 0.6 inch; W: 4.1 inches), Harveys Lake Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E45-372. Encroachment. **Jackson Township**, P. O. Box 213, Reeders, PA 18352. To construct and maintain two 6-inch diameter PVC water intake structures in Trout Lake (HQ-CWF) to be used as dry hydrants for fire protection. The project is located on the south side of S. R. 0715, approximately 0.1 mile east of its intersection with Township Road T486 (Mount Pocono, PA Quadrangle N: 0.7 inch; W: 12.4 inches), Jackson Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E45-373. Encroachment. **Pocono Country Place P.O.A.**, One Country Place Drive, Tobyhanna, PA 18466-9599. To remove floating peat and debris from a 30-foot swath along the perimeter of K Lake Reservoir at Pocono Country Place Residential Community. The project involves drawdown of the lake to allow restoration of original lakebed elevations around the lake shoreline by exposing and removing accumulated peat and debris material. The project has a disturbed area of 4.6 acres and is located on the east side of S. R. 0196, along Lakeside Drive in Pocono Country Place, Section K (Buckhill Falls, PA Quadrangle N: 16.5 inches; W: 14.7

inches), Coolbaugh Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E48-281. Encroachment. **Transcontinental Gas Pipeline Corporation**, 2800 Post Oak Boulevard (77056), P. O. Box 1396, Houston, TX 77251-1396. To construct and maintain 33 utility line stream crossings, including 18 crossings of watercourses and 15 crossings of wetlands, for the purpose of constructing a 6.27 mile section of 42-inch natural gas pipeline (known as the Allentown Loop). The project will impact 3.04 acres of forested wetlands and 3.25 acres of emergent and scrub-shrub wetlands. The project begins at Transco's Delaware Regulator Station at Mile Post (MP) 30.29 in Lower Mount Bethel Township, Northampton County (Bangor, PA-NJ Quadrangle N: 2.0 inches; W: 9.9 inches) continues along Transco's existing pipeline and terminates at a block valve yard at MP 36.56, in Plainfield Township, **Northampton County** (Wind Gap, PA Quadrangle N: 13.1 inches; W: 4.9 inches) (Philadelphia District, U. S. Army Corps of Engineers).

E48-282. Encroachment. **Columbia Transmission Communications Corp.**, P. O. Box 10146, Fairfax, VA 22030-0146. To construct and maintain 13 utility line stream crossings associated with the Chesapeake Network Fiber Optic Project which extends through southeast Pennsylvania. This portion of the overall project involves the installation of multiple (4) 1-1/2 inch diameter HDPE conduits within the existing Columbia Gas Pipeline, R.O.W. through Northampton County, beginning approximately 800 feet north of the intersection of **Northampton and Bucks County** (Hellertown, PA Quadrangle N: 7.0 inches; W: 11.5 inches), Lower Saucon Township, Northampton County and ending in the center of the Delaware River, approximately 800 feet northeast of the intersection of S. R. 0611 in Canal Road (Easton, PA-NJ Quadrangle N: 0.7 inch; W: 9.0 inches), in Williams Township, Northampton County (Philadelphia District, U. S. Army Corps of Engineers).

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

E34-092. Encroachment. **Twin Boroughs Sanitary Authority**, Barbara Geedey, P. O. Box 118, Mifflin County, PA 17058. To place fill in the floodplain for the construction of a pumping station along the channel of the Juniata River at a point near the mouth of Doe Run (Mexico, PA Quadrangle N: 8.3 inches; W: 19.2 inches) in Walker Township, **Juniata County**.

E38-125. Encroachment. **South Lebanon Township**, Curtis Kulp, 1800 S. 5th Ave., Lebanon, PA 17042. To remove the existing deteriorating structure and to construct and maintain an aluminum box culvert having a clear span of 8.75 feet with an underclearance of 2.5 feet across Hammer Creek (HQ-CWF) on Obie Road (T-536) (Richland, PA Quadrangle N: 7.25 inches; W: 13.5 inches) in South Lebanon Township, **Lebanon County**.

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

E17-328. Encroachment. **Huston Township Supervisors**, P. O. Box 38, Penfield, PA 15849. To rehabilitate and stabilize approximately 400 feet of streambank along Bennett Branch of Sinnemahoning Creek located next to Diamond Road about 2,000 feet from S. R. 255 (Penfield, PA Quadrangle N: 12.2 inches; W: 14.0 inches) in Huston Township, **Clearfield County**. Estimated stream disturbance is 400 feet; stream classification is CWF.

E41-447. Encroachment. **Mark Bisett, Senior Environmental Scientist**, Transcontinental Gas Pipe Line Corporation, 2800 Post Oak Boulevard (77056), P. O. Box 1396, Houston, Texas 77251-1396. To install, operate and maintain a 42 inch diameter high pressure pipeline beneath N. Fork Tombs Run (High Quality-Trout Stocked Fishery), East Pine Creek (High Quality-Trout Stocked Fishery), West Pine Creek (High Quality-Trout Stocked Fishery), unnamed tributary to Bonnel Run (High Quality-Cold Water Fishery), two crossings beneath Lower Pine Bottom Run (High Quality-Cold Water Fishery), eight unnamed tributaries to Staver Run (Exceptional Value Fishery), Staver Run (Exceptional Value Fishery), five unnamed tributaries to Lick Run (Exceptional Value Fishery), Lick Run (Exceptional Value Fishery), Rattlesnake Run (High Quality-Cold Water Fishery), Little Johnson Run (High Quality-Cold Water Fishery), Johnson Run (High Quality-Cold Water Fishery), Cleveland Hollow (High Quality-Cold Water Fishery), unnamed tributary to Hyner Run (High Quality-Cold Water Fishery), Hyner Run (High Quality-Cold Water Fishery), two unnamed tributaries to Dry Run (High Quality-Cold Water Fishery), East Branch Dry Run (High Quality-Cold Water Fishery), West Branch Dry Run (High Quality-Cold Water Fishery), Young Womans Creek (High Quality-Cold Water Fishery); and wetlands associated with these respective streams for the conveyance of natural gas. The 42 inch pipeline shall be constructed in the dry and will impact temporarily both a combined 3,000 lineal feet of waterway and a combined 4.21 acres of wetland. The projects centralized location is .5 mile southwest on Hazard Road from the intersection with Rt. 664 (Jersey Mills, PA Quadrangle N: 8.62 inches; W: 14.69) in Watson Township, **Lycoming County**, Gallagher Township and Chapman Township, **Clinton County**. All impacts to the wetlands shall be temporary and no mitigation will be required.

E41-449. Encroachment. **Laurie Pettengill**, Coastal Mart Inc., P. O. Box 1000, Westville, NJ 08093. To construct and maintain a sewage outfall pipe in Pine Run and a deceleration lane consisting of 750 cubic yards of fill on .12 acre in the floodway of Pine Run located on Rt. 220, 2 miles northeast of the intersection of Rt. 220 and Rt. 287 (Linden, PA Quadrangle N: 16.37 inches; W: 7.71 inches) in Woodward Township, **Lycoming County**. This project proposes to impact 25 lineal feet of the left bank (down stream orientation) of Pine Run which is designated a warm water fishery and proposes to impact 10,450 square feet (0.24 acre) of wetlands for the construction of the Coastal Mart convenience store/vehicle fueling area, deceleration lane and utility line. The wetlands shall be replaced with a minimum of 12,250 square feet (.281 acre) of replacement wetlands along the southwestern boundary of the existing wetlands.

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

E04-212. Encroachment. **C & C Maintenance Company**, Box 118, Georgetown, PA 15043. To amend Permit No. E04-212 to construct an additional barge facility in the channel of and along the right bank of the Ohio River (WWF) located between River Mile 38 and 39, just downstream from Georgetown Island (Midland, PA Quadrangle N: 3.9 inches; W: 15.1 inches) in Ohioville Borough, **Beaver County**.

E04-266. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To remove the existing structures and to construct and maintain the following

structures and activities for the purpose of building the Freedom Crider Transportation Safety Improvement Project (S. R. 2004, Section B05). To relocate and maintain 1,350 feet of Crows Run (WWF) and construct and maintain a twin cell, rigid frame bridge having two clear spans of 15.0 feet and a maximum underclearance of 4.6 feet in Crows Run, construct and maintain a precast concrete arch culvert having a single clear span of 16.0 feet and an underclearance of 7.0 feet in a tributary to Crows Run (WWF), to construct and maintain a 225 feet long, 84 inch diameter, reinforced concrete pipe with a 65 feet long rip rap energy dissipater, 105.0 feet of rock lined channel and 55 feet of natural lined channel in a tributary to Crows Run, to place and maintain fill within 0.79 acre of palustrine emergent and 0.01 acre of palustrine emergent and 0.01 acre of palustrine forested wetlands that are associated with the stream relocation and road construction. The project is located along Freedom-Crider Road (S. R. 2004), approximately 4 miles west of its intersection with S. R. 0019 (Baden, PA Quadrangle, Project starts at N: 9.3 inches; W: 5.3 inches, and Project ends at N: 9.6 inches; W: 9.5 inches) in New Sewickley Township, **Beaver County**. To compensate for the wetland impacts, the applicant proposes to construct 1.07 acres of palustrine scrub/shrub and forested wetlands along the relocated Crows Run.

E04-267. Encroachment. **Township of New Sewickley**, 233 Miller Road, Rochester, PA 15074. To remove the existing bridge and to construct and maintain a precast concrete arch culvert having a single span of 32.0 feet and an underclearance of 8.75 feet in Crows Run (WWF) and to relocate and maintain approximately 385 feet of tributary to Crows Run (WWF). The work is an integral part of the Freedom-Crider Transportation Safety Improvement Project and is located along McElhaney Road (T-674) approximately 300 feet north of its intersection with S. R. 2004 (Baden, PA Quadrangle N: 9.4 inches; W: 7.8 inches) in New Sewickley Township, **Beaver County**.

E11-274. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To place and maintain fill within 0.31 acre of palustrine emergent wetlands for the purpose of expanding the existing Walters Avenue maintenance stockpile site. The wetlands are located within the Solomon Run (WWF) watershed, and along Walters Avenue approximately 1 mile west of the S. R. 0056 interchange. (Geistown, PA Quadrangle N: 9.7 inches; W: 17.0 inches) in Stonycreek Township, **Cambria County**. To compensate for the impacts, the applicant will construct 0.31 acre of palustrine emergent wetlands onsite.

E26-253. Encroachment. **Michael A. Lewis**, R. R. 2, Box 193-E, Carmichaels, PA 15320. To construct and maintain a 200-foot by 25-foot (25 feet river inward) dock and boat facility for recreation in the Monongahela River (WWF) located at River Mile 79, just downstream of SR 21 Bridge (Masontown, PA Quadrangle N: 18.7 inches; W: 7.2 inches) in Masontown Borough, **Fayette County**.

E11-273. Encroachment. **James J. and Patricia White**, 103 Royalwood Drive, Ebensburg, PA 15931. To place and maintain fill in a de minimis area of wetlands (PEM) equal to 0.02 acre for the purpose of residential development. The project is located within the Howells Run Watershed (CWF) off of Lovell Avenue, approximately 420 feet from its intersection with PA Route 4031 (Ebensburg, PA Quadrangle N: 19.3 inches; W: 15.15 inches) in the Borough of Ebensburg, **Cambria County**.

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

E20-477. Encroachment. Crawford Central School District, 11280 Mercer Pike, Meadville, PA 16335. To expand the existing Cochranon Junior/Senior High School by constructing a total of approximately 30,000 square feet of building additions within the 100-year FEMA mapped floodplain of French Creek. The project is located at the Cochranon Junior/Senior High School approximately 4,200 feet west of the intersection of SR 173 and SR 0322 (Cochranon, PA Quadrangle N: 4.2 inches; W: 7.4 inches) located in the Borough of Cochranon, **Crawford County**.

E33-196. Encroachment. Pennsylvania Department of Transportation, Route 286 South, P. O. Box 429, Indiana, PA 15701. To remove the existing structures and to construct and maintain a precast reinforced concrete box culvert with a span of 12 feet and a rise of 5 feet on SR 1009 across Beaverdam Run (HQ-CWF). This project will include placement of the culvert bottom 1 foot below the existing streambed elevation. This project is located on SR 1009 across Beaverdam Run approximately 1,800 feet northeast of the intersection of SR 1009 and SR 0830 (Falls Creek, PA Quadrangle N: 10.8 inches; W: 14.0 inches) located in Washington Township, **Jefferson County**.

E42-264. Encroachment. Smethport Borough Authority, P. O. Box 152, Smethport, PA 16749. To construct and maintain sewage treatment units within the FEMA mapped 100-year floodway and floodplain of Potato Creek at the existing Borough of Smethport Waste Water Treatment Facility. This project also includes a treated effluent outfall in Potato Creek, authorized by General Permit BDWM-GP-4, No. GP044299601. The project is located at the Borough of Smethport Waste Water Treatment Facility east of SR 0046 approximately 1,600 feet north of SR 0006 (Smethport, PA Quadrangle N: 11.8 inches; W: 7.4 inches) located in the Borough of Smethport, **McKean County**.

E43-271. Encroachment. Mercer County Commissioners, 503 Mercer County Courthouse, Mercer, PA 16137. To remove the existing structure (County Bridge No. 2709) and to construct and maintain a reinforced concrete adjacent box beam bridge with a single normal clear span of 14.4 meters and an underclearance of 2.4 meters on Patterson School Road (T-912) across East Branch Wolf Creek (CWF). This project will also include a de minimis (0.0088 hectare) wetland impact with the placement of the new structure and approaches. The project is located on Patterson School Road (T-912) across East Branch Wolf Creek approximately 1.7 kilometers south of the intersection of Patterson School Road (T-912) and East Gilmore Road (T-481) (Grove City, PA Quadrangle N: 16.4 inches; W: 2.4 inches) in Wolf Creek Township, **Mercer County**.

DAM SAFETY

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

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D03-049. Dam. Cabin Greens Golf Course, Inc. (361 Ford City Road, Freeport, PA 16229). To modify, operate and maintain a dam across a tributary to Nicholson Run (WWF), impacting 270 feet of stream for the purpose of a water supply for irrigation (Leechburg, PA Quadrangle N: 18.2 inches; W: 15.2 inches) in South Buffalo Township, **Armstrong County**.

ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

WQM Permit No. 0999408. Sewerage. Warrington Township, 852 Easton Road, Warrington, PA 18976. Approval for the construction and operation of a sewer collection system, pump station and forcemain to serve Maple Knoll Subdivision located in Warrington Township, **Bucks County**.

WQM Permit No. 1599406. Sewerage. Willistown Township, 688 Sugartown Road, Malvern, PA 19355. Approval for the construction and operation of individual grinder pumps and forcemain to serve seven homes located in Willistown Township, **Chester County**.

WQM Permit No. 1599404. Sewerage. Sadsbury Township, P. O. Box 261, Sadsburyville, PA 19369. Approval for the construction and operation of a sewage pump station, force main and sewer line to serve future developments located in Sadsbury Township, **Chester County**.

WQM Permit No. 4699402. Sewerage. **Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936. Approval for the construction and operation of a gravity collection system, pump station and forcemain to serve the proposed Hampton Green residential development located in Montgomery Township, **Montgomery County**.

WQM Permit No. 4699412. Sewerage. **Limerick Township Municipal Authority**, 529 King Road, Royersford, PA 19468. Approval for the construction and operation of a collection system, three pump stations and forcemain to serve the proposed Bradford Woods residential development located in Limerick Township, **Montgomery County**.

NPDES Permit No. PA0042978. Sewerage. **Commonwealth of Pennsylvania**, P. O. Box 103, Washington Crossing, PA 18977-0103, is authorized to discharge from a facility located at Washington Crossing Historic Park located in Solebury Township, **Bucks County** into the Delaware River.

NPDES Permit No. PA0050105. Sewerage. **Lower Frederick Township**, P. O. Box 253, Zieglerville, PA 19492, is authorized to discharge from a facility located in Lower Frederick Township, **Montgomery County** into the Perkiomen Creek.

NPDES Permit No. PA0056081. Sewerage. **Jones & McKissock, Inc. (Wycombe Inn)**, P. O. Box 204, Wycombe, PA 18980, is authorized to discharge from a facility located in Wrightstown Township, **Bucks County** into an unnamed tributary to Mill Creek.

NPDES Permit No. PA0010880. Industrial waste. **Quaker Chemical Corporation**, Elm and Lee Streets, Conshohocken, PA 19428, is authorized to discharge from a facility located in Whitemarsh Township, **Montgomery County** into the Schuylkill River.

NPDES Permit No. PA0056065. Sewerage. **Immaculata College**, 1145 King Road, Immaculata, PA 19345-0631, is authorized to discharge from a facility located in East Whiteland Township, **Chester County** into an unnamed tributary to Valley Creek.

NPDES Permit No. PA0057631. Sewerage. **David and Marie Sayers**, 135 Stenton Avenue, Plymouth Meeting, PA 19462, is authorized to discharge from a facility located in Whitemarsh Township, **Montgomery County** to Lorraine Run (UNT to Wissahickon Creek).

NPDES Permit No. PA0053015. Sewerage. **Joseph F. Werner**, 1007 Route 313, Perkasio, PA 18944, is authorized to discharge from a facility located at Country Place Restaurant, located in East Rockhill Township, **Bucks County** into an unnamed tributary to Three Mile Run Creek.

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

Permit No. 4599401. Sewerage. **Pleasant Valley School District**, Route 115, Middle School Building, Brodheadsville, PA 18322-2002. Permit to construct a gravity sewer line to serve the new intermediate school, located in Polk Township, **Monroe County**.

Permit No. 5499401. Sewerage. **Mt. Valley, Inc.**, Box 179, Burma Road, Mahanoy City, PA 17948. Permit to construct and operate a sewage waste treatment plant and spray irrigation system for a golf course, located in Ryan Township, **Schuylkill County**.

NPDES Permit No. PA-0063886. Sewerage. **David Bohning**, 102 West Main Street, Bath, PA 18014, is authorized to discharge from a facility located in Lower Saucon Township, **Northampton County**, to East Branch Saucon Creek.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4795.

Permit No. 0699401. Sewerage. **Berks Montgomery Municipal Authority**, 81 Farmington Lane, Boyertown, PA 19512. This permit approves the construction of sewage treatment facilities in Colebrookdale Township, **Berks County**.

Permit No. 0771402. Sewerage. **Tyrone Borough**, 1100 Logan Avenue, Tyrone, PA 16686. This permit approves the modification of sewage treatment facilities in Snyder Township, **Blair County**.

Permit No. 0587402 (99-1). **Saxton Borough Municipal Authority**, P. O. Box 173, Saxton, PA 16678. This approves the modification to sewage treatment facilities in Liberty Township, **Bedford County**.

Permit No. 3899401. **Farmer's Pride, Inc.**, West Main Street, P. O. Box 39, Fredericksburg, PA 17026. This permit approves the construction and modification of sewage treatment facilities located in Bethel Township, **Lebanon County**.

NPDES Permit No. PA0080993. Sewerage. **Eastern Lebanon County School District**, 180 Elco Drive, Myerstown, PA 17067-2697, is authorized to discharge from a facility located in Millcreek Township, **Lebanon County** to the receiving waters named Mill Creek.

NPDES Permit No. PA0084212. Sewerage. **Leacock Township Sewer Authority**, P. O. Box 558, Intercourse, PA 17534, is authorized to discharge from a facility located in Leacock Township, **Lancaster County** to the receiving waters named Muddy Run.

NPDES Permit No. PA0083534. Sewerage. **William A. Johnson**, P. O. Box 87, Everett, PA 15537, is authorized to discharge from a facility located in West Providence Township, **Bedford County** to the receiving waters of an unnamed tributary to Raystown Branch of the Juniata River.

NPDES Permit No. PA0021601. Sewerage. **Harrisburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19526, is authorized to discharge from a facility located in Hamburg Borough, **Berks County** to the receiving waters named Schuylkill River.

NPDES Permit No. PAG043614. Single family residence. Sewerage. **Barry C. Templin**, 577 Monocacy Hill Road, Birdsboro, PA 19508, is authorized to discharge from a facility located in Amity Township, **Berks County** to an unnamed tributary to Monocacy Creek.

NPDES Permit No. PAG043616. Single family residence. Sewerage. **Mr. and Mrs. Donald Pilon**, R. D. 3, Box 155A, Elverson, PA 19520, is authorized to discharge from a facility located in Caernarvon Township, **Berks County** to a ditch to the Conestoga River.

NPDES Permit No. PAG043613. Single family residence. Sewerage. **DeVon R. Henne**, 133 Lakeview Road, Bernville, PA 19506, is authorized to discharge from a facility located in Upper Tulpehocken Township, **Berks County** to an unnamed tributary to Little Northkill Creek.

NPDES Permit No. PA0023540. **Berks Montgomery Municipal Authority**, 81 Farmington Lane,

Boyertown, PA 19512, is authorized to discharge from a facility located in Colebrookdale Township, **Berks County** to the receiving waters named Sacony Creek.

NPDES Permit No. PAG053526. General permit. Groundwater cleanup. **Getty Property Corporation, Inc.**, 86 Doremus Avenue, P. O. Box 1099, Newark, NJ 07101, is authorized to discharge from a facility located in Hanover Borough, **York County** to an unnamed tributary to Plum Creek.

NPDES Permit No. PA0087971. Industrial waste. **Bedford Borough Water Authority**, 244 West Penn Street, Bedford, PA 15522, is authorized to discharge from a facility located in Bedford Township, **Bedford County** to an unnamed tributary of Raystown Branch of the Juniata River (by way of Todd Reservoir).

NPDES Permit No. PA0110744. Industrial waste. **City of Cumberland**, P. O. Box 1702, Cumberland, MD 21501-1702, is authorized to discharge from a facility located in Cumberland Valley Township, **Bedford County** to the receiving waters of an unnamed tributary of Evitts Creek.

NPDES Permit No. PA0085162. Industrial waste. **Armstrong World Industries, Inc.**, Liberty and Charlotte Streets, Lancaster, PA 17603, is authorized to discharge from a facility located in Lancaster City, **Lancaster County** to the receiving waters of an unnamed tributary of Little Conestoga Creek.

NPDES Permit No. PAG053515. Industrial waste. **Robert Etter**, 314 Ringold Street, Waynesboro, PA 17268, is authorized to discharge from a facility located in Washington Township, **Franklin County** to the receiving waters named Red Run.

NPDES Permit No. PA0035157. Industrial waste. **Farmer's Pride, Inc.**, West Main Street, P. O. Box 39, Fredericksburg, PA 17026, is authorized to discharge from a facility located in Bethel Township, **Lebanon County** to the receiving waters named Deep Run.

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

NPDES Permit No. PA0113191. Sewerage. **Northern Tier Children's Home**, P. O. Box 94, Harrison Valley, PA 16927-0094. Applicant renewed existing permit to discharge from a facility located at Harrison Township, **Potter County**.

NPDES Permit No. PA0114308. Sewerage. **Orange Township Sewer Authority**, R. D. 2, Box 58, Orangeville, PA 17859. Applicant renewed permit to discharge treated wastewater from a facility located at Orange Township, **Columbia County**.

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

NPDES Permit No. PA0043834. Sewerage. **Mercer County Regional Council of Governments, Chestnut Run Swimming Beach**, 2495 Highland Road, Hermitage, PA 16148, is authorized to discharge from a facility located in South Pymatuning Township, **Mercer County**, to the Shenango River Reservoir.

NPDES Permit No. PA0100064. Sewerage. **Frosty Chalet**, 317 Water Street, Warren, PA 16365, is authorized to discharge from a facility located in Mead Township, **Warren County** to an unnamed tributary to the West Branch Tionesta Creek.

NPDES Permit No. PA0033448. Sewerage. **Pennwood Estates, L.L.C.**, 1826 South Main Street, Akron, OH 44301, is authorized to discharge from a facility located in Lackawannock Township, **Mercer County** to the West Branch Little Neshannock Creek.

NPDES Permit No. PA0006301. Industrial waste. **J-M Manufacturing Co., Inc.**, 315 Grant Street, P. O. Box 71, Franklin, PA 16323, is authorized to discharge from a facility located in City of Franklin, **Venango County** to French Creek.

NPDES Permit No. PA0034878. Sewerage. **Springhill Estates**, Michael J. Edwards, 8356 Meadville Road, Girard, PA 16417, is authorized to discharge from a facility located in Spring Township, **Crawford County** to an unnamed tributary to Conneaut Creek.

NPDES Permit No. PA0220809. Sewerage. **McClelland Motel**, Rod McClelland, 101 Beaver Street, Mercer, PA 16137, is authorized to discharge from a facility located in Springfield Township, **Mercer County** to Schollard's Run.

WQM Permit No. 6299401. Sewerage. **Miracle Mountain Ranch Missions, Inc.**, R. D. 1, Box 95, Spring Creek, PA 16436. This project is for the proposed expansion of an existing individual septic tank/common sand filter sewage treatment facilities in Springfield Township, **Warren County**.

WQM Permit No. 1699401. Sewerage. **New Bethlehem Borough**, 309 Broad Street, New Bethlehem, PA 16242. This project is for the proposed Broad and Wood Streets separate sanitary sewers in New Bethlehem Borough, **Clarion County**.

WQM Permit No. 2099403. Sewerage. **Blooming Valley United Methodist Church**, 24740 State Street, Meadville, PA 16335-8838. This project is for the construction and operation of a small flow treatment facility to replace a malfunctioning onlot system in Blooming Valley Borough, **Crawford County**.

WQM Permit No. 2099404. Sewerage. **Mary Ann Leonard, Eugene C. Martin III and Virginia Lynne Martin, SRSTP**, 3245 Forest Rd., Bethel Park, PA 15102. Construction of Mary Ann Leonard, Eugene C. Martin III and Virginia Lynne Martin SRSTP located in South Shenango Township, **Crawford County**.

INDIVIDUAL PERMITS

(PAS)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G346	N. Vaughan and Sons, Inc. 347 East Conestoga Road Wayne, PA 19087	Willistown Township Chester County	Crum Creek
<i>Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.</i>			
<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10U100	Jack Calahan 2767 Hill Rd. Doylestown, PA 18901	Northampton County Forks Township	Bushkill Creek and Tributary to Delaware River
PAS10U106	Seiple Estate c/o Thomas Still, Esq. P. O. Box 483 Easton, PA 18044-0483	Northampton County Forks Township	Buskill Creek
PAS10U109	John D. Burd 3078 Old Post Rd. Slatington, PA 18080	Northampton County Plainfield Township	Little Bushkill Creek

**INDIVIDUAL PERMITS
(PAR)**

Approvals to Use NPDES and/or Other General Permits

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

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

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

List of NPDES and/or other General Permit Type

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

General Permit Type—PAG-2

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Kennett Township Chester County	PAR10-G303	Steve Bailey 162 Plane Brook Road, Frazer, PA 19355	East Branch Red Clay Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Limerick Township Montgomery County	PAR10-T526	Karl Weiss 2560 Kutztown Road, Pennsburg, PA 18073	Unnamed Tributary to Hartenstine Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Franconia Township Montgomery County	PAR10-T519	DER Associates 118 South Second Street, Perkasie, PA	Unnamed Tributary to Skippack Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Erie County Summit Township	PAR10K128	Louis A. Colussi 925 French Street Erie, PA 16501	Elk Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Jefferson County Sykesville Borough Henderson Township Winslow Township	PAR103330	Sykesville Borough Council 21 East Main Street Sykesville, PA 15865	Stump Creek	Jefferson Conservation District 180 Main Street Brookville, PA 15825 (814) 849-7463
Monroe County Polk Township	PAR10S024	Pleasant Valley School District Pleasant Valley Intermediate School Rt. 115, Brodheads ville, PA 18322	Pohopoco Cr.	Monroe CD (570) 629-3060
Schuylkill County East Brunswick Township	PAR105784	Daniel K. Strausser/ Christopher D. Strausser/ Janet J. Strausser Goose Pond Subdivision 855 N. Washington St. Orwigsburg, PA 17961	Koenig Cr.	Schuylkill CD (570) 622-3742
Schuylkill County West Brunswick Township	PAR105785	PennDOT Eng. Dist 5-0 c/o Walter Bortree, Dist. Eng. PennDOT Intersection SR 895/T-715 Star Route 61, Section DLS 1713 Lehigh St. Allentown, PA 18103	Trib. to Schuylkill River	Schuylkill CD (570) 622-3742
Centre County Patton Township	PAR10F086	Hilton Garden Inn Alexander G. Gregory Chairperson for Sea Oaks Co. 2007 Windgate Drive Durham, NC 27705	Unt. to Big Hollow	Northcentral Regional Office (570) 327-3574
<i>General Permit Type—PAG-3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lehigh County City of Allentown	PAR202216	Prior Coated Metals, Inc. 2233 26th St., S.W. Allentown, PA 18103	Trout Creek	Northeast Office 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

*General Permit Type—PAG-4**Facility Location
County and
Municipality**Permit No.**Applicant Name
and Address**Receiving Stream
or Body of Water**Contact Office and
Telephone No.*S. Shenango Township
Crawford County
PAG048580Mary Ann Leonard, Eugene
C. Martin III and Virginia
Lynne Martin
3245 Forest Rd.
Bethel Park, PA 15102-1415

Patton Run

Northwest Region
Water Management
230 Chestnut St.
Meadville, PA
16335-3481
(814) 332-6942Clearfield County
Bradford Township
PAG044801Bradley Livergood
R. D. 1, Box 376A
Frenchville, PA 16836Unnamed tributary
of Sulfur RunNorthcentral
208 W. Third St.
Williamsport, PA 17701
(717) 327-3664Snyder County
Jackson Township
PAG045055Glenn Holler
R. D. 2, Box 107
Middleburg, PA 17842

Tuscarora Creek

Northcentral
208 W. Third St.
Williamsport, PA 17701
(717) 327-3664*General Permit Type—PAG-5**Facility Location
County and
Municipality**Permit No.**Applicant Name
and Address**Receiving Stream
or Body of Water**Contact Office and
Telephone No.*Allegheny County
North Fayette
Township
PAG056131Excaliber Oil Group, Inc.
133 Rt. 300
Imperial, PA 15126

Montour Run

Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-9**Facility Location
County and
Municipality**Permit No.**Applicant Name
and Address**Receiving Stream
or Body of Water**Contact Office and
Telephone No.*Union County
Kelly Township
PAG094811Dennis E. Wolfe
Wolfe's Liquid Hauling
990 Colonel John Kelly
Road
Lewisburg, PA 17837Northcentral
208 W. Third St.
Williamsport, PA 17701
(717) 327-3664**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).***Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.***Permit No. 3899501.** Public water supply, **Fredericksburg Sewer & Water Authority**, Bethel Township, **Lebanon County**. *Responsible Official:* James A. Heisey, Authority Chairperson, P. O. Box 161, Fredericksburg, PA 17026. *Type of Facility:* Installation of equipment for addition of sodium fluoride to water supply. *Consulting Engineer:* Jeffrey D. Steckbeck, Steckbeck Engineering Assoc., 43 N. Cornwall Road, Lebanon, PA 17042. *Permit to Construct Issued:* April 29, 1999.**Permit No. 3198501.** Public water supply, **Salttillo Municipal Water Works**, Clay Township, **Huntingdon County**. *Responsible Official:* Roy Thomas, President, Saltillo Borough, Box 171, Saltillo, PA 17253. *Type of Facility:* Installation of modifications Well No. 3 as a source of supply. Treatment will consist of disinfection. *Consulting Engineer:* Dana R. Boob, Dana R. Boob Sur-veying and Engineering, 136 W. Main St., P. O. Box 699, Millheim, PA 16854-0699. *Permit to Operate Issued:* April 9, 1999.**Permit No. 0698508.** Public water supply, **Eagle Springs, Inc.**, Bethel Township, **Berks County**. *Responsible Official:* Richard J. Withelder, owner/operator, 88 West Donaldson Street, Tremont/Zerbe, PA 17981-1604. *Type of Facility:* New Well 4A @ 122 gallons per minute with ozone disinfection; 40,000 gallon storage tank; 29,000 ft. gravity transmission line and tanker truck loading station. *Consulting Engineer:* Joseph J. Matalavage, P.E., Lead Project Engineer, Alfred Benesch and Company, 400 One Norwegian Plaza, Pottsville, PA 17901. *Permit to Construct Issued:* May 7, 1999.*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.***Permit No. 5598502.** The Department issued an operating permit to **Penn Township Municipal Authority**, 12 Clifford Road, Selinsgrove, PA 17870, Penn Township, **Snyder County**, for Well No. 1A and related appurtenances.

Permit No. 5594501. This permit has been modified to **Penn Township Municipal Authority**, 12 Clifford Road, Selinsgrove, PA 17870, Penn Township, **Snyder County**. Well No. 1 was ruled groundwater under the direct influence of surface water and has been properly abandoned. Therefore, Well No. 1 will be removed from Permit No. 5594501 and the remaining components will remain active.

Permit No. 6095501-T1. The Department issued an operating permit to **Start Properties, L.L.C.**, 1015 Cedar Knoll, P. O. Box 116, Gradyville, PA 19039, West Buffalo Township, **Union County** for operation of existing Pine Valley Park Water System including Well Nos. 1, 2 and 3, disinfection facilities and distribution system.

Permit No. Minor Amendment. The Department issued an operating permit to **Start Properties, L.L.C.**, 1015 Cedar Knoll, P. O. Box 116, Gradyville, PA 19039, West Buffalo Township, **Union County** for operation of booster pump station and 40,000 gallon finished water storage tank at Pine Valley Park.

Northwest Regional Office: Regional Manager; Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6899.

Permit No. 2499501. Public water supply. **Ridgway Township Municipal Authority**, P. O. Box 403, Ridgway, PA 15853. Permit issued for the construction of approximately 12,200 lf of 12" diameter water main, 420 lf of 6" diameter water main, a 278,000 gallon water storage tank and related appurtenance in Ridgway Township, **Elk County**. *Type of Facility:* Public water supply. *Consulting Engineer:* David A. Hegemann, Hegemann and Wray, 429 Park Avenue, Cresson, PA 16630, (814) 886-8870. Construction Permit Issued: May 7, 1999.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

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

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

PECO Energy Company—Former Germantown Service Facility, City of Philadelphia, **Philadelphia County**. Blake N. Moyer, Jr., National Environmental Technologies Corp., 2840 W. Clymer Ave., P. O. Box 204, Telford, PA 18969, has submitted a Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Spring Mill Estates—North Parcel, Upper Providence Township, **Montgomery County**. Ann Logue, DelVal Soil & Environmental Consultants, Inc., Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18901, has submitted a Final Report concerning remediation of site soils contaminated with heavy metals. The report is intended to document remediation of the site to meet the Statewide health standard.

Irma Stoltzfus, Estate of Irma Stoltzfus, CIF Partners Ltd. and Coatesville Area School District, Valley Township, **Chester County**. Samuel J. Kucia, Environmental Consulting, Inc., 1232 Forty Foot Road, Kulpsville, PA 19443-1345, has submitted a Final Report concerning remediation of site soils contaminated with heavy metals and pesticides. The report is intended to document remediation of the site to meet the Statewide health standard.

East Norriton Shopping Center, East Norriton Township, **Montgomery County**. Edward H. Prout, Jr., American Resource Consultants, Inc., P. O. Box 2227, Doylestown, PA 18901, has submitted a revised Final Report concerning remediation of site soils contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons and site groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health and background standards.

Montgomery Equities, Inc., Plymouth Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, Suite 500, 401 City Avenue, Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site soils contaminated with PCBs, lead, heavy metals, pesticides, dioxin, solvents BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Pennsylvania Power & Light Company (PP&L)—Central City Substation, City of Scranton, **Lackawanna County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on April 29, 1999.

SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES

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

Regional Office: Regional Solid Waste Manager, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428.

A. 301330. Colloid Environmental Technologies Company (CETCO), 1055 Boot Road, Downingtown, PA. Application for a residual waste transfer facility at the above address was returned because of gross administrative deficiencies, and the application review terminated. Application returned by the Southeast Regional Office on May 4, 1999.

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

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

Permit ID No. 100281. Greenridge Reclamation Landfill, Box 717, East Huntingdon Landfill Road, Scottsdale, PA 15683. Operation of a municipal waste landfill in East Huntingdon Township, **Westmoreland County**. Reissuance of permit to Republic Waste Services Group of Pennsylvania IV, LLC. Permit issued in the Regional Office on May 6, 1999.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued 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.

Regional Office: Regional Solid Waste Manager, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428.

Permit No. 101497. Great Valley Recycling, Inc., Sixth and Merion Streets, Bridgeport, PA 19405. This permit for a municipal waste transfer station was renewed for a new 10-year term. Included in the renewal is a modification to allow for the acceptance and transfer of Form S municipal-like residual waste. Permit issued by the Southeast Regional Office effective May 9, 1999.

AIR QUALITY OPERATING PERMITS

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

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

46-310-052GP: Highway Materials, Inc. (500 Stenton Avenue, Plymouth Meeting, PA 19462), on May 3, 1999, for stone crushing equipment in Whitemarsh Township, **Montgomery County**.

15-310-043GP: Highway Materials, Inc. (680 Morehall Road, Frazer, PA 19355), on May 3, 1999, for stone crushing equipment in East Whiteland Township, **Chester County**.

15-310-042GP: Highway Materials, Inc. (Quarry Road, Downingtown, PA 19335), on May 3, 1999, for stone crushing equipment in East Caln Township, **Chester County**.

46-310-051GP: Highway Materials, Inc. (Crusher Road, Perkiomenville, PA 18074), on May 3, 1999, for stone crushing equipment in Marlborough Township, **Montgomery County**.

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

40-302-144GP: Quaker Oats Co. (750 Oak Hill Road, Mountaintop, PA 18707), for construction and operation of a Cleaver Brooks boiler in Wright Township, **Luzerne County**.

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

GPI-28-03021: Commonwealth of Pennsylvania, Department of Public Welfare (10058 South Mountain Road, South Mountain, PA 17261-0999), authorized use of a general permit for three small natural gas/No. 2 fuel oil boilers in Quincy Township, **Franklin County**.

GP4-05-05002: Hedstrom Corp. (P. O. Box 432, Bedford, PA 15522-0432), authorized use of a general permit for a natural gas-fired burn-off oven in Bedford Township, **Bedford County**.

GP4-67-03064: Motor Technology, Inc. (515 Willow Springs Lane, York, PA 17402), authorized use of a general permit for two natural gas-fired burn-off ovens in East Manchester Township, **York County**.

GP4-67-03065: DONSCO, Inc. (P. O. Box 2001, Wrightsville, PA 17368), authorized use of a general permit for a natural gas-fired burn-off oven in Springettsbury Township, **York County**.

GP1-67-03067: York International Corp. (P. O. Box 1592, York, PA 17405-1592), authorized use of a general permit for a small natural gas/No. 2 fuel oil boiler at the Grantley Plant in Spring Garden Township, **York County**.

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

GP5-17-07A: Somerset Oil and Gas Co., LLC (2039 South Sixth Street, Indiana, PA 15701), on April 13, 1999, for construction and operation of a 186 horsepower natural gas-fired reciprocating internal combustion engine and associated air cleaning device (a catalytic converter) under the General Plan Approval and General Operating Permit for natural gas production facilities (BAQ-GPA/GP5) at the South Station in Brady Township, **Clearfield County**.

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

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

GP-42-189: East Resources, Inc., Gill Kane Compressor Station (Warrant 3085, McKean, PA), issued

April 30, 1999, for operation of a natural gas compressor engine in Hamlin Township, **McKean County**.

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

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

OP-46-0025: Lonza, Inc. (900 River Road, Conshohocken, PA 19428), on April 28, 1999, for Facility VOC/NOx RACT in Upper Merion Township, **Montgomery County**.

CP-23-0001: Sunoco, Inc. (R&M) (Delaware Ave. and Green Street, Marcus Hook, PA 19061), on April 28, 1999, for Facility VOCs/NOx RACT in Marcus Hook Borough, **Delaware County**.

09-330-011B: R3 Technologies, Inc. (7 Steel Road East, Morrisville, PA 19067), on April 29, 1999, for asphalt plant/soil remediation in Falls Township, **Bucks County**.

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

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

39-317-022A: Beatrice Cheese, Inc. (1002 MacArthur Road, Whitehall, PA 18052), for minor modification of a spray dryer in Whitehall Township, **Lehigh County**.

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

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

OP-46-0014: Knoll, Inc. (1235 Water Street, East Greenville, PA 18041), on April 29, 1999, for operation of a Facility VOCs/NOx RACT in Upper Hanover Township, **Montgomery County**.

OP-15-0010: Lukens Steel Co. (50 South First Avenue, Coatesville, PA 19320), on May 6, 1999, for operation of a Facility VOC/NOx RACT in City of Coatesville, **Chester County**.

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

08-322-001A: Northern Tier Solid Waste Authority (P. O. Box 10, Burlington, PA 18814-0010), on April 8, 1999, for operation of a municipal solid waste landfill in West Burlington Township, **Bradford County**.

49-303-005A: Meckley's Limestone Products, Inc. (R D. 1, Box 950, Herndon, PA 17830), on April 15, 1999, for operation of a batch asphalt plant and associated air cleaning device (a fabric collector) in Lower Mahanoy Township, **Northumberland County**.

08-301-014A: Tioga Point Crematory, Inc. (802 North Main Street, Athens, PA 18812), on April 28, 1999, for operation of a crematory incinerator in Athens Borough, **Bradford County**.

OP-12-0002A: GKN Sinter Metals, Inc. (R. R. 2, Box 47, Emporium, PA 15834-9797), on April 28, 1999, for operation of sintered metal parts heat treat furnace (PF No. 5), draw furnace (PF No. 5D) and parts dryer (PA No. 138) and associated air cleaning device (an electrostatic precipitator) at Plant No. 1 in Shippen Township, **Cameron County**.

OP-14-0004: Graybec Lime, Inc. (P. O. Box 448, Bellefonte, PA 16823), on April 16, 1999, for operation of three rotary lime kilns and two waste oil furnaces subject to the Department's Reasonably Available Control Technology (RACT) regulations at the Pleasant Gap plant in Spring Township, **Centre County**.

OP-55-0005: Wood-Mode, Inc. (1 Second Street, Creamer, PA 17833), on April 20, 1999, for operation of various wood cabinet manufacturing and finishing operations subject to the Department's Reasonably Available Control Technology (RACT) regulations in Middlecreek Township, **Snyder County**.

OP-41-0006: Textron Lycoming (652 Oliver Street, Williamsport, PA 17701), on April 21, 1999, for operation of various aircraft engine manufacturing operations subject to the Department's Reasonably Available Control Technology (RACT) regulations in the City of Williamsport, **Lycoming County**.

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

OP-56-00269: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664), on April 23, 1999, for operation of asphalt plant at Somerset Blacktop Plant in Somerset Township, **Somerset County**.

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

PA-10-047B: Mine Safety Appliances Co. (1420 Mars Evans City Road, Evans City, PA 16033), on March 31, 1999, for a scrubber/flare emission abatement system in Forward Township, **Butler County**.

PA-10-288A: Bear Metallurgical Corp. (679 East Butler Road, Butler, PA 16001), on April 30, 1999, for a ferroalloy production co-product process line in Summit Township, **Butler County**.

PA-37-011B: Farmers Dairy Foods, Inc. (P. O. Box 198, New Wilmington, PA 16142), on December 31, 1998, for a spray dryer in Wilmington Township, **Lawrence County**.

PA-37-304A: L & N Metallurgical Products Co. (3 Fountain Avenue, Ellwood City, PA 16117), on May 31, 1999, for three skiving machines in Ellwood City, **Lawrence County**.

PA-42-111A: Ethan Allen, Division of Eldred (Route 1, Eldred, PA 16731), on April 30, 1999, for paint booth 2 in Eldred, **McKean County**.

PA-42-179A: Keystone Thermometrics (967 Windfall Road, St. Marys, PA 15857), on April 30, 1999, for an open top vapor degreaser in Mt. Jewett, **McKean County**.

PA-62-017A: United Refining Co. (Bradley and Dobson Streets, P. O. Box 780, Warren, PA 16365), on January 20, 1999, for the combo catch unit in Warren, **Warren County**.

PA-62-017B: United Refining Co. (Bradley and Dobson Streets, P. O. Box 780, Warren, PA 16365), issued October 31, 1998, for sulfur recovery in Warren, **Warren County**.

62-306-001: GPU Generation, Inc., Warren Generating Station (Conewango Township, Warren, PA 16365), for operation of boilers 1—4 in Conewango Township, **Warren County**.

OP-62-142: Salem Tube, Inc. (951 Fourth Street, Greenville, PA 16125), for VOC sources in Greenville, **Mercer County**.

Type 16

Operating Permits transferred under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

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

49-302-059: Runner-Less Knits, Inc. (301 North Fifth Street, Sunbury, PA 17801-0262), on April 22, 1999, for operation of a No. 2 fuel oil-fired boiler previously owned and operated by Cerven Dye and Finish Company in the City of Sunbury, **Northumberland County**.

18-318-013: X L Acquisition Corp. (P. O. Box 420, Avis, PA 17721), on April 28, 1999, for operation of various modular home manufacturing operations previously owned and operated by Avis America in Pine Creek Township, **Clinton County**.

PLAN APPROVALS

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

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

PA-23-0078: Metro Machine Corp. of PA (Foot of Morton Avenue, Chester, PA 19013), on April 26, 1999, for operation of a shipyard in the City of Chester, **Delaware County**.

PA-15-0019: PECO Energy Co. (Township Line and Cromby Road, Phoenixville, PA 19460), on May 3, 1999, for operation of a steam/electric power generating station in East Pikeland Township, **Chester County**.

PA-15-0051: Allan A. Myers, Inc./dba Ind. Con. Mat (4042 State Road, Devault, PA 19432), on May 6, 1999, for operation of a rock crushing plant in Charlestown Township, **Chester County**.

PA-09-0027A: Fres-co System USA, Inc. (3005 State Road, Telford, PA 18969), on May 6, 1999, for operation of a graphic arts facility in West Rockhill Township, **Bucks County**.

PA-46-0146: Republic Environmental Systems PA, Inc. (2869 Sandstone Drive, Hatfield, PA 19440), on May 6, 1999, for operation of a waste storage tank and waste container in Hatfield Township, **Montgomery County**.

PA-46-0005J: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486), on May 10, 1999, for

operation of a 1,040 kw emergency generator in Upper Gwynedd Township, **Montgomery County**.

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

35-320-002: PA Hutchison Co. (721 Dresher Road, Horsham, PA 19044), issued April 16, 1999, for two lithographic print lines in Mayfield Borough, **Lackawanna County**.

40-302-139: Rad Woodwork Co., Inc. (P. O. Box 531, Maple Street, Nescopeck, PA 18635), issued April 21, 1999, for construction of a wood fired boiler in Nescopeck Borough, **Luzerne County**.

40-399-028A: Harris Corp. (125 Crestwood Road, Mountaintop, PA 18707), issued April 19, 1999, for modification of the fabrication lines in the Crestwood Industrial Park, Wright Township, **Luzerne County**.

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

01-310-001D: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809), issued May 5, 1999, for modification of a traprock crushing plant located at Gettysburg Quarry in Cumberland Township, **Adams County**. This source is subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

06-5035A: ICI Paints North America (301 Bern Street, Reading, PA 19601-1252), issued May 3, 1999, for construction of a paint manufacturing facility at The Glidden Company in Reading, **Berks County**.

06-5037A: McConway & Torley Corp. (230 Railroad Street, Kutztown, PA 19530), issued May 6, 1999, for installation of an air cleaning device at the Kutztown Foundry in Kutztown, **Berks County**.

06-5063C: Boyertown Foundry Co. (Box G, New Berlinville, PA 19545), issued May 4, 1999, for installation of an air cleaning device at the Boyertown Foundry in Boyertown and Colebrookdale Townships, **Berks County**.

22-03028: Linda Corson (785 Route 22-322, Dauphin, PA 17018), issued May 6, 1999, for installation of a cremator in Middle Paxton Township, **Dauphin County**.

28-310-006E: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664), issued May 4, 1999, for installation of a limestone crushing plant in Fannett Township, **Franklin County**. This source is subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for New Stationary Sources.

36-316-031B: Conestoga Wood Specialties Corp. (245 Reading Road, East Earl, PA 17519), issued May 6, 1999, for modification of the wood working operation at Plant No. 4 in East Earl Township, **Lancaster County**.

67-309-070E: Global Stone PenRoc, Inc. (P. O. Box 1967, York, PA 17405-1967), issued May 7, 1999, for installation of a roller mill system at the West Filler Plant in West Manchester Township, **York County**. This source is subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

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

14-313-038: Rutgers Organics Corp. (201 Struble Road, State College, PA 16801), on April 5, 1999, for

modification of a chemical process facility (Product 514) in College Township, **Centre County**.

17-305-043: MB Energy, Inc. (P. O. Box 1319, Indiana, PA 15701), on April 14, 1999, for construction of a coal crushing, stockpiling and loading facility (Brink-Scollon No. 3 Strip) in Chest Township, **Clearfield County**. This facility is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

19-322-002C: White Pines Corp. (R. R. 1, Box 69, Millville, PA 17846), on April 14, 1999, for construction of a stone crushing and screening operation and associated air cleaning device (a water spray dust suppression system) at the White Pines Landfill in Pine Township, **Columbia County**. The stone crushing and screening operation is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

47-318-007E: Cabinet Industries, Inc. (P. O. Box 259, Danville, PA 17821), on April 14, 1999, for construction of two wood furniture assembly and finishing lines at the Railroad Street facility in Danville Borough, **Montour County**.

19-317-007E: Wise Foods, Inc. (288 Raseley Street, Berwick, PA 18063), on April 14, 1999, for installation of air cleaning devices (mist eliminators) on a potato chip fryer in Berwick Borough, **Columbia County**.

OP-14-0007A: Cerro Metal Products Co. (P. O. Box 388, Bellefonte, PA 16823), on April 28, 1999, for construction of a two brass billet furnaces in Spring Township, **Centre County**.

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

PA-63-565A: Washington Penn Plastic Co., Inc. (2080 North Main Street, P. O. Box 236, Washington, PA 15301), on April 30, 1999, for installation of pelletizer/conveyor/blender at Arden Facility in South Strabane Township, **Washington County**.

PA-26-490A: Elk Corp. of America (4543 Dallas Parkway, Wellington Centre, Dallas, TX 75240), on May 5, 1999, for installation of asphalt shingle manufacturing at Fayette County Facility in Georges Township, **Fayette County**.

PA-04-468C: S. H., Bell Co. (644 Alpha Drive, P. O. Box 11495, Glasgow, PA 15059), on May 5, 1999, for installation of loadout shed at State Line Terminal in Glasgow Borough, **Beaver County**.

PA-26-478A: Fay Penn Fiber, Inc. (2079-A Lawrence Drive, DePere, WI 54115), on May 7, 1999, for installation of wood product manufacturing at Division of R&K Development Co. in Georges Township, **Fayette County**.

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

PA-10-300A: Magnetics Division, Spang & Co. (154 East Brook Lane, Butler, PA 16003), issued April 22, 1999, for construction of a metal coil surface coating operation in East Butler Borough, **Butler County**.

PA-20-194C: Lord Corp., Chemical Products Group (Route 198, Saegertown, PA 16433), for modifications to the latex plant in Saegertown, **Crawford County**.

PA-24-009A: Williamette Industries, Inc., Johnsonburg Mill (100 Center Street, Johnsonburg, PA

15845), for installation of a control device on the existing wood chip screening operation in Johnsonburg Borough, **Elk County**.

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

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

PA-09-0046A: RJM Mfg., Inc. (250 Canal Road, Fairless Hills, PA 19030), on May 3, 1999, for operation of a surface coater line 3 in Falls Township, **Bucks County**.

46-302-207: Occidental Chemical (Armand Hammer Blvd., Pottstown, PA 19464), on May 10, 1999, for operation of three 98 MMBtu/hr boilers in Lower Pottsgrove Township, **Montgomery County**.

09-302-065A: Rohm & Haas Co. (Route 413 and Old Route 13, Bristol, PA 19007), on May 10, 1999, for operation of two boilers to amend waste in Bristol Township, **Bucks County**.

23-313-041A: Sunoco, Inc. (R&M) (Delaware Avenue and Green Street, Marcus Hook, PA 19061), on May 10, 1999, for operation of an organic chemical production in Marcus Hook Borough, **Delaware County**.

23-312-198A: Sunoco, Inc. (R&M) (Delaware Avenue and Green Street, Marcus Hook, PA 19061), on May 10, 1999, for operation of 23 storage tanks in Marcus Hook Borough, **Delaware County**.

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

21-312-021: Scranton—Altoona Terminals Corp. (P. O. Box 2621, Harrisburg, PA 17105), granted April 26, 1999, to authorize temporary operation of the petroleum product loading rack, covered under this Plan Approval until August 23, 1999, in Silver Spring Township, **Cumberland County**.

28-322-001B: Community Refuse Limited d/b/a Mountain View Reclamation (9716 Letzburg Road, Greencastle, PA 17225), granted April 25, 1999, to authorize temporary operation of the landfill gas extraction system, covered under this Plan Approval until August 22, 1999, in Antrim and Montgomery Townships, **Franklin County**.

29-318-003B: JLG Industries, Inc. (JLG Drive, McConnellsburg, PA 17233), granted April 3, 1999, to authorize temporary operation of the McConnellsburg manlift production facility, covered under this Plan Approval until August 1, 1999, in Ayr Township, **Fulton County**.

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

PA-25-197A: Erie Bronze and Aluminum Co. (6300 West Ridge Road, Erie, PA 16505), on April 30, 1999, for two electric induction furnaces in Fairview Township, **Erie County**.

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

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

23-312-214GP: Tosco Refining Co. (4101 Post Road, Trainer, PA 19061), denied May 4, 1999, for an internal floating storage tank in Trainer Borough, **Delaware County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Coal Permits Issued

11890101. Permit Renewal for reclamation only, **Paul F. Becker Coal Company** (1593 Old Rt. 22, Duncansville, PA 16634), for continued restoration of a bituminous strip mine in Susquehanna Township and Spangler Borough, **Cambria County**, affecting 53.0 acres, receiving stream unnamed tributary to Fox Run. Application received May 3, 1999; issued May 3, 1999.

56713039. Permit Renewal, **PBS Coals, Inc.** (P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541), commencement, operation and restoration of bituminous strip mine in Brothersvalley and Somerset Townships, **Somerset County**, affecting 1,843.0 acres, receiving stream unnamed tributaries to Kimberly Run and to Kimberly Run; unnamed tributary to Sandy Hollow Creek. Application received February 17, 1999; issued May 5, 1999.

32970104. Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728), commencement, operation and restoration of a bituminous strip-auger mine in Grant Township, **Indiana County** affecting 87.2 acres, receiving stream unnamed tributaries of Little Mahoning Creek to Little Mahoning Creek. Application received April 3, 1997; permit issued May 3, 1999.

56980110. Fritz Coal, Inc. (412 Brownstown Hill, Stoystown, PA 15563), commencement, operation and restoration of a bituminous strip mine in Quemahoning and Somerset Townships, **Somerset County**, affecting 50.9 acres, receiving stream unnamed tributaries to/and Wells Creek. Application received December 9, 1998; permit issued May 3, 1999.

11793025. Permit Renewal for reclamation only, **E. P. Bender Coal Company** (South Main Street, P. O. Box 565—566, Carrolltown, PA 15722), for continued restoration of bituminous strip mine in Dean Township, **Cambria County**, affecting 400.0 acres, receiving stream unnamed tributary of Brubaker Run. Application received May 4, 1999; issued May 4, 1999.

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

65940101R. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal issued for reclamation only of a bituminous surface mine located in Rostraver Township, **Westmoreland County**, affecting 130 acres. Receiving streams: unnamed tributaries to the Monongahela River and the Monongahela River. Application received: February 10, 1999. Reclamation only renewal issued: May 4, 1999.

65940103R. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal issued for reclamation only of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 22 acres. Receiving streams: one unnamed tributary to Saxman Run, to Saxman Run. Application received: February 10, 1999. Reclamation only renewal issued: May 4, 1999.

63793031R. Twilight Industries, Division of U. S. Natural Resources, Inc. (212 State Street, Belle Vernon, PA 15012). Renewal issued for reclamation only of a bituminous surface mine located in Somerset and Fallowfield Townships, **Washington County**, affecting 622 acres. Receiving streams: unnamed tributaries to Sawmill Creek to Pigeon Creek to the Monongahela River. Application received: February 8, 1999. Reclamation only renewal issued: May 4, 1999.

26980102. Patterson Coal Company (R. R. 2, Box 335, Smithfield, PA 15478). Permit revised to add 8.6 acres to the permit area and change the postmining land use from forestland to pastureland or land occasionally cut for hay, as well as a stream variance, at an existing bituminous surface mining site located in Menallen Township, **Fayette County**, now affecting 30.2 acres. Receiving streams: unnamed tributaries to Jennings Run, Jennings Run, Redstone Creek, Monongahela River. Application received: February 9, 1999. Revision issued: May 7, 1999.

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

33813012. P & N Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous strip and auger operation in Gaskill Township, **Jefferson County** affecting 598.0 acres. Receiving streams: Unnamed tributary to Clover Run and unnamed tributaries to East Branch Mahoning Creek and Lost Run. Application received: February 16, 1999. Permit Issued: April 27, 1999.

16890110. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Transfer of an existing bituminous strip and tippel refuse disposal operation from Ancient Sun, Inc. in Limestone Township, **Clarion County** affecting 175.6 acres. Receiving streams: Two unnamed tributaries to Parsons Run. Application received: June 9, 1998. Permit Issued: April 30, 1999.

33980110. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Commencement, operation and restoration of a bituminous strip operation in Perry Township, **Jefferson County** affecting 122.3 acres. Receiving streams: Unnamed tributaries to Mahoning Creek. Application received: October 26, 1998. Permit Issued: April 30, 1999.

102119-33980110-E-1. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Application for a stream encroachment to construct and maintain a haul road crossing over Unnamed tributary "B" to Mahoning Creek in Perry Township, **Jefferson County**. Receiving streams: Unnamed tributaries to Mahoning Creek. Application received: October 26, 1998. Permit Issued: April 30, 1999.

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

Noncoal Permits Issued

66980302. Joseph Keller (158 Anderson Road, Tunkhannock, PA 18657), commencement, operation and restoration of a quarry operation in Lemon Township, **Wyoming County** affecting 44.38 acres, receiving stream—unnamed tributary to Loomis Creek. Permit issued May 3, 1999.

6774SM1C3. National Limestone Quarry, Inc. (P. O. Box 397, Middleburg, PA 17847), correction to an existing quarry operation in Perry Township, **Snyder County** affecting 91.5 acres, receiving stream—North Branch Mahantongo Creek. Correction issued May 4, 1999.

5477SM1A1C2. Glasgow, Inc. (P. O. Box 1089, Glenside, PA 19038), correction to an existing quarry operation in Plymouth Township, **Montgomery County** affecting 75.19 acres, receiving stream—none. Correction issued May 7, 1999.

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

Small Noncoal (Industrial Mineral) Permits Issued

58990802. Algerd Choplosky, Jr. (RR 1, Box 1598, Hop Bottom, PA 18824), commencement, operation and restoration of a bluestone quarry operation in Dimock Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued May 4, 1999.

58990803. Algerd Choplosky, Jr. (RR 1, Box 1598, Hop Bottom, PA 18824), commencement, operation and restoration of a bluestone quarry operation in Brooklyn Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued May 4, 1999.

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

Coal Applications Returned

17990103. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847), commencement, operation and restoration of a bituminous surface mine-auger permit in Bigler Township, **Clearfield County**, affecting 228.8 acres. Receiving streams: Upper Morgan Run, unnamed tributary to upper Morgan Run, and Alexander Run. Application received March 19, 1999. Application returned May 6, 1999.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

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

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

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

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

E45-365. Encroachment. Presbytery of Lackawanna, 550 Madison Avenue, Scranton, PA 18510. To place fill in 0.08 acre of wetlands for the purpose of constructing a parking lot associated with the proposed Presbytery of Lackawanna Church. The project will also result in secondary impacts to 0.07 acre of PEM wetlands. The project is located on the north side of S. R. 0611, approximately 0.4 mile southeast of its intersection with Township Road T625 (Hemlock Drive) (Tobyhanna, PA Quadrangle N: 6.5 inches; W: 1.6 inches) in Coolbaugh Township, **Monroe County**. The permittee is required to provide for 0.15 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project.

E54-259. Encroachment. Pennsylvania Department of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103-4724. To maintain a road crossing of a tributary to Upper Little Swatara Creek, consisting of two 48-inch CMP culverts. The road crossing was constructed under the authorization of Emergency Permit No. EP5497402. The project is located on S. R. 3002, Segment 0170, Offset 0153, approximately 200 feet east of the intersection of S. R. 3002 and T-671 (Swatara Hill, PA Quadrangle N: 19.1 inches; W: 2.7 inches), in Wayne Township, **Schuylkill County**.

E54-264. Encroachment. Port Carbon Borough, 301 First Street, P. O. Box 71, Port Carbon, PA 17965. To repair and maintain the existing retaining walls along Mill Creek, with work consisting of replacing four existing stone masonry wall sections, ranging from 15 to 33 feet in length, with concrete dunnage block wall sections. The wall height varies from 6 to 8 feet. The project is located immediately upstream of the confluence of Mill Creek and the Schuylkill River (Pottsville, PA Quadrangle N: 12.5 inches; W: 5.7 inches), in Port Carbon Borough, **Schuylkill County**.

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

E22-392. Encroachment. **City of Harrisburg**, Stephen Reed, 123 Walnut Street, Suite 212E, Harrisburg, PA 17101. To construct and maintain a parking garage in the floodplain of the Susquehanna River at a point on City Island between Walnut Street and Market Street (Harrisburg, PA Quadrangle N: 0.7 inch; W: 1.9 inches) in the City of Harrisburg, **Dauphin County**. This permit also includes 401 Water Quality Certification.

E22-395. Encroachment. **Gary Houck**, 7464 Linglestown Rd., Harrisburg, PA 17112. To construct and maintain a 28.96 foot \times 8.5 foot concrete arch culvert and a 12.0 foot \times 5.5 foot concrete arch culvert, to install nine outfalls and a sewer line crossing which will be authorized by General Permits and to impact 0.39 acre of wetlands in and along a tributary to Beaver Creek (WWF) at points along Clover Lane (Hershey, PA Quadrangle N: 13.9 inches; W: 13.95 inches) in West Hanover Township, **Dauphin County**. The permittee is required to provide a minimum of 0.39 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

E36-663. Encroachment. **Mount Joy Township**, Jack Hadge, 159 Merts Drive, Elizabethtown, PA 17022. To remove the existing structure and to construct and maintain a reinforced box culvert having a 14-foot span with a 6-foot rise, including gabion blanket channel lining protection at the inlet and outlet culvert ends in a tributary to Little Chickies Creek (called Shell's Run) located on Trail Road (Elizabethtown, PA Quadrangle N: 10.6 inches; W: 4.75 inches) in Mount Joy Township, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E36-669. Encroachment. **PA Department of Transportation**, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure and to construct and maintain a prestressed concrete box beam bridge with two solid wall piers set on a 65 degree skew with a composite reinforced concrete deck slab and parapets. The bridge will have three clear spans, one at 25.378 meters, and two at 25.303 meters and will also have a main channel underclearance of 3.885 meters on SR 322 Section 001 over the Conestoga River (WWF) near Hinkletown (Terre Hill, PA Quadrangle N: 5.1 inches; W: 0.4 inch) in Earl and Ephrata Townships, **Lancaster County**. This permit also includes 401 Water Quality Certification.

E67-638. Encroachment. **Cornerstone Development Group, Inc.**, P. O. Box 179, Felton, PA 17322. To construct and maintain a 13-foot by 6-foot, 9-inch steel arch having a length of 70 feet in an unnamed tributary to Kreutz Creek for the proposed access road into the Buttonwood Farms Development located adjacent to Clayton Ely Emig Memorial Park off of South Park Street (Columbia West, PA Quadrangle N: 0.4 inch; W: 14.4 inches) in Hellam Borough, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E67-642. Encroachment. **Timothy F. Pasch**, 4535 Lincoln Hwy, York, PA 17406. To construct and maintain a 5-foot wide by 45-foot long pedestrian bridge having an underclearance of 3 feet 9 inches over Kreutz Creek directly downstream of Old Church Road for the purpose

of providing access to the proposed Stone Run Farms development (Columbia West, PA Quadrangle N: 0.4 inch; W: 16.7 inches) in Hellam Township, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E19-190. Encroachment. **Ricky J. Robinholt and Kristen E. Robinholt**, 67 Schoolhouse Road, Bloomsburg, PA 17815. To place and maintain fill in the floodway of Hemlock Creek with a development of Lot Number 4 in the Robinholt Subdivision. The fill operation shall consist of placing a maximum of 2,000-cubic feet of clean in the floodway of Hemlock Creek. All fill areas shall be graded to a slope 3-feet horizontal to 1-foot vertical and permanently stabilized, so that the jurisdictional wetland within Lot Number 4 will not be impacted. The project is located along the eastern right-of-way of T-826 approximately 2,000-feet west of the intersection of SR 0044 and T-826 (Millville, PA Quadrangle N: 2.8 inches; W: 0.6 inch) in Hemlock Township, **Columbia County**. This permit does not authorize any permanent or temporary impact to jurisdictional wetlands associated to Hemlock Creek which were delineated within the Robinholt Subdivision or remaining parcels owned by the permittee. This permit was issued under section 105.13(e) "Small Projects."

E41-440. Encroachment. **Howard A. Engel**, R. R. 4, Box 11, Williamsport, PA 17701. To repair and maintain an existing bridge with a span of 10 feet and underclearance of 5 feet across Little Gap Run located approximately 0.75 mile north of S. R. 973 (Salladasburg, PA Quadrangle N: 16.25 inches; W: 3.50 inches) in Lycoming Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E20-467. Encroachment. **PA Department of Transportation**, District 1-0, 1140 Liberty Street, Franklin, PA 16323. To remove the existing structure and to construct and maintain a precast reinforced concrete box culvert having a 14-foot-wide by 7-foot-high waterway opening in Lake Creek (WWF) on S. R. 0198, Segment 0690, Offset 0538 in the village of Guys Mills (Townville, PA Quadrangle N: 1.1 inches; W: 13.9 inches) located in Randolph Township, **Crawford County**.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment Approvals and Actions on 401 Certification

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA22-011CO. Environmental Assessment. **Capital Area Greenbelt Association, Inc.** (P. O. Box 15405, Harrisburg, PA 17105-5405). To remove a partially breached jurisdictional dam across Spring Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 1,700 feet southeast of the intersection of Derry Street and S. R. 441 in the "Five Senses Gardens" section of the Capital Area

Greenbelt (Harrisburg East, PA Quadrangle N: 0.45 inch; W: 12.20 inches) in Swatara Township, **Dauphin County**.

[Pa.B. Doc. No. 99-825. Filed for public inspection May 21, 1999, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following projects:

Project No. DGS 413-48—Renovation of West Hall, Slippery Rock University, Slippery Rock, Butler County, PA. Construction Cost: \$1,915,000. The scope of work includes, but is not limited to, renovations to the 19,380 sq. ft. West Hall including HVAC, roof/atrium, masonry, relocation of main entrance, plumbing, fire alarm and ADA upgrade (elevator). The facility will be utilized by the Modern Languages Department, Office of International Initiatives and Art Gallery. The renovated facility will include office spaces, classrooms, conference rooms, language lab and computer lab.

Project No. DGS 417-36—Reconstruct and separate stormwater and sewer conduit systems, Thaddeus Stevens College of Technology, Lancaster, Lancaster County, PA. Construction Cost: \$900,000. The scope of work includes, but is not limited to, reconstruction and separation of existing storm and sewer conduit system, currently common to a single conduit.

Project No. DGS 574-21—Combination Garage, Maintenance Shop and Warehouse, State Correctional Institution, Muncy, Lycoming County, PA. Construction Cost: \$1,293,000. The scope of work includes, but is not limited to, construction of a 50' x 80' maintenance shop/garage with garage doors, 10' ceiling, and 14' high fence enclosure. The 18,000 sq. ft. new warehouse will be located outside the perimeter fence.

Project No. DGS 960-75—Construction of a New Veterans' Home, Delaware Valley Veterans' Home, Philadelphia, Philadelphia County, PA. Total Construction Cost: \$16,785,486. The scope of work includes, but is not limited to, construction of a new veterans' center to accommodate 170 beds, allocated as follows: 30 personal care residents and 140 nursing care residents (including 40 beds for dementia/alzheimers care).

Requirements and Information

Note—Project Program

A Project Program, prepared by the Using Agency, is available for the following projects: DGS 413-48, 417-36 and DGS 574-21. Copies of the Project Programs may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

Instructions for Filing Application

Please Be Advised:

Design Firms which may have downloaded the Form 150-ASP from our Home Page on the Internet, prior to February 18, 1999, are advised to download again. In addition to updated Navigating Instructions, there have

been minor adjustments made to entry field areas. These adjustments, made to entry field areas only, were made for the convenience of Design Firms.

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Form 150-ASP must be filed with the Department of General Services. The signature on Form 150-ASP must be an original signature. Consultants listed on the requesting professional firm's application, Form 150-ASP shall be deemed to be designated Key Consultants. Form 150-ASP, Application For Specific Project, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, Pennsylvania 17125, telephone: (717) 783-8468. The Form 150-ASP can be downloaded from the Department of General Services Internet Home Page at <http://www.dgs.state.pa.us/cnprs.htm>. In addition, the Form 150-ASP can be obtained via e-mail by addressing a request to: pbianchi@exec.gsinc.state.pa.us.

(b) The requesting professional firm shall obtain from each consultant listed in Question 9, page 4 of the requesting professional firm's application (Form 150-ASP) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-ASP) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-ASP) for the specific project. The signature on the letter of certification must be an original signature.

(c) The requesting professional firm must submit six copies of Form 150-ASP, Application for Specific Project, for each project herein advertised in which the firm is interested and qualified to perform. At least one of the six copies submitted must contain all original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three relevant projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). The requesting professional firm or joint venture firm must be the Professional of Record for the projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). It is not acceptable to list work performed by Key Consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the Professional of Record. Color Xerox copies are acceptable, however, renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-ASP). The pages of each copy of Form 150-ASP must be stapled with photographs and consultant's letters of certification followed by the resume(s) of Key Personnel (listed in Question 10 and/or 11 on Pages 5 and/or 6) included as the last section of the application. Do not bind the application (Form 150-ASP) in any way to any other documentation. Do not bind the application (Form 150-ASP) in a binder of any type.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5:00 p.m.) Friday, June 4, 1999, and addressed to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the Form 150-ASP. Applications submitted on any other form are unacceptable and will not be considered by the Committee.

(e) The Selections Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed state work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under Act 57 of May 15, 1998.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 99-826. Filed for public inspection May 21, 1999, 9:00 a.m.]

DEPARTMENT OF HEALTH

Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5631 et seq.), will hold a public meeting on Wednesday, June 9, 1999.

The meeting will be held at the Milton S. Hershey Medical Center College of Medicine, 2nd Floor of the Library, Room #C-2600, Hershey, PA, from 10 a.m. to 1 p.m.

For additional information, contact Susan F. George, Manager, Department of Health, Cancer Prevention and Control Program, P. O. Box 90, Room 933, Health and Welfare Building, Harrisburg, PA 17108, (717) 787-5251, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

Persons with a disability who desire to attend the meeting, and require an auxiliary aid service or other accommodation to do so, should contact Susan F. George at the above-referenced address or telephone numbers.

ROBERT S. ZIMMERMAN, Jr.,
Acting Secretary

[Pa.B. Doc. No. 99-827. Filed for public inspection May 21, 1999, 9:00 a.m.]

Hearing Aid Advisory Council; Meeting Scheduled

The Hearing Aid Advisory Council is scheduled to hold a meeting on June 18, 1999, from 9:30 a.m. to 3 p.m. in Room 132, Kline Village Plaza, 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, should contact Mary Hohe, Bureau of Community Program Licensure and Certification at (717) 783-8078; V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,
Acting Secretary

[Pa.B. Doc. No. 99-828. Filed for public inspection May 21, 1999, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractors referenced as follows have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), this firm or this person, or any firms, corporations or partnerships in which such firm or person has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Douglas R. Hughes, Inc. (Fed. ER I.D. No. 25-1327715) and Douglas R. Hughes, individually	R.D. 1, Box 22 Sycamore, PA 15364	May 5, 1999

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 99-829. Filed for public inspection May 21, 1999, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Expansion of the Long Term Care Capitated Assistance Program (LTCCAP); Request for Information

LTCCAP is a replication of the On Lok Model Program of All-inclusive Care for the Elderly (PACE). Under this Request for Information (RFI), the Department of Public Welfare (Department) is asking organizations interested in participating as an LTCCAP provider during Fiscal Year 1999-2000 to contact the Department. Providers will be responsible to provide a specific package of services to individuals who are eligible for both Medicare and Medicaid and have been determined to require nursing facility services. To be considered for an LTCCAP site during Fiscal Year 1999-2000, organizations must be enrolled in the Medical Assistance Program, meet the requirements included in the PACE Protocols, and have a completed feasibility study through a PACE Technical Assistance Center.

The Department will consider, among other things, the following factors when determining site selection for LTCCAP:

- X Medical Assistance service need
- X Medical Assistance service availability (underbedded, overbedded, home and community based services, and the like)
- X Project location (suburban v. urban, existing project sites, and the like)
- X Uniqueness of project design (closing existing nursing facility beds, collaboration efforts, and the like)

Questions regarding PACE Protocols or the feasibility study through a PACE Technical Assistance Center should be directed to Cindy M. Proper at (717) 772-2525.

Individuals who feel they meet the above criteria, and are interested in being considered to provide services during Fiscal Year 1999-2000, should submit a letter of interest, along with a copy of their completed feasibility study within 30 days from the date of this publication to: LTCCAP, Division of LTC Client Services, Department of Public Welfare, 4th Floor Bertolino Building, P. O. Box 2675, Harrisburg, PA 17105.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-202. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 99-830. Filed for public inspection May 21, 1999, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Fayette County

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

The Department of Transportation plans to replace the existing Fayette County Bridge No. 103, carrying T-364 over Jacobs Creek Run in Nicholson Township, Fayette County. The existing Fayette County Bridge No. 103 has been determined eligible for the National Register of Historic Places. The effect of this project on Bridge No. 103 will be mitigated by the following measures to minimize harm to the resource.

1. Preparing a Historic American Engineering Record (HAER) Recordation of Fayette County Bridge No. 103.
2. A marketing plan for the ownership of the existing Fayette County Bridge No. 103 will be developed.
3. Installing a permanent plaque at the site of the bridge commemorating the history and significance of Fayette County Bridge No. 103.

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

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

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-831. Filed for public inspection May 21, 1999, 9:00 a.m.]

Finding

Mercer County

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

The Department of Transportation plans to replace the Oakland Avenue Viaduct in the City of Sharon in Mercer County.

The project consists of replacement of the Oakland Avenue Bridge. The project also includes improvements to the geometric alignment of the approach roadway.

The project requires demolition of the National Register eligible Oakland Avenue Bridge. There is no feasible and prudent alternative to avoid the use of the Oakland Avenue Bridge.

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

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-832. Filed for public inspection May 21, 1999, 9:00 a.m.]

Retention of Engineering Firms

Delaware and Philadelphia Counties Project Reference No. 08430AG2350

The Department will retain an engineering firm to perform construction management support services for S.R. 0095, Sections DES, FUN, STL and CON, the

reconstruction and improvement of I-95 in the City of Philadelphia and Delaware County.

The project is proposed to have three (3) separate construction contracts with a total cost of approximately \$80 million dollars.

I-95 is a high-speed limited-access eight (8) to ten (10) lane interstate highway, located within the commercial, industrial, institutional, and residential areas in Delaware and Philadelphia Counties. This interstate highway has a high volume of traffic with closely spaced interchanges and provides the major access to Philadelphia International Airport. The project will begin at the intersection of I-95 with Bartram Avenue and extend northward virtually to the interchange of I-95 with Island Avenue. The project will provide for the construction of approximately six (6) bridges, six (6) retaining walls, and various lengths of one (1) lane to two (2) lane ramps with associated widenings of I-95. Major construction items of work will be the demolition of a concrete curved girder bridge over I-95, roadway demolition and reconstruction, signing, sign structures, lighting, drainage, and landscaping, all being done while maintaining vehicular traffic on I-95 and to the airport.

The anticipated design duration of the I-95 - Airport construction is approximately eighteen (18) months.

The required Construction Management Services will include, but not be limited to, the following:

Analyze contractor's CPM schedules and monitor progress during construction, facilitate at progress meetings and record minutes; attend meetings; review and make recommendations on construction and design problems; review design changes and make recommendations; evaluate value engineering proposals; perform constructability reviews; prepare correspondence for signature on all issues; track submissions including shop drawings; review and prepare responses on potential claims and assist in resolving claims; furnish change order evaluations and assist in their preparation; coordinate and participate in community relations including personal contacts with community representatives and community meetings; coordinate work with other agencies and utility companies; and assist in highway construction related problem-solving with the Department's field and office staff as well as the consultant designer.

The I-95/Airport project will require Construction Management Support Services during the design phase as well as the construction phase.

The consultant will be required to establish a field office in Pennsylvania within approximately one mile from I-95 and the Airport. This field office will be fully equipped to meet the needs of the Construction Management Staff and will contain office equipment, furniture, photocopying capabilities, telephones, fax facilities, and a conference room able to accommodate twenty (20) people. One (1) desk with a telephone and two (2) parking spaces is to be provided for use by Department and Federal Highway Administration personnel.

Firms who are performing work for contractors presently working on Department construction contracts, or firms who intend to perform work for contractors during the time period of the Construction Management Agreement, cannot be a member of the Construction Management Team.

The active members of the Construction Management Support Team may vary depending on the work schedule, but the following personnel will be required:

One Project Manager (Must be a PA Professional Engineer)

One Construction Engineer (Must be a Professional Engineer)

One Schedule Engineer

One Technician and a Secretary/Receptionist

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

a. Specific experience of the individuals listed for each position with emphasis on their background in coordinating construction projects, working for the owner in an Owner-in-Charge environment, and familiarity with PennDOT procedures and specifications.

b. Firm's specific public relations experience and technical competence which would demonstrate the ability to communicate the Department's message to the public.

c. Firm's past record of performance with the Department or similar agencies with an emphasis on the quality of the work and ability to meet deadlines.

d. Firm's experience in similar types of construction management assignments.

e. Firm's responsiveness to the requirements of this proposal and its knowledge of the construction to take place on the projects. (Shortlisted firms will be required to make an oral presentation)

The District will announce the firms that have been shortlisted at an open public meeting scheduled for June 30, 1999 at 10:00 A.M. in Engineering District 6-0's Large Conference Room.

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

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

The Letter of Interest submission shall be sent to:

Mr. Andrew L. Warren, District Administrator
Engineering District 6-0
200 Radnor-Chester Road
St. Davids, PA 19087

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Rex Mackey, P.E., District 6-0, at (610) 964-6556 or Mr. Marshall Linton, P.E., District 6-0, (610) 964-6684.

**Berks, Carbon, Lehigh, Monroe,
Northampton and Schuylkill Counties
Project Reference No. 08430AG2351**

The Department will retain an engineering firm for an Open-End Contract for various engineering and/or environmental services on various projects located in Engineering District 5-0, that is Berks, Carbon, Lehigh,

Monroe, Northampton and Schuylkill Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the Open-End Contract will be \$1.0 million.

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

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

- a. Past record of performance (timeliness, responsiveness, quality, cost control, and ability to meet schedules.
- b. Diversity of experience and technical competence.
- c. Location of consultant with respect to the District.
- d. Relative size of firm to potential assignments.

The work and services required under this Contract may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under this Contract include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under the Contract may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents;

Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations; The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

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

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

The Letter of Interest submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer
Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
Attention: Mr. David A. Earp, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. David A. Earp, P.E., District 5-0, at (610) 791-6021.

**Berks, Carbon, Lehigh, Monroe,
Northampton and Schuylkill Counties
Project Reference No. 08430AG2352**

The Department will retain an engineering firm for an Open-End Contract for various engineering and/or environmental services on various projects located in Engineering District 5-0, that is Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the Open-End Contract will be \$1.0 million.

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

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

- a. Past record of performance (timeliness, responsiveness, quality, cost control, and ability to meet schedules.
- b. Diversity of experience and technical competence.
- c. Location of consultant with respect to the District.
- d. Relative size of firm to potential assignments.
- e. Avoidance of potential conflict on interest in review tasks.

The work and services required under this Contract may encompass a wide range of environmental studies and engineering efforts with the possibility of several

different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under this Contract include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; however, the majority of work performed under this Open-End Contract will be areas of geotechnical reviews; bridge reviews; and the preparation of construction contract documents.

Review tasks will be subject to the condition that the selected consultant (or any subconsultant retained to perform work under this Open-End Contract) will not be permitted to review any work performed by the selected consultant (or any subconsultant) under any other contract or for any other project.

The areas of environmental study required under the Contract may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations; The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

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

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

information, and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer
Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
Attention: Mr. David A. Earp, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. David A. Earp, P.E., District 5-0, at (610) 791-6021.

Berks County
Project Reference No. 08430AG2353

The Department will retain an engineering firm for a multi-phase, specific project agreement to conduct environmental studies, prepare preliminary engineering plans, perform final design and provide services during construction (shop drawing reviews and consultation during construction) for S.R. 0082, Section 10B, the proposed bridge replacement over the Schuylkill River and ConRail tracks located in the Borough of Birdsboro and Township of Exeter, Berks County. The design of this project is expected to have an overall duration of approximately twenty-seven (27) months with shorter, varying schedules for individual phases. This multi-phase agreement will be administered by Engineering District 5-0. The estimated construction cost of the project is \$2.0 million.

The existing structure is a nine (9) span, 342-meter long, concrete open spandrel arch structure with two (2) 3.6 meter lanes and two (2) 1.8 meter sidewalks. S.R. 0082 in the project area is a two (2) lane minor arterial highway that extends north and south through southern Berks County. The project study limits will extend 150 meters on each end of the existing structure. The structure is bounded by mature forest and commercial structures on the north and by commercial and residential structures on the south.

The selected engineering firm will be required to provide a variety of engineering services as indicated below, but not limited to:

1. All studies necessary for the preparation of a Categorical Exclusion Evaluation Level 3 (or Level 4 if there are archeological findings or if the project requires additional right-of-way) and associated documents including: cultural resource surveys; wetlands delineation and evaluation; Section 106 documents; hazardous waste reports; archeological surveys, etc.

2. Preliminary engineering including, but not limited to: type, size, and location drawings; Step 9 submission; roadway design; E & S plans; soils and geotechnical reconnaissance; maintenance and protection of traffic; right-of-way investigation; and coordination with utility companies. Another consultant is performing some preliminary engineering work (field surveying and hydrologic and hydraulic reporting). The selected consultant will verify and incorporate this work into the preliminary engineering efforts.

3. Preparation of final roadway and structure plans, including, but not limited to: roadway and structure borings; final design; and preparation of plans, specifications, and estimates.

4. Consultation during construction.

All engineering services for this project will be performed in accordance with current Department Metric Design Standards.

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

- a. Specialized expertise and technical compliance.
- b. Project team composition.
- c. Project team experience.
- d. Ability to expedite project and maintain schedule and budget.
- e. Past performance.
- f. Location of consultant.

The District will announce the shortlisted firms at an open public meeting to be held in Engineering District 5-0, 1713 Lehigh Street, Allentown, PA, 18103. All candidates that have submitted a Letter of Interest will be notified of the date. Specify a contact person in the letter of interest submission.

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

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

The Letter of Interest submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer
 Engineering District 5-0
 1713 Lehigh Street
 Allentown, PA 18103
 Attention: Mr. David A. Earp, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. David A. Earp, P.E., District 5-0, at (610) 791-6021 or Mr. Kenneth M. McClain, District 5-0, at (610) 791-6037.

**Allegheny County
 Project Reference No. 08430AG2354**

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately nineteen (19) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects:

- 1. S.R. 0079, Section A19, Allegheny County Local Name: Neville Island Bridge Phase 1 This project involves a bridge rehabilitation - fatigue crack repairs.
- 2. S.R. 3048, Section A05, Allegheny County Local Name: Mansfield Blvd. This project involves a bridge deck replacement with minor approach work.

3. S.R. 0019, Section 062, Allegheny County Local Name: Perry Highway Bridge This project involves replacing an existing bridge over S.R. 0910 and widening approaches.

4. S.R. 0051, Section A44, Allegheny County Local Name: Fleming Park Road This project involves a bituminous overlay, paved shoulders, guide rail and drainage.

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

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

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage, milling, guiderail, and superpave asphalt mixtures.
- b. Understanding of Department's requirements, policies, and specifications.
- c. Past performance.
- d. Number of NICET certified inspectors in each payroll classification.
- e. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

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

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	4 (3)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	11 (7)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	4 (0)

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

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

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

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

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

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

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

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

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; four (4) inspectors certified in computer documentation; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

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

- 1 Nuclear Densometer Gauges/License****
- 1 Vehicle for the Transportation of Nuclear Gauges****
- 19 Cellular Telephones (Two-way Radios also acceptable)

**** At point of need when needed

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

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	5
TCI	14

No resumes are required for the TA Classification.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus

an organizational chart (up to 11" x 17" size), required information, and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Raymond S. Hack, P.E., District Engineer
Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Brian A. Krul, District 11-0, at (412) 429-3801.

**Greene County
Project Reference No. 08430AG2355**

The Department will retain an engineering firm to prepare an Environmental Impact Statement (EIS) and perform preliminary design activities for the Morrisville relocation and/or widening project on S.R. 0019, Section P02, located in Franklin Township and the Borough of Waynesburg, Greene County, Engineering District 12-0. The estimated construction cost is \$12 million.

The project consists of relocating and/or widening a 1000 meter section of roadway beginning near the intersection of S.R. 0019 and S.R. 0021 and proceeding west crossing over the South Fork of Ten Mile Creek and beneath Conrail's tracks and terminating near the intersection of Woodland Avenue (T-728) and Green Street (S.R. 0019). Possible northern and southern limits of the study area are the South Fork of Ten Mile Creek and Morris Street (T-541) respectively. Included in the project are two (2) structures, a concrete arch over the South Fork of Ten Mile Creek and an overhead steel truss structure owned by Conrail. Widening or replacement of these two structures or the addition of two (2) new structures may be required depending upon the selection relocation of S.R. 0019.

The selected firm will be required to provide: environmental impact statement; preliminary and detailed alternatives analysis; design field view submission; field survey; public involvement; utility and PUC coordination; hydrologic and hydraulic studies; right-of-way plans; traffic control plans; erosion and sedimentation control plans; type, size and location submission; pavement design; geotechnical/foundation submission and project management. A project needs analysis and a portion of the preliminary alternatives analysis has been completed by others. The needs presentation report and all relevant preliminary design data will be provided by the Department to the selected firm.

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

- a. Specialized experience and technical competence of firm. The specific experience of individuals who constitute the firms will be considered.
- b. Understanding of the Department's requirements, Design Manuals, policies and specifications.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules.
- d. Location of consultant with respect to the District. This will include ability/provisions for quick responses to District requests.

e. Method of controlling quality of projects and submissions. Consideration will be given to coordination between disciplines, subconsultants, etc.

The District will announce the firms that have been shortlisted at an open public meeting to be held in Engineering District 12-0, North Gallatin Avenue Extension, P. O. Box 459, Uniontown, PA 15401. All candidates that have submitted a letter of interest will be notified of the date. Specify a contact person in the letter of interest.

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

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

The Letter of Interest submission shall be sent to:

Mr. Michael H. Dufalla, P.E., District Engineer
Engineering District 12-0
N. Gallatin Avenue Extension
Uniontown, PA 15401
Attention: Mr. Jerome F. Bendo

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Jerry F. Bendo, District 12-0, at (724) 439-7377.

**Monroe County
Project Reference No. 08430AG2356**

The Department will retain an engineering firm for a multi-phase, specific project agreement to conduct environmental studies, prepare preliminary engineering plans, perform final design and provide services during construction (shop drawing reviews and consultation during construction) for the proposed bridge clearance resolutions of two (2) bridges over S.R. 0080 in Monroe County. One bridge is located on S.R. 0209 at Exit 52 (Marshalls Creek exit) in Smithfield Township and the other bridge is located on S.R. 2017 at Exit 51 (East Stroudsburg exit) in East Stroudsburg. This project will also involve the preparation of a feasibility study for the improvement of the existing intersection between S.R. 0209 and S.R. 0447 located approximately 100 meters northeast of the interchange between S.R. 0209 and S.R. 0080 (Exit 52). The design of this project is expected to have an overall duration of approximately twenty-seven (27) months with shorter, varying schedules for individual phases. This multi-phase agreement will be administered by Engineering District 5-0. The estimated construction cost of the project is \$8.0 million.

S.R. 0209 in the project area is a two (2) lane, rural, minor arterial highway that extends northeast and southwest through Monroe County. The structures is part of the Exit 52 configuration that connects the two-lane portion of Route 209 with a four-lane, divided, limited access highway that carries both Interstate 80 and Route 209 designations. The project study limits will extend throughout the interchange area and extend 1000 meters east and west and 770 meters north and south of the

existing structure. The purpose of the project is to increase the existing vertical clearances under the structure (14'8" over westbound I-80 and 15'0" over eastbound I-80) to the design standard of 16'6". The existing structure, which was built in 1958, is a single span, steel structure with two 3.6-meter lanes separated by a mountable median. The total width is 16.5 meters and the overall length is 31.4 meters.

S.R. 2017 in the project area is a two-lane, urban, minor arterial highway that extends north and south through in the Borough of East Stroudsburg. The structure is part of the Exit 51 interchange of S.R. 2017 (Prospect Street) with Interstate 80. The project study limits will extend throughout the interchange area and extend 1000 meters east and west and 300 meters north and south of the existing structure. The purpose of the project is to increase the existing vertical clearances under the structure (14'6" over westbound I-80 and 14'10" over eastbound I-80) to the design standard of 16'6". The existing structure, which was built in 1958, is a single span, steel, structure with two 3.6-meter lanes and one 1.5-meter sidewalk. The total width is 13.7 meters and the overall length is 20.9 meters.

S.R. 0209 intersects S.R. 0447 approximately 100 meters northeast of the interchange between S.R. 0209 and S.R. 0080 (Exit 52). S.R. 0209 is a two lane minor arterial highway that runs northeast and southwest through Monroe County. S.R. 0447 is a two lane minor arterial highway that runs north and south through central Monroe County. The goal of this project is to prepare a feasibility study for improvements to this intersection, develop a preferred alternative, and prepare a preliminary roadway design (line and grade) for the preferred alignment to the extent that the environmental documentation can be completed.

The selected engineering firm will be required to provide a variety of engineering services as indicted below, but not limited to:

1. All studies necessary for the preparation of a Categorical Exclusion Evaluation Level 3 (or Level 4 if there are archaeological findings or if the project requires additional right of way) and associated documents including: cultural resource surveys, wetlands delineation and evaluation, Section 106 documents, hazardous waste reports, archaeological surveys, etc.

2. Preliminary engineering including, but not limited to: field surveys; type, size and location; Step 9; roadway design; hydrologic and hydraulic report; E & S plans; soils and geological reconnaissance; maintenance and protection of traffic plans; right-of-way investigation and coordination with utility companies.

3. Preparation of final roadway and structure plans, including, but not limited to: roadway and structure borings; final design; and preparation of plans, specifications and estimates

4. Consultation during construction.

5. Preparation of a feasibility study for intersection improvements, including, but not limited to: researching existing intersection accident, traffic, and geometric data; preparation of alternative improvement concepts; selection of a preferred alternative; preparation of all necessary environmental documentation; and preliminary roadway design to the extent that the environmental documentation can be prepared.

All engineering services for this project will be performed in accordance with current Department Metric Design Standards.

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

- a. Specialized experience and technical competence.
- b. Project team composition.
- c. Project team experience
- d. Ability to expedite project and maintain schedule and budget.
- e. Past performance.
- f. Location of consultant.

The District will announce the firms that have been shortlisted at an open public meeting to be held in Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103. All candidates that have submitted a letter of interest will be notified of the date. Specify a contact person in the letter of interest submission.

By submitting a letter of interest for the project, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania.

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

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

The Letter of Interest submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer
Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. David A. Earp, P.E., District 5-0, at (610) 791-6021 or Mr. Jack W. Hubbard, District 5-0, at (610) 791-6021.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that requests engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the

right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-833. Filed for public inspection May 21, 1999, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Borough of Lewistown v. DEP; EHB Doc. No. 99-098-L

The Borough of Lewistown has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Lewistown Borough, Mifflin County, PA.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 99-834. Filed for public inspection May 21, 1999, 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, May 6, 1999, and took the following actions:

Regulations Approved:

Department of Public Welfare #14-441: Protective Services (amends 55 Pa. Code Chapter 3490).

Department of Public Welfare #14-442: Child Residential and Day Treatment Facilities (adds 55 Pa. Code Chapter 3800).

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III

Public Meeting held
May 6, 1999

Department of Public Welfare—Child Residential and Day Treatment Facilities; Regulation No. 14-442

Order

On February 4, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare. This rulemaking adds 55 Pa. Code Chapter 3800. The authority for this regulation is found in Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1080). The proposed regulation was published in the February 14, 1998 *Pennsylvania Bulletin* with a 30-day public comment period which was subsequently extended for an additional 30 days. The final-form regulation was submitted to the Commission on April 8, 1999, but tolled on April 21, 1999. A revised final-form regulation was also submitted on April 21, 1999.

Chapter 3800 consolidates the licensing, health and safety requirements for child residential and day treatment facilities currently found in Chapters 3680, 3710, 3760, 3810, 5310 and 6400. The regulation is intended to eliminate or reduce duplication and inconsistency among regulations that address children who are exposed to similar health and safety risks.

We have reviewed this regulation and find it to be in the public interest. The final-form will protect the health, safety and welfare of children receiving services from residential and day treatment facilities.

Therefore, It Is Ordered That:

1. Regulation No. 14-442 from the Department of Public Welfare, as submitted to the Commission on April 21, 1999, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III

Public Meeting held
May 6, 1999

Department of Public Welfare—Protective Services; Regulation no. 14-441

Order

On February 10, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (DPW). This rulemaking amends 55 Pa. Code Chapter 3490. The authority for this regulation is 23 Pa.C.S. §§ 6301 to 6385. The proposed regulation was published in the February 21, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 18, 1999, but withdrawn prior to Commission action. A revised final-form regulation was resubmitted to the Commission on April 14, 1999.

DPW is making major revisions to 55 Pa. Code Chapter 3490 (Protective Services). In 1994, the General Assembly enacted Act 151 which addressed reporting of suspected child abuse. Changes to the statute which are incorpo-

rated in this rulemaking include additional requirements for mandated reporters, abuse of students in school, general protective services, reports to Childline and responsibilities of the County Agency.

We have reviewed this regulation and find it to be in the public interest. Implementation of Act 151 of 1994 through this regulation will further assure the safety of children. In addition to the comprehensive reporting requirements and investigation of suspected abuse of students, the regulation provides for training and certification of county children and youth agency staff who provide protective services to children.

Therefore, It Is Ordered That:

1. Regulation No. 14-441 from the Department of Public Welfare, as submitted to the Commission on April 14, 1999, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-835. Filed for public inspection May 21, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under Section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P.S. § 991.1604(2)(ii)), the Insurance Commissioner hereby declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and hereby adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in Pennsylvania is not required before placement of the coverages in the surplus lines market.

Export List

Amusements

Carnival ride owners/operators
Amusement parks and their devices
Auto racing and automobile race tracks
Golf courses and driving ranges
Midget autos and go-karts
Animal rides
Rodeos and horse shows
Balloon rides—hot air/gas
Recreational and sporting events
Guide, lodge or outfitters
Horseback/pony riding establishments
Hunting clubs
Special short term events
Skating rinks (roller and ice) and skate board parks
Ski resorts owners/operators liability
Theatrical presentations
Armored cars
Asbestos abatement contractors liability and cleanup

coverage
Aviation
Cargo
Vehicles maintaining or servicing aircraft
Fixed base operations
Nonownership liability
Hull
Chartered
Excess passenger liability
Antique aircraft
Airport liability
Hangarkeeper's liability
Helicopters
Blood banks, blood and organ facilities
Boat rentals
Chemical spray and/or drift
Day care centers liability, including sexual abuse coverage
Demolition contractors liability
Earthquake
Explosive hauling
Explosives, munitions or fireworks manufacturing/storage/sales
Flood insurance not provided under Federal flood insurance
Ground applicators—chemical
Hazardous waste site mitigation contractors liability
Hazardous waste disposal site liability and cleanup coverage
House movers
Kidnapping, ransom and extortion insurance
Law Enforcement Liability*
Lead liability
Lead abatement contractors liability
Liability for employment related practices
Liquor liability—monoline
Nuclear energy general liability
Ocean marine
Physical damage coverage for private passenger, classic, antique, or commercial vehicles with an original new cost or market value of \$60,000 or greater
Products recall coverage
Railroad liability
Security/Detective/Patrol agencies
Vacant Properties*

* denotes a new or amended coverage from the Export List published at 28 Pa.B. 2467 (May 23, 1998)

This list supersedes the list published at 28 Pa.B. 2467 (May 23, 1998), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, e-mail <http://www.cbybee@ins.state.pa.us>.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-836. Filed for public inspection May 21, 1999, 9:00 a.m.]

Rate Filing; Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield; Filing No. 390-MMCG-5/99; Community Rated Group Major Medical Rate Increase

Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield submitted a filing requesting the Insurance Department's approval to increase the approved monthly rates by 36.24% for the Major Medical Community Rated Program for an effective date of October 1, 1999. The increase will affect approximately 21,200 contracts and produce additional annual income of \$6.3 million.

Also, Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield are requesting the Insurance Department's approval to implement quarterly indexed rates (guaranteed for 12 months) which will be applied to both existing and new groups according to their renewal month.

Additionally, the Plans are seeking the Insurance Department's approval to implement two new deductible options which will have 80%/20% coinsurance to \$5,000 disappearing coinsurance. These new deductible options are: \$100 deductible/\$300 per family, and \$200 deductible/\$600 per family.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-837. Filed for public inspection May 21, 1999, 9:00 a.m.]

Rate Filing; Capital Blue Cross and Pennsylvania Blue Shield; Filing No. 99-Q; Community-Rated Group Major Medical Program

By Filing No. 99-Q, Capital Blue Cross and Pennsylvania Blue Shield propose to adjust the rates for the Community-Rated Group Major Medical Program. The proposed increase is 23.08%. This rate change will produce an estimated additional annual income of \$12.8 million and will affect approximately 104,227 subscribers. An effective date of October 1, 1999 is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Carol Slack, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry

Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-838. Filed for public inspection May 21, 1999, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Bucks County, Wine & Spirits Shoppe #0925, 1045 Second Street Pike, Richboro, PA 18954.

Lease Expiration Date: September 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a half-mile radius on Second Street Pike and Almhouse Road, Northampton Township.

Proposals due: June 11, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Chester County, Wine & Spirits Shoppe #1503, 228 South 3rd Street, Oxford, PA 19363.

Lease Expiration Date: August 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,000 net useable square feet of new or existing retail commercial space on Route #10 in Oxford Borough, East Nottingham Township.

Proposals due: June 11, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5138, 7204 Germantown Avenue, Philadelphia, PA 19119.

Lease Expiration Date: August 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in the City of Philadelphia at the intersection near Germantown Avenue and Mount Airy Street.

Proposals due: June 11, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5148, 6132 Lancaster Avenue, Philadelphia, PA 19151.

Lease Expiration Date: May 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Penn-

sylvania Liquor Control Board with approximately 7,000 net useable square feet of new or existing retail commercial space in the City of Philadelphia near the intersection of Lancaster Avenue and 59th Street.

Proposals due: June 11, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5188, 7333 Elmwood Avenue, Philadelphia, PA 19142.

Lease Expiration Date: May 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space on Elmwood Avenue, within a half-mile radius of Island Avenue and Elmwood Avenue, Philadelphia.

Proposals due: June 11, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #9104, 6783 North 5th Street, Philadelphia, PA 19126.

Lease Expiration Date: August 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space on Cheltenham Avenue, in Melrose Park section, Cheltenham Township.

Proposals due: June 11, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #9109, Andorra Shopping Center, 8500 Henry Avenue, Philadelphia, PA 19128.

Lease Expiration Date: August 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 7,000 net useable square feet of new or existing retail commercial space within a half-mile radius of Henry Avenue and Port Royal Avenue, Philadelphia.

Proposals due: June 11, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Centre County, Wine & Spirits Shoppe #1401, 114 N. Spring Street, Bellefonte, PA 16823-1504.

Lease Expiration Date: May 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space serving Bellefonte area.

Proposals due: June 11, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Fayette County, Wine & Spirits Shoppe #2602, 127 Brownsville Avenue, Brownsville, PA 15417; and #2607, Main Street, Republic, PA 15475.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space within a half-mile radius of the intersection of U.S. Route #40 and PA Route #166, Brownsville.

Proposals due: June 11, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Schuylkill County, Wine & Spirits Shoppe #5412, 17 Saint John Street, Schuylkill Haven, PA 17972.

Lease Expiration Date: May 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within 2 miles of the intersection of PA Route #443 (Main Street) and Saint John Street, Schuylkill Haven.

Proposals due: June 11, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard J. Rhodes, (717) 657-4228

Philadelphia County, Wine & Spirits Shoppe #5145, 5917 Torresdale Avenue, Philadelphia, PA 19135-4126.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in Philadelphia City on Frankford Avenue between Harrison Avenue to Harrison Street.

Proposals due: June 11, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

The Liquor Control Board seeks the following new site:
 Chester County, Wine & Spirits Shoppe #1522, West Whiteland Township.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a half-mile radius of the intersection of Route #30 (Lancaster Pike) and Route #100 in West Whiteland Township.

Proposals due: June 11, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive,
 Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 99-839. Filed for public inspection May 21, 1999, 9:00 a.m.]

MILK MARKETING BOARD

Sunshine Meeting Dates for 1999-2000

In accordance with the Sunshine Act of 1986 (P. L. 388, No. 84), the Pennsylvania Milk Marketing Board has established the following meeting dates for Fiscal Year 1999-2000:

<i>Date</i>	<i>Time</i>	<i>Place</i>
July 7, 1999	1 p.m.	Room 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
August 3, 1999	1 p.m.	Room 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
September 1, 1999	1 p.m.	Room 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
October 6, 1999	1 p.m.	Room 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
November 3, 1999	1 p.m.	Room 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
December 1, 1999	1 p.m.	Room 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
January 5, 2000	1 p.m.	Room 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
February 2, 2000	1 p.m.	Room 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
March 1, 2000	1 p.m.	Room 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
April 5, 2000	1 p.m.	Room 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
May 3, 2000	1 p.m.	Room 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
June 7, 2000	1 p.m.	Room 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408

LYNDA J. BROWN,
Secretary

[Pa.B. Doc. No. 99-840. Filed for public inspection May 21, 1999, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Drinking Water State Revolving Fund; Federal FY 1998 and 1998 Project Priority List

The Pennsylvania Infrastructure Investment Authority (PIIA) and the Department of Environmental Protection have revised the combined Federal fiscal year 1998/1999 Drinking Water State Revolving Fund (DWSRF) Project Priority List (List) of drinking water projects.

The FY 98/99 List was developed in conformance with the requirements of the Safe Drinking Water Act Amendments of 1996 (act) and Federal guidance and was approved by the Environmental Protection Agency (EPA) on July 2, 1998. The act stipulates that states must maintain a Project Priority List of drinking water projects from which to develop the annual DWSRF IUP list of projects to be funded.

The nine projects proposed for addition to the List will not replace any project currently on the approved FY 98/99 List. These nine projects are additions and are being placed in the appropriate ranking slot in relation to other rated and ranked projects on the List. The rank order standing of projects on the List does not dictate the order in which projects are chosen for funding in the DWSRF program. A project's readiness to proceed and the reasonable availability of alternative sources of funds have a bearing on project selection for funding in the program.

All of the nine projects to be added to the FY 98/99 List are expected to proceed to construction in the near future. These projects have submitted applications for funding and will be placed on an IUP to (1) replace projects that have not proceeded timely toward initiation of project construction and/or (2) to fill funding gaps that have developed as a result of cost savings. Projects removed from an IUP will remain on the List and be considered for DWSRF loan funds in the future.

Federal guidance on revising an approved List indicates the List be subject to public comment and review before being submitted to EPA. Interested persons are invited to express their views on the priority rating or ranking of projects on the revised FY 98/99 List. Persons wishing to offer comments should submit them in writing to the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, (717) 787-6744, or by Internet E-Mail (Maisano.Tony@a1.dep.state.pa.us) by 4 p.m., June 22, 1999.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Maisano as noted above or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A list of the drinking water projects to be added to the FY 98/99 List follows this notice.

A copy of the revised FY 1998/99 Project Priority List that shows all 239 drinking water projects in priority and ranked order is available to any interested person for a nominal cost or may be reviewed in the Administrative Services Section office and in the following offices:

DEP—Southeast Region:
Water Supply Manager
Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428
(610) 832-6060

DEP—Northeast Region:
Water Supply Manager
2 Public Square, Wilkes-Barre, PA 18711-0790
(570) 826-2511

DEP—Southcentral Region:
Water Supply Manager
909 Elmerton Avenue, Harrisburg, PA 17110
(717) 705-4708

DEP—Northcentral Region:
Water Supply Manager
208 West 3rd Street, Williamsport, PA 17701
(717) 327-3675

DEP—Southwest Region:
Water Supply Manager
400 Waterfront Drive, Pittsburgh, PA 15222-4745
(412) 442-4217

DEP—Northwest Region:
Water Supply Manager
230 Chestnut Street, Meadville, PA 16335-3481
(814) 332-6899

Pennsylvania Infrastructure Investment Authority
22 S. Third Street, 4th Floor, Keystone Building, Harrisburg, PA 17101
(717) 787-8137

JAMES M. SEIF,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority
and

PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF
ENVIRONMENTAL PROTECTION
DRINKING WATER STATE REVOLVING FUND
ADDITIONS TO FY 1998-99 PROJECT PRIORITY LIST (IN ALPHABETICAL ORDER)
Revised May 22, 1999**

PROJECT TYPE:

SRC—SOURCE
TRANS—TRANSMISSION SYSTEM
TREAT—WATER TREATMENT PLANT
TREATMOD—WATER TREATMENT PLANT MODIFICATION
WS—WATER STORAGE
DS—DISTRIBUTION SYSTEM
OTHER—ADMINISTRATIVE, LEGAL, FINANCIAL, ENGINEERING, PERMITS,
CONTINGENCY, OR AS SPECIFIED

Rank	PWSID	Applicant Name	Project Type	County	Assistance	IUP Yr	Approved
6	4140101	BOGGS TWP WA	SRC, WS, TREAT, DS	CENTRE	\$710,000	99	3/24/99
9	1090005	CHALFONT WATER DEPT	TREAT	BUCKS	\$259,300	99	3/24/99
14	5630039	CHARLEROI BORO AUTH (02)	DS	WASHINGTON	\$1,032,500	99	3/24/99
34	5030002	DAYTON BOROUGH	SRC, WS, DS	ARMSTRONG	\$260,332	99	3/24/99
47	2570003	DUSHORE BORO	DS	SULLIVAN	\$200,000	99	3/24/99
52	7010032	FRANKLIN TWP MA	SRC, TREAT, WS, DS	ADAMS	\$545,383	99	3/24/99
41	5650070	NEW KENSINGTON MA	DS	WESTMORELAND	\$3,798,813	99	3/24/99
57	2350022	PA AMERICAN WATER CO (NUI)	TRANS, DIST	LACKAWANNA	\$413,516	99	3/24/99
49	1090001	PHILADELPHIA SUBURBAN WATER CO (BRISTOL)	TREAT	BUCKS	\$5,501,660	99	3/24/99

[Pa.B. Doc. No. 99-841. Filed for public inspection May 21, 1999, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Water Service Without Hearing

Delegation of Additional Prosecutory Authority to Office of Trial Staff; Doc. No. M-00940593

At the public meeting held April 29, 1999, the Pennsylvania Public Utility Commission (Commission) delegated to the Office of Trial Staff (OTS) additional authority to initiate certain proceedings which are prosecutory in nature. In particular, and in addition to the prosecutory authority previously delegated to it at the September 1, 1994, public meeting, the Commission has delegated to OTS authority to initiate section 701 complaint proceedings in the public interest regarding allegations of unlawful slamming (unauthorized changing of service providers) and cramming (unauthorized billing charges) in the telecommunications industry.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-842. Filed for public inspection May 21, 1999, 9:00 a.m.]

A-212420F2000. Poco-Spring Water Company. Application of Poco-Spring Water Company for approval to abandon water service to the public in Roaring Brook Township, Lackawanna 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 June 7, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: Poco-Spring Water Company
Through and By Counsel: John Mercuri, Attorney, P. O. Box 310, Moscow, PA 18444

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-843. Filed for public inspection May 21, 1999, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

1703148 Aircraft and airframe structural components—1 each Wescam Model 12 dual Senseo system (no substitute).

Department: Attorney General
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1029169 Communication equipment—Various equipment to furnish, install and make operational a turnkey system. All equipment and services should be provided as a "no substitutes."

Department: Education
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8171590 Construction and building materials—1 each precast reinforced concrete box culvert.

Department: Transportation
Location: Meadville, Crawford County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1685078 Electric wire and power and distribution equipment—1 each furnish and install a new complete skid mounted mobile diesel powered emergency generator set.

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1684168 Laboratory instruments and equipment—18 each computer aided drafting laboratory Model GSLB-125 R cad/drafting table; 18 each Model No. 2312 workstation chairs; 18 each Model ROBOCAD-PC20 computer aided drafting system; 19 each multimedia workstation computer; 2 each Model No. 55245 Calcomp Techjet color inkjet plotter; 1 each 100 Base T ethernet peer to peer network; 1 each Model No. DCT-24WT drafting supply storage cabinet; 1 each Model No. SL 4220F white printer (Rotolite No. S/L 4220 w/stand); 1 each Model No. DPSC-50 drawing paper storage cabinet (Sahin/Sho-Bilt) No. DPSC-50; 1 each Model No. GSC-365 storage cabinet (Shain/Shop-Bilt No. GSC-365).

Department: Education
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1748358 Laboratory instruments and equipment—1 system furnish, set-up, make operational, demonstrate and train high-speed gas chromatograph/mass spectrometer semivolatle system.

Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8112860 Laboratory instruments and equipment—1 each furnish and install weigh-in-motion scale; 1 each furnish and install static platform scale.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1750358 Medical, dental and veterinarian equipment and supplies—10 each 30A6 multichamber adapter for Radcal radiation monitor 3036 or an approved equal; 4 each Radcal Model 3036 radiation monitor or approved equal; 4 each Unfors Model 9001 Rad/Flu KVP meter or approved equal; 4 each Unfors Model 9002 dental KVP meter or approved equal; 1 each Unfors Model 9004 CT KVP meter or approved equal; 2 each Victoreen ION Chambe Model 450P or approved equal.

Department: Environmental Protection
Location: Conshohocken, Montgomery County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8145780 Miscellaneous—4,000 each yellow (amber) railrider; 4,000 each silver (white) railriders.

Department: Transportation
Location: Punxsutawney, Jefferson County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1756148 Motor vehicles, trailers and cycles—9 each 1997 and or 1998 model pre-owned vehicles; 1 each 1997 or 1998 model pre-owned full size pickup truck with 8' cargo bed.

Department: Attorney General
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1687118 Photographic equipment—50 each Alco-Sensor IV; 20 each Alco-Sensor IV utility computer program software; 10 each calibration station, 105-liter model; 52,000 each mouthpieces, Prod. No. AS-MP-SP4F.

Department: Corrections
Location: Camp Hill, Cumberland County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1722138 Prefab structures and scaffolding—1 each greenhouse at the Hollidaysburg Veterans Home.

Department: Military and Veterans Affairs
Location: Hollidaysburg, Blair County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1719388 Tents and tarpaulins—2 each year round universal recreational tent (Yurt).

Department: Bald Eagle State Park
Location: Howard, Centre County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1743158 Tents and tarpaulins—13 each Dur-Edge top edge color black 1595, 4 corner radius Ref. Plymold Seating Prod. No. 36036 or approved equal; 2 each Dura-A-Edge top edge color black 1595, 4 corner radius Ref. Plymold Seating Prod. No. 30044 or approved equal; 13 each square frame, Jupiter 4 seat, frame color black IF1360 standard glides to be included on all frame Ref. Plymold Seating Products No. 54503 or approved equal; 56 each chairhead, Spectrum, chair paint color black IF 1360 seat style insert molded seat insert, seat color insert, Spectrum red F845 Plymold seating Product No. 6150 or approved equal; 4 each chair, Spectrum, chair paint color black IF 1360 seat style insert; molded seat insert, seat color, Spectrum red F845 Ref. Plymold seating Product 6151 or approved equal.

Department: Temple University
Location: Philadelphia, Philadelphia County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1698118 Textiles—150,000 yards sheeting, bleached, width 54", salvage two sides, color white Pantone textile color No. 11-0602TP.

Department: Correctional Industries
Location: Huntingdon, Huntingdon County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1702118 Textiles—130,000 sq. ft. oil grain leather.

Department: Correctional Industries
Location: Graterford, Montgomery County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1705118 Textiles—50,000 yards sheeting, bleached, width 42" color white Pantone color 11-0602TC.

Department: Correctional Industries
Location: Huntingdon, Huntingdon County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1715118 Textiles—40,000 pair heels, men's rubber, nylux core, neutral, Biltrite brand or approved equal.

Department: Correctional Industries
Location: Graterford, Montgomery County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1736118 Textiles—60,000 yards polycotton twill bandmaster or approved equal color Pantone 17-0000TP frost gray.

Department: Correctional Industries
Location: Dallas, Luzerne County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

A and E 2500-99 Plumbing, heating and sanitation equipment—Baseboard hot water heating equipment. Consists of Bell and Gossett converters, pumps and air separators; Howell valves and motors; Amtrol expansion tanks; Neptune shot feeders and Sarco air vents and steam valves. Items to be as specified or approved equal.

Department: Corrections
Location: Dallas, Luzerne County, PA
Duration: FY 98—99
Contact: State Correctional Institution Dallas, Robert G. Berkey, (570) 675-1101, ext. 325

PB 0930001 Prefab structures and scaffolding—1—40' x 80' super structure kit. Including 3 piece bolt truss on 10' center; fill structured steel 13 ga. galv.; cover 10.2 oz. high density polyethylene (silver white cover) treated tongue and groove 2 x 6 nailed to inside of kneewall. Completely installed.

Department: Transportation
Location: Ebensburg, Cambria County, PA
Duration: FY 98—99
Contact: Transportation, Donald J. Godish, (814) 472-7100, ext. 218

B-10653 Construction and building materials—Vendor to supply to the State Correctional Institution roofing materials. Materials included but not limited to HP 250 primer, LAP caulking, EPDM elasto form flashing, splice cement, EPDM peel and stick and any other related roofing repair supplies. These materials will be purchased on an as needed basis only.

Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 98—99
Contact: State Correctional Institution Graterford, Kelly Richardson, (610) 489-4151

HOSP-303 Medical, dental and veterinarian equipment and supplies—Vendor to supply to the State Correctional Institution Graterford hospital items. Items included but not limited to manual beds, mattress, safety siderails, restraint beds, and the like, or any other related items required by the institution. Items will be purchased on an as needed basis.

Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 98—99
Contact: State Correctional Institution Graterford, Kelly Richardson, (610) 489-4151

SERVICES

Advertising—01

98-28 Provide a Statewide public information and education campaign to inform the public, motorists, community groups, Pennsylvania's automotive repair and sales industries, fleet owners and managers, various other internal and external Pennsylvania Department of Transportation partners and stakeholders, public officials and the media about the Commonwealth's plans to replace all "Standard Issue" and personalized license plates Statewide and to explain the reasons for, the mechanics of and the goals of this general reissuance program. Additional information and request for proposals are available upon request. Requests should be faxed to (717) 783-7971, Attn: Tina Chubb.

Department: Transportation
Location: Bureau of Office Services, Statewide
Duration: Notice to proceed through July 2002 w/option for monthly extensions not to exceed 1 year
Contact: Connie J. Simmons, (717) 705-1363

Auctioneer Services—03

2620 Auctioneering services to be provided to the Department of General Services, State Surplus Property Division. The successful bidder will provide State Surplus Property with an auctioneer who is experienced in selling general merchandise to the general public by way of buyers premium sales. One or more auction sales will be held in Harrisburg or elsewhere in Pennsylvania.

Department: General Services
Location: State Surplus Property Division, 2221 Forster Street, Harrisburg, PA 17125
Duration: August 1, 1999 through July 31, 2000
Contact: Tom Ford, (717) 787-9038

Audio/Video—04

B-10787 Vendor to supply the State Correctional Institution, Graterford with equipment to upgrade CCTV equipment located in A through E dining rooms and the main corridor. Example: JVC 1/3 CCD color camera, 4 MM lens, wall mount brackets, and the like.

Department: Corrections
Location: State Correctional Institution—Graterford, Box 246, Route 29, Graterford, Montgomery County, PA 19426
Duration: 6 months
Contact: Kelly Richardson, Purchasing Agent II, (610) 489-4151

Construction—09

No. 53 Furnish and install roadway around the Loysville Secure Treatment Unit, R. D. 2, Box 500, Loysville, PA 17047.

Department: Public Welfare
Location: Loysville Complex, Loysville Secure Treatment Unit, R. D. 2, Box 500, Loysville, PA 17047
Duration: July 1, 1999 through September 30, 1999
Contact: Mary Lou Auman, Purchasing Agent, (717) 789-5508

DGS A 506-72 Project title: Renovate Heating System—Eaton Building No. 54. Brief description: Renovate the south radiant heating system. Furnish and install a new hot water heating piping system and connect to the existing heating coils in the fan coil units. Provide a new circulating pump for the zone, new valves and controls for the fan coil units. Disconnect and abandon the existing floor radiant heating system for the south radiant zone. Estimated range: \$100,000 to \$500,000. Mechanical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 2, 1999, at 2 p.m.

Department: General Services
Location: Harrisburg State Hospital, Harrisburg, Dauphin County, PA
Duration: 140 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 506-73 Project title: Furnish, Install and Program Automatic Temperature Controls to Control 126 Existing Heat Pumps. Brief description: Remove existing unitary electric controls and provide new electronic direct digital controls, electrical power, control circuits, piping, computer software and programming. Estimated range: \$100,000 to \$500,000. Mechanical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 2, 1999, at 2 p.m.

Department: General Services
Location: Harrisburg State Hospital, Harrisburg, Dauphin County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 515-61 Project title: Roof Replacement—Building 18/19. Brief description: Remove existing shingle roofing system, gutters and downspouts. Install new 15 lb. felt roofing shingles, gutters and downspouts. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 9, 1999, at 1 p.m.

Department: General Services
Location: Wernersville State Hospital, Wernersville, Berks County, PA
Duration: 100 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 581-51 Project title: Repair Condensate Return Lines. Brief description: Excavate and backfill, remove and replace buried piping, repair concrete manholes, restore paving, lawn and test piping. Estimated range: \$100,000 to \$500,000. Mechanical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 9, 1999, at 1 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 Bidding Unit, (717) 787-6556

DGS A 583-71 Project title: Replace Roof at Boiler Plant. Brief description: Remove existing gravel and built up roofing system. Install new insulation and membrane roofing system. Estimated range: Under \$100,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 9, 1999, at 11 a.m.

Department: General Services
Location: Ebensburg Center, Ebensburg, Cambria County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 1574-18 Project title: Roof Replacement—Unit No. 4 Building. Brief description: Roof replacement with new shingles, underlayment, dormer trim replacement, new flashings and drip edges. Estimated range: Under \$100,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 2, 1999, at 11 a.m.

Department: General Services
Location: State Correctional Institution, Cresson, Cambria County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 1574-19 Project title: Renovate Lower Sallyport. Brief description: Add two new sliding gates with remote operators, new electric and video cameras. The new operators are controlled from existing gate house. Expand both ends of sallyport including razor wire. Estimated range: Under \$100,000. Miscellaneous construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 9, 1999 at 11 a.m.

Department: General Services
Location: State Correctional Institution, Cresson, Cambria County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 1579-2 Project title: New Parking Lot. Brief description: Pave staff parking lot and provide lighting on new staff and existing visitors' parking lot. Estimated range: \$100,000 to \$500,000. Electrical and miscellaneous construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 2, 1999, at 11 a.m.

Department: General Services
Location: State Correctional Institution, Cambridge Springs, Erie County, PA
Duration: 180 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Court Reporting—10

SP 0270001 Invitation for bid to provide court reporting services to the Pennsylvania Milk Marketing Board.

Department: Milk Marketing Board
Location: 2301 North Cameron Street, Room 110, Agriculture Building, Harrisburg, PA 17110-9408
Duration: 23 months—anticipated start date of August 1, 1999
Contact: Debbie Stubljur, Milk Marketing Board, (717) 787-4194

Court Reporting Service Court reporting service for the State Civil Service Commission Appeal hearings, July 1, 1999, to June 30, 2000, with two 1-year renewals at the option of the State Civil Service Commission at the end of each contract year. The successful bidder must provide services at all three Commission locations; 320 Market St., Harrisburg, PA; 10 S. 11th Street, Philadelphia, PA; and 300 Liberty Avenue, Pittsburgh, PA approximately 8 days of hearings per month at each location.

Department: State Civil Service Commission
Location: 320 Market St., Harrisburg, PA; 10 S. 11th St., Philadelphia, PA; 300 Liberty Avenue, Pittsburgh, PA
Duration: July 1, 1999 thru June 30, 2000 with renewal of 1 year
Contact: Patty Perkins, (717) 787-5607

Engineering Services—14

08430AG2350 To provide construction management support services for the reconstruction and improvement of I-95 in the City of Philadelphia and Delaware County.

Department: Transportation
Location: Engineering District 6-0
Duration: Eighteen (18) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2351 Open-end contract for various engineering and/or environmental services on various projects located in Engineering District 5-0, that is, Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties.

Department: Transportation
Location: Engineering District 5-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2352 Open-end contract for various engineering and/or environmental services on various projects located in Engineering District 5-0, that is, Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties.

Department: Transportation
Location: Engineering District 5-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2353 To provide environmental studies, preliminary engineering, final design and services during construction (shop drawing review and construction consultation) for a multiphase, specific project agreement, for S.R. 0082, Section 10B, the replacement of the existing Birdsboro Bridge over the Schuylkill River and ConRail tracks, located in the Borough of Birdsboro and the Township of Exeter, Berks County, Engineering District 5-0.

Department: Transportation
Location: Engineering District 5-0
Duration: Twenty-seven (27) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2354 To provide construction inspection services on S.R. 0079, Section A19, Neville Island Bridge, Phase I, S.R. 3048, Section A05, Mansfield Boulevard, S.R. 0019, Section 062m, Perry Highway Bridge, and S.R. 0051, Section A44, Fleming Park Road, all in Allegheny County.

Department: Transportation
Location: Engineering District 11-0
Duration: Sixteen (16) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2355 To provide an Environmental Impact Statement (EIS) and to perform preliminary engineering for the relocation and/or widening of S.R. 0021, Section P02, the Morrisville project located in the Borough of Waynesburg and Franklin Township, Greene County, Engineering District 12-0.

Department: Transportation
Location: Engineering District 12-0
Duration: Thirty (30) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2356 To provide environmental studies, preliminary engineering, final design and services during construction (shop drawing reviews and construction consultation) for a multiphase, specific project agreement, for the underclearance resolution of two bridges over S.R. 0080 (S.R. 0209 at Marshall's Creek Exit 52 and S.R. 2017 at Stroudsburg Exit 51) and feasibility study for intersection improvements to existing S.R. 0209/S.R. 0447 intersection located approximately 100 meters northeast of S.R. 0209/S.R. 0080 in Monroe County, Engineering District 5-0.

Department: Transportation
Location: Engineering District 5-0
Duration: Twenty-seven (27) months
Contact: Consultant Agreement Division, (717) 783-9309

BWE-99:1 Retain a professional design firm to prepare emergency action plans (EAP) for nine high hazard dams residing in the Flood Protection and Abandoned Mine Reclamation Programs.

Department: Environmental Protection
Location: Waterways Engineering: Berks, Huntingdon, Luzerne, Montgomery, Philadelphia, Schuylkill and Westmoreland Counties
Duration: Through June 2001
Contact: Division of Project Inspection, (717) 787-7432

SU-99-06 RFP #Open Ended Professional Design Services. Shippensburg University of the State System of Higher Education, will select one or more firms for the purpose of providing open ended professional design services. Interested professionals should obtain a Request for Proposals (RFP) from Deborah K. Martin, Contract Administrator, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257-2299; phone (717) 532-1121, fax (717) 530-4004. RFP submittals are due on Friday, June 25, 1999. Shippensburg University intends to develop a pool of professional firms to provide a full range of architectural and engineering services for the University. The University will consider any and all proposals in response to this RFP regardless of the type or size of the firm, firms with full service capability or firms who specialize in a specific discipline or area of expertise, such as testing services, industrial hygiene, environmental remediation, indoor air quality, telecommunications, coal-fired steam plants, electrical distribution systems, heating, ventilation, and air-conditioning systems, and the like. The University reserves the right to select more than one firm to render services from this RFP and to contract for like or similar services exclusive from this RFP. The System encourages responses from small firms, minority firms, woman owned firms and firms which have not previously worked for the System, and will consider joint ventures which will enable these firms to participate in System professional services contracts. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, Shippensburg Township, Cumberland County, PA
Duration: Multiple years
Contact: Deborah K. Martin, Contract Administrator, (717) 532-1121

Environmental Maintenance Services—15

AMD 54(4214)101.1 Reestablishing stream channel, Middle Creek South involves approximately 1,058,000 c. y. of grading, 60.4 acres of seeding, 7,885 c. y. of drainage excavation, 40 l. f. of precast concrete box culvert and 3,370 s. y. of rock lining.

Department: Environmental Protection
Location: Frailey Township, Schuylkill County, PA
Duration: 610 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

Food—19

39 Vegetables—fresh, carrots, beets, beans—garbanzo—dry. To be used in Correctional Industries Cannery.

Department: Corrections
Location: Bureau of Correctional Industries, State Correctional Institution Rockview, Route 26, Bellefonte, PA 16823
Duration: 1 year
Contact: MaryAnn Ulrich, (717) 731-7134, fax: (717) 731-7008

99-05 The contractor agrees to supply 5 gallon container of 2% butterfat milk and 5 gallon container of skim milk and any other related dietary products to the State Correctional Institution at Waymart. Deliveries will be on Tuesdays and Fridays of each week. Quantities will be established by our Food Service Department.

Department: Corrections
Location: State Correctional Institution Waymart, Route 6 East, Waymart, PA 18472
Duration: July 1, 1999 to June 30, 2000
Contact: Andrew J. Booths, (570) 488-2516

Inquiry No. 61 Provide bids for the following food items, listed under miscellaneous foods. Examples: cinnamon rolls, sheet cakes, bagels, biscuits, muffins, waffles, stuffed peppers, pierogies, pizza, lasagna w/sauce, salisbury steaks, eggs, egg omelets, milk shakes. Copies of bid packets can be obtained by contacting the Purchasing Department at (610) 740-3428 or by fax at (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1999 to September 30, 1999
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

Inquiry No. 62 Provide bids for the following food items listed under meat and meat products. Examples: bacon, beef Swiss steak, beef cubes, ground beef, beef patties, beef top round, ham, pork ground, sausage ground pork, chipped beef, bologna, Italian sausage, pork chopped patty, sausage link, meatballs, salami, veal patties. A copy of bid packet can be obtained by contacting the Purchasing Department at (610) 740-3428 or by fax at (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1999 to September 30, 1999
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

0840 Catering To provide catering services for the Department of Transportation located at 1920 Susquehanna Trail North, York, PA and also to other facilities within a 15 mile radius of the York Office. Services will consist of catering luncheons, breaks during meetings, workshops, and the like. Detailed requirements and bid packages are available upon request. Fax requests to Vicki Mays at (717) 854-6773 or phone (717) 848-6230, ext. 312.

Department: Transportation
Location: York office and surrounding offices
Duration: 1 year period starting August 1, 1999 with an option of 2 additional yearly renewals
Contact: Vicki Mays, (717) 848-6230, ext. 312

1034 Contractor agrees to provide the State Correctional Institution, Frackville with 2% milk and skim milk in 5 gallon plastic containers (bulk) and 2% milk and skim milk in 1/2 pint containers for the period July 1, 1999 to June 30, 2000. Deliveries to be made twice weekly. Detailed bid package available from purchasing office at the institution.

Department: Corrections
Location: State Correctional Institution Frackville, 1111 Altamont Boulevard, Frackville, PA 17931
Duration: July 1, 1999 to June 30, 2000
Contact: Mary Lou Neverosky, Purchasing Agent, (570) 874-4516, ext. 112

No. 8347 Perishable food items as follows: meat and meat products, poultry and poultry products, miscellaneous foods, produce, prepared salads—fresh, fruits and vegetables—frozen, fish and fish products—frozen, cheese, dairy products, and ice cream, sherbet and related novelties. Commodities and quantities available from Purchasing Office, Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Ebensburg Center, Dietary Building, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931
Duration: July 1999 through September 1999
Contact: Marilyn Cartwright, Purchasing Agent, (814) 472-0259

358004 To provide catering services for the Department of Transportation at various sites in the Harrisburg area within 15 miles of the city limits. Services will consist of catering luncheons and breaks during meetings, workshops, ceremonies, and the like. Also, services may be required around the clock during times when the Transportation Emergency Center is in effect (snow emergencies, flood emergencies, and the like). Detailed requirements can be obtained by faxing the following information to Tonja Jackson at (717) 772-8282: name; company name; address (include a physical address if post office box); telephone and fax.

Department: Transportation
Location: Harrisburg area locations
Duration: Multiple years
Contact: Tonja Jackson, (717) 783-8910

6500-081 Milk and other related dairy products—to be delivered on an as needed basis per institutional requirements. Specifications on file at institutional purchasing office.

Department: Corrections
Location: State Correctional Institution at Retreat, R. R. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1999 through June 30, 2000
Contact: Barbara Swiatek, Purchasing Agent, (570) 735-8754

AC 8348 Perishable food items as follows: meat and meat products, poultry and poultry products, miscellaneous foods, produce, prepared salads—fresh, fruits and vegetables—frozen, fish and fish products—frozen, cheese, dairy products, and ice cream, sherbet and related novelties; commodities and quantities available from Purchasing Office, Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Altoona Center, Storeroom, 1515 Fourth Street, Altoona, PA 16601
Duration: July 1999 through September 1999
Contact: Marilyn Cartwright, Purchasing Agent, (814) 472-0259

8970-1400-000 Milk Products Estimated requirements for milk products, to include, but not limited to, milk 2%, 1/2 pint containers, bulk skim milk, 1/2—1 gallon containers, milk, skim, 1/2 pint containers. To be bid quarterly—prices to be in accordance with Milk Marketing Board of PA. Bid on file in agency purchasing department. Deliver to: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001
Duration: July 1, 1999—June 30, 2000
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181

D-8141 Milk low fat, 2% butterfat and under. To be packed in 5 gallon dispenser containers. Skim milk to be packed in 1/2 pint containers (44 cartons per case). Milk to be delivered twice a week.

Department: Corrections
Location: State Correctional Institution, R. R. 1, Box 67, Waynesburg, Greene County, PA 15370
Duration: July 1, 1999 through June 30, 2000
Contact: Judith Cook, Purchasing Agent, (724) 852-5609

HUN333 Fresh milk; homogenized, pasteurized milk, packaged in 1/2 pint, 5 or 6 gallon containers. Whole, skim and 2%. Monthly bids—weekly deliveries, group bid award, bid proposal on file within the agency.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112
Duration: July 1, 1999 to June 30, 2000
Contact: Phyllis Sheffield, Purchasing Agent I, (814) 643-2400

M-874 Meat and meat products; poultry and poultry products; fish; cheeses. Quantities may be obtained from the facility upon request. Deliveries to be made only at request of facility.

Department: Labor and Industry
Location: Hiram G. Andrews Center, FOB Shipping Platform, 727 Goucher Street, Johnstown, PA 15905
Duration: July, August, September, 1999
Contact: C. A. Sloan, Purchasing Agent, (814) 255-8228

HVAC—22

0801 Electrical repair—services for 8-0 building.

Department: Transportation
Location: Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103
Duration: 12 months with renewals
Contact: Thomas A. Willies, (717) 787-4191

090977006 Maintenance and repair of automatic temperature controls. Service purchase contract for maintenance/repair of automatic temperature controls at Western Center. Services to be performed as and when requested during contract period.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: Anticipated start date August 1, 1999—July 31, 2001
Contact: Ginny Stinespring, (724) 873-3256

090977007 Maintenance of boiler room controls. Provide cleaning, calibrating, repairs and adjustments of boiler room controls at Western Center. Contract to include furnishing and installation of parts. Services to be performed as and when requested during contract period.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: Anticipated start date July 1, 1999—June 30, 2001
Contact: Ginny Stinespring, (724) 873-3256

LH-MNT-2302 Contractor shall supply all labor and parts necessary for emergency repairs to all refrigeration units, walk-in coolers, and the like, located at the State Correctional Institution at Laurel Highlands. Bid on file at institution.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: October 01, 1999 to June 30, 2000
Contact: Carole Kolesko, Purchasing Agent I, (814) 445-6501

Janitorial Services—23

8-0972037 Contractor shall furnish all labor, materials and equipment necessary to clean, to sight and touch, all glass windows and glass door panels twice annually at various buildings at Mayview State Hospital.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: January 1, 2000—December 31, 2004
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4300-436 Provide janitorial services Monday through Friday between the hours of 8 a.m. and 4 p.m. at the PA Department of Transportation, Bureau of Design, Photogrammetry and Surveys Division, Building 28, Harrisburg International Airport, Middletown, PA. This building is approximately 13,000 square feet. Detailed specifications will be attached to the bid package. This will be a 2-year contract. Bid opening will be 2 weeks or 10 business days after this notice appears in the *Pennsylvania Bulletin*.

Department: Transportation
Location: Bureau of Design, Building 28, Harrisburg International Airport, Middletown, PA
Duration: Two years from date of award
Contact: Nancy Baker for bids/Brad Foltz for tour of building, (717) 787-3311 or 783-1518

BNIP1019 Provide janitorial services, trash removal and furnish all materials and equipment required to perform services referenced in bid specifications.

Department: Office of Attorney General
Location: BNIDC, 667 North, River Street, Cross Valley Center, Wilkes-Barre, PA 18705
Duration: July 1, 1999—June 30, 2001 (2 years)
Contact: Jean M. Kreiser, (717) 783-2369

BNIP1020 Provide janitorial services, trash removal and furnish all materials and equipment required to perform services referenced in bid specifications.

Department: Office of Attorney General
Location: BNIDC, 2515 Greentech Drive, State College, PA 16804
Duration: July 1, 1999—June 30, 2001 (2 years)
Contact: Jean M. Kreiser, (717) 783-2369

BNIP1021 Provide janitorial services, trash removal and furnish all materials and equipment required to perform services referenced in bid specifications.

Department: Office of Attorney General
Location: BNIDC, 105 Independence Drive, Butler, PA 16001
Duration: July 1, 1999—June 30, 2001 (2 years)
Contact: Jean M. Kreiser, (717) 783-2369

BNIP1023 Provide janitorial services, trash removal and furnish all materials and equipment required to perform services referenced in bid specifications.

Department: Office of Attorney General
Location: BNIDC, 7801 Essington Avenue, Philadelphia, PA 19153
Duration: July 1, 1999—June 30, 2001 (2 years)
Contact: Jean M. Kreiser, (717) 783-2369

BNIP1187 Provide janitorial services, trash removal and furnish all materials and equipment required to perform services referenced in bid specifications.

Department: Office of Attorney General
Location: BNIDC, 2305 28th Street, S.W., Allentown, PA 18103
Duration: July 1, 1999—June 30, 2001 (2 years)
Contact: Jean M. Kreiser, (717) 783-2369

Laundry/Dry Cleaning—25

4610-01 This contract will provide wiping towel service for the Department of Transportation Engineering Districts, Maintenance Districts and Central Office locations on a monthly, weekly or biweekly basis as specified in specifications. All requests for bid packages must be received by fax at (717) 783-8528 (Attn: Patti Miller).

Department: Transportation
Location: Statewide—All Engineering Districts, Maintenance Districts and Central Office locations
Duration: One year with four 1-year renewals
Contact: Patti Miller, (717) 787-3959

Lodging/Meeting—27

SP3590005337 Provide training facility, lodging and meals for one, 3-week session or for the Department of Environmental Protection, environmental trainees.

Department: Environmental Protection
Location: Within a 25-mile radius of downtown Harrisburg, PA
Duration: Through June 30, 1999, with option to renew
Contact: Ally Hubler, (717) 787-2471

Medical Services—29

RFP No. 3-99 This RFP is to provide Medical Review Team (MRT) services. The MRT reviews medical, social and vocational histories to determine whether or not a client is disabled according to Social Security rules and regulations. These determinations are needed to establish whether individuals qualify for a Federal category of Medical Assistance (MA) (allowing the draw-down of Federal Financial Participation (FFP) and to assist the Disability Advocacy Program (DAP) in pursuing Federal disability benefits for recipients.

Department: Public Welfare
Location: Statewide
Duration: This is a 3 year contract with the right to renew for one additional 2 year period
Contact: Rose Wadlinger, (717) 783-3767

990671023 Provide contracted services in the medical specialty of neurology to patients of the Norristown State Hospital. Successful contractor shall be responsible for the following: neurological consultations; diagnosis and treatment for neurological disorders; follow-up consultations as deemed necessary; documentation of all patient contacts and chart reviews in a manner consistent with NSH rules and regulations; admitting privileges at local area hospitals and willing to treat patients there for follow-up.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 1, 1999 through June 30, 2001
Contact: Regina Showell, MD, (610) 313-1248

Moving Services—30

Project No. 658 Move portable buildings from Ft. Indiantown Gap to Johnstown Airport.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 445 Airport Road, Johnstown, Cambria County, PA
Duration: July 1, 1999—March 9, 2000
Contact: Emma Schroff, (717) 861-8518

Property Maintenance—33

Project No. 659 Site preparation for placement of two portable buildings.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 445 Airport Road, Johnstown, Cambria County, PA
Duration: July 1, 1999—March 30, 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 665 Ground maintenance.

Department: Military and Veterans Affairs
Location: PAARNG, Pittsburgh International Airport, Coraopolis, Allegheny County, PA
Duration: April 1, 2000—November 15, 2002
Contact: Emma Schroff, (717) 861-8518

050314 Perform repairs to the salt domes and salt buildings that belong to PennDOT in Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties. The repairs shall consist of, but not be limited to damaged and/or broken wood, including structure bracing, replace outside shingles, paint exterior wood, wash walls and coat with linseed oil, repair or replace skylights, seal building leaks, install aluminum flashing, replace broken rain spouts, repair sill plates, replace subroofing plywood and replace soffits.

Department: Transportation
Location: PennDOT Stockpiles in District 5-0: Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties
Duration: One year from effective date with possible four 1-year renewals
Contact: Bill Bellas or Ed Reikai, (610) 798-4190 or 4191

5-B-99 Snow/ice removal services: Clear snow from the sidewalks in front of, the rear and the sides of the building and/or apply ice/snow melt to counteract slippery conditions. Work must be completed before 7 a.m. and will be necessary only Monday through Friday, except when a heavy weekend snow makes it necessary to clear the snow for Monday a.m.

Department: Labor and Industry
Location: Butler Job Center, 227 West Cunningham Street, P. O. Box 951, Butler, Butler County, PA 16003-0951
Duration: Two years October 01, 1999—April 30, 2001 with one 2-year renewal option
Contact: Beverly Fenton, Administrative Assistant, (717) 787-2560

Sanitation—36

Project No. 660 Pumping septic tanks and wood latrines.

Department: Military and Veterans Affairs
Location: Various locations, Ft. Indiantown Gap, Lebanon County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 666 Refuse and recycling waste hauling.

Department: Military and Veterans Affairs
Location: PAARNG, Pittsburgh International Airport, Coraopolis, Allegheny County, PA
Duration: October 1, 1999—September 30, 2000
Contact: Emma Schroff, (717) 861-8518

Security Services—37

Project No. 667 Security guards.

Department: Military and Veterans Affairs
Location: PAARNG, Pittsburgh International Airport, Coraopolis, Allegheny County, PA
Duration: October 1, 1999—September 30, 2002
Contact: Emma Schroff, (717) 861-8518

Vehicle, Heavy Equipment—38

PDA 427 Rental of two 14/16 foot high vans for the following periods: July 1, 1999 to October 30, 1999; May 1, 2000 to October 30, 2000. Rental price must include insurance.

Department: Agriculture
Location: 2301 North Cameron Street, Harrisburg, PA 17110
Duration: July 1, 1999 to October 30, 2000
Contact: Michael Mesaris, (717) 787-5674

Miscellaneous—39

COTS 99-1 The Office of the Budget is issuing an Invitation to Qualify (ITQ) seeking proposals from individuals or firms interested in qualifying to provide training services for comptroller operations including classroom training, course development and other. Services encompass skills and topics related to auditing, accounting, management, supervisory, administrative and organizational areas. Qualified proposers will become part of a multi-award contract. As training needs arise throughout the term of the contract, comptroller operations will solicit and engage qualified vendors. Proposals due from vendors by June 25, 1999. Vendors of all sizes are encouraged to submit a proposal. The ITQ provides detailed information and instructions to enable interested vendors to submit proposals.

Department: Office of the Budget
Location: Comptroller Operations, Vast majority of work in Harrisburg, PA
Duration: Three year period beginning July 1, 1999 with two optional 1-year extensions
Contact: Harvey C. Eckert, Deputy Secretary for Comptroller Operations, (717) 787-6496

99-09 The Department of Corrections is soliciting proposals to provide community-based comprehensive transitional employment services for 90–120 days to parolees who have successfully completed the intensive correctional program at the Quehanna Boot Camp; who have been released to the community and will be supervised by the PA Board of Probation and Parole and, who will reside in the Greater Philadelphia Area (Bucks, Chester, Delaware, Montgomery and Philadelphia Counties). Services should include skills assessment, GED preparation, job placement, and the like.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: Up to 3 years
Contact: Suzanne Malhenzie, Administrative Officer, (717) 975-4973

1999-1 The Pennsylvania State Civil Service Commission (SCSC) is issuing a Request for Proposal for automation of the Commission's testing system. This project has three components: computer-assisted test development, computerized test administration, and automated scoring. Test development will take place at SCSC headquarters in Harrisburg. Computerized test administration and scoring will occur at SCSC facilities in Harrisburg, Philadelphia and Pittsburgh. The testing system will require a new item bank containing SCSC test questions, graphics, video and data on item performance. Vendors should have computerized testing software and experience.

Department: State Civil Service Commission
Location: 320 Market Street, Harrisburg, PA
Duration: FY 1999–2000 through FY 2000–2001
Contact: Stephen Berkley, (717) 787-5974, ext. 3535

2200-RFI The Pennsylvania Department of Transportation (PennDOT) seeks ideas for developing and implementing overall goals for DBE participation by Disadvantaged Business Enterprises (DBEs) in Federally-assisted transportation contracting. The Department is mandated to submit a revised DBE program to the Federal Highway Administration (FHWA) by September 1, 1999. One component of that program must delineate a process or methodology for projecting the amount of overall goals for DBE participation on Federally-assisted contracts based upon demonstrable evidence of the availability of "ready, willing and able" DBE firms relative to all businesses ready, willing and able to participate on Federally assisted contracts in the Commonwealth of Pennsylvania. The chosen methodology and goals must reflect the standards set forth in sections 26.45 and section 26.51 of the new regulation which is contained in 49 Code of Federal Regulations Part 26. The entire regulation may be accessed by logging onto web site established for the DBE program by the United States Department of Transportation: <http://osdbuweb.dot.gov/programs/dbe/dbe.htm>. Fax any ideas to Jocelyn I. Harper at (717) 772-4026 by June 4, 1999.

Department: Transportation
Location: Statewide
Duration: Indeterminate 1998-99
Contact: Jocelyn I. Harper, (717) 787-5891

182113 Typewriter/calculator, facsimile and small office equipment maintenance service. Contractor to provide repair of typewriters and office equipment as needed on a call-in basis. No travel time to be included in bid hours. Complete specifications may be obtained by contacting the hospital. Award to be made on a year aggregate basis.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099
Duration: September 01, 1999–August 31, 2002 (Anticipated)
Contact: BD Muntz, (814) 726-4496

PSERS-VERIFY The Public School Employees' Retirement System is soliciting bids for on-the-spot personal verification of approximately 500 to 1,000 check recipients who are receiving their checks. Successful bidder must be able to do face-to-face verification for annuitants widely dispersed throughout Pennsylvania and the adjoining states of Ohio, New Jersey, Maryland, West Virginia and New York. A brief written report will be required for each name and actual proof of an on-the-spot personal verification. Specifications may be obtained by contacting Ethel Straining at (717) 720-4606 or e-mail: strainingem@psers.state.pa.us. Provide name, address and telephone number.

Department: Public School Employees' Retirement System
Location: 5 North Fifth Street, Harrisburg, PA 17101
Duration: Indeterminate 1998–99
Contact: Ethel Straining, (717) 720-4606

SBC 95101003 Typewriter maintenance for approximately 300 typewriters to include labor and parts at the Philadelphia County Assistance Office. Complete details and specifications may be obtained by contacting the procurement office.

Department: Public Welfare
Location: Philadelphia County Assistance Office, 1400 Spring Garden Street, 701-99-04, Philadelphia, PA 19130
Duration: July 1, 1999–June 30, 2000
Contact: Rose Wadlinger, (717) 783-3767

[Pa.B. Doc. No. 99-844. Filed for public inspection May 21, 1999, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <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> |
|--|---|

GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
7920-06 Sup. No. 1	05/12/99	Customized Environmental System	2,300.00
7920-06 Sup. No. 1	05/12/99	Ecolab, Inc.	6,096.19
7920-06 Sup. No. 1	05/12/99	Galer & Hults, Inc./Reading Div.	646.96
7920-06 Sup. No. 1	05/12/99	Americhen, Inc.	2,433.28
7920-06 Sup. No. 1	05/12/99	Buckeye Inter- national, Inc.	462.63
7920-06 Sup. No. 1	05/12/99	Samolite Corp.	614.41
7920-06 Sup. No. 1	05/12/99	Grahm Dis- tributing Co., Inc. t/a Airwick Pro- fessionals Products	99.26
7920-06 Sup. No. 1	05/12/99	Rochester Mid- land Corpo- ration	1,102.14
1501218-01	05/10/99	Blanski, Inc.	29,722.50

Requisition or Contract #	Awarded On	To	In the Amount Of
1514388-01	05/10/99	Caddie Labar's Dist. Comp.	22,000.00
1532138-01	05/10/99	Alsenco, Inc.	33,940.00
1626158-01	05/10/99	Calico Indus- tries, Inc.	62,700.00
1629228-01	05/10/99	Dauphin As- soc., Inc.	33,568.00
1630158-01	05/10/99	Ris Paper Co.	28,245.00
1642118-01	05/10/99	R. H. Whelan Co.	36,689.40
8176000-01	05/10/99	High Leah Electronics, Inc.	46,740.00
8217460-01	05/10/99	Instron/Satec Systems	39,350.00
8217490-01	05/10/99	Interlaken Technology Corp.	46,815.00
8504900-01	05/10/99	Service Motor Parts and Supply Co.	49,950.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 99-845. Filed for public inspection May 21, 1999, 9:00 a.m.]